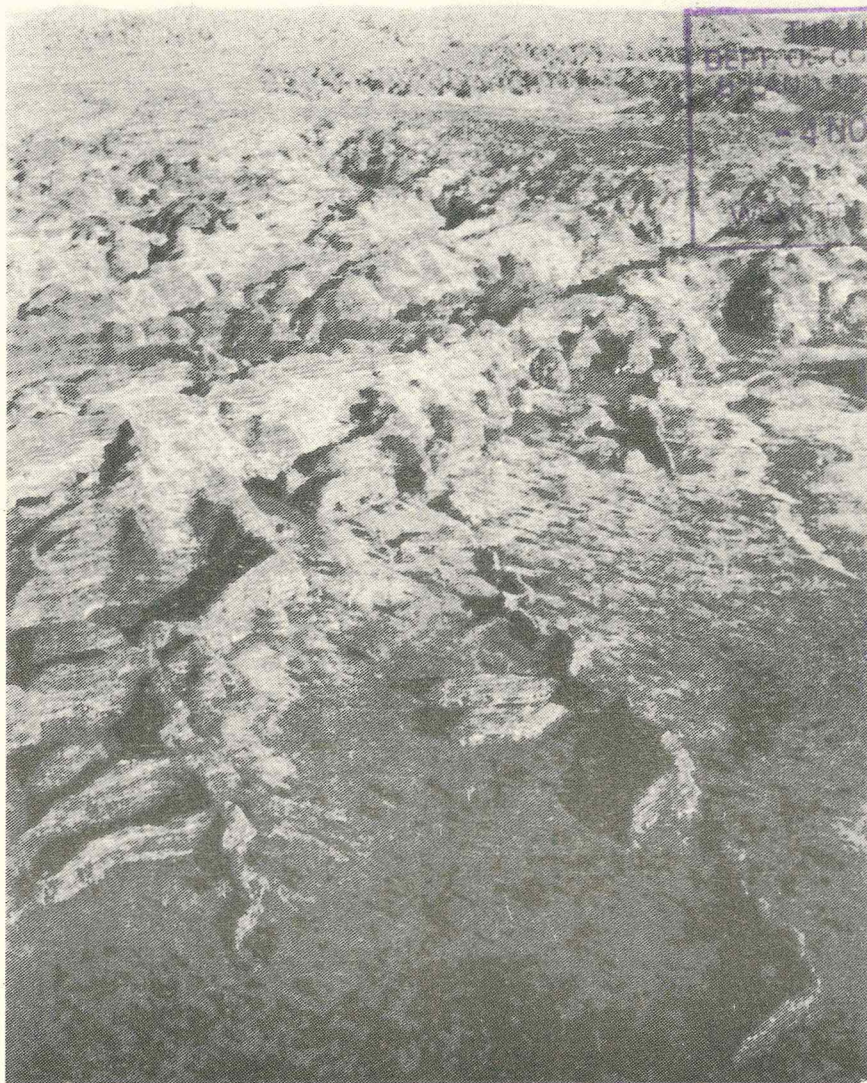


**REVIEW OF PUBLIC SUBMISSIONS ON THE  
BUNGLER BUNGLER WORKING GROUP  
DRAFT REPORT TO THE  
ENVIRONMENTAL PROTECTION AUTHORITY**



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Department of Conservation and Environment  
Perth, Western Australia

Bulletin 260

May 1986

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**ON THE**  
**BUNGLER BUNGLER WORKING GROUP**  
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**Department of Conservation and Environment**  
**PERTH, WESTERN AUSTRALIA**  
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## INTRODUCTION

This bulletin presents a review of the Submissions received following the release for public comment of the Bungle Bungle Working Group - Draft Report to the Environment Protection Authority, in October 1984.

A total of forty-nine submissions were received by the Working Group in response to invitations for public comment on the Draft Report. Considering the remoteness of the Study Area from the major population centres this is a high response, testifying to the interest the issue has aroused. The fact that submissions were received from all over Australia, as shown below, is a further indication of this high level of interest.

### Origin Of Submissions

Western Australia	Perth Metropolitan Area	43
	Kimberley Region	7
	South-West	1
Other States	ACT	2
	Victoria	1
	New South Wales	1
	Tasmania	1
	Northern Territory	1

Twenty submissions were received from individual members of the public including two petitions signed by 215 and 12 people respectively; seven from Commonwealth and State Government Departments, Agencies or Committees, (including those involved in Aboriginal Affairs and development of the Kimberley Region); and seven from private companies (including mineral exploration and mining companies, a building company and a safari charter company). The remaining fifteen submissions came from groups or organisations including Western Australian and national conservation organisations, Aboriginal organisations, bodies representing the tourism and mining industries, and political parties (State Parliamentary Opposition Joint Parties, and Australian Democrat Senators). The origin of each submission is shown in Appendix I.

The majority of submissions were clearly based on the Draft Report. However, four submissions were derived from information presented in media reports on the release of the Draft Report and its main recommendations. A further two submissions showed no obvious relationship to the Draft Report, raising issues outside those considered by the Working Group.

The authors of twenty-six submissions had professional qualifications and/or experience relevant to their submission. A broad range of expertise was represented by these submissions, including the areas of Aboriginal culture and heritage, conservation, the physical environment of the Study Area, mineral exploration and mining, tourism, and regional development.

The detail of submissions varied considerably. Some simply expressed their agreement or opposition to the Draft Recommendations, making little further explanatory comment. Many submissions restricted their comment to one or a few particular issues and related draft recommendations. However, there were a number of submissions which were detailed and carefully reasoned documents, making comments and suggestions and providing additional information on a broad range of the issues involved.

Few submissions commented on all the issues and related draft recommendations. Those issues which attracted the most interest were the proclamation of the Study Area for a national park, the tenure of the proposed national park, the joint management the provision of secure residence for Aboriginal traditional owners, and tourism development. With the exception of the proclamation of the Study Area as a national park, these issues, together with mineral exploration in the proposed park, were also the most controversial. The Working Group's draft recommendations on these issues were supported, at least in principle, by the majority of submissions.

The following discussion gives a summary of the comments made in the submissions on the Draft Report generally, and then the specific draft recommendations. The former includes comments on the overall quality/adequacy of the Draft Report, technical and other specific inadequacies that were noted by submissions, and miscellaneous issues raised. Comments on the draft recommendations and related issues are discussed in the order in which they appear in the draft report.

Table 1 provides a summarized breakdown of the issues raised by submissions and the level of acceptance of the respective draft recommendations. Comments on the Draft Recommendations are shown as either:

- |   |   |               |   |   |
|---|---|---------------|---|---|
| A | - | Agree         | - | Submission fully supported Draft Recommendation.  |
| P | - | Agree in part | - | Submission agreed with the principle of the Draft Recommendation but had reservations, sought clarification, or made further suggestions in relation to the detail. |
| D | - | Disagree      | - | Submission opposed to the intent of the Draft Recommendation.   |

An . denotes that the submission made a general comment.

In Table 1 submissions have been numbered according to the order in which they were received.







## GENERAL COMMENTS ON THE DRAFT REPORT

### OVERALL QUALITY/ADEQUACY OF WORKING GROUP'S DRAFT REPORT

#### Favourable Comments

Ten submissions commended the Working Group on the overall quality of the report. Qualities for which the Report was praised included that it was fair, sound, comprehensive, realistic, practical, thoroughly researched, generally excellent, well presented, sensitive, and conciliatory towards the varied and often conflicting interests involved.

One submission also congratulated the Working Group for its achievement in the face of strong continuous pressure to open the Bungle Massif to unrestricted tourist access before the release of the report.

#### Criticisms

Three submissions criticised broad aspects of the report. The grounds for criticism were as follows:

One submission considered that the report lacked depth and that there was inadequate information (especially on the areas of Aboriginal significance, past Aboriginal presence, etc, and biological values) on which to make recommendations as to its future use and management.

Another considered that the Working Group had allowed itself to be sidetracked from its original terms of reference by 'vested interests' who attempted to legitimise a significant Aboriginal role in the ownership and management of the proposed national park. It stated that the evidence of such sidetracking was the 'remarkably disproportionate' percentage (41%) of the report devoted to justifying an Aboriginal role whilst only a slightly larger percentage (59%) of the report dealt with all other aspects; and

A further submission considered that the report had placed too much emphasis on tourist and recreational aspects on the proposed Park.

### TECHNICAL AND OTHER SPECIFIC INADEQUACIES OF THE REPORT AND/OR ITS PRESENTATION

#### Typographical, Spelling and Grammatical Errors

Four submissions noted the frequency of such errors.

#### Report Structure

One submission criticised the summary for not being sufficiently concise, and difficult to follow, particularly due to the numbering system used for the Recommendations.

