

NAMADGI NATIONAL PARK

Report of the House of Representatives
Standing Committee on Environment and Conservation

September 1986

Australian Government Publishing Service
Canberra 1986

© Commonwealth of Australia 1986
ISBN 0 644 05367 4

Printed in Australia by Watson Ferguson and Co., Brisbane

Terms of Reference of the Committee

That a Standing Committee be appointed to inquire into and report on:

- (a) environmental aspects of legislative and administrative measures which ought to be taken in order to ensure the wise and effective management of the Australian environment and of Australia's natural resources; and
- (b) such other matters relating to the environment and conservation and the management of Australia's natural resources as are referred to it by -
 - (i) the Minister responsible for those matters; or
 - (ii) resolution of the House.

Terms of Reference of the Inquiry

That the Committee inquire into and report on the administrative arrangements for the management of Namadgi National Park.

Members of the Committee

Chairman	Mr P. Milton, MP
Deputy Chairman	Mr A.P. Webster, MP
Members	Mr R.L. Chynoweth, MP Mr R.F. Edwards, MP Mr P.S. Fisher, MP Mr G. Gear, MP Ms J. McHugh, MP Mr C.G. Miles, MP
Secretary to the Committee	Mr J.R. Cummins
Secretary to the Inquiry	Mr I.A. Dundas

ABBREVIATIONS

ANPWS	Australian National Parks and Wildlife Service
CCSERC	Conservation Council of the South-East Region and Canberra
IUCN	International Union for the Conservation of Nature
NNPCC	Namadgi National Park Consultative Committee
NCDC	National Capital Development Commission
NCOSS	National Capital Open Space System
NPWC	National Parks and Wildlife Conservation (Act)

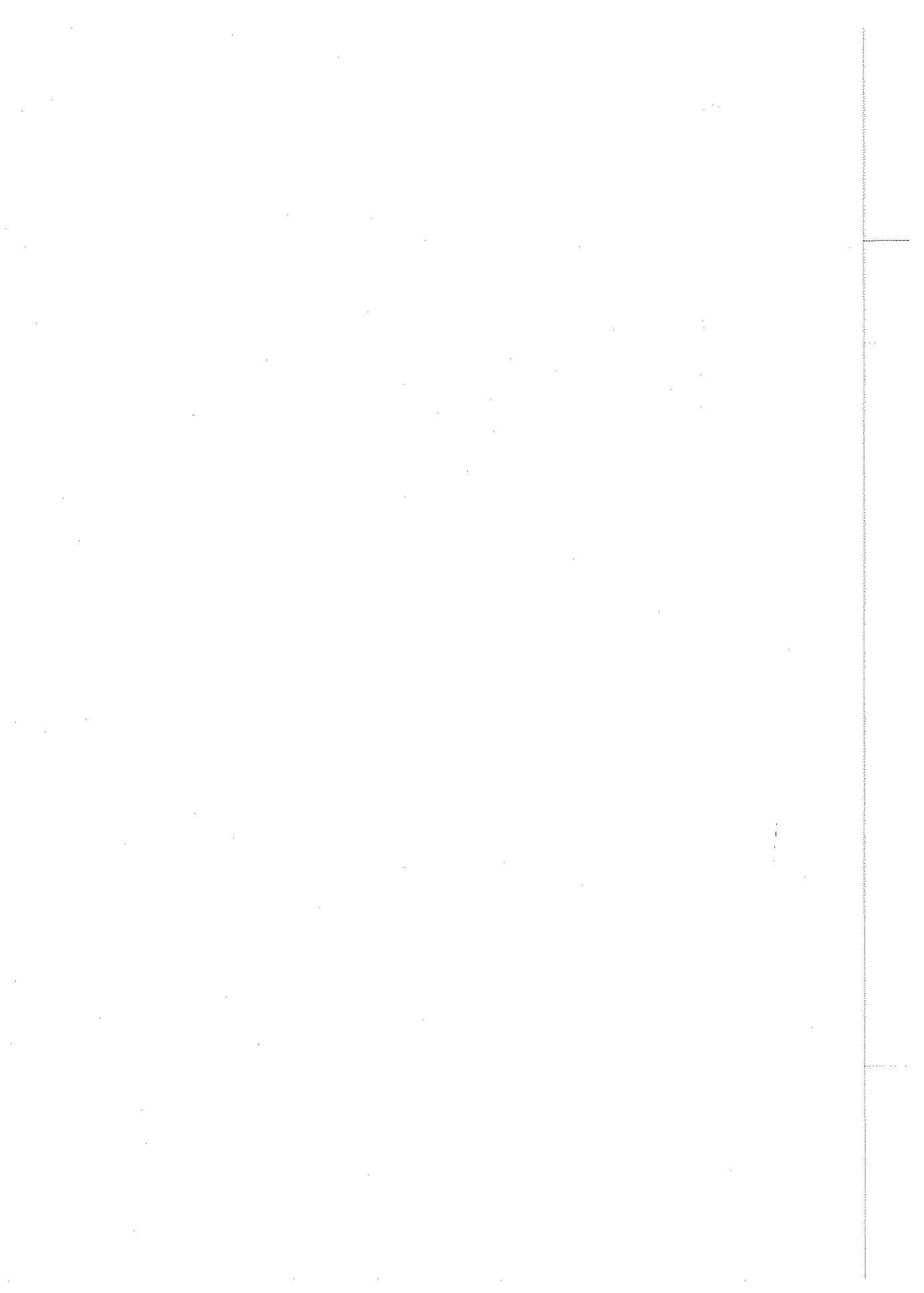
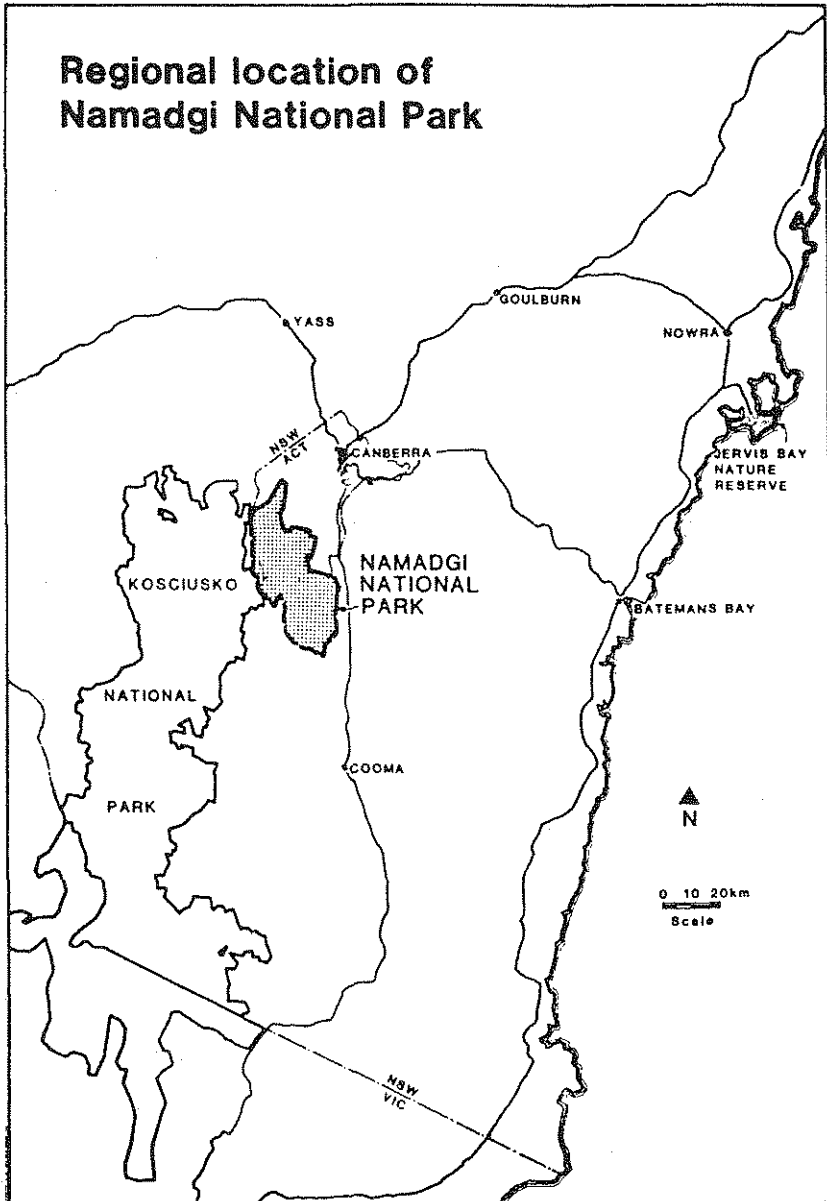
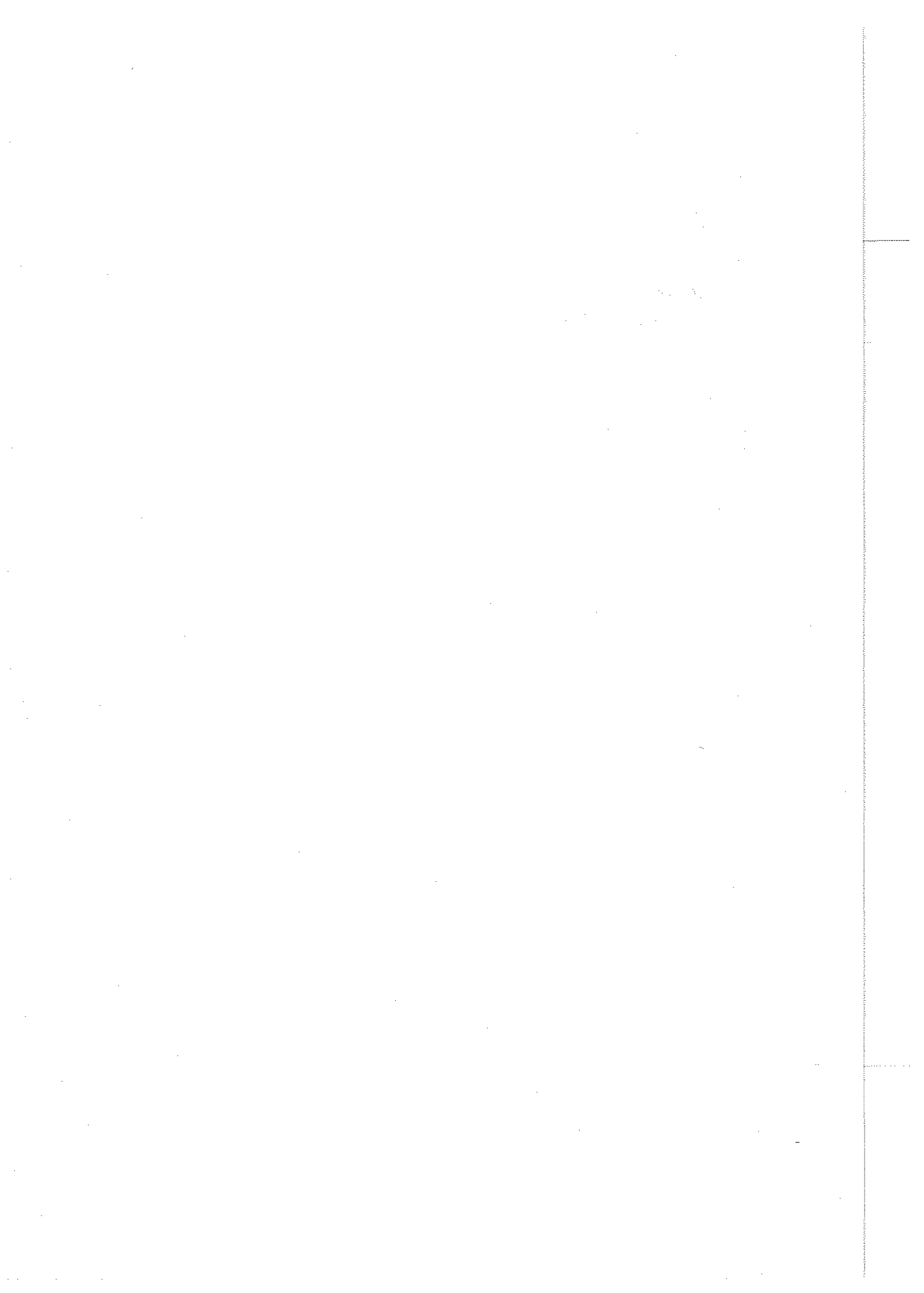


