

**TRADITIONAL HUNTING WITH
FIREARMS IN NATIONAL PARKS**
– A SHORT REVIEW

Research Unit
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NATIONAL NATIVE
TITLE TRIBUNAL

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INTRODUCTION

The purpose of this review is to provide information to parties who may wish to engage in dialogue on the use of firearms by Aboriginal people for traditional hunting in national parks; for example, in relation to an [Indigenous Land Use Agreement](#) (ILUA) over land that includes a national park or designated wilderness area.

Generally speaking, legislation pertaining to national parks/wilderness areas in Australia does not specify the means by which traditional hunting, if permitted at all, may be carried out. However, the relevant legislation in all jurisdictions mandates the preparation of management plans for national parks. Many plans contain rather general statements to the effect that the management authority of the particular park can make rules about activities that may be carried out within the park. Some plans allow traditional hunting under certain conditions. A few expressly provide for such hunting to be carried out using firearms, albeit under strict conditions.

The substance of any particular plan tends to reflect whether a co-management and/or lease-back arrangement between the traditional owners and the particular government is in place,¹ as well as the particular nature of and/or geographical position of each park.

The following material includes extracts from national park management plans, lease agreements and other documents from Western Australia, the Northern Territory, the Commonwealth, South Australia, New South Wales and Queensland. Examples of specific references to the firearms issue are reproduced, as well as examples of mechanisms within the various documents through which hunting with firearms may possibly be permitted. Relevant passages are underlined.

The Barron Gorge National Park ILUA is an example of an agreement that contains specific references to traditional hunting with firearms in a national park. The relevant provisions of this agreement are replicated under the section on Queensland.

No attempt has been made to analyse the policies or law underpinning the documents cited in this review.

The Appendix contains links to the complete source documents used in this report.

Please note: The majority of the information in this review is either taken verbatim from, or is a précis of, information on the relevant website. No claim is made as to the accuracy, currency or the legal integrity of the material used in this review. The attention of the reader is drawn to the Disclaimer at the front of this document.

¹ For a discussion of this subject see Wall, G., Hallmann, S. and Skibicki, A. 1995, 'Shared and co-operative management models of national parks and national historic sites between governments and Aboriginal peoples: an international comparative review', Strategic Research and Analysis, Corporate and Intergovernmental Affairs, Department of Canadian Heritage, Canada. A good explanation of co-management policy in New South Wales is provided on the Department of Environment and Conservation's [website](#).

WESTERN AUSTRALIA

Relevant Legislation:

Wildlife Conservation Act 1950 (WA)

Conservation and Land Management Act 1984 (WA)

Conservation and Land Management Regulations 2002

The management of national parks in Western Australia is carried out by the Department of Conservation and Land Management (CALM) in accordance with the *Conservation and Land Management Act 1984* (the CALM Act). CALM is responsible for the preparation of **management plans**.

National park management plans are designed to cater for public demand for appropriate recreation opportunities, while maintaining and restoring the natural and cultural environment, protecting indigenous flora and fauna, and preserving archaeological, historic and scientific resources and values.

The following extracts are from two management plans presently operating in WA, and from a supporting document.

Karijini National Park Management Plan 1999 - 2009

Karijini National Park covers an area of 627 444 ha in the Hamersley Range in the Pilbara Region of Western Australia. The traditional owners of Karijini National Park, represented by the Karijini Aboriginal Corporation and tribal elders, have direct input into the management of the Park through the establishment of the Karijini Park Council. The Council is constituted as a Ministerial Committee to provide advice directly to the Minister on all matters in the Park which affect the interests of Aboriginal people.

A Ministerial Committee has also been formed to represent the broader interests of the Pilbara community. This group is known as the Karijini National Park Advisory Committee, and reports directly to the Minister for Environment and Heritage, who is responsible for the CALM Act.

Day to day management of the Park remains the responsibility of CALM.

Extracts from the Karijini National Park Management Plan pertaining to traditional hunting:

B.4.2 Traditional Aboriginal Activities

The objective is to provide the opportunity for Aboriginal people to maintain their social, economic and religious practices in harmony with the conservation and management of the natural and cultural resources of the Park.

Traditional activities, such as hunting and gathering for economic as well as for ceremonial purposes, are important elements in the maintenance of Aboriginal cultural heritage, particularly within the context of transmitting traditional knowledge and practice to the young.

According to the Wildlife Conservation Act, the Executive Director may consent to Aboriginal people taking flora or fauna for their own use but not for sale.

It is an offence to carry or discharge any firearms in a reserve without permission (Regulations under the CALM Act).

The following Strategies are used to achieve the Plan’s objectives:

1. In consultation with the Karijini Aboriginal Heritage Committee [KAHC], proposals for Aboriginal traditional owners to use areas within the Park for traditional activities such as hunting and gathering or ceremonial purposes will be referred to the Karijini Park Council and the Karijini National Park Advisory Committee.