## Specific 'Gaps' in Information

Two submissions noted, with disappointment, the lack of information on the biological conservation values of the Study Area. One commented further that 'it is an indictment of the Government that it can commission a twelve month study of a proposal to create a national park without providing the resources necessary to undertake even a cursory examination of the conservation significance of the area'.

One submission considered that details should be provided (in an Appendix) of the CTRC recommendations for the East Kimberley and existing and proposed national parks and nature reserves in the East Kimberley.

Two submissions commented on the need for more maps: one considered there was a need for additional maps of the general and specific region; the other sought maps of access routes, current developments and ecological systems within the area.

## MISCELLANEOUS ISSUES

One submission called for the release of the report by J De Salis titled 'Resource Inventory and Condition Survey of the Ord River Regeneration Reserve' (Department of Agriculture, 1982), so that meaningful public debate on the subject of soil degradation in the East Kimberley can take place. It also considered that the problem of soil degradation in the region was sufficiently serious to warrant an independent study into the condition of land on each pastoral lease in the East Kimberley; and recommended that the system of pastoral lease allocation be reviewed.

One submission recommended the following initiatives:

- . Research into genetic resources of the Bungle Bungle area and suggested Aboriginal Involvement in this field;
- . State-wide geochemical survey (not oriented merely to the mining industry);
- . Commissioning of set of paintings, by better known Aboriginal artists, depicting Bungle Bungle as it is now and as it was in relation to their dream-time. Royalties from prints could go to local community; and
- . Government funding of drama representation of the area to form a small basis on which Aborigines can effectively build when managing the tourist aspect.

## COMMENTS ON SPECIFIC DRAFT RECOMMENDATIONS

### **RESERVATION OF THE STUDY AREA AS A NATIONAL PARK, PROPOSED BOUNDARIES AND MINERAL EXPLORATION - DRAFT RECOMMENDATION 4.1**

#### **Comments on Recommendation 4.1.1**

#### **Reservation as a National Park and Proposed Boundaries**

A total of 38 submissions commented on recommendation 4.1.1. The great majority agreed that the Study Area should be proclaimed for a national park as recommended. The remaining nine submissions agreed with, or accepted the need for, proclamation of a national park, but argued that further consideration needed to be given to the exact location of the proposed boundaries or had reservations about the inclusion of certain areas. The concerns expressed by these submissions are discussed in more detail below.

Six submissions, most of them from the mining industry, were under the (mistaken) impression that the sole purpose of proclaiming the Study Area for a national park was protection of the Bungle Bungle massif and, therefore, considered that the area of the proposed park was excessive. They supported, or accepted the need for, a considerably smaller national park comprising the massif and a surrounding 'buffer' area.

The Department of Agriculture considered that two areas should not be included within the proposed park because of future alternative uses for them.

These were: (i) the MacIntosh Plains area, located in the far south west section of the proposed park bounded by the Panton River to the east and large ranges of the Wickham land system in the west. The area is considered by the Department to be potentially high value grazing country for commercial or research purposes once regenerated; and (ii) the area north of the Department's Research Station and immediately east of the Ord River, which it will require in the future for expansion of experimental work.

The Department also considered that the existing fencelines to the south-east of the Ord River would not be appropriate as a boundary. It wishes to maintain the option to reposition these fences on the south-eastern side of the Ord River according to land management and research requirements. It further argued that there would be severe practical limitations on management of a long narrow strip of the park to the south-east of the Ord River. The Department recommended that the proposed boundary should follow along the eastern and southern bank of the Ord River, leaving the river channel within the proposed park.

One submission questioned the appropriateness of including certain grasslands along the Ord River that are degraded and have been modified by non-indigenous species.

Two submissions argued that boundaries should be selected on the basis of ecological and management/cost criteria, rather than mere convenience.

#### **Comments on Recommendation 4.1.2 - Proposed Extensions to the Park**

A total of 17 submissions commented on recommendation 4.1.2 regarding possible extensions to the proposed park. Six submissions agreed and two disagreed without making further comment. The remaining nine submissions agreed in part. All but one considered that further extensions to those recommended by the Working Group were desirable to increase the conservation value of the park. Most of these submissions argued for a north-west extension of the proposed park into Mabel Downs to include all or at least more of the Osmond Ranges. Other areas or features identified for inclusion in the proposed park were: Mt Parker, the Osmond Creek catchment, the waterfall north-west of Palms Yard, Fish Hole, Frank River, Winamma Gorge and Spring. Three submissions considered that south-eastward extensions were justified. One submission argued that the effect of the recommendation on the surrounding pastoral industry would need to be considered.

#### **General Comments on Recommendations 4.1.1 and 4.1.2**

Other comments made by individual submissions in relation to the proposal to proclaim the Study Area as a national park included:

- . that World Heritage listing of the proposed park should be sought;
- . that negotiations with pastoral leaseholders regarding possible extensions to the proposed park should commence urgently;
- . that the report should have mentioned that the Bungle Bungle area has been classified by the National Trust because of its importance to the natural environment of Western Australia;
- . that consideration should be given to areas that Aboriginals want protected in the determination of boundaries; and that the Working Group had failed to adequately explain the rationale behind the determination of the boundaries.

#### **Comments on Recommendation 4.1.3 - Mineral Exploration**

A total of twenty submissions commented on Recommendation 4.1.3. Eight submissions agreed that the massif should be excluded from any future mineral exploration. A further six submissions, shown as agreeing in part in Table 1, were opposed to mineral exploration and mining in any part of the proposed park, or any other national park. One of these submissions acknowledged that it was Government policy to permit controlled mineral exploration in national parks and therefore welcomed recommendation 4.1.3.

However it considered that the proposed ban should be extended to other areas of low mineral potential within the proposed park.

The remaining six submissions, most of which were from the mining industry, were opposed to the exclusion of the massif from mineral exploration. They argued that exclusion of the massif on the grounds of low mineral potential was not appropriate because mineral potential could not be predicted: it changed over time according to changes in demand and improvements in mining and exploration techniques. One submission considered that rather than outright and specific exclusion of the massif from mineral exploration 'due conduct of professionalism and common sense' should be allowed to prevail.

### **General Comments on Recommendation 4.1.3**

Other general comments made regarding the issue of mineral exploration and mining in the proposed park were mostly from the mining industry. They included reference to the responsible attitudes exhibited by the contemporary mining industry towards conservation and Aboriginal interests in the East Kimberley and elsewhere; the need to adopt a multiple-use approach in the proposed park, and the need to take into account any new and revised geological concepts about the area as they emerged in assessing which parts of the area should be further explored and what environmental conditions should apply.

From the comments they made it was apparent that some submissions (mistakenly) believed that the Working Group was proposing further regulation of the mining industry (ie, in addition to exclusion of the massif from mineral exploration) to that existing under present legislation.

## **PROPOSED AMENDMENTS TO RECOMMENDATION 4.1**

### **Amendments to Recommendation 4.1.1**

As a result of the concerns expressed by the Department of Agriculture, the recommended boundaries of the proposed national park within the Ord River Regeneration Reserve will be amended such that the proposed park would have an interim south-eastern bank following the eastern-boundary of the Ord and Panton Rivers; then west along the southern bank of an unnamed tributary of the Panton River to a point 1 km east of the boundary of the reserve and at approximately the same latitude as the northern boundary of Sophie Downs pastoral lease; then due south to the Panton River and west along the southern bank of the river to meet the boundary of the Ord Regeneration Reserve. The existing northern and western boundaries of the Ord River Regeneration Reserve enclosing the proposed national park would constitute the other interim boundaries.

Once new management fencelines have been established to the south of the Ord and Panton River boundaries described above, the boundary of the national park should be extended to the fenceline which would constitute a permanent manageable boundary.

The status of the MacIntosh Plains area of concern to the Department of Agriculture should be determined by negotiation

between the Department of Agriculture and Department of Conservation and Land Management, once the regeneration programme has stabilized the area.

#### **Amendments to Recommendation 4.1.2**

In the light of public comments there is considered to be strong arguments for amending the draft recommendations to include within the proposed national park, the portion of Mabel Downs pastoral lease containing the remainder of the Osmond Valley, Mt Parker and Winamma Gorge and spring. There may also be merit in including the remainder of the Osmond Range within the area considered for extensions to the national park. A small excision from Sophie Downs Pastoral Lease to include within the park an upland area of mythological importance to Aboriginal people is also proposed.

The implementation of proposals involving excisions from pastoral leases would involve consultation and negotiation with the pastoral leaseholders to determine appropriate manageable boundaries.

It is felt that consideration of World Heritage listing for the proposed park should await the results of detailed surveys of the proposed park which will be recommended in the final report. It should preferably be considered as part of a state wide review of possible areas for listing.

