

## **A National Wilderness Protection System**

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"The trouble with our times is that the future  
is not what it used to be."

- Paul Valery.

In recent years some scientists have been heard describing national parks, as "mammal death traps" (Archer: 2003) and "beautiful lies" (Flannery: 2003). Such criticisms are not new. I recall reading an article in the Australian Museum Magazine in the 1970s dismissing national parks as "a nineteenth century concept" although at the time it was not a view that got much attention. There were of course responses to Dr. Flannery and his "Beautiful Lies" thesis. Andrew Cox of the National Parks Association of NSW said:

"Flannery argues it's a 'fallacy' to think that creating more reserves such as Royal National Park will help 'very much to preserve Australian wildlife'. The alternative to the protection of this precious bushland adjacent to Australia's largest city would have been wall-to-wall housing, ovals and shopping centres devoid of most wildlife, including the many threatened species that still hang on there" (Cox: 2003).

Dr Flannery expressed an even lower opinion of the worth of wilderness reservations. When he gave the first "Milo Dunphy Memorial Lecture" in 1998, he declared – although it had been said before – that "the wilderness areas we have today are the product of smallpox and settlers' bullets." He also said "there is no wilderness in Australia" a point he made earlier in his book "The Future Eaters", but briefly and without throwing much light on the subject. Elsewhere, another critic of wilderness, Dr Harry Recher, said:

"It's a bushwalkers' concept. Wilderness as it's practised in Australia has nothing to do with conservation. I would say it's about providing recreation areas for them and for them exclusively" (Woodford: 2003).

Sydney Plant Ecologist John Benson, in a response to Flannery's "Beautiful Lies" thesis, wrote in the correspondence columns of "Quarterly Essay":

“The national conservation reserve system and wilderness areas are the prime means of ensuring the survival of species simply because it is unlikely they will be grossly changed by humans. This contrasts with bushland on private land that is being cleared or over-grazed, and some state forests that are being felled at unsustainable rates. At least our national parks are being professionally managed, albeit on limited budgets, by well-trained people who are dedicated to maintaining biodiversity. To downplay the importance of the national reserve system is foolhardy, yet this is what Flannery does in Beautiful Lies” (Benson: 2004).

It is important to understand that the scientists criticising national park and wilderness reservations are not doing it without reason. Their motivation is to get more effective protection of biodiversity. Scientists like Flannery, and Michael Archer and Harry Recher argue for an integrated, whole of landscape, approach. They say that a limited and static system of national parks and wilderness reserves will not address land clearing, climate change and other threats to biodiversity, and stem a wave of extinctions that is looming over the Australian continent.

However, as John Benson observed:

“... most biologists (me included) agree with Flannery’s call to improve the sustainable management of the ecosystems across rural landscapes as this is the matrix between the conservation reserves” (Benson: 2004).

He could have added that there is really not much difference of opinion on this point between biologists and the community environment movement. What was once called “off-park” conservation, and a secondary concern compared with the reserve system, has for a number of years now been a primary concern of the state conservation councils and the national environmental organisations, who now direct most of their efforts not to adding areas to the reserve system, but to dealing with the challenges of maintaining biodiversity, water conservation and the causes of climate change.

Other scientists who have given considerable thought to the role that national parks and wilderness can play as “core areas” in a wider approach to landscape conservation, agree with John Benson. In their report “The role of Wilderness in Nature Conservation,” B.G. Mackey, R.G. Lesslie, D.B. Lindenmayer, H.A. Nix and R.D. Incoll said:

“Many of the disturbances associated with modern technological society cause fragmentation, degrade the native vegetation and elevate extinction risk. It

follows, that wilderness areas and places with high wilderness quality, all other things being equal, will provide for larger reserves, support larger or better connected metapopulations, reduce extinction risk, be less fragmented, and possess greater resilience” (Mackey et al: 1998, p.3).

They also said that characteristics desired in dedicated reserves are:

“likely to be found in, or promoted by, wilderness areas. Hence they should where possible form the core of a dedicated reserve network” (Mackey et al : 1998, p.4).

They went on to say:

“all other factors being equal, a landscape of high wilderness quality will better promote nature conservation objectives than one with low wilderness quality” (Mackey et al: 1998, p.5).

And:

“An integrated landscape conservation strategy will have wilderness as the core, complemented with ‘the best of what is left’” (Mackey et al: 1998, p. 6).

It is one thing to aspire to the conservation of nature across a whole landscape but it is another thing to achieve it. Those who decry the efforts of the community environmental organisations should at least acknowledge the political, legal and other obstacles to achieving nature conservation on someone else’s land, particularly when that other person has different priorities. As a comment on political party agendas, the criticisms carry more weight. The promise of a few new national parks at State elections is no longer acceptable and environment groups should not be satisfied with these hand-outs.