2. In consultation with the KAHC, the Park Council shall develop guidelines pertaining to hunting and gathering, and to ceremonial activities, to ensure that:

- i. natural resources are not unduly depleted;
- ii. such activities are carried out away from visitor use areas;
- iii. the possibility of interruption or intrusion by visitors is minimised;
- iv. the confidentiality of locations or areas of ceremonial significance is maintained;
- v. any firearms in the Park would need to be registered with CALM's Regional Manager and operated within strict safety procedures (Section B.9);
- vi. suitable access is provided to areas established under Strategy 1 above;
- vii. guidelines will be referred to the Karijini National Park Advisory Committee.

B. 9.2 Occupational Health, Safety and Welfare

Strategies

1. Train all Park staff in first aid, occupational safety, basic bushcraft and survival skills, radio communications, search and rescue, fire control and the safe use of firearms. This program will be offered to other residents of the Park.

Purnululu National Park Management Plan 1995 - 2005

Purnululu National Park and Purnululu Conservation Reserve are located in the Kimberley Region within the Halls Creek Shire approximately 160 km south of Kununurra, 120 km north of Halls Creek and 50 km west of the Northern Territory border. The area of National Park totals 208 723 ha (including the Bungle Bungle massif which covers 45 000 ha) and the Conservation Reserve 110 602 ha.

The Aboriginal traditional owners of this region are river people. They are members of several major language groups, and most of them are multilingual, or at least bilingual. Their languages include Kija, Jaru, Malngin and Miriuwung.

The Purnululu plan makes express reference to, and provision for, the use of firearms for traditional hunting in the park, as detailed below.

Extracts from the Purnululu National Park management plan pertaining to traditional hunting:

5.2 Traditional Aboriginal Activities

The objective [of the plan] is to provide for Aboriginal people to maintain their social, economic and religious practices in harmony with the conservation and management of the natural and cultural resources of the Park.

Traditional practices including hunting and gathering are an important element in the maintenance of Aboriginal cultural heritage. Aboriginal traditional owners have with permission hunted and collected traditional bush foods within the Park by means including firearms, subject to agreeing that in some areas firearms would be prohibited. It is proposed that some animals will be hunted according to stringent controls. According to the *Wildlife Conservation Act*, the Executive Director may consent to Aboriginal people taking flora or fauna from the Park, sufficient only for food for themselves and their families, but not for sale.

Strategies

1. In consultation with the PCHC [Purnululu Cultural Heritage Committee], the PPC [Purnululu Park Council] shall recommend areas within the Park for use by Aboriginal traditional owners for traditional activities such as hunting and gathering, or for ceremonial purposes.

2. In consultation with the PCHC, the PPC shall develop guidelines pertaining to Aboriginal hunting and gathering as well as ceremonial activities to ensure that:

- natural resources do not become unduly depleted
- incompatible activities are not carried out in or near visitor use areas
- the possibility of interruption or intrusion by visitors is minimised

- firearms in the Park will be licensed and separately registered with CALM's District manager and operated within strict safety procedures (Section B 8.2)
- suitable access is provided to areas established for hunting and gathering
- a system for monitoring the use of natural resources of the Park will be developed and implemented.

8.2 Occupational Health and Safety

Strategies

1. All Park staff will be trained in first aid, occupational safety, basic bushcraft and survival skills, radio communications, search and rescue, fire management and safe use of firearms.

2. Firearms in the Park will be licensed, registered with the CALM District Manager and operated in accordance with strict safety guidelines.

CALM Policy Statement

The Department of Conservation and Land Management's 'Policy Statement no 62 - Identification and Management of Wilderness and Surrounding Areas' addresses the issue of traditional hunting in wilderness areas thus:

Indigenous Use and Management

Wilderness and surrounding areas

4.15 This policy and its implementation in no way impinges upon or restricts Native Title rights as defined under the *Native Title Act 1993* (Cth) or subsequent determinations of Native Title.

4.17 Management of wilderness and surrounding areas by the Department of Conservation and Land will be consistent with the principles espoused in the Malimup Communique.

(The Malimup Communique is Attachment 3 to the policy document).

MALIMUP COMMUNIQUÉ - Malimup Spring – May 1998

This communiqué was developed at a meeting of indigenous community representatives, staff of government land management agencies and representatives of non-government environmental groups at Malimup Spring, Western Australia in May 1998.

The communiqué is concerned with indigenous people and the management of areas reserved or zoned as 'wilderness', primarily within national parks or other lands reserved for conservation or recreational purposes. However, the meeting participants believe the broad management principles developed apply equally to all protected areas managed by

government agencies. It is proposed that land management agencies use these guidelines with this in mind.

Management Framework

...