FIGURE 1

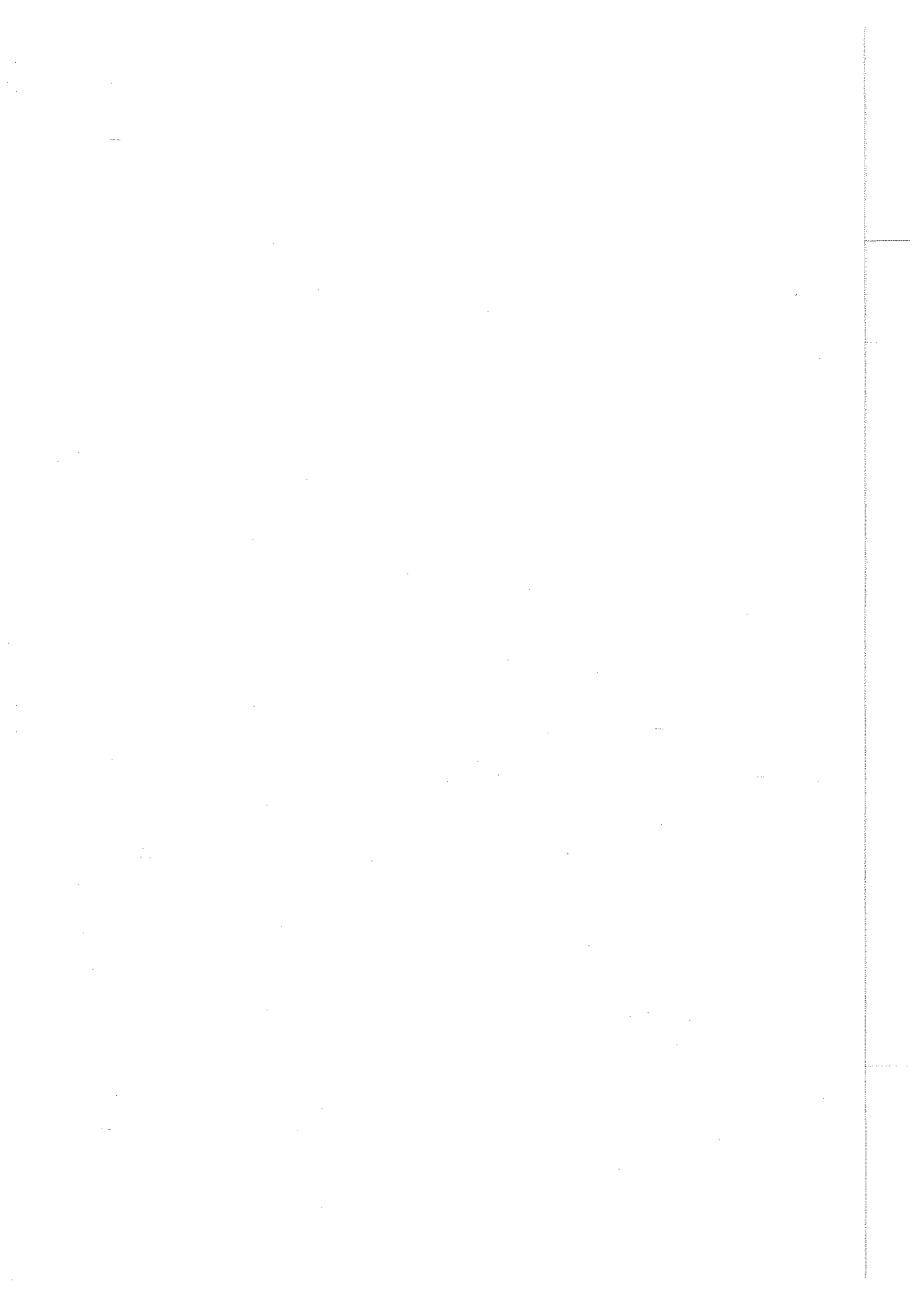


MAP COURTESY OF THE DEPARTMENT OF TERRITORIES



CONTENTS

Chapter	Paragraph
1. Introduction	1
2. The Significance of Namadgi	
Natural and Cultural Values	9
National Park or Nature Reserve?	13
Local and National Significance	21
3. Administration of Namadgi	
Management by the Department of Territories	28
Inter-agency Relations	32
Funding Arrangements	43
A Role for the Australian National Parks and Wildlife Service	51
4. Security of Tenure	
Reservation Provisions of the ACT Nature Conservation Ordinance	60
Possible Amendment of the Ordinance	68
The National Parks and Wildlife Conservation Act	74
Conclusions	80
5. Other Legislative Considerations	
Shortcomings of the Nature Conservation Ordinance	85
Nature Conservation Advisory Committee	93
6. The Role of the National Capital Development Commission	
Separation of Planning and Management	97
The Commission's Role in Conservation	103
7. Aboriginal Interest in Namadgi	112
Appendixes	
1. Conduct of the Inquiry	
2. List of Witnesses	
3. List of Submissions	



SUMMARY

Namadgi National Park is an area of considerable conservation, heritage and scenic value and is of significance to the local community, the region and the nation.

Management of the Park by the Department of Territories is generally adequate. There is however concern expressed by community groups that the planning process has been delayed and confused and that, in some respects, the general administrative arrangements are deficient.

The problems which have been identified include inadequate legislative arrangements, the poor relationship between the Department and the Australian National Parks and Wildlife Service (ANPWS), the division of responsibilities between the Department and the National Capital Development Commission (NCDC) and the apparent lack of consideration of Aboriginal interests.

The main legislative problems are the ease with which the Park can be revoked and the lack of a requirement for the preparation and adoption of management plans and for public review.

Several alternatives were proposed to improve the security of tenure including amendments to the ACT Nature Conservation Ordinance 1980 or the introduction of a new Act. The Committee considers that the most effective approach is to declare Namadgi to be a national park under the provisions of the National Parks and Wildlife Conservation Act 1975. A new Act could be introduced to achieve the appropriate level of security of tenure but the Committee considers that additional legislation is unnecessary when the National Parks and Wildlife Conservation (NPWC) Act already exists.

A declaration under the NPWC Act will not conflict with the existing ACT legislation nor will it prevent the area being managed in sympathy with the National Capital Open Space System (NCOSS). However it would place a direct responsibility on the Director of the ANPWS which could prevent continuing management by the Department of Territories. The Committee considers that there are considerable advantages in retaining the Department of Territories as the management authority and does not consider that responsibility for planning, managing or developing Namadgi should be transferred to the Director of the ANPWS.

A declaration under the NPWC Act therefore needs to be accompanied by formal agreement between the Director of the ANPWS and the Department of Territories for the Director to delegate all his responsibilities for planning, developing and managing Namadgi to the Department of Territories.

Under these arrangements the planning role of the NCDC in respect of Namadgi will be reduced to determining land use at the most general level and advising the Department. The Department will assume responsibility for setting priorities and objectives as well as planning within the area identified by the NCDC for inclusion in Namadgi National Park. This will mean that responsibility for planning and management will be amalgamated within one authority.

Application of the NPWC Act will not overcome the deficiencies with existing ACT legislation in the remainder of the Territory. The Department has proposed amendments to the Nature Conservation Ordinance. These amendments should receive high priority and consideration should also be given to introducing a new Ordinance to protect heritage and Aboriginal sites. There is also a need for the Department to consult with and involve Aboriginal interests in the planning and management of Namadgi.

