

EXPLANATORY STATEMENT

(Issued under the Authority of the Minister for the Environment)

Environment Protection and Biodiversity Conservation Act 1999

Uluru-Kata Tjuta National Park Management Plan 2021

Overview of the Legislative Instrument

The Director of National Parks prepares management plans for Commonwealth reserves in accordance with section 368 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The purpose of this management plan is to describe the philosophy and direction of management for Uluru-Kata Tjuta National Park (the park) for the next ten (10) years, consistent with the EPBC Act. The plan enables management to proceed in an orderly way, helps to reconcile competing interests, and identifies priorities for the allocation of available resources.

The management plan is an enabling document. It allows management activities to occur that would otherwise be restricted under the EPBC Act and EPBC Regulations, and enables certain management, recreational and commercial activities to occur.

This is the sixth management plan prepared for the Uluru-Kata Tjuta National Park and has been made under the EPBC Act. The fifth management plan commenced on 9 January 2010 and ceased to have effect on 8 January 2020; and since this date the park has been managed in accordance with section 357 of the EPBC Act. .

Uluru-Kata Tjuta National Park Island National Park

Uluru-Kata Tjuta National Park is leased to the Director of National Parks by its Anangu owners, and is jointly managed by the Director and the Traditional Owners. Tjukurpa (customary law/lore) is the foundation of Anangu life, and the park is managed using Anangu methods governed by Tjukurpa, combined with western science and management practices. The park's first priority is conserving the significant natural and cultural values of the area.

The park's landscape is dominated by the iconic massifs of Uluru and Kata Tjuta. These two geological features are striking examples of geological processes and erosion occurring over time and provide associated refuge and habitat for a broad range of plant and animal species. The park protects an area of approximately 1,325 square kilometres within the Great Sandy Desert bioregional listing.

The park was proclaimed in 1977 under the *National Parks and Wildlife Conservation Act 1975* and continues as a Commonwealth reserve under the EPBC Act and has the following purposes:

- the preservation of the area in its natural condition
- the encouragement and regulation of the appropriate use, appreciation and enjoyment of the area by the public

The majority of the park area is classified IUCN Category II National Park with the Mutitjulu Township Zone classified as IUCN Category VI.

Uluru-Kata Tjuta National Park is listed by the World Heritage Convention for its natural and cultural heritage attributes. The park meets four criteria for listing under the convention:

- An outstanding example representing significant ongoing geological processes, biological evolution and people's interaction with their natural environment.
- Contains unique, rare or superlative natural phenomena, formations or features or areas of exceptional natural beauty, such as superlative examples of important ecosystems, natural features, sweeping vistas covered by natural vegetation and exceptional combinations of natural and cultural elements.
- A cultural landscape representing the combined work of nature and of people, manifesting the interaction between humankind and its natural environment.
- An associative landscape having powerful religious, artistic and cultural associations of the natural element.

Consultation

Subsection 368(3) of the EPBC Act requires the Uluru-Kata Tjuta National Park's Board of Management to prepare in conjunction with the Director of National Parks, a management plan for the park which takes into account the interests of traditional owners and any other Indigenous person interested in the park. The Director received comments on the draft plan from the public, the Central Land Council and the Northern Territory Government before finalising the management plan and providing it to the Minister.

Prior to preparing this management plan, the Director reviewed the implementation of the previous plan, to enable the Director and the Board to consider how park management could be improved. A review conducted in 2015 considered whether the Director had met the aims of each section, and whether it had successfully carried out the actions and policies in the previous management plan.

The review's findings suggested potential improvements to aspects of park management, including recommending to:

- plan, monitor and report more regularly to provide measures of progress;
- ensure Board resolutions are properly formulated, tracked, and reported on;
- improve opportunities which lead to direct employment of Anangu;
- review the status and intent of climate change strategies;
- address the impact of feral species on native wildlife; and
- address risks of ageing capital infrastructure, and ensure that park assets meet Australian standards.

These recommendations were taken into account in the preparation of this management plan.

In accordance with subsection 368(2) of the EPBC Act, in September 2017 the Director published a notice inviting the public and stakeholders to have their say towards the preparation of this plan. Eleven written submissions were received, and the views expressed in those submissions were also considered in the preparation of this plan.

Preparation and discussion of the management plan occurred at most of the four Board meetings held each year from 2017 to 2019. Five Board Consultative Committee meetings and three Anangu consultation workshops were also held. These consultations involved more than 50 Anangu from Muṯitjulu and surrounding communities.

During the preparation of this plan, park staff also conducted extensive consultations with over 50 Anangu during participatory planning meetings, working group meetings and Board of Management meetings. These consultations focussed on park management issues related to decision-making and working together; cultural and natural resource management; visitor management; Anangu employment and the building of other benefits for Anangu.

Several other stakeholder groups and individuals were consulted during the preparation stage, including:

- Anangu residents of the Muṯitjulu community;
- the Uluṛu-Kata Tjuṯa National Park Tourism Consultative Committee;
- the Uluṛu-Kata Tjuṯa National Park Cultural Heritage and Scientific Consultative Committee
- the Central Land Council;
- the Northern Territory Government;
- the Department of Prime Minister and Cabinet and the Executive Director of Township Leasing;
- local Aboriginal associations and corporations, including Anangu Jobs and the Muṯitjulu Community Aboriginal Corporation (MCAC); and
- park staff.