Hunting and Gathering (Native Species)

- enabling sustainable hunting and gathering by rightful indigenous people in their ancestral lands, including the use of firearms;
- the resolution of nature conservation or park user conflicts associated with indigenous hunting and gathering activities through specific provisions in park management plans, wildlife management plans or other agreed mechanisms;

Note: According to CALM, the guidelines referred to in the abovementioned plans actually take the form of local agreements/understandings between park management and the Indigenous group wishing to carry out traditional hunting with firearms. Apart from safety considerations, the main issue for CALM is conservation, that is, the quantity of native fauna is taken, rather than how it is taken².

² Personal communication with CALM officer, 3 October 2005.

NORTHERN TERRITORY

Relevant Legislation:

Territory Parks and Wildlife Conservation Act

(As in force at 31 May 2005)

Parks and Reserves (Framework for the Future) Act

(As in force 31 May 2005)

Nitmiluk (Katherine Gorge) National Park Act

(As in force September 2000)

Territory Parks and Wildlife Conservation By-Laws

The Parks and Wildlife Commission of the Northern Territory is responsible for preparing plans of management for national parks and reserves.

Examples from three management plans pertaining to traditional hunting with firearms are given below.

Gregory National Park Draft Plan of Management May 2001

The Gregory National Park is located in the Katherine Region and is approximately 13 000 km² in size, making it the largest Park in the Commission Estate.

The Park encompasses seven Aboriginal language groups including, Ngarinyman, Bilinara, Ngaliwurru, Nungali, Wardaman, Karangpurru and Malngin. Each of these groups retains traditional ties to the land within the Park. For these people the land is vested with spiritual significance and is an integral part of their cultural identity. The plan recognises that consultation with, and the involvement of, Aboriginal people in the management of the Park is essential.

Extracts from the Gregory National Park draft management plan pertaining to traditional hunting:

5.4 Traditional Use and Occupation

Objectives

- To foster the continuation of traditional Aboriginal cultural practices such as hunting, foraging, harvesting and ceremony in the Park.

- To minimise adverse effects of traditional use on visitor safety and the Park's ecosystems.

Issues

- Regular communication and a strong relationship between Aboriginal people living within the Park and Park management is essential for the maintenance of both Park conservation values and the interests and respect for the aspirations of the traditional owners.
- As part of their association with the land, the traditional owners visit the Park to hunt, fish and gather "bush tucker". The use of firearms by traditional owners when hunting within the Park is a safety issue for visitors.
- The activities of traditional owners such as hunting, harvesting, burning and four-wheel driving off designated tracks has the potential to degrade Park environmental values and ecosystems.

Actions

- Through the development of the Advisory Process as stated in Section 5.3, issues regarding living areas inside and outside the Park can be discussed as required.
- In the interest of safety it is recommended that traditional hunting using firearms does not occur within the Intensive Use, Dispersed Use or Service Zones of the Park. Park management will consult with Aboriginal people hunting on the Park with firearms, in unvisited areas of the Park.
- The activities of Aboriginal people in traditional pursuits will be monitored and consultation will ensure that areas of the Park sensitive to environmental disturbance will be protected from damage.

Flora River Nature Park Plan of Management, September 1998

Flora River Nature Park, comprising some 1824 hectares of the Flora River and associated levee banks and plains, is located approximately 80 kilometres south west of Katherine. It lies in the northern section of the tribal lands of the Wardaman people, particularly the country associated with the Ubleyawon and Nuajawoung clans.

There has been much consultation between Commission Officers and the Aboriginal Corporation concerning management and proposed developments in the Park. A member from each of two clans mentioned above is on the Flora River Nature Park Local Management Committee.

Extracts from the Flora River Nature Park management plan pertaining to traditional hunting:

Section 4 Management of Aboriginal Interests and Cultural Resources

Amongst the stated objectives of the plan are:

- To consider the interests and concerns of the traditional custodians of the area in all facets of park planning and management.
- To protect areas and things of significance to Aboriginals.

Management Implications

The Wardaman people still undertake ceremonies related to their traditional ties with the land and there are many important ceremonial sites located within the Park. As part of their association with the land, the Wardaman people visit the Park to hunt, fish and gather “bush tucker”.

In the interest of safety it is recommended that traditional hunting using fire arms does not occur in the Park.

Management Guidelines

- Liaison will also include issues such as traditional use of the land.

Nitmiluk (Katherine Gorge) National Park Plan of Management October 2002

The 293 000 hectare Nitmiluk (Katherine Gorge) National Park, is situated about 30 km northeast of Katherine and approximately 300 km south of Darwin in the Northern Territory. The Park is owned by the Jawoyn Aboriginal people and jointly managed with the Parks and Wildlife Commission of the Northern Territory

Under the ***Nitmiluk (Katherine Gorge) National Park Act***, the Nitmiluk Board of Management directs management of the Park, with the Parks and Wildlife Commission undertaking day to day management. The Board, with a majority of Jawoyn members, is at the centre of the joint management process, setting directions and providing guidance in the Park’s management.