Of course, scientists are not the only ones who have weighed into the wilderness debate. A departing Director-General of National Parks in NSW, told the press in 2003 that “he had been "frustrated" by green groups who thwarted plans to licence tour operators in wilderness areas:

"In its most extreme form you have people potentially wandering off into a wilderness area of Kosciuszko and putting their lives at risk and the lives of rescuers at risk ... If we had the capacity to license tour operators within wilderness areas, they could take those people on a properly organised and

conducted tour. The impact on cultural and natural values would be significantly reduced and public safety would be protected” (Peatling: 2003).

These comments bring into focus the human side – the social and psychological benefits – of wilderness areas, which many people value precisely because they are places that offer some respite from the pervasive commercialism and constraints of modern life.

Another barb came from columnist George Monbiot who in an attack aimed primarily at television naturalist David Attenborough, wrote in England’s Guardian Newspaper:

“The construction of wilderness has always been a key component of the colonial project. Almost everywhere that European settlers went, they either proclaimed the land they seized to be terra nullius or, by expelling its people, ensured that it became so” (Monbiot: 2003).

This echoed a concern in the debate in Australia following the High Court’s decision in the Mabo case in 1992, crystallised in a memorable indictment of wilderness published in the Wilderness Society's magazine in 1995:

"The popular definition of wilderness excludes all human interaction within allegedly pristine natural areas even though they are and have been inhabited and used by indigenous people for thousands of years. Like the legal fiction of terra nullius which imagined us out of existence until the High Court decision in the Mabo case, popular culture also imagines us out of existence ... National parks can be understood as a part of the colonial repertoire when they are understood as the further delineation, naming and categorising of Terra Nullius Incognito. It is a further conquest" (Langton: 1995).

These are understandable sentiments and more needs to be done to accommodate Aboriginal cultural perspectives in the reserve system. If the ideas expressed in the Malimup Communique are an indication of how Aboriginal communities will seek involvement in the management of wilderness areas, then there is reason to hope that the process can be positive. I think we now need to move this debate forward and focus on specific wilderness area proposals, as little will be resolved by continuing to argue about generalities.

An article in the Sydney Morning Herald about the Wollemi Wilderness Area north west of Sydney – the largest wilderness area in NSW – said in 2003:

“For decades, the accepted, uncontroversial wisdom was that Wollemi is, and has always been, as close to a people-free wilderness as any place in Australia. It is rugged and difficult country and yet, in the past year, it has proved to be, archaeologically, one of the richest areas uncovered” (Woodford: 2003).

I don't think anyone has suggested that Wollemi was historically people-free, and the existence of Aboriginal art sites in Wollemi has long been known. The Aboriginal and European history of the area and some of the Aboriginal art were acknowledged in wilderness literature (see Prineas and Gold: 1978; Prineas and Gold: 1983). In Pre-European times, the rugged sandstone ridges and gorges now within the Wollemi National Park were a border land separating the territories of six different language groups. Small numbers of Aboriginal people may have lived in – or more likely visited – the area, but this does not affect its standing as a wilderness area, as wilderness has never been defined as a place devoid of culture and history.

The challenge seems to be to accommodate Aboriginal cultural interest in wilderness areas while allowing these areas to remain wilderness. This may not be so difficult as one of the advantages of a wilderness is that it carries the marks of humanity lightly and so it can reflect a variety of cultural perspectives.

### **Outcomes of the Fourth National Wilderness Conference**

The Fourth National Wilderness Conference was held in 1993 at a high point in the progress of wilderness conservation in Australia. The 1980s had built on earlier work by Myles Dunphy, Dr Geoff Mosley and Milo Dunphy. A first attempt to identify wilderness areas across the entire continent had been made (Prineas, Lembit and Fisher: 1986); efforts had been made to establish a national wilderness policy and program (Sinclair: 1987); there was also the enactment in NSW of Australia's first wilderness Act in 1987, and the commencement of a National Wilderness Inventory.

In 1992, a year before the Fourth National Wilderness Conference, the Commonwealth discussion paper “Wilderness In Australia” (Robertson, Vang and Brown: 1992) suggested the need for a National Wilderness Protection Program with, at its most basic level, the following elements:

- a comprehensive inventory of Australia's wilderness areas

- systematic development and maintenance of a register of Australia's wilderness areas; and
- a mechanism for the comprehensive protection and proper management of identified wilderness areas throughout Australia and its external territories.

“Wilderness In Australia” also presented further options for action by the Commonwealth. They included Option 4 which scoped the field for executive action by the Commonwealth using then existing powers. Option 5 called for the enactment of Commonwealth wilderness legislation, and Option 6 suggested amending the Constitution to give the Commonwealth Parliament full powers to enact laws with respect to the environment.

If some of the options presented in “Wilderness in Australia” looked ambitious in 1992, today they seem even more so. The advent of a different Government in Canberra has shown, too, that giving the Commonwealth more power will not necessarily lead to the policy outcomes that are hoped for.

The Fourth National Wilderness Conference established a “Task Group” to develop a campaign proposal for a ‘National Wilderness Protection System’ (NWPS). The group produced a report in the year following the Conference outlining the main elements of the NWPS (see the Appendices to Mosley, J. G.: 2006, which contain the resolutions of the 1993 conference and the Task Group report).