RECOMMENDATIONS

The Committee recommends that:

1. the Australian National Parks and Wildlife Service and the Department of Territories consult to identify all the areas where the Department can obtain assistance under the various programs administered by the Service.
(paragraph 55)
2. (i) the Minister for Territories in consultation with the Minister for Arts, Heritage and Environment appoint a representative of the Australian National Parks and Wildlife Service to the Namadgi National Park Consultative Committee; and
(ii) the representative be a person with experience and expertise in the planning or management of alpine national parks.
(paragraph 57)
3. the Department of Territories and the Australian National Parks and Wildlife Service establish a voluntary interchange program open to all staff involved in national park planning, development, management and research.
(paragraph 59)
4. Namadgi National Park be declared a national park under the National Parks and Wildlife Conservation Act 1975 but that this declaration not proceed until the Department of Territories and the Australian National Parks and Wildlife Service agree to the Director of the Service delegating all his responsibilities and powers under the Act, as they apply to Namadgi, to the Department of Territories.
(paragraph 82)

5. the Minister for Territories and the Minister for Arts, Heritage and Environment establish a working party of officials from their two Departments, the National Capital Development Commission and the Australian National Parks and Wildlife Service to consult on the planning, development and management of Namadgi National Park.
(paragraph 83)
6. the Namadgi National Park Consultative Committee appointed by the Minister for Territories should be retained to advise both the Minister for Territories and the Minister for Arts, Heritage and Environment about all aspects of the administration of Namadgi National Park.
(paragraph 84)
7. the Department of Territories should give high priority to amending the ACT Nature Conservation Ordinance 1980 to provide for the compulsory preparation and adoption of management plans and for public consultation in the preparation of plans and proposals to establish and vary nature reserves.
(paragraph 91)
8. the Minister for Territories review the need to establish a Nature Conservation Advisory Committee.
(paragraph 95)
9. (i) the National Capital Development Commission withdraw its Namadgi Policy Plan; and
(ii) the Department of Territories' Management Plan for Namadgi National Park be amended as required to provide detailed policy statements for each of the land units within the Park.
(paragraph 110)
10. (i) the Minister for Territories review the rural and conservation planning functions of the National Capital Development Commission; and
(ii) where possible, rationalise resources and personnel between the two organisations to avoid duplication of resources in the conservation policy area.
(paragraph 111)

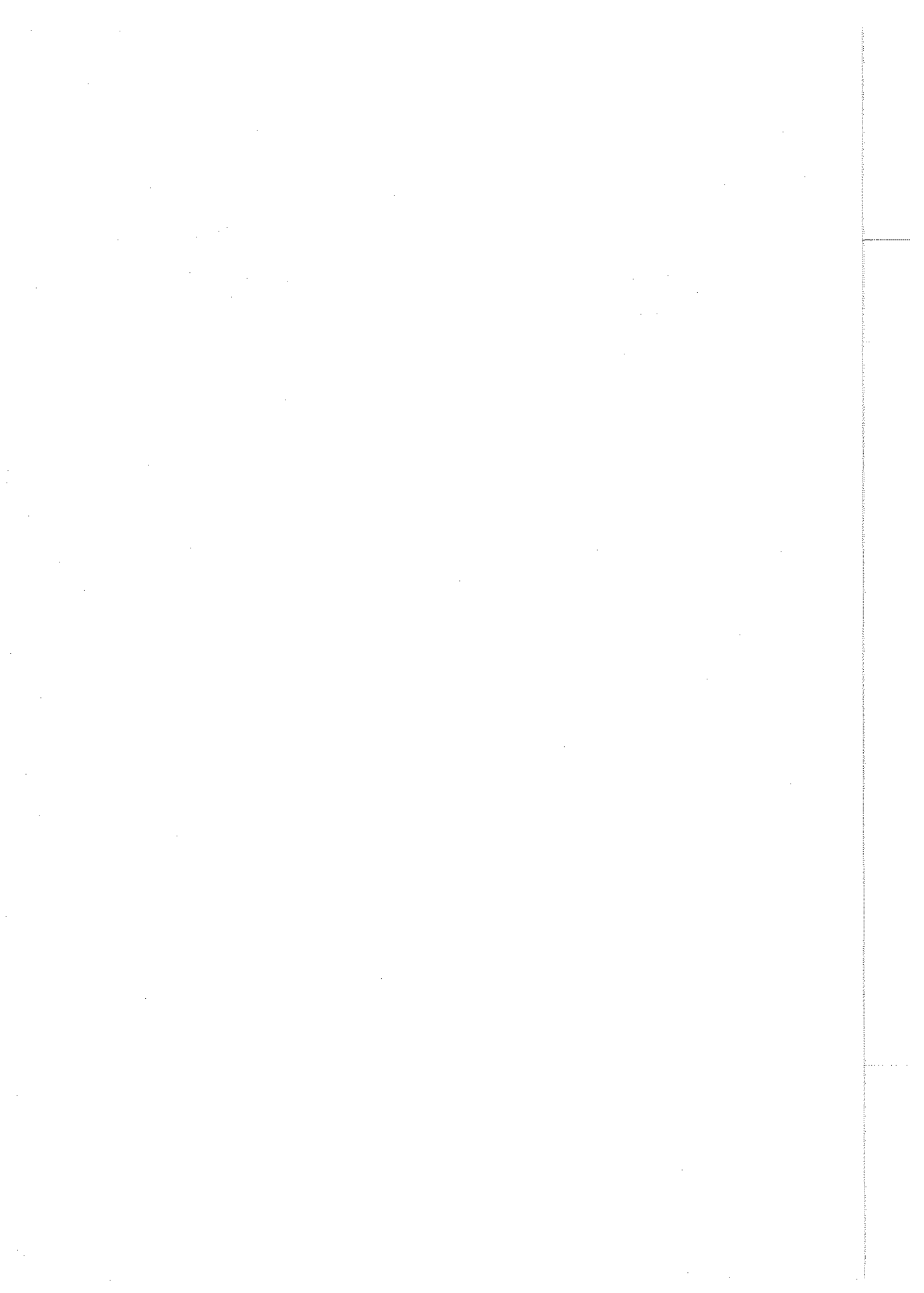
11. (i) the Department of Territories review the administrative and legislative provisions relating to the protection of Aboriginal cultural heritage in the ACT; and

(ii) if necessary introduce new or amended legislative measures.

(paragraph 117)

12. (i) the Department of Territories consult representatives of the Ngunawal Aboriginal people (and other groups as appropriate) to consider the involvement of Aboriginal people in the development and management of Namadgi National Park.

(paragraph 122)



1. INTRODUCTION

1. Early in 1986 the Committee became aware of concerns about the possible effect that the proposed introduction of self-government in the Australian Capital Territory would have on the management of Namadgi National Park. Ms Susan Craven, then a Member of the Australian Capital Territory House of Assembly, wrote to the Committee suggesting that the proposed ACT Council would have insufficient resources to appropriately develop Namadgi, particularly in the face of demands to allocate resources to urban problems.¹ She also suggested that the status of Namadgi as a national park was not secure because the declaration made under the ACT Nature Conservation Ordinance 1980 could be easily set aside by any future ACT administration.

2. Ms Craven proposed that this problem could be overcome if the area was declared a reserve under the National Parks and Wildlife Conservation Act 1975 and managed by the Australian National Parks and Wildlife Service (ANPWS). The area is currently managed by the Parks and Conservation Service of the Department of Territories which was identified for transfer to the responsibility of the proposed ACT Council.

3. In September 1981 the House of Representatives Standing Committee on Environment and Conservation in the 32nd Parliament tabled its second report on the adequacy of legislative and administrative arrangements for environmental protection.² The report discussed the scope and operation of the National Parks and Wildlife Conservation (NPWC) Act.

4. The Committee found that the enactment of the Nature Conservation Ordinance "...is another example of the introduction of additional legislation when the national Parks and Wildlife Conservation Act could have been applied..."³ At that time the then Committee did not consider it necessary to declare Namadgi under the NPWC Act. However in light of the concerns that emerged during ACT self-government discussions the present Committee decided to reconsider this issue and the general arrangements for the funding and administration of the Park.

5. The evidence taken by the present Committee confirmed the considerable concern about the future of the Park and the inadequacy of the Nature Conservation Ordinance and that the inquiry was both timely and necessary. The Committee's inquiry not only covered the future management and security of the Park but also:

- . the absence of provisions in the Nature Conservation Ordinance for the preparation of management plans, statutory support for management plans, the classification of management units and public participation in the planning process;
- . possible conflicts due to the separation of planning and management functions between the National Capital Development Commission (NCDC) and the Department of Territories;
- . lack of recognition of the national conservation significance of Namadgi; and
- . the failure of the Department of Territories to consult and involve local Aboriginal interests.

6. When the Committee commenced its investigations it appeared that the introduction of some form of Territorial self-government was imminent but this possibility decreased substantially towards the end of the inquiry. It now appears that the introduction of self-government will be delayed. Discussion of the implications of self-government is limited by the lack of a detailed proposal. The Committee has not reported on the possible effects except to the extent that it is necessary to consider arrangements which should apply regardless of the form of self-government or other changes to funding and administrative procedures.

7. The Committee considers that the future of Namadgi is an important aspect of any debate about self-government. Before any new proposal is implemented there should be a review of nature conservation aspects, particularly in relation to Namadgi. The responsibility for Namadgi should not necessarily be vested in a future municipal or Territorial style government without due regard to the national interest or the need for preservation of the Park in the future. Whilst the Committee acknowledges that the Park has important local values it is concerned that in the future a lower priority may be given to the national importance and conservation values.

8. The inquiry was sometimes simplistically described as an inquiry into who should manage the Park - the Department of Territories or the Australian National Parks and Wildlife Service. The Committee did not approach the inquiry in this manner. The Committee's approach was to consider the ways in which the Park can be protected and developed as a permanent reserve and how it can be managed to best take account of its local, regional and national values. However the question of who should manage the Park was considered as a consequence of other questions - for example, whether the Nature Conservation Ordinance or the NPWC Act was the best vehicle for providing greater security of tenure.

Endnotes

1. Evid, p.4.
2. House of Representatives Standing Committee on Environment and Conservation, Environmental Protection: Adequacy of Legislative and Administrative Arrangements, Second Report 1981.
3. *ibid*, p.12.