The final report will also rectify an omission in the draft report by acknowledging that the Bungle Bungle massif has been classified by the National Trust.

#### **Amendments to Recommendation 4.1.3**

Having considered the comments made in submissions on the issue, it is clear that the final report should provide more information on the question of Government policy regarding mineral exploration in national parks and the Working Group's recommendation for mineral exploration of the massif. The Working Group acknowledges the arguments from mining industry submissions that the status of geological knowledge evolves as technology refines exploration methods. It proposes to amend the draft recommendation to acknowledge that broad scale regional mapping using remote airborne methods could continue, but to hold to the intent of the draft recommendation, namely, that surface exploration methods should not be permitted.

### **TENURE OF THE PROPOSED NATIONAL PARK - DRAFT RECOMMENDATIONS 6.1**

#### **Comments on Recommendation 6.1.1 - Vesting in National Parks Agency**

Thirty-nine submissions commented on Recommendation 6.1.1. The great majority of these agreed that the proposed park (or the reduced or extended area they had favoured - see previous comments) should be vested in the National Parks agency as proposed in Recommendation 6.1.1. Six submissions, all but one of them representative of Aboriginal interests, disagreed with Recommendation 6.1.1.

All agreed, or at least accepted that the Study Area should be a national park, but considered that the land should be vested in, or granted in freehold to, the Aboriginal traditional owners with a lease back arrangement with the National Parks agency.

It was argued that such an arrangement was appropriate in view of the prior ownership of the area by Aboriginals, and their strong ties to the land. Furthermore it would provide Aboriginals with a more equal power base to the National Park agency (which was regarded as a prerequisite to genuine joint management). Some submissions also commented that the reasons for rejecting this option had not been adequately explained in the report.

#### **Comments on Recommendation 6.1.2 - Aboriginal Residence and Input to Management**

Thirty-four submissions commented on Recommendation 6.1.2 which proposed the provision of secure residence and equitable input to management for Aboriginal traditional owners. The majority agreed or agreed in part, although both provision of secure residence and equitable input to management were opposed by a substantial number of submissions (see Table I).

Seven submissions agreed fully with the Recommendation, acknowledging the natural justice of such an arrangement.

Of the thirteen submissions shown as agreeing in part (Table I), six were those that favoured Aboriginal title to the land as discussed previously in relation to Recommendation 6.1.1. The remaining seven agreed with the traditional owners having equitable input to management, but had reservations regarding the provision of secure residence; that is, with the concept of combining the well-being and aspirations of a community of people following a partly exploitative way of life with the continued management of the area as a national park. One submission felt that it needed to be shown that provision of secure residence would benefit both the community at large and the Aboriginal traditional owners. Three submissions felt that the Working Group should discuss and consider various options for Aboriginal residence. Alternative options suggested were: the setting up of permanent settlements/outstations outside the proposed park; allowing seasonal encampments, only, within the park; and setting up outstations in differently vested or freehold areas within the proposed park.

Fourteen submissions were opposed to Recommendation 6.1.2. (These submissions were also opposed to joint management, for similar reasons.) Opposition to provision of secure residence; and equitable input to management for traditional owners was expressed for a variety of reasons. Many argued that all national parks should be for the benefit and enjoyment of the whole community and that no one group within the community should be granted special rights in national parks.



The provision of equitable input to management for traditional owners was seen as an undesirable anomaly in the WA system of national park management. It was suggested that the Aboriginal's way of life, involving exploitative uses of resources was contrary to the aims normally associated with national parks. Some submissions felt that participation in park management would be beyond the capabilities of Aborigines. Some submissions doubted that sufficient numbers of Aborigines were interested in returning to a traditional lifestyle at Bungle Bungle or felt that Aboriginal claims to the area were not genuine. Two submissions argued that Aboriginal camps were unsightly and would be visual intrusions in the proposed park. One submission felt that there was no justification establishing an Aboriginal community at Bungle Bungle, thereby duplicating facilities already supplied at the Warmun community. A few expressed vehement opposition to Aboriginal Land rights in any form.

### **General Comments**

Two submissions made other comments in relation to tenure of the proposed park. One considered that some discussion of the necessary legislation for the implementation of Recommendation 6.1.2 would have been of value. The other suggested that the Study Area's Aboriginal connections could be recognized and perpetuated by naming the proposed park Punululuny or Kwarra National Park.

### **PROPOSED AMENDMENTS TO RECOMMENDATIONS 6.1**

#### **Amendments to Recommendation 6.1.1**

No change proposed.

#### **Amendments to Recommendation 6.1.2**

This recommendation clearly and not unexpectedly attracted a considerable amount of attention. Having considered the submissions the working group believes that the text of the final report should expand on the reasons for the tenure option chosen, including explanation of the purposes of the proposed national park, but that Recommendation 6.1.2 should remain unchanged.

### **JOINT MANAGEMENT - DRAFT RECOMMENDATION 6.2**

#### **Comments on Recommendation 6.2.1 - Joint Management**

Thirty-six submissions commented on Recommendation 6.2.1. The majority of these either totally supported or supported with reservations the concept of a jointly managed national park at Bungle Bungle. However, like the proposal for secure residence and equitable input into management for traditional owners (Recommendation 6.1.2), it was opposed by a substantial minority of submissions.

Fourteen submissions fully agreed with Recommendation 6.2.1. Favourable comments made in relation to the concept of joint management included that it was commendable, forward looking, innovative and naturally just.

Eight submissions agreed in part with Recommendation 6.1.2. A major concern expressed in relation to the concept of joint management was the perceived existence of basic conflicts between the needs and aspirations of the two parties for the proposed park and problems in reconciling these. A clear assurance was sought that the proposed park would be managed according to State-wide national park policies with protection of ecosystems/-conservation of wildlife as the top priority or primary purpose of the park. It was also noted that the Board of Management should be required to operate within this constraint. Another concern was that, as a new concept in Western Australia, joint management should be approached with caution and careful monitoring to ensure it is successful in blending the needs of the traditional owners, tourists and park values.

One submission was concerned that Aborigines were being forced into the project by their community advisers and Government agencies. It suggested that before joint management arrangements were entered into Aborigines interested in the concept should be appropriately trained and given time to assess their desire to be involved in joint management.

Fourteen submissions disagreed with joint management. Similar arguments were expressed to those raised in objecting to Recommendation 6.1.2. These submissions typically considered that the proposed park should be managed by the national parks Authority, or its equivalent, like all other W.A. national parks. Few were opposed to any involvement of the traditional owners in management. Five favoured the setting up of some form of Local Advisory Committee or Board to advise the National Parks agency on management of the proposed park. It was suggested that this be comprised of representatives of Local Government, the tourism and pastoral industries and the traditional owners. Others saw no need for formal joint management arrangements to be entered into, but suggested the Aboriginal input could be sought on an informal consultative basis.

Only one of the submissions which disagreed with joint management made specific comment on the proposed mechanisms for joint management (Recommendations 6.2.2. to 6.2.7). This submission suggested a number of changes to these to facilitate the setting up of a Local Advisory Board, having similar functions to the proposed Board of Management. An Aboriginal incorporated body, technical sub-committee and independent adjudication were considered to be unnecessary by this submission.

Some of the submissions which supported or partly supported the concept of joint management made no further comments on the proposed mechanisms of joint management (Recommendations 6.2.2 to 6.2.7), or simply indicated agreement with them. However, a number of submissions made detailed and considered comments on

the proposed mechanisms. Aboriginal interests in particular, despite their strong support for joint management, perceived a number of problems with the proposed mechanisms that needed to be addressed to ensure joint management worked in practice.

Typically these submissions felt that the Working Group had failed to address the traditional owner's lack of knowledge and experience of the concepts involved in park management and the unequal access to resources (eg. funds, expert advice) of the traditional owners and the National Parks agency, and failed to recognise the nature of Aboriginal decision making and the number of Aboriginal groups with rights and interests in the area in the proposed management mechanisms. Most felt that further research, reciprocal education between the management partners, and patient and extensive negotiation and consultation would be necessary to facilitate the development of an effective, genuine and mutually rewarding joint management arrangement. (A further related issue of concern was the provision of funding for joint management. This issue is discussed under Funding Requirements).

In the following paragraphs issues raised in relation to the proposed joint management mechanisms are discussed according to the Recommendations to which they primarily relate. It should be noted, however, that some issues relate to more than one Recommendation.