Extracts from the Nitmiluk (Katherine Gorge) National Park management plan pertaining to traditional hunting:

2.1 Jawoyn History

...Jawoyn people today may wear European clothes, they may drive cars and hunt with guns but they continue to respect Jawoyn tribal law in the tradition of their ancestors.

4.6 Traditional Use and Occupation

Objectives

- To foster the continuation of traditional Aboriginal cultural practices such as hunting, foraging, harvesting, ceremony and burning in the Park.

- To minimise adverse affects of traditional use on visitor safety and the Park’s ecosystems.

Jawoyn cultural tradition requires that people fulfil certain responsibilities to “care for country”. This includes traditional use of resources to maintain culture, skills and knowledge of country and wildlife. Traditional skills and knowledge are also an important component of joint management as they often complement contemporary conservation management ideas and practices.

Section 8 of the *Nitmiluk (Katherine Gorge) National Park Act* and Clause 2 of the Lease [appendix to Act] explains the rights of traditional owners in relation to traditional use and occupation of the Park. These include the right to:

- use any area of the Park for hunting or food gathering (otherwise than for purposes of sale);
- use any area of the Park for ceremonial and religious purposes; and
- reside within the Park at such locations as may be specified in the Plan of Management.

The Board can limit these rights if the activity is considered dangerous to the public or a threat to endangered species or habitats. The Jawoyn have agreed not to exercise their rights to hunt and forage where visitor safety and enjoyment of the Park may be compromised.

THE COMMONWEALTH - PARKS AUSTRALIA

Relevant Legislation:

[*Environment Protection and Biodiversity Conservation Act 1999 \(Cth\)*](#)

[*Environment Protection and Biodiversity Conservation Regulations 2000*](#)

[*Kakadu National Park Plan of Management 1998*](#)

The park, about 250 km to the east of Darwin, covers an area of 19 804 km² within the Alligator Rivers Region of the Northern Territory of Australia. It extends from the coast in the north to the southern hills and basins 150 km to the south, and from the Arnhem Land sandstone plateau in the east, 120 km through wooded savannas to its western boundary. Major landforms and habitats within the park include the sandstone plateau and escarpment, extensive areas of savannah woodlands and open forest, rivers, billabongs, floodplains, mangroves and mudflats. The area is richly diverse, ecologically and biologically.

Extracts from the Kakadu National Park management plan pertaining to traditional hunting:

9. Using the country

The Act provides for traditional use of the land in the park for hunting, food gathering and ceremonial religious purposes. The Regulations permit the Director to make areas of the park available for use by the traditional Aboriginal owners.

Using park resources traditionally:

Traditional owners and the Bininj/Mungguy who have the right to access and to use park resources by Aboriginal tradition will continue to have access to the park and to use park resources. In determining how appropriate any activities are, the focus will be on the traditional right to use, as well as how the resource is to be used.

The Board and the Director will follow the general principle that any use of natural resources in the park should not adversely affect biodiversity conservation in Kakadu.

Where the Board thinks that using resources traditionally is having a negative impact it will consult extensively with the community of traditional owners to work out how management will respond to the problem.

In determining any specific management prescriptions that may limit Bininj/Mungguy from using land for the traditional hunting and gathering of wildlife resources, the Board will take advice from and liaise with the Northern Land Council.

Parks Australia will help to effectively manage the traditional use of park resources by providing traditional owners and the Board with information about issues that need to be addressed e.g. wildlife populations, weed management and other conservation issues, access by vehicles to hunting areas and public safety.

Parks Australia will update its protocols for issuing permits for Aboriginal people to possess and use firearms in the park for hunting. This will be done in association with the Northern Land Council and Bininj/Mungguy. In line with the approved protocols, the Director will issue relevant Aboriginal people with permits to possess guns in Kakadu, as required by regulation 17(1) of the National Parks and Wildlife Regulations. [Now superseded by Environment Protection and Biodiversity Conservation Regulations 2000, regs 12.06, 12.08 and 12.18.]

Kakadu National Park Draft Management Plan 2006

This is the proposed fifth management plan for Kakadu National Park. The Draft was released for comment in February 2006; such comments to be received by 19th April 2006. The fourth plan came into operation on 11th March 1999, and ceased to have effect on 8th March 2004. The proposed plan is intended to guide management of the park for seven years from 2006.

Hunting in the Park by Aboriginal people became a major issue during the life of the fourth plan. One of the issues is the use of lead shot. According to the Draft Plan, the most common lead poisoning in wildlife is considered to be the result of the ingestion of spent lead shot.

Extracts from the Draft Management Plan pertaining to traditional hunting:

4.3 Customary use of resources

...