2. THE SIGNIFICANCE OF NAMADGI

Natural and Cultural Values

9. Namadgi National Park covers 94 000 hectares of the southern part of the Australian Capital Territory. This represents 40 per cent of the total area of the Territory and provides the scenic background for the City of Canberra. Consequently the Park is an important element in land use planning and management by the NCDC and the Department of Territories.

10. The Park features scenic high peaks up to 1900 metres in altitude which are frequently snow covered in winter, sub-alpine meadows and extensive stands of native forests. It includes a broad diversity of plant and animal habitats and many sites of botanical, zoological, geological and cultural significance.

11. Two major water catchments, the Cotter and the Gudgenby/Naas, drain the area. The Cotter catchment is identified as being of such high value for nature conservation research and reference that the Department of Territories proposes to manage the area as a special scientific area. The Department of Territories also proposes that part of the Park and some adjacent areas outside the Park be classified as a Biosphere Reserve. This is a land use designation applied by UNESCO as part of its Man and the Biosphere program. The intention of the designation is to promote long term conservation of representative ecosystems.¹

12. There are numerous Aboriginal heritage sites within the Park including several notable painting and stone arrangement sites.² The Park also contains numerous and extensive historical remains from the period of European settlement. The Australian Heritage Commission considers that the Namadgi region contains a rare collection of prehistoric and historic sites which have remained comparatively intact so that the extent, variety and integrity of the area's cultural record is probably unique in Australia.³

National Park or Nature Reserve?

13. Parts of the Gudgenby/Naas catchments were first gazetted as the Gudgenby Nature Reserve in 1979 after a long campaign commenced by the National Parks Association in the early sixties. It was extended in 1983 and re-gazetted under the provisions of the Nature Conservation Ordinance which was proclaimed in 1980. The current boundaries of the Park were gazetted in 1984 when the southern part of the Cotter catchment was added and the reserve was renamed the Namadgi National Park.

14. Although named a national park Namadgi is a nature reserve. The Nature Conservation Ordinance does not provide for the creation of a category of reserves called national park. However the use of expressions such as national parks and nature reserves is somewhat inconsistent between the States and the level of reservation does not necessarily reflect conservation, heritage, scientific or recreational values.

15. There was conflicting evidence about these values in Namadgi and whether the area was either a national park with national significance or alternatively a national park or nature reserve with local and regional significance only. Not unexpectedly the views expressed in the various submissions reflected the outlook of the organisations involved.

16. Groups with a national perspective on conservation matters, for example the Australian Conservation Foundation, the Colong Committee and the Australian National Parks Council, tended to emphasise the Park's national significance and the need for it to be declared under the NPWC Act and managed in the national interest. Organisations with a more localised outlook, particularly those with an established role in the planning and management of the Park, tended to emphasise the Park's local, and in some cases regional, values and the need to retain local control.

17. The Department of Territories stated that the status of Namadgi may have been overstated by naming it a national park and that it should have been called a nature reserve in accordance with its local significance.⁴ The Department also stated that the term national park was used in the same way as it was generally used in the States to designate an area managed by the State Government and used for recreation or nature conservation. It did not necessarily denote any particular degree of national significance.⁵ The Department, while not necessarily denying that the area has national significance, argued that Namadgi is predominately of local or regional significance as evidenced by its proximity to Canberra and its role as the City's main water catchment.⁶

18. This view was expressed notwithstanding other Departmental statements which referred to the Cotter catchment as "... outstanding value for nature conservation and as a scientific reference area..."⁷ The Department also considers that Namadgi satisfies the national park standards adopted by the International Union for the Conservation of Nature (IUCN) because of the outstanding scientific importance of many biological features and the outstanding natural scenery.⁸

19. In relation to national parks the IUCN standards refer to the need to protect the most outstanding examples of each country's national heritage and states that the purpose of selecting national parks is to set aside relatively large areas which contain representative samples of major natural regions, features and scenery of national or international significance. This view of national parks, if applied to Namadgi, tends to suggest a greater degree of national significance than indicated by the Department's statements to the Committee.

20. The NCDC argued that whilst Namadgi is situated adjacent to several major conservation areas and has regional

ecological significance it is primarily of local importance in terms of recreation.⁹ The NCDC's emphasis is also at variance with views in some of their other reports. A NCDC report on an environmental analysis of the Cotter river catchment found that the area justified reservation as a nature conservation area with regional status, forming part of a much larger reserved area extending through the highlands of south-eastern Australia.¹⁰

Local and National Significance

21. The Committee considers that Namadgi National Park is significant in the local, regional and national context. Its water catchment and recreation values are primarily of local significance and its conservation, scientific and archaeological values are of regional and national significance. A vitally important local aspect of the Park is its function as Canberra's principal source of water. The management of the catchment is such that the water yield requires little treatment and it is therefore both reliable and inexpensive. The need to maintain the Cotter Valley as a high quality water catchment must be an overriding consideration in the management of Namadgi.

22. While the Park has an important local landscape role with strong associations with other open space areas within the ACT it also has importance extending beyond the Territory. Its relationship to other alpine areas in New South Wales and Victoria is particularly important and the Committee notes the claim by the Australian Conservation Foundation that taken together the alpine national parks in south-east Australia may have some international significance.¹²

23. In July 1986 the New South Wales Minister for Planning and Environment, the Victorian Minister for Conservation and the Commonwealth Ministers for Territories and Arts, Heritage and Environment signed a Memorandum of Understanding to co-operate in the management of the parks and reserves. Under this agreement

Namadgi is to be part of a joint Commonwealth/State Australian Alps National Park management concept. This will involve Kosciusko National Park and two small nature reserves in New South Wales and several national parks in Victoria, as well as Namadgi in the ACT. The Department of Territories said in respect of the development that "... Namadgi National Park will be not just a park for the people of Canberra but an important gateway to and from the entire Australian Alps..."¹³

24. It appears that the evidence and submissions from the Department of Territories and the National Capital Development Commission may have tended to down grade the real value of the Park by emphasising local matters. This contrasts to the reports and plans previously published by these two authorities, which emphasised the very significant conservation and heritage values of Namadgi. On the other hand it also appears that some of the evidence which claimed possible international significance or which referred only to the national value of Namadgi were overstatements.

25. There seemed to be an assumption that if it were established that Namadgi was of national significance then there was a strong argument for transferring control of the Park to the ANPWS. Conversely if the Park was of only local significance then there would be no justifiable role for the ANPWS and the existing arrangements would remain.

26. The Committee does not consider that these assumptions are valid or that the arguments are necessarily relevant and it is apparent that some of the views expressed to the Committee may have contained a measure of self interest. However it is not necessary to establish national significance to declare Namadgi a reserve or a national park under the NPWC Act and for the ANPWS to be involved. The Act specifically applies to the establishment and management of parks and reserves in internal Australian Territories and the Park could be declared and managed under the NPWC Act without consideration of national significance.

27. The most appropriate approach to the questions of who should manage Namadgi, how it should be declared and what arrangements should be put in place, is to recognise the various local, regional and national aspects and to devise the most efficient and effective arrangements for planning and management.

Endnotes

1. Evid, p. 102.
2. Department of Territories Namadgi National Park Management Plan, June 1986, p. 18.
3. Australian Heritage Commission, Submission to the Department of Territories for the Namadgi National Park Management Plan, 1985.
4. Evidence, p. 102.
5. Evidence, p. 68.
6. Evidence, p. 69
7. Department of Territories Namadgi National Park Management Plan, p. 1.
8. *ibid*, p. 14.
9. Evidence, p. 162.
10. National Capital Development Commission, Cotter River Catchment Environmental Analysis, Technical Paper 45, February 1986.
11. Department of Territories, Evidence, p. 51.
12. Submission, p. 2.
13. Department of Territories, Everyones a winner in new park management efforts, press release 6 December 1985.

3. ADMINISTRATION OF NAMADGI

Management by the Department of Territories

28. Management of Namadgi National Park by the Department of Territories is generally very good. The Parks and Conservation Service of the Department of Territories is a competent and professional organisation well suited to the task of managing the park. The performance of the Service at present appears limited mainly by the Department's budgetary constraints but not by any lack of competence or enthusiasm.

29. There is no aspect of the Department's day-to-day administration of Namadgi which suggests that there is a need to transfer management responsibility to the ANPWS. On the contrary continuing involvement by the Department of Territories will provide the benefits and efficiencies which result from the integration of all rural land management functions within one authority and will ensure that priority is given to local concerns, particularly water supply.

30. This view was put by the Department of Territories which stated that:

"...The introduction of a new bureaucracy, operating in parallel with the ...(Department)... with its own support services (vehicles, radio networks, administrative staff), procedures, uniforms and legislation, would not only confuse land administration in the ACT but also result in increased, rather than decreased, costs to the public purse (due to increased overhead costs) at a time of restraint in public expenditure. There would be no financial savings in transferring administrative responsibility to another agency..."¹

31. A further argument for maintaining the Department of Territories as the management authority relates to the role of Namadgi as a component of the national Capital Open Space system (NCOSS). The NCDC stated that they would regard Namadgi National Park as being removed from the NCOSS if it were managed by the ANPWS "...in the sense that there would be two separate authorities that would be responsible for the planning and management of the area..."²

Inter-agency Relations

32. The Committee agrees that it is desirable (but not necessary) to continue to manage Namadgi as an integral part of the ACT and a significant component of the NCOSS. It would be inefficient to create a separate organisation to deal with Namadgi while the rest of the Territory was managed by the existing organisations within the Department. Such a development would require the establishment of considerable liaison procedures to ensure that policies such as the Open Space System are achieved.

33. The NCDC stated that:

"... It would in the Commission's view, be counter-productive to remove one section of the System and manage it apart, without continued relationship to the whole. However, the Commission believes that in some areas of the NCOSS, for example Namadgi National Park, consultation with appropriate professional community and Government groups (such as the ANPWS) is not only necessary but essential if NCOSS is to be successfully planned and managed as a true multi-use system..."³

34. The suggestion that the ANPWS should be consulted parallels the recommendations made by the Committee in 1981 and is endorsed by the present Committee. However it contrasts with the situation which currently exists.