#### **Comments on Recommendation 6.2.2 and 6.2.3 - Board of Management**

Five submissions argued that traditional owners should have greater influence on the Board of Management. It was suggested that this was appropriate in order to redress the imbalance of power that exists between the traditional owners and the parks agency. Six submissions considered that either an Aboriginal majority on the Board or at least equal representation with an Aboriginal chairman with the casting vote was justified. It was agreed that traditional owners would use this power responsibly: their poverty and dependency will ensure that they do not veto all development and their affinity to the land will ensure that they do not over exploit the area purely for financial gain.

Some submissions were concerned that Aboriginals would be locked into a rigid management structure with no power to negotiate, if it proved inappropriate to their needs. It was suggested that a provisional Board of Management be set up and various forms of groups, settings and procedures be tested over a period of three years. One submission was concerned that insufficient consideration had been given to problems of ensuring co-ordination between the proposed park and other national parks with regard to the meeting of conservation and recreation needs, and further, that no commitment had been made to the sharing of parks agency resources (staff, capital and recurrent funding) on an equitable basis with other parks. Because of this the submission was not satisfied that the Board of Management system was in the best interests of conservation.

The proposed Aboriginal incorporated body was also an issue of concern. A number of submissions argued that existing research

into Aboriginal rights and interests in the area did not provide an adequate basis for determining what form of Aboriginal organisation would be appropriate. It was noted that a number of different groups had traditional rights and interests in the area and that problems of conflict between these groups could lead to inequitable representation of interests and inequitable distribution of resources within the community. It was also argued that Aboriginal organisations based on a hierarchical system of decision making were ineffective forums for Aboriginal decision making. Most submissions agreed that some form of Aboriginal organisation, or organisations, would be necessary, but noted that it would require considerable research, negotiation and consultation to put an appropriate organisation into place. It was generally felt that Aborigines should be free to decide on or at least negotiate the form of this organisation. One submission queried why the traditional owners needed to be represented on the Board of Management by an incorporated body.

#### **Comments on Recommendation 6.2.4 - Technical Subcommittee**

Some submissions considered the proposed technical sub-committee to be inappropriate as a management sub-structure. The main concerns were that it would not overcome the problems Aborigines have with using the Board of Management system, and that it made insufficient allowance for input from the wider community of Aboriginal residents and traditional owners. It was argued that the Aboriginal organisation would be able to fulfil the role proposed for the technical sub-committee and that such a formal management sub-structure was unnecessary. One submission noted that the role of any Aboriginal organisation set up, should include discussion and development of policy issues.

#### **Comments on Recommendation 6.2.5 - Independent Advice**

The importance of access to independent advice was noted by four submissions. Access to independent advice was considered particularly crucial to the ability of the traditional owners to participate in joint management in an active, innovative, considered and informed way, and to take advantage of the opportunity to be involved in tourism in the proposed park. The main concern was the need for clarification of the form which such advice should take. One submission suggested that consideration needed to be given to whether the expertise should be provided at the local community level or at the sub-regional or regional level. Another submission suggested that the State Government engage a consultant as an interim measure to assist traditional owners and Government in the initial development of the park. The consultant's role would be to liaise between the Government and traditional owners. The consultant would assist traditional owners to negotiate with Government over the specifics of the joint management structure, to set up an appropriate and effective Aboriginal organisation, to gain the knowledge, expert advice and assistance they require in order to fully participate in joint management, including participation in the development of the plan of management.

## **Comments on Recommendation 6.2.6 - Independent Adjudication**

The main issue raised in relation to independent adjudication was the problem of providing a balanced and unbiased adjudication system. In particular, there was concern about potential bias against Aboriginal values and beliefs. Two submissions made detailed suggestions on the form of the adjudication process, including who should provide that adjudication, what matters ruling on a dispute, and what types of management matters should be referred to adjudication. One submission felt that the problems and inequities in its use for Aborigines were so great that the idea of recourse to adjudication should be dispensed with.

## **Comments on Recommendation 6.2.7 - Public Management Plan**

The requirement for a public plan of management at the earliest opportunity was generally accepted. One submission considered that the final management plan should incorporate enforceable penalties for all actions detrimental to the areas scenic attractions. Another considered that there was a need to provide Aborigines with advice and assistance to enable them to meaningfully participate in the development of the plan of management (see comments under Recommendation 6.2.5).

## **General Comments**

Seven submissions made other comments in relation to joint management or management of the proposed park generally. Points made included: that traditional owners should be guaranteed the right to regularly review and negotiate the mechanisms of joint management; that the national parks agency must not impose its views on traditional owners but be receptive to Aboriginal needs and aspirations; and that some discussion of necessary legislative changes to permit joint management (eg. what should be the legislatively mandated objectives of a plan of management and what information such plans should be required to contain) would have been of value. One submission suggested a structure for decision making centred around the setting of goals and objectives.

## **PROPOSED AMENDMENTS TO RECOMMENDATION 6.2**

### **Amendments to Recommendation 6.2.1**

This recommendation too, attracted a considerable amount of attention and though some submissions sought clarification of, or expressed concern in relation to certain issues, the concept was supported by a small majority of submissions. The working group recognises the concern, expressed by a number of submissions, that the proposed National Park should be managed according to State-wide National Park policies with the protection of ecosystems and conservation a top priority.

Clearly, while some amendments to current National Park policies would be necessary to accommodate joint management, the maintenance of ecosystems and conservation of wildlife and heritage values is considered to be of primary importance in the

proposed national park. Equally clearly some zones of the proposed national park will not be serving this purpose fully just as is the case with recreational/camping zones in existing national parks.

Recommendation 6.2.1 will remain unchanged, however, the text of the report will be expanded to address the concerns expressed in submissions.

#### **Amendments to Recommendations 6.2.2 - 6.2.7**

These recommendations are considered together as they are strongly inter-related dealing as they do with the mechanisms proposed for joint management.

A considerable number of submissions commented on the proposed mechanisms for joint management some, including several representing Aboriginal interests, addressed the issue in considerable detail.

As a result while the Board of Management, proposed in recommendations 6.2.2 and 6.2.3, with its emphasis on decision making by consensus will remain essentially unchanged, several amendments have been made to subsequent recommendations. Most notably the system will be streamlined by the deletion of the proposed technical sub-committee, as it is felt that its functions could be fulfilled by the Aboriginal incorporated body itself, in a manner which would better facilitate communication and discussion between the traditional owners.

Amendments have also been made to recommendation 6.2.6 to ensure that the independent adjudicator is a person or persons mutually agreeable to members of the Board. It was further agreed that decisions that affect the status of sites of significance to Aboriginals should be subject to the agreement of the Aboriginal incorporated body.

No change is proposed to recommendation 6.2.7 which was generally accepted in the submissions received.

Several submissions favoured the establishment of a local advisory body. In the context of a national park of some economic significance on a regional scale, as a national park at Bungle Bungle would be, some advantage is seen in such a body to better facilitate liaison between the National Park and the local community. This matter will be addressed in the text of the final report.

#### **MANAGEMENT ZONING CONCEPTS - SECTION 6.3 (NO RECOMMENDATIONS MADE)**

Sixteen submissions commented on the management zoning concepts suggested in the draft report. One submission agreed with the conceptual management zones as suggested. The other fifteen did not disagree with the concepts but expressed concern about, sought clarification of, or made additional suggestions regarding particular aspects of the zoning suggestions.

The question of what, if any, limitations would be placed on Aboriginal hunting and gathering in the proposed park emerged as a major issue. Four submissions were concerned that the use of modern hunting methods, involving the use of vehicles, firearms, spotlights, etc, might seriously affect the status of certain wildlife in the park. It was suggested that further discussion was needed on appropriate ways of reconciling Aboriginal aspirations in relation to hunting and gathering with the aims of conservation and the expectation of park visitors that wildlife be protected in a national park.

In contrast, five submissions argued that Aboriginal traditional owners should be permitted to hunt, fish and forage using contemporary methods and have access to sufficient hunting, gathering and fishing areas to satisfy their needs. Some of these submissions argued for enforceable rights to hunt, gather and forage anywhere in the park, while others suggested that the Board of Management should be responsible for determining limitations necessary for the protection of scarce and endangered species and/or the maintenance of park values.

Other important issues to emerge were: the need expressed by a number of submissions for more details on the location and extent of the various suggested zones, particularly the Conservation Zone; the need for legislative protection of Aboriginal sites within the proposed park. The need for more details on the relative advantage of the Aboriginal community residing in separately vested enclaves in the national park; residing within the national park itself, and achieving separation of uses through zoning provisions; or residing outside the national park, was also raised. This issue has, however, been addressed under the section on tenure and so is not repeated here.

### **PROPOSED AMENDMENTS TO SECTION 6.3**

The Draft Report did not make specific recommendations for management zones, believing the formation of such to be the responsibility of the managing body in the process of developing a detailed plan of management.

The working group, however, considered that management zones were necessary and accordingly developed broad management zoning concepts.