Issues

- There continue to be incidents of taking of wildlife who do not have traditional or native title rights to do so.
- Customary harvest can be an important indicator of the success of habitat management programs and status of important species.
- Bininj customary taking and use of natural resources must be ecologically sustainable and not have negative impacts on the health of country or on the long-term availability of resources for Bininj.

- Traditional and native title rights to take native species are subject to laws of general application eg Northern Territory laws about possession and the use of firearms.
- The Board, director and Bininj agree that lead shot should not be used in the park.

WHAT WE ARE GOING TO DO

Policies

4.3.1 Bininj, and other Aboriginals who have been authorised under Bininj cultural protocols and practices, may, with the approval of the Board, take native species of animals and plants and will not require a permit from the Director provided it is done:

- In accordance with traditional or native title rights

- For non-commercial purposes

- In accordance with laws of general application, including Northern Territory laws dealing with possession and use of firearms

- In a sustainable way and that does not impact on the conservation status of a species.

4.3.2 The Board may withdraw approval under section 4.3.1 for the taking of animals by the use of firearms if it is satisfied that any of the prescribed criteria are not being met. If approval is withdrawn the activity may be carried on under a permit issued by the Director under the EPBC Regulations authorising possession and use of firearms. Permit conditions may include restrictions on areas where firearms can be used and numbers of animals that may be taken.

4.3.3 Lead shot should not be used in the Park.

Actions

4.3.4 The Board and the Director will work with Bininj to develop and implement strategies for managing and promoting the sustainable customary taking of wildlife by Bininj.

4.3.5 Investigate was of incorporating customary use in programs for monitoring the status of important species and landscape.

4.3.6 The Board and the director will work with Bininj to discourage use of lead shot, prohibit its use if possible, and encourage its replacement with more benign alternatives.

SOUTH AUSTRALIA

Relevant Legislation:

National Parks and Wildlife Act 1972 (SA)

Wilderness Protection Act 1992 (SA)

Vulkathunha-Gammon Ranges National Park Draft Management Plan 2005

The Vulkathunha-Gammon Ranges National Park is located in the Northern Flinders Ranges of South Australia, approximately 700km north of Adelaide. It has an area of 128, 228 ha and lies 100km east of the township of Leigh Creek, encompassing the Gammon Ranges, Mount McTaggart, Hawker Hill and follows Balcanoona Creek across the plains, east to Lake Frome. The park lies within an area of great significance to the Adnyamathanha people.

Responsibility for preparing the management plan and undertaking the prescribed community consultation process for this park has been shared between the Department for Environment and Heritage and the Adnyamathanha people through the Vulkathunha-Gammon Ranges National Park Cooperative Management Committee. A standard management planning process is mandated, to ensure that all statutory obligations are met. Help and guidance with plan preparation is sought and obtained from individuals, community groups or relevant advisory committees, although ultimately the decision on whether or not to adopt a management plan remains a ministerial prerogative.

The Vulkathunha-Gammon Ranges National Park is recognised as having special 'wilderness' qualities and associated visitor expectations, habitat areas of particular importance for threatened species, sites of Indigenous and non-indigenous cultural heritage significance, and an existing pattern of cultural use that differ in some ways to other national parks. In particular, in one section of the park, a hunting zone will be set aside for Aboriginal people.

Extracts from the Vulkathunha-Gammon Ranges National Park draft management plan pertaining to traditional hunting:

5. Zoning

Section 39 of the *National Parks and Wildlife Act 1972 (SA)* provides for the designation of zones in a reserve. Zoning aims to ensure that public use and management actions remain compatible with the protection of park values and constrains the use of land in zones to the conditions specified in an adopted management plan.

Cultural Use Zone

This zone is located within the ‘Plains Block’ leading out to the edge of Lake Frome. It will be legally available for some time each day (once it is formally designated by a proclamation under Section 68D of the *National Parks and Wildlife Act 1972*) for Adnyamathanha people to hunt game. It is understood that currently, hunting, mostly for Red Kangaroos and Emus, takes place mainly south of the track between Balcanoona and Lake Frome and west of the pipeline track. Hunters will be required to confine their activities to this area. Hunting use is expected to be subject to prior notification and concurrence of the Senior Ranger (or other person with management responsibility) at Balcanoona.

Park visitors will continue to have access through the zone to view Lake Frome at those times of the day not designated for hunting. Consultation should take place with the local Adnyamathanha community to ascertain their needs and encourage persons who are likely to hunt in the park to abide by any agreed conditions. To limit any impacts this activity might have on wildlife populations or the environment, on-going harvest of Indigenous game animals should be subject to routine monitoring and any conditions set down in the park’s wildlife management strategy. To minimise public risk, signs have been erected to advise visitors of the special arrangements applying in this zone. Advice has been received from the South Australian Government Captive Insurance Corporation (SAICORP), which has recommended that the information sign on the entry track to Lake Frome at Balcanoona be modified to indicate this is an Adnyamathanha Hunting Zone and include the times when access or occupation is not permitted. Similar signage should be erected at other locations where park visitors could access the cultural use zone. It is also recommended that any future updates to park brochures, information provided at information bays and maps of the area be changed to include similar wording.