35. In 1981 the Committee noted that the Department had been working on a draft management plan for several years and that its work had been hampered by staff shortages. The Committee expressed concern about the failure of the Department to consult with and draw on the resources of the ANPWS to assist in the preparation of the plan and recommended that:

" the Minister for the Capital Territory ensure that a plan of management for Gudgenby Nature Reserve be prepared without delay; and

. if necessary officers of the Australian National Parks and Wildlife Service be seconded to the Department of the Capital Territory to assist in the preparation of the plan of management".⁴

36. A draft management plan was finally released in September 1985 but without consultation with the ANPWS. The Department acknowledged that they did not act on this recommendation but that they did engage a consultant.⁵ This appears not to have occurred until 1985.

37. The Director of the ANPWS stated that they had developed a considerable competence in the preparation of management plans. The ANPWS had participated in the preparation of plans with State wildlife organisations and that the ANPWS could have been of assistance in preparing a plan - if it had been asked.⁶ Nine of the ANPWS staff had experience and expertise directly related to management or surveying and planning in alpine areas. Another fourteen staff had experience and expertise in the related areas of feral animal control, water

quality and management, wildlife management, Aboriginal heritage, interpretation, recreation and specialist areas such as remote sensing.

38. The Committee agrees that the ANPWS could have provided useful assistance to the Department of Territories and may have saved the Department the expense of contracting the services of a consultant to prepare the initial draft plan. This Committee is as concerned as its predecessor about the poor level of co-operation between the Department and the ANPWS. The failure to co-operate has certainly contributed to unnecessary delays in planning and developing Namadgi and has possibly resulted in avoidable extra cost.

39. There is some doubt about whether the Department of Territories attempted to obtain assistance from the ANPWS to help prepare the management plan. The Department stated that although they did not take up the Committee's 1981 recommendation about consultation they did send the draft plan to the ANPWS after it was published for public comment.⁷ The Department did not receive any comments in reply. The ANPWS believed that the plan had been provided for information only, that the Department wanted to prepare the plan on its own and therefore decided not to interfere.⁸

40. The approach adopted by the Department was certainly not that proposed by the Committee in 1981. Circulating the completed draft to the ANPWS cannot be seen as a concerted attempt to consult with the ANPWS to finalise a plan as soon as was possible. Rather the Department's approach is an example of what appears to be an adversarial relationship which exists between the Department's own Parks and Conservation Service and the ANPWS.

41. This antagonistic relationship is reflected in the Namadgi plan of management published by the Department. The draft plan circulated in September 1985 referred to Commonwealth legislation which might relate to the Park but did not list the NPWC Act and the Wildlife Protection (Regulation of Exports and Imports) Act which are administered by the ANPWS. The draft plan did make a passing reference to the NPWC Act as an example of legislation which requires national park authorities to prepare management plans. However this reference was deleted from the final plan.

42. The ANPWS has developed co-operative arrangements with State national park authorities and provides assistance and additional resources. If the apparent poor relationship between the ANPWS and the Department of Territories could be improved then the management of Namadgi might benefit. Whilst the Committee is generally happy with the current performance of the Department and does not advocate transfer of management responsibility to the ANPWS it considers that the ANPWS should be able to assist the Department of Territories in the same way it assists the States.

Funding Arrangements

43. It is difficult to assess the adequacy of funding and the allocation of resources for Namadgi because the accounting procedures of the Department are based on functions rather than geographical units. The Department is not required to identify Namadgi separately from other nature reserves in its financial estimates or expenditure reports. This reflects the integration of all land management functions across the Territory.

44. It is also difficult to compare funding for Namadgi with the financial arrangements for national parks in the States. The management problems and the level of public use varies

greatly between national parks and there is no common basis for evaluating comparisons. The accounting and financial reporting systems also vary.

45. Resources for the day-to-day park management are provided in the Department of Territories annual Budget allocation. Funds for major development works have been provided from the NCDC works program which is also the subject of the annual Budget. Allocations appear to have been satisfactory and the Department of Territories estimated that they spend as much on Namadgi as other authorities spend on equivalent national parks. The Department noted that management in Namadgi is intense and requires large expenditure on comparatively small areas.⁹ Given the present financial restrictions the Committee does not propose that funding be significantly increased.

46. The Conservation Council of the South-East Region and Canberra (CCSERC) does not consider that Namadgi is under-staffed and agreed that the non wage component of expenditure was comparable to Kosciusko National Park. However they stated that Namadgi did not have all the necessary resources in terms of personnel because the Department did not give it a high enough priority compared to other areas that the Department manages.¹⁰

47. There are currently fourteen staff directly responsible for the day-to-day management of Namadgi.¹¹ They are supported by other staff who have Territory wide responsibilities. Given the existing budgetary constraints the Committee considers this is an adequate staffing level.

48. It is not expected that funding arrangements will change unless self-government is introduced. Therefore the Department itself can set funding levels within the constraints and limitations provided by the Department of Finance and the

Budget allocations. Although it appears that Namadgi has fared reasonably well this is difficult to verify given that the Department does not fully allocate costs to geographical areas. This approach is not entirely appropriate because Namadgi has aspects of national and regional significance and it may become necessary to reconsider funding sources if self-government is introduced or if ACT finances are generally reviewed. The cost of managing and developing Namadgi should be separately identified so that future cost imposition does not automatically fall completely on the ACT.

49. The main task which the CCSERC believes has been neglected is the preparation of a database on which to base fire management plans and other management decisions.¹² Delays in this area is one of the problems that could be overcome by closer co-operation with the ANPWS. The Department stated that it would look to the ANPWS to provide some additional funding and assistance with training in the same way as the ANPWS assists the States.¹³

50. It is unlikely that the general provision of resources would be increased if the Park was transferred to the responsibility of the ANPWS. The Director of the ANPWS stated that if the Park was transferred he would expect that existing resources would also be transferred and that there would be a corresponding normal budgetary arrangement with the Department of Finance.¹⁴ The contributions that the Committee considers the ANPWS could make would be in the nature of limited specific purpose grants of the kind the ANPWS currently makes to the State park management services.

A Role for the Australian National Parks and Wildlife Service

51. A number of models for ANPWS involvement in the administration of Namadgi were proposed. Some of these models were based on the arrangements which already exist at parks where

the ANPWS is involved. Norfolk Island National Park is established and managed under Norfolk Island legislation and the NPWC Act. There is a Norfolk Island National Park Advisory Committee which advises the Park Superintendent on the implementation of the plan of management and both governments on general management matters. Day-to-day management is the responsibility of the Superintendent who is an ANPWS officer.

52. Kakadu National Park is established under the NPWC Act and managed by the ANPWS. There is a Policy Advisory Committee including representatives of the Northern Territory Conservation Commission and the Northern Land Council. There is also a Kakadu Interest Group Advisory Committee to provide local input to decision making.

53. The Committee believes that the Department of Territories should continue to manage Namadgi and considers the examples at Norfolk Island or Kakadu to be inappropriate for the ACT. However there is a need to overcome the lack of co-operation between the Department of Territories and the ANPWS. The ANPWS already has the capacity to assist the Department of Territories in preparing and revising management plans, resource surveys, databases, research, training and public education, or could expand and develop such programs.

54. The ANPWS could provide assistance in a way which would not interfere with the Department's day-to-day management role. This is evidenced by the ANPWS's involvement with all the States through States assistance programs, research and survey programs and bilateral arrangements with some States for Ranger training and wildlife management programs.

55. In 1984 the then Minister for Territories and Local Government advised the Committee that his Department would take up an offer of advice and assistance made by the Director of the

ANPWS. It appears that the Department took no further action. The Committee recommends that:

the Australian National Parks and Wildlife Service and the Department of Territories consult to identify all the areas where the Department can obtain assistance under the various programs administered by the Service.

56. A further step towards improving relations between the Department and the ANPWS would be for the ANPWS to be represented on the Namadgi National Park Consultative Committee (NNPCC). The NNPCC was established by the Minister to provide advice on the planning, development and management of Namadgi. It has a wide ranging membership and consists of representatives of various conservation, land management and professional groups as well as individuals, mainly academics, with expertise in park management, environmental matters and archaeology.

57. Appointment to the NNPCC of a representative from another Commonwealth agency involved in park management might change the NNPCC's character. The Committee considers that it would be appropriate for the ANPWS representative to be a professional senior project officer who is expert and experienced in alpine park matters and who could contribute significantly to the NNPCC's advisory role as well as facilitating liaison and co-operation between the ANPWS and the Department of Territories. The Committee recommends that:

the Minister for Territories in consultation with the Minister for Arts, Heritage and Environment appoint a representative of the Australian National Parks and Wildlife Service to the Namadgi National Park Consultative Committee; and

the representative be a person with experience and expertise in the planning or management of alpine national parks.

58. There is scope for staff interchanges between the ANPWS and the Department of Territories at both the policy and planning level and the Ranger level. At present the career prospects for Rangers within the Department is mainly limited to urban parks and reserves or smaller nature reserves on the periphery of Canberra. Namadgi National Park and the more specialised and smaller Tidbinbilla Nature Reserve provide the only opportunity for Departmental staff to work in larger nature conservation areas.

59. A voluntary staff interchange program would provide staff of both organisations with a greater diversity of work in the national park sphere, improve career prospects and enhance work satisfaction. It would also help liaison and co-operation between the two and provide both organisations with increased access to new ideas and skills. The Committee recommends that:

the Department of Territories and the Australian National Parks and Wildlife Service establish a voluntary interchange program open to all staff involved in national park planning, development, management and research.

Endnotes

1. Evid. p. 60.
2. Evid. p. 189.
3. Evid. p. 172.
4. House of Representatives Standing Committee on Environment and Conservation, Environmental Protection: Adequacy of Legislative and Administrative Arrangements, Second Report 1981.