It is clear from the submissions received that the final report should provide more information on the management concepts, particularly with regard to the relative size of the conservation unit and issue of Aboriginal Hunting. The zoning concepts proposed will also be revised to reduce their complexity.

### **REGENERATION OF DEGRADED AREAS - DRAFT RECOMMENDATION 6.4**

Fifteen submissions commented on the Recommendations supporting the continued restoration of degraded areas. None disagreed with the need for continued efforts in this regard. The majority agreed completely with both Recommendations. The matters of concern or clarification raised in submissions were as follows:



### **Comments on Recommendation 6.4.1 - Department of Agriculture to Co-ordinate Regeneration**

The Department of Agriculture favoured a minor amendment to Recommendation 6.4.1 to make it clear that the regeneration programme necessitated the management and removal of cattle.

### **Comments on Recommendation 6.4.2 - National Parks Agency to Liaise with Board**

Four submissions made suggestions in relation to Recommendation 6.4.2. The Department of Agriculture was concerned that, as rehabilitation matters were best dealt with under the Soil and Land Conservation Act, they remain the responsibility of the Department of Agriculture, in consultation with the proposed Board of Management. Three submissions, because of their opposition to joint management, considered that reference to the Board of Management should be deleted from Recommendation 6.4.2 in favour of the National Parks agency maintaining close liaison with the Department of Agriculture.

### **General Comments**

Two submissions made other comments in relation to regeneration. One submission suggested that, where possible, Aborigines should be involved in the planning and implementation of the regeneration programme. The other submission was (wrongly) concerned that the Working Group was advocating the taking over of the Department of Agriculture's responsibilities for regeneration, thereby putting the whole Kununurra District at risk.

### **PROPOSED AMENDMENTS TO RECOMMENDATION 6.4**

#### **Amendments to Recommendation 6.4.1**

The recommendation will be amended to make it explicitly clear that the revegetation programme necessitated the removal of cattle and donkeys.

#### **Amendments to Recommendation 6.4.2**

The draft recommendation will be amended to make it clear that the Department of Agriculture should retain the lead role in the ongoing revegetation programme.

### **ABORIGINAL EMPLOYMENT AND TRAINING - DRAFT RECOMMENDATION 6.5**

Twenty submissions commented on the issue of Aboriginal employment and training. Although some submissions were not entirely satisfied with particular aspects of the Working Group's proposals, all agreed that Aborigines should be given opportunities for employment in the park, even those which were opposed to joint management and provision of secure residence for Aboriginal traditional owners.

Several issues which related directly to one or more of recommendations 6.5.1 to 6.5.4 were raised in submissions.

## **Comments on Recommendations 6.5.1 and 6.5.2 - Aboriginal Employment**

Three submissions agreed that employment decisions (the balance of Aboriginals and non-Aboriginals) should be a matter for the Board of Management, or the National Parks agency with the advice of a local advisory committee to determine, (the split depending on whether or not the writer favoured joint management). One submission felt that there was a danger of Recommendation 6.5.1 leading to a situation where Aborigines occupied positions with no decision-making power, while non-Aborigines filled supervisory roles.

Some submissions also recognised that for successful development of the joint management approach, an essential requirement of non-Aboriginal staff should be a demonstrated ability to communicate effectively with Aboriginal people - a point which was stressed in the Draft Report.

## **Comments on Recommendation 6.5.3 - Dismissal Clauses**

One submission argued that dismissals of Aborigines should first be endorsed by the majority of Aborigines on the Board (and any management sub-structures) to protect Aboriginals against misuse of Recommendation 6.5.3.

## **Comments on Recommendation 6.5.4 - Aboriginal Training Programmes**

One submission stressed that training programmes should not be limited to Aboriginals.

## **General Comments**

Other more general comments regarding Aboriginal employment and training, not directly related to specific recommendations, were made in nine submissions.

Five of those submissions, representative of Aboriginal interests, made detailed comments and suggestions on the scope, aims and structure of the proposed Aboriginal employment and training programmes. Their comments included:

- . that employment of Aboriginals on the basis of their Aboriginality and Aboriginal knowledge of the study area would be of greater value than merely employing them to do the same tasks as non-Aboriginal rangers (this is recognised in recommendation 6.5.1)
- . that preferential and affirmative employment and training schemes for Aboriginals were justified; and
- . that employment and training schemes should be extended to the various aspects of the tourism industry.

Comments made by the other four submissions included:

- . that Aborigines should only be employed on an equal opportunity basis with everyone else; and

- . that the greatest benefit could be obtained by creating casual or menial employment opportunities in the proposed park, such as clearing up after park visitors.

## **PROPOSED AMENDMENTS TO RECOMMENDATION 6.5**

### **Amendments to Recommendation 6.5.1**

Though misinterpreted by a few submissions as an attempt to dictate employment decisions to the Board of Management/-Department of Conservation and Land Management, this recommendation was generally well accepted and is an important component of the joint management concept. The working group sees no need to amend the intent of the recommendation. The draft recommendation, however, had the effect of excluding one group of people, namely Aboriginal people not traditionally associated with the area, from consideration for employment. This was not intended and will be rectified in the final report by replacing 'traditional owners' with 'Aboriginals'.

### **Amendments to Recommendation 6.5.2**

This recommendation also precluded Aboriginal people not traditionally associated with the area from consideration for employment in the same way as recommendation 6.5.1 and will be similarly amended. The working group did not feel that the combination of draft recommendations 6.5.1 and 6.5.2 restricted Aboriginal people to non decision-making positions.

### **Amendments to Recommendations 6.5.3 and 6.5.4**

It was considered that the draft recommendations did not require amendment. A statement would, however, be inserted in the text of the report to indicate that the Aboriginal ranger training programme would be additional to existing ranger training programmes set up to cater primarily for non-Aboriginal staff.

The Working Group considers the concern expressed in one submission that recommendation 6.5.3 would be misused against Aboriginal employees to be unfounded. Experience in the Northern Territory has shown that the reverse is often the case, that the retention of unsuitable employees for political reasons acts to downgrade the self-esteem and public image of the good workers.

Nonetheless, the Australian National Parks and Wildlife Service (ANPWS) in Kakadu National Park maintains close liaison with the Gagadju Aboriginal Association in employment matters, such that it is the Association that takes a strong stand in requiring performance from Aboriginal employees because it sees their performance as a reflection on the public image of the Aboriginal people. It is considered that a close liaison between the proposed Board of Management and the Aboriginal incorporated body would similarly be advantageous in the proposed Bungle Bungle national park. Words to this effect will be included in the text of the final report.

## **ABORIGINAL OUTSTATION AND WELFARE ISSUES - DRAFT RECOMMENDATION 6.6**

### **Comment of Recommendation 6.6.1 - Outstation and Welfare Issues**

Twenty four submissions commented on Recommendation 6.6.1. The majority agreed or agreed in part. Those which agreed in part raised concerns about one or more of the three issues incorporated in the Recommendation - that is: the formation of a legally incorporated body by the Aboriginal traditional owners; the establishment of the Aboriginal outstations within the park; and where responsibility lies for the funding of outstations.

The various views on these proposals are discussed elsewhere under the Joint Management, Tenure, and Funding Requirements sections of this summary.

A number of submissions disagreed with Recommendation 6.6.1. All were opposed to joint management and therefore considered the formation of an Aboriginal incorporated body to be unnecessary, and disagreed with the establishment of outstations within the park.

### **PROPOSED AMENDMENTS TO RECOMMENDATION 6.6**

#### **Amendments to Recommendation 6.6.1**

The working group believes that the thrust of the draft recommendation, namely: (i) that it is not appropriate for the Department of Conservation and Land Management to adopt the responsibility for the establishment and support of Aboriginal Outstations; (ii) that this should be the responsibility of a range of organisations set up to assist in this broad area; and (iii) that to be eligible for much of this assistance the traditional owners would need to form a legally incorporated body, is valid.

It recognises and accepts, however, that the final report should address this issue more completely than did the draft report. In particular, it recognises that the Department of Conservation and Land Management has responsibility, as the management agency, for ensuring that adequate funds are available to facilitate effective Aboriginal participation in joint management. Furthermore the Department, through the Board of Management, has a role in planning the outstation and associated developments with regard to minimising their impact on the proposed park.

### **TOURISM DEVELOPMENT CONCEPTS - DRAFT RECOMMENDATION 7.2**

Thirty one submissions commented on tourism in the proposed national park, twenty two of which related directly to one or more of Recommendations 7.2.1. to 7.2.7.

