



Law Council
OF AUSTRALIA

Legal Practice Section

6 February 2020

Management Planning Officer
Parks Australia
GPO Box 787
CANBERRA ACT 2601

By email: UluruPlan@environment.gov.au

Dear Sir/Madam

CONSULTATION INTO THE ULURU-KATA DRAFT MANAGEMENT PLAN

1. The Law Council of Australia welcomes the opportunity to make this submission to the Uluru-Kata Tjuta Board of Management and Director of National Parks in response to the draft Uluru-Kata Tjuta National Park Management Plan. This submission has been prepared by the Australian Environment and Planning Law Group (**AEPLG**) from the Law Council's Legal Practice Section.
2. The world is familiar with the Australian icon Uluru, standing tall and proud in the heart of the Central Australian Uluru-Kata Tjuta National Park. Local aboriginal people, the Anangu, tell of the formation of Uluru and its intricate caves and fissures during the Dreaming. Uluru and Kata Tjuta are living, breathing, cultural landscapes of incredible sacred significance, and have homed the Anangu for many thousands of years. In 1987 Uluru-Kata Tjuta National Park received UNESCO World heritage status in recognition of its spectacular geological formations, rare plants and animals, and outstanding natural beauty. In 1994, UNESCO further recognised the park's cultural landscape – the unique relationship between the natural environment and the belief system of Anangu, one of the oldest societies on earth. It is one of only a few dozen places in the world to receive dual World Heritage listing.
3. The AEPLG (**Committee**) notes and recommends the strongest policy and regulatory support to the cultural heritage significance of Uluru and the National Park.
4. This submission follows the sections of the draft Management Plan:
 - A. General provisions and International Union for Conservation of Nature (IUCN) category**
5. In accordance with s.367(1) of the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**), the draft Management Plan assigns Uluru-Kata Tjuta National Park to IUCN protected area management category II 'national park', resulting in it being managed in accordance with the principles set down in Schedule 8 of the *EPBC Regulations*. The AEPLG recognises the important role the IUCN plays in protecting and maintaining the spiritual, scientific, educational and recreational importance of the national park whilst understanding and seeking to

enable the aspirations of traditional owners of the land, their continuing land management practices and the protection and maintenance of their cultural heritage.

6. The AEPLG notes the IUCN's assessment that whilst the overall threat level to the World Heritage values of the site are low, it is not without risk.¹ Erosion is a particular concern in some areas of the site. Most of the impacts on the site (wildfire, feral animals, weeds and climate change) affect the biodiversity values of the site. The Committee notes the IUCN's assessment that these risks are recognised and prioritised appropriately within the draft Management Plan. Appropriate management of feral and invasive species, both plant and animal, is necessary to preserve the native, traditional flora and fauna of the area. Protection of endangered species with the park, including the rufous hare-wallaby, listed as endangered under the EPBC Act in 2000, and extinct in the wild under the *Territory Parks and Wildlife Conservation Act 1976*, and several species of bird and reptile listed as vulnerable. The AEPLG supports reinforcement of these values by appropriate policy and regulatory measures.
7. Traditional owners express concern that cultural knowledge is still being lost, with social changes associated with living sedentary lifestyles impacting the transfer of knowledge to younger generations.² The loss of this knowledge erodes the World Heritage cultural values of the park. The Committee directs attention to the need for inclusion of measures that will stop or reduce such loss.

B. Working and making decisions together as equals

8. The AEPLG recognises that both Australian law and the traditional laws and customs of the traditional owners whose country is encompassed by the Park boundaries apply within the greater region. Therefore, a joint commitment to maintain country and culture can only occur with respect and compliance with relevant Aboriginal laws and customs as well as Australian law, particularly the EPBC Act and Regulations, the Uluru-Kata Tjuta National Park Draft Management Plan 2020-2030 and the park lease agreement.
9. In this context, the AEPLG acknowledges that the decision to ban climbing on Uluru was an important step in recognising and complying with the laws and customs of the traditional owners.
10. The Committee recognises the draft Management Plan's guide that the Pitjantjatjara and Yankunytjatjara Aboriginal people, from the Western Desert region of Australia, are referred to throughout collectively as 'Anangu'. The AEPLG also accepts the draft Management Plan's statement that Pitjantjatjara and Yankunytjatjara are two of the principal dialects spoken in the park, with these language groups extending throughout the central desert region. However, the Committee notes that other Aboriginal communities and dialects are present within the park area. The AEPLG seeks to clarify what consultation has been undertaken in relation to the draft Management Plan with all Aboriginal communities within the park area and at its boundaries, including those not directly involved in drafting the Management Plan, namely those outside Pitjantjatjara and Yankunytjatjara.

¹ <https://worldheritageoutlook.iucn.org/explore-sites/wdpaid/900010>

² Director of National Parks, Uluru-Kata Tjuta National Park Draft Management Plan 2020-2030, 2019, 50

C. To protect and maintain strong Tjukurpa (the system of Anangu law, history, knowledge, religion and morality that binds people, landscape, plants and animals) culture and country

11. The AEPLG notes the importance of maintaining traditional knowledge and skills and fostering positive joint management relationships with park staff as part of park operations, and the critical importance of protecting sacred sites whilst ensuring that sensitive sites are both accessible to Aboriginal people and protected from unauthorised or inappropriate visitor use or access. This is not only important for matters of Aboriginal culture and heritage, but also for protecting and preserving the cultural and natural values of the park's world heritage status.
12. The Committee notes and supports the draft Management Plan's proposition to encourage and facilitate traditional owners' land management practices, including prescribed burning and clearing of grasslands.
13. The AEPLG recognises the historic displacement of the Indigenous population from country within the national park. The Committee recognises and supports ongoing facilitation of requirements for traditional owners to remain on country, or being enabled to return to country where previously displaced.

D. To build livelihoods and other benefits for Anangu, particularly young Anangu

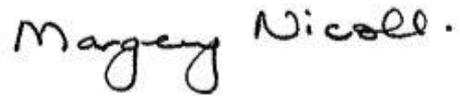
14. The overall management of the Uluru-Kata Tjuta National Park and development and implementation of the Management Plan once finalised must take account of the creation of employment, business and entrepreneurial opportunities for Aboriginal people. Wherever possible, Aboriginal people should create and drive such initiatives facilitated by national parks. Engaging younger Anangu in decision-making related to park management will aid in ensuring self-determination within effective joint management for future generations

E. To provide fulfilling experiences based on culture and nature that benefit Anangu, who welcome visitors as their guests

15. The AEPLG supports the draft Management Plan's proposal that tourism opportunities within the park should be led by Aboriginal people, particularly creating opportunities for younger generations.
16. However, tourism impacts on the park must be carefully monitored and managed, including but not limited to vandalism, dust accumulation on rock faces, rubbish, crowding and noise impacting sites and wildlife. Whilst the draft Management Plan introduces some areas for monitoring the effects of climate change, this will need careful and consistent monitoring into the future, as the true extent of such effects at this time are unknown.

17. The Law Council would welcome the opportunity to discuss this submission with the Department. In the first instance, please contact AEPLG Chair, Robyn Glindemann on robyn.glindemann@lantegy.com.au.

Yours sincerely

A handwritten signature in black ink that reads "Margery Nicoll." The signature is written in a cursive style.

Margery Nicoll
Acting Chief Executive Officer