5. Evid. p. 90.
6. Evid. p. 118.
7. Evid. p. 90.
8. Evid. p. 121.
9. Evid. p. 105.
10. Evid. p. 359.
11. Evid. p. 57.
12. Evid. p. 327.
13. Evid. p. 97.
14. Evid. p. 127.

4. SECURITY OF TENURE

Reservation Provisions of the ACT Nature Conservation Ordinance

60. There is considerable concern about the legislative arrangements for Namadgi National Park and the Nature Conservation Ordinance is clearly deficient in several important respects. A major problem with the Ordinance is the ease with which a declaration reserving land as a nature reserve or national park can be revoked.

61. The Nature Conservation Ordinance provides that the Minister may, by notification in the Gazette, declare an area to be reserved. It is generally accepted that a similar notice could be used to revoke a reservation or to vary the boundaries of a reserved area. It was suggested that unlike other national parks, including other alpine national parks in south-east Australia, Namadgi National Park has no significant legal existence and could be abolished by the Minister at any time.¹

62. This situation contrasts strongly with that in most of the States where revocation of national parks usually requires an Act or a resolution of the State Parliament. The Commonwealth's National Parks and Wildlife Conservation Act also provides strong security of reservation for declared reserves and parks. It requires a Proclamation by the Governor-General acting in accord with a resolution from both Houses of the Federal Parliament before a park can be revoked.

63. At present there seems to be no immediate threat to the integrity of Namadgi although the National Parks Association did refer to the possibility of proposals for artificial ski runs in some areas.² In this regard it is interesting to note the development of such a facility near the Park boundary. Despite

the lack of any current proposal which would result in a reduction in the area of the Park, the Committee agrees with the weight of the opinions expressed in the submissions and considers that the existing provision is unsatisfactory.

64. The Department of Territories, whilst not denying the need for stronger legislation, argues that the need for Parliamentary constraints on park revocation is less in the ACT than it is in the states.³ This is because the Commonwealth owns all the land in the Territory and, even with local self-government, would probably retain control over leases. The Department also considers that the Joint Standing Committee on the Australian Capital Territory could act to review any proposed changes to Namadgi.

65. The Committee is not convinced by these arguments from the Department. The fact that the Commonwealth owns the lands might inhibit a future municipal or territorial government from interfering with the Park but they could do so with the acquiescence of the Minister of the day. Alternatively a Minister could revoke all or part of the Park regardless of whether there is a local government or alternatively arrange for a delegation of this authority to any one of a number of local bodies.

66. The Joint Standing Committee could review any such proposal by a Minister provided the question was referred to it but there is no requirement for the Minister to refer national park matters. The Joint Standing Committee is unable to initiate its own inquiries. In addition the Joint Standing Committee can only make a recommendation to the Minister.

67. The lack of security of tenure is inappropriate for an area such as Namadgi which is to be managed as a national park, has significant conservation values and which is to become an integral part of the proposed tri-State alpine park agreement. In the view of the Committee it is essential that national parks be set aside in virtual perpetuity and cannot be revoked for any short term purpose.

Possible Amendment of the Ordinance

68. One way to provide Namadgi with more secure reservation is to amend the Nature Conservation Ordinance. The Attorney-General's Department has advised the Committee that the Nature Conservation Ordinance itself could be amended to provide the same degazettal procedures as are established under the NPWC Act.⁴ However the Committee considers that it would be inappropriate to use delegated legislation to require either the Parliament to actively consider proposed degazettal or to set down requirements for action by the Governor-General. Such matters should be taken up by an Act of the Parliament rather than delegated legislation.

69. The Committee prefers an Act to an Ordinance not only because it is a more appropriate vehicle for bringing these matters before the Parliament and the Governor-General but also because it is concerned that an Ordinance may be more easily amended. The integrity of the Namadgi area as a national park is more likely to be maintained in the face of degazettal moves if the area is protected by an Act. This is particularly important given the uncertainty that now surrounds self-government proposals.

70. The Department of Territories has proposed a number of amendments to the Nature Conservation Ordinance. One of these suggests procedures for possible Parliamentary scrutiny of degazettal proposals. It suggests that:

- . a schedule of reserved areas be created under the Ordinance;
- . the Minister could add to the schedule by Gazettal action; and

a provision be included to require that notice of a proposed revocation of all or part of an area from the schedule must be laid before Parliament which can within a given time disallow the proposal.⁵

71. Namadgi National Park should receive the highest level of protection against casual degazettal similar to that afforded to other Commonwealth national parks. This applies particularly to Namadgi because it is to be an integral part of the tri-State alpine park agreement where the other elements of the agreement possess superior security of reservation.

72. The amendment proposed by the Department of Territories does not provide the strong protection that is required for an area such as Namadgi. The suggested procedure will not necessarily result in a degazettal proposal being actively considered and debated by the Parliament. Such a proposal could become effective because the Parliament did not move to disallow the proposal within a certain time. This compares unfavourably with the existing provisions of the NPWC Act which require an affirmative resolution of both Houses of Parliament before degazettal can proceed.

73. It would be possible to introduce a new Act which would provide for the dedication of Namadgi and which would contain adequate de-regulation safeguards. However the Committee agrees with the findings of its predecessor in 1981 and also notes the advice of the Attorney-General's Department that adequate provisions already exist in the form of the NPWC Act. Therefore an additional Act is not warranted.

The National Parks and Wildlife Conservation Act

74. The strongest possible security of tenure would be provided if Namadgi was declared a national park under the National Parks and Wildlife Conservation Act. Such a move would

ensure that any proposal to revoke all or part of the Park would be subject to active consideration by the Commonwealth Parliament. This would make it difficult for any administration, either a local Territorial or municipal style government or a Commonwealth Minister and a government department, to revoke any area for some short term purpose not in accord with the broader national interest or the need for longterm reservation of national parks.

75. However there are several problems that need to be considered before Namadgi is so declared. The Department of Territories argue that "... it is not possible to have the security of tenure brought by the Commonwealth Act without having all the other provisions..."⁶ The Department's concern is that application of the NPWC Act in this way in the ACT could introduce severe difficulties for local administration in matters such as water supply and bush fire management.

76. The NPWC Act provides that a law of a Territory has effect to the extent to which it is not inconsistent with a Regulation made under the NPWC Act, and that a Territorial law is not inconsistent with such a Regulation in those cases where the Regulation and the Ordinance are capable of operating concurrently. Section 71(3A) of the Act provides that:

"A law of a Territory has effect to the extent to which it is not inconsistent with a provision of the regulations having effect in that Territory, but such a law shall not be taken for the purposes of this sub-section to be inconsistent with such a provision to the extent that it is capable of operating concurrently with that provision."

77. The Department of Territories provided copies of opinions prepared within the Department and of advice from the Attorney-General's Department. The Attorney-General's Department

also provided advice to the Committee.⁸ It appears from all this advice that the ACT Ordinances would generally continue to apply in accordance with their terms to land declared under the Act. This would include the Nature conservation Ordinance and the declaration of Namadgi made under the Ordinance would remain valid. Ordinances would continue to apply to the extent that they do not specifically contradict provisions of the Act. For example, it would not be possible for an Ordinance to authorise mining operations in Namadgi except in accordance with the provisions of the Act which require approval from the Governor-General and compliance with the management plan before mining can proceed. Specifically the Careless Use of Fires Ordinance and the Cotter River Ordinance would still apply but the Protection of Lands Ordinance and some provisions of the Trespass on Commonwealth Land Ordinance would become redundant.

78. The Department of Territories suggested that using the NPWC Act would have the effect of transferring the Commonwealth's interest in the land to the Director of the ANPWS as freehold but the Seat of Government (Administration) Act 1910 prohibits the disposal of land in the ACT to freehold ownership. This could prevent declaration of Namadgi under the Act. The Attorney-General's Department advised that using the Act might have the affect of vesting the Director with a fee simple estate in land declared as a national park but that this did not preclude proclamation of land owned by the Commonwealth in the ACT to be a park under the Act.

79. Application of the NPWC Act to Namadgi would make the Director of the ANPWS responsible for planning and management. However in Chapter 3 the Committee discussed the advantages of the Department of Territories continuing as the planning and management authority and concluded that these functions should not be transferred. This problem can be overcome if section 20 of the NPWC Act is applied. This allows the Director of the ANPWS to delegate all or any of his powers under the NPWC Act. Similarly

section 36(2) allows the Director to make arrangements with the Secretary of a Department of the Australian Public Service, or with another Commonwealth authority, for the performance of functions and the exercise of powers under the NPWC Act by officers of the Department or authority. The Attorney-General's Department advise that these provisions would allow local administration of the Park to continue despite declaration under the NPWC Act.

Conclusions

80. The Committee can see no significant legislative problems to using the NPWC Act to declare Namadgi as a national park. However this should only be done after the Department of Territories and the ANPWS formally enter into an agreement whereby the Director of the ANPWS delegates to the Department all his responsibilities for planning, managing and developing the Park. The Department of Territories and the ANPWS would need to formalize an agreement about any delegation of powers by entering into a memorandum of understanding in the same way that other Departments enter into agreement with the Department of Arts, Heritage and Environment in respect of determining environmental impact under the Environment Protection (Impact of Proposals) Act 1974.

81. This agreement should specify that the Department's management plan should be taken as the management plan required to be prepared and tabled in the Parliament, subject only to the requirements of the NPWC Act. The agreement should contain the following points:

- . that the Conservator of Wildlife appointed under the provisions of the ACT Nature Conservation Ordinance should exercise all the powers of the Director of the ANPWS outlined in the NPWC Act;

- . that the Department of Territories management plan be the plan required under the Act subject only to amendments necessary to make the plan satisfy all the requirements of the Act;
- . that all policy, planning and management matters not covered in the plan be matters for the Department of Territories; and
- . the Director of the ANPWS be consulted and involved only at the request of the Department of Territories.

82. The Committee considers that prior agreement on a delegation of powers is prerequisite to any moves to declare Namadgi as a National Park under the NPWC Act and recommends that:

Namadgi National Park be declared a national park under the National Parks and Wildlife Conservation Act 1975 but that this declaration not proceed until the Department of Territories and the Australian National Parks and Wildlife Service agree to the Director of the Service delegating all his responsibilities and powers under the Act, as they apply to Namadgi, to the Department of Territories.