The Recommendations were considered acceptable, or acceptable in part, by the majority of submissions, with Recommendation 7.2.7 attracting the most opposition. A broad divergence of views on the role of tourism in the proposed park was apparent. Some submissions clearly considered that the 'enormous tourism potential' of the Bungle Bungle area should be fully exploited. Others shared the Working Group's concept of tourism, that is,

tourism in a national park context, aimed at providing an opportunity for the community to appreciate the physical, ecological and cultural character of the area without unduly compromising its conservation and heritage values. Some of the latter considered that the Working Group had in fact been more than adequate in attempting to serve tourism needs, at the expense of the area's conservation and wilderness values.

#### **Comments on Recommendations 7.2.1 and 7.2.2 - Scenic Overflights and Air-Surface Tourist Access**

Most submissions either agreed or agreed in part with the aerial sightseeing and air-surface options proposed in Recommendations 7.2.1 and 7.2.2.

One submission, however, disagreed with the emphasis on aerial viewing and access. It considered that Bungle Bungle is best seen from the ground and suggested that the proposed national park be run on a similar basis to Palm Valley National Park in the Northern Territory, where access is restricted to 4 wheel-drive vehicles (including 4 wheel-drive coaches). Two submissions considered that aerial sightseeing was acceptable but only as a short-term option. One submission agreed that emphasis on aerial sightseeing was desirable after seeing the damage done by visitors to Kalbarri National Park, but pointed out some of the problems encountered on a recent aerial sightseeing tour of Bungle Bungle. One submission argued that the air-surface concept would not be a realistic option in the early years, although it would ultimately form a viable but insignificant sector. A number of submissions considered that there should be restrictions on flying times and flight paths to minimise detrimental effects on wildlife and wilderness values. Other issues raised were: that protection of environmental and/or scenic values should be the prime consideration in the siting and construction of the landing ground; that helicopters would be less disturbing to the environment and wilderness values than fixed wing aircraft and associated landing grounds, and that a landing ground would greatly diminish or destroy the wilderness value of the proposed park.

#### **Comments on Recommendation 7.2.3 - Limited Upgrading of Road Access**

The majority of submissions agreed or agreed in part with this proposal. However, four submissions disagreed; considering that an access track should be upgraded to facilitate year round vehicle access to a level suitable for caravans and tourist coaches.

Other submissions were concerned that protection of the environment should be the prime consideration in the upgrading of an access track.

#### **Comments on Recommendations 7.2.4, 7.2.5 and 7.2.6 - Tourist Facilities and Sightseeing**

Recommendations 7.2.4 and 7.2.5 were generally considered acceptable. Two submissions felt that, within the constraints

necessary to protect the environment, private developers should be invited to submit proposals for the development of park facilities. (This comment also applies to Recommendations 7.2.6 and 7.2.7). One submission gave a detailed outline of the various types of accommodation facilities it considered would be required. Other submissions considered that the detailed management plans should be made available for public comment before any decisions are made on more sophisticated facilities.

One submission disagreed with Recommendation 7.2.5 arguing that if there is a need for more sophisticated facilities, these should be located outside the proposed park.

Half of the submissions which commented on Recommendation 7.2.6 agreed with the concepts proposed; the remainder favoured various alternative degrees of vehicle access. Two opposing views emerged from these submissions regarding vehicle based sightseeing within the proposed park. One submission considered that there should be vehicle based tours to all areas of the park. Others were concerned at the possible impact of vehicle based tours, private 4-wheel drive vehicles and foot access on the more remote and fragile areas. One submission considered that vehicles should have no significant access within the proposed park at all.

#### **Comments on Recommendation 7.2.7 - Involvement of Traditional Owners in Tourism**

While the majority of submissions agreed or agreed in part with Recommendation 7.2.7, it attracted strong opposition from several submissions. Mostly these considered that the traditional owners should not be given the first option on the development of tourist facilities, as they lacked the necessary expertise and experience. Some also considered the Recommendation to be racist. One of the submissions which agreed in part, suggested that in some cases the traditional owners should have the first and only option for the development of tourist facilities. The other considered that such offers should be conditional upon the Aborigines being appropriately trained and given time to assess their desire to be involved. (The need to provide the traditional owners with the appropriate resources such as knowledge and access to advice, to enable them to take advantage of such opportunities was also noted by some of the submissions which strongly supported this recommendation.)

#### **General Comments**

Other comments made on the issue of tourism in the proposed park were varied. Three submissions praised the Working Group for its sensitive and pragmatic approach to tourism development while four submissions criticised it for being overly restrictive, ignoring the reality of tourist interest in the area, and lacking any real understanding of the function of tourism. Two submissions felt that insufficient emphasis had been placed on the wilderness values of the Bungle Bungle area, particularly its potential for bushwalking.

Three submissions sought assurances that Aboriginal needs and interest would be considered and/or protected in any tourism developments. One submission considered that a detailed study of the areas tourism potential should be undertaken.

Two submissions suggested that a charge be levied on park visitors and that the money go towards the funding of biological studies of the area and the production of information and educational material.

Most of the other comments made were specific suggestions for tourism development in the proposed national park, many of which were more relevant to detailed management planning rather than the conceptual stage. For example, one submission suggested guidelines to be followed in the development of a visitor usage plan, and one submission suggested the use of demountable tourist (and park staff) accommodation, which it could provide if required.

#### **PROPOSED AMENDMENTS TO RECOMMENDATION 7.2**

As a result of the public comments on this section, a discussion of the philosophical background behind the working groups recommendations for tourism access, that is, tourism in a national park context not tourism for tourism's sake, will be included in the final report, to give a basis to the working groups recommendations.

It is also recognised that the role of the Working Group's report needs to be expanded upon, to make it clear that the Working Group was setting out basic concepts and that it would be the responsibility of the management body to develop detailed management and development proposals.

#### **Amendments to Recommendations 7.2.1 and 7.2.2**

The concept of scenic overflights and air-surface access received substantial support and with minor amendment the Working Group believed that the recommendation should stand.

It recognised that Halls Creek should be added to recommendation 7.2.1, as a location from which scenic flight might be expected to originate; and that anthropological values should be changed to Aboriginal values in recommendation 7.2.2.

The Working Group considered the point raised in several submissions, namely that the noise associated with scenic flights may be intrusive and to some extent detrimental to wilderness values. It considered that, as the number of aircraft flights increase, there may be benefits in taking management steps to limit this impact in some areas of the massif. The text of the final report will be amended to include a comment to this effect. It is, however, considered that this matter is more appropriately addressed in a detailed management plan and as such the Working Group does not propose to include a specific recommendation on this issue.



Concerns relating to the needs to site the airstrip to minimise scenic intrusion are addressed in recommendation 7.2.2. It is considered that a national park of the size proposed can accommodate such an airstrip without significantly diminishing its wilderness values. The comment that helicopters have significant advantages over conventional aircraft is accepted, however, they also have cost and capacity disadvantages which limit their application and, while they may supplement the use of fixed wing aircraft in the park, they are unlikely to replace them.

### **Amendments to Recommendation 7.2.3**

A majority of submissions agreed with this recommendation, which constitutes a major element in the tourism development concepts proposed by the Working Group. The Working Group believes the concept proposed, strikes a balance between the need to protect the fragile park environment and wilderness values, and facilitating tourist access. It considers that the cost and environmental damage associated with provision of road access makes this option inappropriate in the short to medium term.

The recommendation in the draft report will stand but as indicated previously, the text will be expanded to better explain the philosophy behind the tourism development concepts.

### **Amendments to Recommendations 7.2.4, 7.2.5 and 7.2.6**

Having reviewed the submissions on these recommendations it was agreed that these draft recommendations should remain unchanged. Though some submissions had suggested that private developers be involved in developing park facilities it was considered that the type of facilities envisaged, in the short term at least, would be minimal and unlikely to interest private developers.

The Working Group agreed with the concept raised in a few submissions, that more sophisticated tourist accommodation facilities should, where practical, be located outside the National park. This was one of the benefits of the air-surface tourist option proposed. However it also recognised that because of the size of the National Park, and the distance to the established service centres, this option may not be practical if it is to service tourists travelling by road. In this circumstance, the Working Group believed that the option of accommodation facilities being located in a discrete 'facilities area' in the proposed National Park may need to be considered. Draft Recommendation 7.2.5, which stressed that a decision to develop such facilities should only be considered following the assessment of this option in a detailed public management plan, will thus stand.

### **Amendments to Recommendation 7.2.7**

It appears from the submissions received in relation to this recommendation that the authors of some submissions may have misunderstood the intent of this proposal. Accordingly the text of the final report will be amended to address this issue further.