The Moomba-Adelaide gas pipeline crosses this zone. Ongoing liaison should occur with the relevant organisations involved with the pipeline track, so that all contractors and/or personnel working within the park are aware of the hunting provisions.

Prescription

Legally designate the cultural use zone for Adnyamathanha hunting, undertake the risk minimisation initiatives referred to above and monitor use.

Objective

The park is managed according to zoning prescriptions that adequately reflect the management objectives and special attributes of particular parts of the park, thereby ensuring appropriate public use, landscape protection, conservation of wildlife habitat and heritage sites, and sustainable cultural use.

6.4 Native Fauna

There are no current plans (2005) for a macropod culling program on the park and other techniques will be investigated to address the causes of elevated population levels. However, if considered necessary to meet ecological restoration objectives, in accordance with section 38 (10a) of the *National Parks and Wildlife Act 1972*, this management plan

foreshadows that Red Kangaroos and Euros may be culled during the term of this plan if that is the only practicable alternative. Any population reduction activity should be subject to on-going monitoring and undertaken in an efficient and humane way.

Adnyamathanha people should have priority use of any over-abundant native animals culled, but if not required, animals may be shot on a 'let lie' basis.

Genuine cooperation and consultation between the stakeholders in the development of all aspects of planning and management will ensure that not only are environmental resources sustained, but so is the cycle of spirit, culture and life for the traditional owners. Adnyamathanha hunting on the 'Plains Block' is not a significant environmental issue (it is considered to be ecologically sustainable, as only limited numbers of abundant species such as Red Kangaroo and Emu are currently taken). For the traditional owners to continue hunting is culturally appropriate and acceptable in a remote national park (subject to the public safety and legal considerations mentioned in the Zoning section of this plan) but should still be part of routine fauna monitoring/management. To ensure ongoing safe and sustainable Adnyamathanha hunting, harvesting of traditional native food animals should be undertaken subject to any conditions set down in a wildlife management strategy produced in collaboration with the Vulkathunha-Gammon Ranges Cooperative Management Committee.

Objectives

The cultural and spiritual value, to the Adnyamathanha people, of the park's animals is recognised and respected and Indigenous knowledge factored into park management and scientific research. Adnyamathanha people can continue to harvest native animals for food in a safe, culturally acceptable and environmentally sustainable manner.

Strategies

...

- Allow hunting of Adnyamathanha game animals in the Cultural Use Zone in accordance with the provisions of this management plan. Prepare and implement a wildlife management strategy that will help ensure the long-term, sustainable Adnyamathanha harvesting of Red Kangaroos and Emus.

Witjira National Park

Witjira National Park, established in 1985 on land comprising the former mount dare pastoral lease, covers 7770 square kilometres of gibber, sand dunes, stony tablelands and floodplain country on the western edge of the Simpson Desert in the far north of South Australia.

Witjira National Park is jointly managed by the Irrwanyere Aboriginal Corporation, representing the traditional owners, and the Department for Environment and Heritage. The Irrwanyere members consist of Aboriginal people who are traditional owners by birth or reside on the country, together with those whose forebears were traditional owners and their descendants. Under Witjira's historic joint management arrangement, a 99 year

lease was granted to the Irrwanyere Aboriginal Corporation and the traditional owners were established as the primary managers of the land with freedom to exercise their traditional associations with the land, including hunting and gathering.

Specific Issues

Hunting and food gathering

The plan of management provides for the continuation of customary activities and establishes a framework for management of Aboriginal subsistence use and cooperative research and monitoring. The board is responsible for preparing wildlife management plans for target species (eg bustards) that include hunting procedures and practices, in conjunction with the Department for Environment and Heritage, to ensure conservation of species and public safety. The plan recognises this may result in modifications to hunting methods used, species gathered, or areas where hunting takes place.

NEW SOUTH WALES

Relevant Legislation:

National Parks and Wildlife Act 1974 (NSW)

Aboriginal Land Rights Act 1983 (NSW)

Native Title Act 1993 (Cth)

Arakwal National Park Draft Plan of Management 2004

Arakwal National Park (the Park) is located approximately 2 km south-east of the township of Byron Bay in the far north coast of New South Wales (NSW). It is the first national park in Australia to be created under an Indigenous Land Use Agreement (ILUA) with the traditional owners, the Byron Bay Arakwal people, as joint managers with the National Parks and Wildlife Service (NPWS).