83. The Committee does not consider that formal consultative bodies need to be established for Namadgi like those at Norfolk Island and Kakadu, however there may be a need to make some arrangements for ongoing consultation and co-operation between the Department of Territories and the ANPWS. Therefore the Committee recommends that:

the Minister for Territories and the Minister for Arts, Heritage and Environment establish a working party of officials from their two Departments, the National Capital Development Commission and the Australian National Parks and Wildlife Service to consult on the planning, development and management of Namadgi National Park.

84. The Committee also considers that there is a need to facilitate consultation and involvement of local interest groups and park users and to make use of the considerable academic expertise in Canberra. The NNPCC has been a particularly useful group and the Committee recommends that:

the Namadgi National Park Consultative Committee appointed by the Minister for Territories should be retained to advise both the Minister for Territories and the Minister for Arts, Heritage and Environment about all aspects of the administration of Namadgi National Park.

Endnotes

1. Evid. p. 255.
2. Evid. p. 291.
3. Evid. p. 76.
4. Attorney-General's Department, letter to the Committee, 16 May 1986.
5. Minister for Territories, letter to the Committee, 22 August 1986.
6. Evid, p. 59.
7. Department of Territories, letter to the Committee, 23 May 1986, 7 August 1986 and 25 August 1986.
8. Attorney-General's Department, letter to the Committee, 16 May 1986.

5. OTHER LEGISLATIVE CONSIDERATIONS

Shortcomings of the Nature Conservation Ordinance

85. The ease with which reserves can be abolished or altered is only one of several deficiencies identified in the Nature Conservation Ordinance. Whilst the Ordinance is a relatively new piece of legislation and replaces several unsatisfactory Ordinances it is incomplete in several other aspects.

86. These problems will not be significant in relation to Namadgi National Park if the Committee's recommendations about invoking the provisions of the National Parks and Wildlife Conservation Act are adopted. However the Ordinance will still apply in the ACT. Therefore there is a need to consider possible amendments to the Ordinance.

87. A large number of Ordinance amendments have been proposed including incorporation of provisions for:

- i. a statutory requirement that management plans be prepared for all reserves and that the plans bind the Government;
- ii. public consultation in the preparation of plans and in proposals to vary reserve boundaries;
- iii. a statutory advisory committee to provide on-going public consultation over reserve management and general nature conservation matters;
- iv. statements and guidelines on reserve functions and objectives;

- v. classification of nature conservation units within reserves;
- vi. protection of specific wildlife habitats, not just species; and
- vii. protection of cultural and geological sites.

88. The lack of legislation has not prevented the Department from preparing management plans or seeking public comments on draft plans and the Department seems to generally accept that to do so is an integral part of park management. However there is no requirement for the Department to prepare plans and in the absence of statutory backing any plans have the status of guidelines only.

89. The Department itself has recognised the need to amend the Ordinance and stated:

"...The Namadgi planning process has confirmed that the Nature Conservation Ordinance should be amended to provide both greater security of tenure for gazetted areas and to prescribe the preparation and application of management plans..."¹

90. The Department has requested the Attorney-General's Department to draft amendments relating to the preparation and adoption of management plans and public consultation in the planning process. The Committee supports these amendments but is concerned that the process of amending the legislation has been delayed while priority has been given to preparing and amending legislation related to self-government. Delays in amending Ordinances are not unusual and the Department advised that there is a delay of two or three years in legislation that is not strictly urgent.²

91. The need to amend the Ordinance has been apparent for some time - at least since early in 1985 when work commenced on the first draft Namadgi Management Plan.³ Some groups, including the NNPCC have expressed concern over the delay that has already occurred.⁴ Although the Department is now moving to change the Ordinance it seems inevitable that there will be further delays unless the amendments are given a higher priority. The Committee recommends that:

the Department of Territories should give high priority to amending the ACT Nature Conservation Ordinance 1980 to provide for the compulsory preparation and adoption of management plans and for public consultation in the preparation of plans and proposals to establish and vary nature reserves.

92. Other matters not currently contained in the Ordinance, such as the need to provide statements and guidelines on reserve functions and the protection of wildlife habitats, do not need to be included in the Ordinance. They can be adequately dealt with in the management plans and by reserving small areas for specific purposes.

Nature Conservation Advisory Committee

93. When the Nature Conservation Ordinance was promulgated it contained provision for the establishment of a Nature Conservation Advisory Council. These provisions were subsequently repealed in 1981 by the Commonwealth Functions (Statutes Review) Act 1981 which gave effect to the review of government functions. Prior to the gazettal of the Nature Conservation Ordinance there was a Nature Conservation Advisory Committee in existence but it had virtually ceased to function by the late seventies. This lack of activity may have been the reason it was identified for abolition. However it cannot be assumed that the Committee was inactive because there was no real need for its services.

94. In the Advisory Committee's absence there has been no effective forum for formal public consultation on general conservation matters in the territory. The Namadgi National Park Consultative Committee has been effective in this role in respect of Namadgi and has to some extent filled the gap left by the lack of a more general advisory committee.

95. The ACT House of Assembly also did not appear to play a major role in considering conservation issues or in giving general advice to the Government on nature conservation. A concern remains that any body established to provide self-government in the ACT would be dominated by urban interests and the management authority could be left to its work without adequate public input. The Committee considers that it is timely to review the need for a broadly based consultative and advisory group to provide a public input on general conservation matters in the territory and recommends that:

the Minister for Territories review the need to establish a Nature Conservation Advisory Committee.

96. The Committee does not consider that the establishment of such an Advisory Committee should result in the dissolution of the NNPCC which, as discussed in the previous chapter, should be retained.

Endnotes

1. Evidence, p. 59.
2. Evidence, p. 78.
3. Evidence, p. 269.
4. Evidence, p. 219.

6. THE ROLE OF THE NATIONAL CAPITAL DEVELOPMENT COMMISSION

Separation of Planning and Management

97. In the ACT land development policy and planning functions and land management functions are divided between the NCDC and the Department of Territories. The NCDC stated that as a consequence of its planning and development powers and responsibilities it has developed a deep commitment to nature conservation.¹ This is reflected in the development of the NCOSS and the publication of studies such as the survey of the ecological resources of the Territory. In respect of Namadgi the NCDC published three major works - the Gudgenby Area Draft Policy Plan and Development Plan, the Cotter River Catchment Draft Policy Plan and the Cotter River Catchment Environmental Analysis. These resulted in a fourth document - the Namadgi Policy Plan.

98. The NCDC emphasised that planning, developing and managing all land in the Territory is a fully integrated process which recognises the legitimate functions of both the NCDC and the Department.² Direct involvement of a third party (the ANPWS) in Namadgi would remove the Park from the Open Space System as a whole.³

99. This potential problem will not arise if the Committee's recommendations outlined in Chapter 4 are fully implemented because full management and planning responsibility will be delegated to the Department of Territories, under the provisions of the NPWC Act.

100. The Committee envisages that after Namadgi National Park is declared under the NPWC Act and all policy development, planning and management functions are delegated to the Department of Territories then the direct involvement of the NCDC would decrease.

101. The Department of Territories supports the existing division of powers:

"...The planning framework provided by the NCDC and the territory-wide integration of land management responsibilities provided by ...(the Department)... give an administratively simple and efficient system which has worked well for the ACT. It is a system which permits the planning authority to take an overview of land use options and to allocate uses accordingly, whilst at the same time facilitating great flexibility in the application of management resources ...by the Department in the pursuit of multi-purpose land use through the ACT..."⁴

102. It was suggested that this division of responsibility has caused some problems in Namadgi because the NCDC sought to extend its broad land use planning role into the area of land management planning. An example that was cited was that the NCDC in its draft development plan proposed a permanent built campsite in an area that the Department's Draft Management Plan proposed as a wilderness.⁵

The Commission's Role in Conservation

103. The NCDC's draft policy plan for the Gudgenby section of what was to become Namadgi was particularly criticised by the CCSERC:

"...It seemed to us to be a confused document. It did not appear to appreciate, for example, the definition of a management objective. It mixed up objectives and policies and management procedures in one list...It claimed to be merely a broad policy planning document. In practice it has a list of very specific works that it would seek to undertake, which did not appear to belong in the realm of broad policy setting..."⁶

104. Other aspects of the NCDC's role were criticised. It was suggested that there was some public confusion over which organisation has authority for Namadgi and that there is a duplication of resources between the NCDC and the Department.⁷ The NCDC contributes to the cost of funding development works at Namadgi through its Major and Minor New Works Program but this is provided as a single line item in the Budget and separate appropriations are not sought for nature conservation related works.⁸ This situation was criticised in a paper on management planning prepared by a conservation consultant. He stated that:

"...In the ACT, the difficulties of budget allocation for management planning are exacerbated by the division of responsibility for policy planning and land management between separate authorities. This results in some odd inconsistencies. For instance, the National Capital Development Commission, which under the ACT division of responsibilities has charge of major developments as well as policy and planning, is currently erecting entrance signs on the access roads to Namadgi. The signs identify the Park as part of the National Capital Open Space System. That is appropriate and important enough. But, by my guesswork, it seems clear that the Commonwealth is spending several times more money on these elaborate signposts than, through the ACT Parks and Conservation Service, was allocated to the entire Namadgi National Park management planning project. I rather doubt that this kind of relativity was even considered in the budget process..."⁹

105. There was some evidence to suggest that the NCDC does not have the authority to carry out policy development and planning for areas such as Namadgi because they are outside the city area of Canberra. The Committee is not in a position to consider the merits of these arguments or the counter arguments posed by the NCDC. A more appropriate matter to consider is the best arrangement that can be put in place.