The recommendation should not be read as implying that the traditional owners would be pushed into developing tourist facilities if they did not want to take this action. A wide range of options, as to their degree of involvement is possible, (for example the Cooina Pub, which provides accommodation on private land within Kakadu National Park, is owned by the Gagadju Association who employ a non-Aboriginal manager and staff to run the business). The level of involvement that the traditional owners undertake may change over time as the people gain in experience and confidence.

It is also stressed that the recommendation refers only to facilities and would not generally impinge upon private tour operators, although special tours based upon Aboriginal cultural appreciation were a possibility.

In the context of the joint management proposals for the National Park, the Working Group noted that the opportunity for traditional owners to share in the economic benefits of tourism generated by the park are an important consideration. Despite opposition to this suggestion from a number of submissions, this concept was supported by most respondents. It was agreed that the draft recommendation should stand.

### **INTERIM MANAGEMENT - DRAFT RECOMMENDATION 7.3**

Twenty submissions commented on some aspects related to the issue of interim management. Most of the submissions which commented directly on these recommendations supported them, with the remaining submissions agreeing with the need for interim management, if not with all the proposals.

These submissions generally recognised the need to protect the area but often differed in how this should be achieved and what level of access should be provided in the interim period.

#### **Comments on Recommendation 7.3.1 - Declaration as C Class Reserve**

Several submissions argued that C Class reservation was not a satisfactory interim measure, as it did not sufficiently protect the park, or it could lead to A Class status not being granted in the foreseeable future.

#### **Comments on Recommendations 7.3.2 and 7.3.3 - Management Staff and Priorities**

Concern was expressed that two management staff may not be sufficient, and that special provisions should be made in the interim budget to employ Aboriginal traditional owners in the initial management planning for the Park, for example in the work proposed in recommendation 7.3.3.

#### **Comments on Recommendation 7.3.4 - Ground Access**

Some submissions argued that continual lack of ground access would compromise park values (as it would not continue to discourage vehicle based tourists) and should therefore be addressed as a matter of urgency. Others considered that no

tourism or tourism development should be permitted until the plan of management is finalized and/or the minimum funds required for management in the first twelve months set aside.

In a more general comment, one submission argued that the policy of discouraging access by tourists while allowing Aborigines to set up outstations was discriminatory.

### **PROPOSED AMENDMENTS TO RECOMMENDATION 7.3**

#### **Amendments to Recommendation 7.3.1**

C Class status was proposed as an interim measure, because it would enable the National Park to be declared very quickly after Government had made a decision regarding the Working Group's proposals. In all aspects other than security of purpose it facilitates the same degree of management protection as A Class Reservation.

The Working Group agreed that the draft recommendation should stand.

#### **Amendments to Recommendations to 7.3.2 and 7.3.3**

In considering this issue the Working Group agreed that two management staff in the first year would constitute the minimum required. These positions would be additional to the presence in the area for extended periods of planning staff involved in the preparation of detailed management provisions. Traditional owners would necessarily be involved in the initial management planning work proposed in recommendation 7.3.3.

The Working Group agreed that this recommendation should be amended to read "a minimum of two management staff".

#### **Amendments to Recommendations 7.3.4**

The Working Group recognises that vehicle based tourist access will not be effectively contained during the present tourist season by the difficult access conditions, and that some management action will be necessary to prevent untoward degradation of favoured access routes. The option of preventing tourist access is unrealistic.

It is considered that the present draft recommendation should be amended to indicate that management measures should be implemented at the earliest opportunity to minimise damage resulting from vehicle based access. This should occur even before National park status is granted should this be delayed for any reason.

### **FUNDING REQUIREMENTS - DRAFT RECOMMENDATION 8.5**

Eighteen submissions commented on the funding requirements for the proposed park. Thirteen commented on the Recommendations and six made more general comments on this section of the Report.

## **Comments on Recommendations 8.5.1 and 8.5.2 - Funding Requirements**

Comments made by submissions on Recommendations 8.5.1 and 8.5.2 generally reflected their views on major issues such as joint management and the establishment of Aboriginal outstations within the proposed park. Three submissions considered that the financial estimates made in Recommendation 8.5.1 were too low. One submission noted that the minimum funding requirements for the establishment of the proposed park should be additional to the existing budgetary allocation of the National Parks agency, suggesting they be appropriated from the Consolidated Revenue and General Loans funds. Another suggested measures to ensure that funding for Aboriginal operations in the park would be guaranteed but would not be appropriated from National Parks agency funds.

### **General Comments**

Six submissions from groups representing Aboriginal interests made general comments in relation to funding requirements. These all considered that the Working Group had failed to adequately address the funding needs for effective Aboriginal participation in Joint Management and the establishment of a viable Aboriginal community with the park. They argued that some level of responsibility would accrue to the State Government (as did the Draft report) and/or the National Parks agency (as co-partner in joint management) to co-ordinate and ensure the availability of funds and fill in the gaps where funds were not provided by other agencies.

### **Proposed Amendments to Recommendations 8.5.1 and 8.5.2**

The need to expand on this section, particularly with respect to funding to facilitate effective Aboriginal participation, is recognised and will be redressed in the final report.

The Working Group believes that a sum of approximately \$100,000 will be needed to co-ordinate the establishment of an Aboriginal incorporated body which will meet the needs of the Aboriginal people, facilitate their participation in joint management, and help to co-ordinate the establishment of outstation facilities and services. The level of funding necessary to develop outstation facilities will not be known until the number of traditional owners wishing to return to their land is known.

The figure of \$500-600 000 proposed in the Draft Report to establish management staff on site and facilitate initial park development needs will be reviewed and, in line with comments made in one submission the final report will stress that this funding should be additional to the existing State budgetary allocation for national park management. In this context the Government should follow up the recommendations made in the Report from the House of Representatives Standing Committee on the Environment and Conservation, that the Federal Government should provide funds to assist the State to establish early management needs in the proposed national park.

The working group believes that the Department of Conservation and Land Management should not be responsible for funding Aboriginal outstation facilities and welfare requirements generally. However, as pointed out in several submissions this is nonetheless an area requiring the adoption of a co-ordinated approach; and a financial commitment from Government, incorporating a degree of flexibility such that it can perform a gap filling role.

Other than in respect of the financial requirements, the Working Group considered that the draft recommendations did not need amending.

## APPENDIX I LIST OF SUBMISSIONS

Aboriginal Affairs Department  
MLC Tower  
Woden Town Centre  
CANBERRA ACT

Aboriginal Affairs Planning Authority  
17 Emerald Terrace  
WEST PERTH WA

Department of Agriculture  
Jarrah Road  
SOUTH PERTH WA

Amesz Adventure Charters  
235 Collier Road  
BAYSWATER WA

J N Anderson  
106 Cobb Street  
SCARBOROUGH WA

Ashton Mining Limited  
100 Jersey Street  
JOLIMONT WA

BHP Minerals Limited  
Level 3, Merlin Centre  
Plain Street  
PERTH WA

Carpentaria Exploration Company Pty Ltd  
140 Colin Street  
WEST PERTH WA

Central Land Council  
75 Hartley Street  
ALICE SPRINGS NT

Chamber of Mines of Western Australia (Inc)  
8th Floor FAI House  
231 Adelaide Terrace  
PERTH WA

B Churchward  
3 Dunkeld Street  
FLOREAT PARK WA

Conservation Council of Western Australia (Inc)  
794 Hay Street  
PERTH WA

C.R.A. Exploration Pty Ltd  
21 Wynyard Street  
BELMONT WA

C.R.A. Exploration Pty Ltd  
21 Wynyard Street  
BELMONT WA

A E De Jong  
15 Sicklemore Road  
PARMELIA WA

E J Dowling  
29 Malba Crescent  
DIANELLA WA

Environmental Studies Group  
Western Australian Institute of Technology  
Kent Street  
BENTLEY WA

Senators Jack Evans and Colin Mason  
Parliament House  
CANBERRA ACT

P Ewing  
11 Rosser Street  
COTTESLOE WA

Department of Fisheries and Wildlife  
108 Adelaide Terrace  
PERTH WA

S Forbes  
National Herbarium  
MELBOURNE VIC

K & I Forrest  
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NELSON BAY NSW

Geopeko  
154 Abernethy Road  
BELMONT WA

Joint Opposition Parties of WA  
Parliament House  
PERTH WA

Kimberley Land Council  
P O Box 377  
DERBY WA

Kimberley Regional Development Advisory Committee  
& Kimberley Office of the Department Regional  
Development & the North West  
Papuana Street  
KUNUNURRA WA

J La Puma  
(address not given)



Hon A A Lewis MLC  
Parliament House  
PERTH WA

M J McGrath Pty Ltd  
Delawney Street  
BALCATTWA WA

R McKellar  
P O Box 13  
NANNUP WA

National Aboriginal Conference Secretariat  
P O Box 8183  
Stirling Street  
PERTH WA