The Park is 185.2 hectares in size and includes a 3km stretch of Tallow Beach to mean low water mark. Tallow Beach Road delineates the northern extent of the Park where it adjoins the Cape Byron State Conservation Area (SCA).

Extracts from the Arakwal National Park draft management plan pertaining to traditional hunting:

4.5 Native animals in the park

Guidelines

Protecting threatened species.

The NPWS and Arakwal Aboriginal Corporation will work together to ensure the threatened animal species and their habitat are not affected by activities in the Park. Recovery plans for threatened animal species as they relate to the Park will be implemented in consultation with the Park Management Committee.

Cultural use.

The Byron Bay Arakwal people and other Bundjalung people as recognised by the Arakwal Aboriginal Corporation can undertake the sustainable use of animals in the Park for cultural purposes in accordance with the provisions of this plan relating to wild resource use.

Arakwal Indigenous Land Use Agreement

The Arakwal Indigenous Land Use Agreement, registered on 28 August 2001, was the result of seven years of consultations between the Byron Bay Arakwal People, a range of community groups, the Byron Shire Council and the NSW Government through the NPWS and the Department of Infrastructure, Planning and Natural Resources.

The Arakwal ILUA states that, subject to the *National Parks and Wildlife Act 1974* and the plan of management for the park, native title holders will have access to the park for:

- the protection and conservation of areas of cultural heritage
- the conduct of ceremonies under traditional law and custom
- the gathering of material for traditional medicines and ceremonies
- fishing and hunting.

The agreement also includes a number of provisions regarding cultural activities, hunting and gathering and fishing. For example, the plan of management for the park must provide for studying the threat hunting and gathering by native title claimants poses to endangered species, and monitoring the exercise of those rights.

The following lease agreements contain almost identical provisions relating to hunting; however, the Mt Grenfell lease refers expressly to the NPWS policy on the use of firearms.

Mutawintji LALC Lease to the Minister for the Environment

The Mutawintji National Park is located approximately 140 km north east of Broken Hill in NSW. The lands now known as the Mutawintji lands which are dealt with by this lease comprise those areas of land which were reserved or dedicated as the Mootwingee National Park, Mootwingee Historic Site and Coturaundee Nature Reserve immediately prior to their revocation for the purposes of vesting their title in the Land Council pursuant to s 710 of [the *National Parks and Wildlife Act 1974* (NSW)].

Relevant extracts from the lease document:

12.6 Acknowledgment of hunting etc rights

The parties acknowledge that the Aboriginal owners of the lands, and any other Wiimpatja who have the consent of the Aboriginal owner Board members, are entitled (subject to s71AO(2) of the Act, which section is reflected in clause 12.7, and to other provisions of the Act, to any other Act applying to the lands and to the Plan) to enter and use the lands for hunting or fishing for, or the gathering of, traditional foods for

domestic purposes and for ceremonial and cultural purposes to the extent that that entry or use is in accordance with the tradition of the Aboriginal owners.

12.7 Board to control cultural activities including hunting and gathering

The parties acknowledge that the Board has the function of considering proposals for the carrying out, by Aboriginal owners or other Wiimpatja, of cultural activities (including but not confined to hunting and gathering) within the lands and of approving (including the setting of conditions for such approvals), or refusing to approve, the carrying out of such activities.

Mt Grenfell Lease. Cobar Local Aboriginal Land Council Lease to the Minister for the Environment (NSW) July 2004

Mt Grenfell is located about 50 km from Cobar in Central West NSW. The lands known as and which were known in the recent past as Mt Grenfell Historic Site now comprise inalienable Ngiyampaa Wangaaypuwan freehold land, held on behalf of the Aboriginal owners by the Cobar Local Aboriginal Land Council. By this Deed these lands are leased for an initial period of 30 years to the Minister for the Environment under the Part 4A of the *National Parks and Wildlife Act 1974*. They remain part of the conservation estate of New South Wales but will henceforth be under the care, control and management of a Board of Management, with a majority of Board members being Aboriginal owners. The Act provides for a nominee of the Land Council and for a representative of each of the National Parks and Wildlife Service, local government, conservation groups and neighbouring station lessees also to be on the Board. The parties intend that a new Plan of Management for the lands be prepared as a priority by the Board to reflect and enhance these joint management arrangements.

Relevant extracts from lease document:

12.6 Acknowledgment of hunting etc rights

The parties acknowledge that the Aboriginal owners of the lands, and any other Aboriginal people who have the consent of the Aboriginal owner Board members, are entitled (subject to s71AO(2) of the Act, which section is reflected in clause 12.7, and to other provisions of the Act, to any other Act applying to the lands and to the Plan, and the NPWS policy regarding the use of firearms) to enter and use the lands for hunting or fishing for, or the gathering of, traditional foods for domestic purposes and for ceremonial and cultural purposes to the extent that that entry or use is in accordance with the tradition of the Aboriginal owners.