The draft plan was released for public comment on 9 December 2019 and closed on 7 February 2020, providing a longer period than the minimum 30 days required under the EPBC Act.

In accordance with subsection 368(5) of the EPBC Act, invitations to comment on the draft plan were published on the department's website, in the Australian Government Gazette and in The Australian and NT News newspapers. Copies of the draft plan were sent to stakeholders with an invitation to comment (including those who provided comments towards the preparation of the draft plan), and copies were also available from the department's website.

Thirteen written submissions were received from a range of stakeholders. In accordance with paragraph 368(1)(e) of the EPBC Act, the Board of Management met twice to discuss the written submission received on the draft plan. An additional out of session meeting was held with Anangu Board of Management members to discuss matters to finalise the plan.

Period of operation

This management plan became a legislative instrument following approval by the Minister for the Environment under section 370 of the EPBC Act. It commenced at the beginning of the day after it was registered on the Federal Register of Legislation.

The management plan is a legislative instrument and will self-repeal ten years after its commencement, unless deferred, revoked or amended earlier by another management plan.

Regulatory Impact

This management plan has been written to describe actions and policies which conserve and enhance the natural and cultural values of the park, while providing visitors with a range of recreational opportunities. It does not place any new restrictions upon individuals or businesses. The Office of Best Practice Regulation (OBPR) advised that a Regulatory Impact Statement was not required for this management plan (OBPR reference: ID 43071).

Free access and use

The management plan describes the natural and cultural values of the park, including through the use of images and maps depicting the park's landscape, natural values and cultural heritage. This is necessary to ensure an accurate description for the benefit of the users of the park. Some of those images are copyrighted to third parties. The full terms of the management plan may be freely accessed and used by park visitors and park users to understand their obligations under law when entering or carrying out activities in the park. However, the copyrighted images are included for the plan's accuracy, particularly those depicting elements of cultural heritage, are not to be taken from the management plan and used for other purposes.

The management plan may be freely downloaded from the Federal Register of Legislation at www.legislation.gov.au and the Parks Australia website www.parksaustralia.gov.au.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Uluru-Kata Tjuta National Park Management Plan 2021

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The Director of National Parks prepares management plans for Commonwealth reserves in accordance with section 368 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The purpose of this management plan is to describe the philosophy and direction of management for Uluru-Kata Tjuta National Park for the next ten years in accordance with the EPBC Act. The plan enables management to proceed in an orderly way, helps to reconcile competing interests, and identifies priorities for the allocation of available resources.

The EPBC Act and *Environment Protection and Biodiversity Conservation Regulations 2000* prohibit certain activities from occurring in Uluru-Kata Tjuta National Park and other Commonwealth reserves. The management plan for the park is an enabling document. It allows management activities to occur that would otherwise be restricted under EPBC Act and EPBC Regulations, and enables certain management, recreational and commercial activities to occur.

The conventions listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* were considered in the preparation of the Uluru-Kata Tjuta National Park Management Plan 2021.

Human rights implications

This Legislative Instrument engages with the following human rights:

Right to freedom of movement

The right to freedom of movement is contained in article 12 of the International Covenant on Civil and Political Rights (ICCPR). In order to achieve the objectives of the management plan it is necessary to restrict some access and uses that may impact on the natural and cultural values of the park, or to restrict access to areas that are dangerous to human health and safety. This may involve the right to freedom of movement; however, this is not an absolute right and may be subject to permissible limitations where there is a legitimate objective, in this case the conservation and protection of natural and cultural values into the future and to ensure the health and safety of visitors to the park. Limitations on access and use of the park under the management plan are reasonable, necessary and proportionate responses to the potential threats posed to achieving the objectives of the management plan.

Right to enjoy and benefit from culture

The right to enjoy and benefit from culture is contained in Article 27 of the ICCPR and Article 15 of the International Covenant on Economic, Social and Cultural Rights. The right to enjoy and benefit from culture includes allowing people to take part in cultural life and enjoy the benefits of scientific progress. The management plan promotes this right by seeking to involve interested stakeholders and the community in management actions and to allow the customary use of natural resources in the park.

The management plan may limit this right in some instances where proposed activities are not consistent with the primary objective of the management plan to protect and conserve biodiversity

and other natural and cultural values, and are consistent with the Director's obligations under the park lease. However, these instances are expected to be infrequent and will be carefully considered prior to a decision being undertaken.

Right to self-determination

The rights of peoples to freely determine their political status and freely pursue their economic, social and cultural development are contained in article 1 of the ICCPR. This management plan promotes the right to self-determination for people of Aboriginal descent, through joint management of the park with traditional owners, traditional owner consultation and participation in decision making and the incorporation of traditional knowledge and practices in the management of the park.

Conclusion

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* and to the extent that it may limit any human rights, those limitations are reasonable, necessary and proportionate.

**The Hon Sussan Ley MP
Minister for the Environment**