106. The best interests of national park management are served when the management authority has the authority to establish its own objectives and is responsible for planning. The Committee agrees with the view that separation of planning and management "...whether soundly based in law or otherwise, is artificial and ultimately unworkable. In the natural resource context, management and planning are one and the same. Good field management includes planning and policy development, and is not separable from it..."¹⁰

107. The Committee considers that in respect of Namadgi National Park and other reserves in the AC, the role of the NCDC should be limited to the most broad scale and generalised identification of land uses. They should also have a role, jointly with the Department of Territories, in formulating land use principles and policies in such areas.

108. When an area has been identified as a nature reserve the Department should have the primary responsibility for preparing detailed development and management plans. The Department should also have the role of funding all development works related primarily to an area's function as a national park. If necessary adjustments should be made to the budget arrangements so that funds for such works are made available to the Department rather than the NCDC.

109. The ongoing role of the NCDC should be to advise the Department of Territories on matters such as the relationship of the area to other parts of the NCOSS and to carry out works (subject to policy and management plans) of a municipal or Territorial nature not directly related to the nature conservation functions of the Park.

110. The Committee recommends that:

- . the National Capital Development Commission withdraw its Namadgi Policy Plan; and
- . the Department of Territories' Management Plan for Namadgi National Park be amended as required to provide detailed policy statements for each of the land units within the Park.

111. The Committee also recommends that:

- . the Minister for Territories review the rural and conservation planning functions of the National Capital Development Commission; and
- . where possible, rationalise resources and personnel between the two organisations to avoid duplication of resources in the conservation policy area.

Endnotes

1. Evid. p. 150.
2. Evid. p. 172.
3. Evid. p. 189.
4. Evid. p. 53.
5. Evid. p. 361.
6. Evid. p. 363.
7. Evid. p. 362.
8. Evid. p. 185.
9. Evid. p. 252.
10. Evid. p. 254.

7. ABORIGINAL INTEREST IN NAMADGI

112. The Department of Territories management plan for Namadgi states that the management of cultural resources including the numerous Aboriginal sites within the Park is regarded as being of equal importance as the management of its natural resources.

113. The management plan details the principles and objectives that will apply to the management of these areas. It states that the identification of the significance of sites will be based in part on the importance of the area to Aboriginal people. However the management practices set down in the plan do not provide for Aboriginal access or consultation with Aboriginal groups.

114. The Committee received a submission from Mr Tom Phillips, a descendent of the Ngunawal people who lived in the Canberra region prior to European settlement. The Ngunawal people still claim association with the Namadgi area and Mr Phillips proposed that legislative and administrative arrangements should provide for:

- . the protection of Aboriginal sites;
- . the recognition of the right of access of Ngunawal people to sites within the Park; and
- . the recognition of the Ngunawal people as a group and involvement of the group in the administration of the Park by some form of consultation.

115. It is clear from the management plan that the Department of Territories intends to take measures to protect aboriginal sites in Namadgi. However there is no relevant ACT legislation which refers specifically to the protection of historical or archaeological sites.

The need for such legislation is also recognised in other submissions. The CCSERC referred to the need to consider the lack of protection of cultural sites in any review of the provisions of the Nature Conservation Ordinance.¹ The CCSERC recommended that in the absence of specific separate legislation that the Ordinance should be amended.

116. The NNPCC also advised that, given the unlikelihood of separate legislation being proclaimed in the near future, the legislation used to reserve lands in the Territory should also contain provisions for the protection of cultural remains.² Declaration of Namadgi under the NPWC Act will provide some additional protection but according to the NNPCC the Act would also require modification before it could be applied to the Territory.

117. Legislation may be required to support the protection of cultural sites proposed in the management plan. It may be preferable to introduce a new Ordinance dealing with all heritage but other legislative drafting priorities make this an unlikely prospect. Therefore the Committee recommends that:

- . the Department of Territories review the administrative and legislative provisions relating to the protection of Aboriginal cultural heritage in the ACT; and
- . if necessary introduce new or amended legislative measures.

118. The Committee is not able to evaluate the Ngunawal peoples claim of continuing association with the Namadgi area but notes information provided by the Australian Heritage Commission to the Department of Territories which suggest several groups may have had an interest in the Canberra region:

"...It is unclear from the ethnography to whom namadgi belonged. Following Tindale's interpretation the territories of the Ngunawal, Ngarigo and the Walgalu coincided about Queanbeyan. Gale suggests that the Ngunawal held the Brindabellas and Tinderry Ranges as part of their territory. Howitt identifies Queanbeyan with the Ngunawal. Alternatively, recent linguistic analysis of a word list gathered at Yarralumla in 1844 ... shows that Hong Hong (correctly, Jin-doo-mung) was leader of a group of sixty or seventy people who were called the Nammitch and inhabited the..."mountains beyond the Murrumbidgee, opposite Limestone Plains..."³

119. The Committee is sympathetic to the request of the Ngunawal people even though they do not currently occupy the land as traditional land owners. Some provision should be made to examine their claims and to consider their views and the views of any other Aboriginal groups who can be shown to have a possible legitimate interest in the Park.

120. The Department of Territories management plan does not make any provision for the consultation or involvement of Aboriginal groups nor does it anticipate any active interest in the Park by Aboriginals. The Chairman of the NNPCC stated that he was not aware of Aboriginal groups which have expressed any particular interest in the Park, but that this may be the result of a failure of the public consultation program.⁴

121. The Committee considers that the Department has not consulted with Aboriginal groups or considered their interests. This is surprising given the significance of Aboriginal sites to the character of Namadgi National Park.

122. There is a need to establish consultation to determine the extent of Aboriginal interest, particularly from the Ngunawal people. This should involve consideration of the ways in which there can be ongoing involvement and consultation of Aboriginal people in the development and management of Namadgi and the protection of Aboriginal sites. There should also be consideration of the ways of providing Aboriginal people with access to their sites. The Committee therefore recommends that:

the Department of Territories consult representatives of the Ngunawal Aboriginal people (and other groups as appropriate) to consider the involvement of Aboriginal people in the development and management of Namadgi National Park.

PETER MILTON
Chairman

September 1986

Endnotes

1. Evid. p. 326.
2. Namadgi National Park Consultative Committee, Report, 27 May 1986.
3. Australian Heritage Commission, Submission to the Department of Territories for the Namadgi National Park Management Plan, 1985.
4. Evid. p. 220.

APPENDIX 1

Conduct of the Inquiry

1. On 13 February 1986 the Committee resolved to inquire into and report on the administrative arrangements for the management of Namadgi National Park, after receiving representations from Ms Susan Craven, a Member of the ACT House of Assembly.
2. The Inquiry was publicised by press releases to the local media and by writing to individuals, organisations and authorities believed to have an interest in the management of the Park.
3. During the course of the Inquiry evidence was taken from 22 witnesses representing Commonwealth departments and instrumentalities, local government bodies, community and environmental groups and individuals appearing in a private capacity. The Committee received 28 submissions, recorded 395 pages of evidence at three public hearings in Canberra and conducted aerial and ground inspections of the Park.
4. The Committee acknowledges the co-operation and assistance from those who made submissions or gave evidence and thanks those who assisted with the Committee's inspections, particularly the officers of the Parks and Conservation Service of the Department of Territories.

APPENDIX 2

List of Witnesses

ALDER, Mr R.F.	National Co-ordinator, Australian National Parks Council
BRAYSHER, Dr M.L.	Officer in Charge, Wildlife and Environment Unit, Australian Capital Territory Parks and Conservation Service, Department of Territories
CRAVEN, Ms S.A., MHA	Member, Australian Capital Territory House of Assembly
CULLEN, Mr P.W.	Chairman, Namadgi National Park Consultative Committee
DAVEY, Mr A.G.	Private Citizen
FRASER, Mr I.T.	Director, Conservation Council of the South-East Region and Canberra (Inc.)
FRAWLEY, Dr K.J.	Chairman, Environment Sub-Committee, National Parks Association of the Australian Capital Territory Inc.
GARE, Mr N.C.	Deputy Director, Australian National Parks and Wildlife Service
GILL, Mr K.J.	Member, Australian Capital Territory House of Assembly
GRAY, Mr J.E.	Director, Landscape and Environment, National Capital Development Commission
JORDAN, Mr D.	Principal Executive Officer, External Relations Branch, National Capital Development Commission
LANG, Ms J.	Associate Commissioner, National Capital Development Commission
LAWRENCE, Mr A.I.	Head, Water Resources Planning Section, National Capital Development Commission
OVINGTON, Prof. J.D.	Director, Australian National Parks and Wildlife Service
SCOTT, Dr G.H.	Principal Environmental Scientist, National Capital Development Commission

SHEPHERD, Dr K.R. Member, Namadgi National Park
Consultative Committee

SHORTHOUSE, Dr D.J. Policy and Projects Section, Australian
Capital Territory Parks and Conservation
Service, Department of Territories

TURNER, Dr A. Director, Policy and Projects Section,
Australian Capital Territory Parks and
Conservation Service, Department of
Territories

TURNER, Mr J.A. Acting Deputy Secretary, Australian
Capital Territory Operations, Department
of Territories

VALLEE, Mr P. Member, Australian Capital Territory
House of Assembly

WIMBUSH, Mr D.J. Member, Namadgi National Park
Consultative Committee

YAPP, Dr G.A. Member, Namadgi National Park
Consultative Committee

APPENDIX 3

List of Submissions

Persons and Organisations who made submissions but did not appear at public hearings.

ACT Bush Fire Council
Allen, Mr C., Holt, ACT
Australian Conservation Foundation
Australian Heritage Commission
Australian Institute of Landscape Architects (ACT Group)
Australian Labor Party (ACT Branch)
Canberra Bushwalking Club Inc.
Colong Committee Ltd, Sydney, NSW
Department of Arts, Heritage and Environment
Langmore, Mr J.V., MP, Canberra City, ACT
Morrison, Mr A.R.G., Ainslie, ACT
National Parks and Wildlife Service (NSW)
Phillips, Mr T.S., Canberra, ACT
Reid, Senator M.E., Canberra City, ACT
Robin, Ms D., Hughes, ACT
Royal Australian Institute of Parks and Recreation (ACT Region)
Ryan, Senator the Hon. S.M., Minister for Education
Wheeler, Mr D., Chisholm, ACT