12.7 Board to control cultural activities including hunting and gathering

The parties acknowledge that the Board has the function of considering proposals for the carrying out, by Aboriginal owners or other Aboriginal people, of cultural activities (including but not confined to hunting and gathering) within the lands and of approving (including the setting of conditions for such approvals), or refusing to approve, the carrying out of such activities.

QUEENSLAND

Relevant Legislation:

[*Environmental Protection Act 1994 \(Qld\)*](#)

[*Nature Conservation Act 1992 \(Qld\)*](#)

[*Native Title Act 1993 \(Cth\)*](#)

[*The Djabugay Determination*](#)

The native title rights and interests of the Djabugay People are rights to:

- be physically present on the Barron Gorge National Park
- camp on the Barron Gorge National Park (note: camping does not include the right to permanently reside or build permanent structures or fixtures)
- hunt, fish and gather on, and take the natural resources of, the Barron Gorge National Park for the purpose of satisfying their personal, domestic, social, cultural, religious, spiritual, ceremonial and communal needs for non-commercial purposes
- maintain and protect by lawful means places within the Barron Gorge National Park of importance to the Djabugay People
- perform social, cultural, religious, spiritual or ceremonial activities in the Barron Gorge National Park and invite others to participate in these activities, and
- make decisions about the use and enjoyment of the Barron Gorge National Park by Aboriginal people who are governed by the traditional laws acknowledged and traditional customs observed by the Djabugay People.

The Queensland Environmental Protection Agency is currently working with the Djabugay People to develop a management plan for the park.

[*The Barron Gorge National Park Indigenous Land Use Agreement*](#)

The ILUA, which falls within the Cairns City Council and the Mareeba Shire Council, as well as the Cairns & District Regional Council, is a voluntary agreement made between the Djabugay People, the State of Queensland and the Djabugay Native Title Aboriginal Corporation.

The parties to this ILUA have reached an agreement about the exercise of native title rights and interests in the Barron Gorge National Park to ensure good management of the park. The area to which the ILUA applies is the same as for the determination.

The ILUA says that Djabugay People will:

- carry out any hunting in the Barron Gorge National Park in a manner consistent with the public enjoyment of the park and with the management principles of National Parks
- not use firearms in the Barron Gorge National Park, except as expressly authorised by Queensland Parks and Wildlife Service
- not take or interfere with rare, endangered or vulnerable species in the Barron Gorge National Park
- not, without the further agreement of Queensland Parks and Wildlife Service, camp in the Barron Gorge National Park for periods of longer than four weeks at a time.

APPENDIX

Links to source material

WESTERN AUSTRALIA

[Wildlife Conservation Act 1950 \(WA\)](#)

[Conservation and Land Management Act 1984 \(WA\)](#)

[Karijini National Park Management Plan 1999 - 2009](#)

[Purnululu National Park Management Plan 1995 - 2005](#)

[CALM Policy Statement \[undated\]](#)

NORTHERN TERRITORY

[Territory Parks and Wildlife Conservation Act](#)

(As in force at 31 May 2005)

[Parks and Reserves \(Framework for the Future\) Act](#)

(As in force 31 May 2005)

[Nitmiluk \(Katherine Gorge\) National Park Act](#)

(As in force September 2000)

[Territory Parks and Wildlife Conservation By-Laws](#)

[Gregory National Park Draft Plan of Management May 2001](#)

[Flora River Nature Park Plan of Management, September 1998](#)

[Nitmiluk \(Katherine Gorge\) National Park Plan of Management October 2002](#)

THE COMMONWEALTH - PARKS AUSTRALIA

[Environment Protection and Biodiversity Conservation Act 1999 \(Cth\)](#)

[Environment Protection and Biodiversity Conservation Regulations 2000](#)

[Kakadu National Park Plan of Management 1998](#)

[Kakadu National Park Draft Management Plan 2006](#)

SOUTH AUSTRALIA

National Parks and Wildlife Act 1972 (SA)

Wilderness Protection Act 1992 (SA)

Vulkathunha-Gammon Ranges National Park Draft Management Plan 2005

Witjira National Park

NEW SOUTH WALES

National Parks and Wildlife Act 1974 (NSW)

Aboriginal Land Rights Act 1983 (NSW)

Native Title Act 1993 (Cth)

Arakwal National Park Draft Plan of Management 2004

Arakwal Indigenous Land Use Agreement

Mutawintji LALC Lease to the Minister for the Environment

Mt Grenfell Lease. Cobar Local Aboriginal Land Council Lease to the
Minister for the Environment July 2004

QUEENSLAND

Environmental Protection Act 1994 (Qld)

Nature Conservation Act 1992 (Qld)

Native Title Act 1993 (Cth)

The Djabugay determination

The Indigenous Land Use Agreement relating to the Djabugay determination