National Parks Authority of WA  
Hackett Drive  
NEDLANDS WA

National Trust of Australia (WA)  
The Old Perth Boys' School  
139 St George's Terrace  
PERTH WA

Ord Tourist Bureau (Inc)  
P O Box 446  
KUNUNURRA WA

G Owen  
5 Loyola Way  
ATTADALE WA

F M Pryce  
7 Latham Street  
ALFRED COVE WA

J W Read & Staff  
Kimberley Regional Office & Resource Centre  
Education Department  
Papua Street  
KUNUNURRA WA

J Reid  
2 Hotchin Street  
NEDLANDS WA

Town Planning Department  
22 St George's Terrace  
PERTH WA

The Tree Society  
P O Box 156  
CLAREMONT WA

W G & R S Wainwright  
P O Box 81  
WYNDHAM WA

Warmun Community  
PMB  
KUNUNURRA WA

W A National Parks & Reserves Association  
c/- 'The Peninsula'  
219 Railway Parade  
MAYLANDS WA

Western Chapter, Australian Conservation Foundation  
c/- 794 Hay Street  
PERTH WA

A S Weston  
13 Third Avenue  
KENSINGTON WA

The Wilderness Society Inc  
130 Davey Street  
HOBART TAS

E A Willers  
20 Tillbrook Street  
GLEN FORREST WA

N M Williams  
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W R Withers  
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KUNUNURRA WA

B R Yates  
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PALMYRA WA

**APPENDIX II - RECOMMENDATIONS FROM:  
BUNGLE BUNGLE WORKING GROUP - DRAFT REPORT TO THE  
ENVIRONMENTAL PROTECTION AUTHORITY**

**RECOMMENDATION 4.1 - RESERVATION AS NATIONAL PARK**

The working group recommends that:

- 4.1.1 the north western portion of the Ord River Regeneration Reserve (No.28538) extending to a boundary located south and east of the Ord and Panton rivers, corresponding to a rationalized version of the existing fencelines adjacent to these rivers should be proclaimed for a National Park;
- 4.1.2 consideration should be given to including within the National Park at the earliest opportunity, the Osmond Valley Pastoral Lease and southern upland portions of Texas downs Pastoral Lease; and
- 4.1.3 in view of its high conservation values and low mineral potential the Bungle Bungle massif be excluded from any future mineral exploration.

**RECOMMENDATION 6.1 - TENURE**

The working group recommends that:

- 6.1.1 the proposed National Park be vested in the National Parks agency as an A Class reserve;
- 6.1.2 the vesting be subject to mechanisms providing secure residence and equitable input to management for Aboriginal traditional owners. Such mechanisms are not available under existing legislation.

**RECOMMENDATION 6.2 - JOINT MANAGEMENT**

The working group recommends that:

- 6.2.1 the proposed National Park be jointly managed by the National Parks agency and the Aboriginal traditional owners;
- 6.2.2 a Board of Management be established with representatives from the National Parks agency and a incorporated body representing the traditional owner to guarantee equitable input to management decision making for both parties. The Board should be the primary decision making authority with respect to management of the reserve. There are considered to advantages in a co-operative and collaborative decision making process based on consensus agreement;

- 6.2.3 the Board should function as a reviewing and ratifying body, considering recommendations on major issues, including policy, planning and budget issues develop by it or referred to it by the National Parks agency or technical sub-committee (below);
- 6.2.4 a technical sub-committee be established by the Board using the Aboriginal Association for its administration. The sub-committee should comprise Aboriginal traditional owners and on-site agency staff. It should function as a mechanism for communication of management issues within the Aboriginal community, to resolve routine management issues and to discuss and develop recommendations and major issues for consideration by the Board.
- 6.2.5 both parties on the Board should have access to independent advice.
- 6.2.6 there be some recourse to technically competent and independent adjudication should agreement not be possible within the Board; and
- 6.2.7 the National Parks agency to prepare, at the earliest opportunity and in liaison with the Board of Management, a draft plan of management for public comment. The final plan of management to be made public following its endorsement by the Board.

#### **RECOMMENDATION 6.4 - REGENERATION OF DEGRADED AREAS**

The working group recommends that:

- 6.4.1 the National Parks agency to initiate administrative arrangements with the Department of Agriculture, to ensure the allocation of funds and co-ordination of a regeneration programme to restore degraded lands within the proposed National Park to indigenous vegetation, utilizing the expertise built up by the Rangeland Management Section of the Department of Agriculture; and
- 6.4.2 the National Parks agency maintains close liaison with the Board of Management of the proposed National Park with respect to this programme.

## RECOMMENDATION 6.5 - EMPLOYMENT OPPORTUNITIES AND TRAINING

The working group recommends that:

- 6.5.1 the National Parks agency should aim to employ a balance of Aboriginal traditional owners and non Aboriginals in the proposed National Park. Employment should aim to utilize the Aborigines' traditional skills and cultural knowledge for the benefit of park interpretation and management;
- 6.5.2 employment opportunities for traditional owners should not be restricted to normal ranger positions, nor to permanent full-time employment. The possibility of contract employment for specific projects should be considered;
- 6.5.3 for the job satisfaction of both Aboriginal and non Aboriginal employees it is important that all are subject to the same dismissal clauses;
- 6.5.4 in developing Aboriginal training programmes, close liaison be maintained with those responsible for developing the training programmes in other States, notably the Northern Territory. The structure and content of training programmes should be closely linked to the requirement of the employment.

## RECOMMENDATION 6.6 - ABORIGINAL OUTSTATION AND WELFARE ISSUES

The working group recommends that:

the Aboriginal traditional owners form a legally incorporated body should the proposed joint management National Park proceed. The working group recognises the role of Aboriginal resource organizations and various Federal and State agencies in assisting the establishment of Aboriginal outstations, it believes that this is not a role that should properly be adopted by the National Parks agency.

## RECOMMENDATION 7.2 - TOURISM DEVELOPMENT CONCEPTS

The working group recommends that:

- 7.2.1 scenic over-flights of the proposed National Park be regarded as an appropriate tour option for tourists on an organised tour and those otherwise constrained by time considerations. Various cost options, based on flight duration, for example from Turkey Creek or Kununurra would be possible;
- 7.2.2 an air-surface tourist option should be facilitated by the construction of a landing ground on a suitable site where it would not compromise the scenic, conservation or anthropological values, and the provision vehicle access to and from the landing ground to various landscapes in the proposed National Park;

- 7.2.3 - an access track be upgraded to enable the supply of resources to the proposed National Park and to facilitate vehicle access during the dry season for the suitably equipped tourist. To provide access to a standard suitable for caravan or coach based tourists would be prohibitively expensive and is not considered feasible in the short to medium term at least;
- 7.2.4 - discrete low-key camping facilities be provided at a suitable location or locations near the periphery of the park. It is envisaged that these facilities would primarily cater for vehicle-based visitors, but they could also cater for self-contained air-surface tourists and with the availability of camping equipment for hire, a wider selection of flying tourists proposing to stay more than one day;
- 7.2.5 - subject to full investigation and analysis of park resources, detailed consideration could be given to the construction of a higher standard of facilities in detailed management plans to be prepared by the management agency in conjunction with the Board of Management;
- 7.2.6 - access for private vehicles could be provided to a few scenic locations and interpretation facilities. Sightseeing beyond these areas would be by guided or self-guide walking tracks, with the option of an agency or concessionaire vehicle-based guided tour to more remote areas; and
- 7.2.7 - the first option for the development of tourists facilities within the National Park on a leasehold or concessional basis should be available to the traditional owners.

### **RECOMMENDATION 7.3 - INTERIM MANAGEMENT OPTION**

The working group recommends that:

- 7.3.1 - as an interim measure the Study Area should be declared a C class reserve for a National Park, so that a management presence can be established in the area and National Park regulations applied over it;
- 7.3.2 - two management staff be established in the National Park;
- 7.3.3 - work should be carried out to determine the appropriate location of access tracks and camping areas and to discourage access to inappropriate areas; and
- 7.3.4 - ground access not be improved until the future of the area is secure and a permanent management presence is established.

## RECOMMENDATION 8.5 - FUNDING REQUIREMENTS

The working group recommends that:

- 8.5.1 - adequate funding be made available to establish, develop and manage the proposed National Park. Adequate funding is critical to the success of the proposed park and it is suggested that, if such funds are unlikely to be available, then other alternatives to the recommendations made in this Report may need to be considered. It is estimated that approximately \$500 - 600,000 would be required for operations and capital improvements in the first year of joint management.
  
- 8.5.2 The provision of adequate funds from Aboriginal resource agencies, and State and Federal government agencies to establish Aboriginal outstation facilities, should be considered a priority.