The report suggested the NWPS could be established without any requirement to change reserve jurisdiction or administration. It recommended a staged approach, the first step being the establishment of a “wilderness unit” at Commonwealth level to oversee national wilderness policy and develop the NWPS. The Task Group also called for the National Wilderness Inventory to be maintained.

It was suggested that national groups – like the ACF and The Wilderness Society – were best placed to lobby for and promote a National Wilderness Protection System and suggested that these groups should reaffirm their commitment to wilderness protection and reservation and adopt policies in

support of a NWPS, publicise the policy; contribute to campaigns to protect and reserve wilderness areas in different regions (especially tropical and arid zones, and adequately resource these efforts.

The report summarised obstacles, difficulties and threats. These included

- opposing forces (mining, logging, pastoral interests, tourism developers, economic rationalism, hostile bureaucracy;
- weakness in the conservation movement - uncertainty about what wilderness is and where wilderness protection sits in the scheme of things;
- issues with Aboriginal people;
- erosion of support due to attacks on the wilderness concept from some scientists and academics; and
- weaknesses in state and territory systems - uneven standards, management issues such as fire.

The report also identified positive factors: wilderness had survived in Australia. Wilderness reserves existed in most states and territories under either statutory and or administrative arrangements and wilderness conservation had been accepted as policy by all governments. Three states had enacted special wilderness legislation. Wilderness was supported in a number of other countries. At the international level, the IUCN supported wilderness as a sub-category of one of five categories of protected area.

Among other things, the Task Group's report called on interested groups around Australia to liaise with Aboriginal communities and find common ground.

### **Developments since the Fourth National Wilderness Conference**

When we look around Australia today we can take some satisfaction from what has been achieved in gaining recognition of the values of wilderness, identifying wilderness areas and protecting them in reserves. However we must also recognise that recent years have not been sympathetic to the

wilderness idea. We have seen some retreat by the Commonwealth Government from policies and programs supportive of wilderness. The trend has been apparent also, although perhaps for different reasons, in the Northern Territory. In other jurisdictions the position of wilderness has not been eroded very much, if at all, although it can equally be said that not many advances have been made.

Despite the calls from the last wilderness conference, the national environmental NGOs have not put their efforts into wilderness campaigning at a national level, choosing to pursue other priorities.

### **Wilderness at the international level**

Although wilderness conservation may be going through a period of soul-searching in Australia, wilderness still has a place within the categories of protected area recognised by the International Union for the Conservation of Nature (IUCN). The IUCN has defined a series of six protected area management categories, based on their primary management objectives.

Wilderness sits within Category I as “Category Ib ... a large area of unmodified or slightly modified land, and/or sea, retaining its natural character and influence, without permanent or significant habitation, which is protected and managed so as to preserve its natural condition.”

Wilderness is immediately beneath “Category Ia: Strict Nature Reserve ... managed mainly for science ... possessing some outstanding or representative ecosystems, geological or physiological features and/or species, available primarily for scientific research and/or environmental monitoring.”

Wilderness is also immediately above “Category II National Park ... managed mainly for ecosystem protection and recreation.”

The IUCN protected area categories demonstrate the logic of keeping wilderness as a reserve category. The step between national park and strict nature reserve is, both in practical and political terms, too great. Wilderness fills the gap.

This is an appropriate point to remind ourselves of the reasons why wilderness reserves were sought by early conservationists and why they were not content just to have national parks. Marie Byles made the case in the 1930s:

“When New South Wales does wake up to the growing need for wild park lands, it will be able to benefit by the mistakes made by America. The initial mistake made there was to regard it sufficient to dedicate lands as parks. It was thought that to dedicate them thus would be the same thing as keeping them in a primitive or natural state. But it was seen then that hotels, motor roads and wide advertisement caused tourists to flock there by the thousands... It was soon realised that, though it was desirable to have parks for tourists, this was not enough. There must also be wildernesses which will stay wildernesses for all time.” (Prineas and Gold: 1997)

Experience has shown that Byles’ reasoning was sound. Natural conditions in some Australian national parks are under great pressure from recreational use and associated development. In NSW’s Kosciuszko National Park, land within ski resort lease areas is traded and developed in a manner comparable with towns outside the Park. The Kosciuszko National Park also has several wilderness areas managed under the provisions of the NSW Wilderness Act. At least in the Park’s wilderness areas, natural conditions are protected from the pressures of commercial and recreational development.

## **The Commonwealth**

When the Fourth National Wilderness Conference was held in 1993, there was a Commonwealth Wilderness Program. The Commonwealth had funded the National Wilderness Inventory for the previous seven years. The Australian Heritage Commission had listed national parks and reserved wilderness areas on the Register of the National Estate.

Identification of wilderness areas at Commonwealth level was then continuing under a variety of initiatives. They included the Resource Assessment Commission (RAC) in the early 1990s which carried out assessments of the Southwest, southeast and east coast forests, including the identification of wilderness areas; the Regional Forest Agreement process implemented from about 1996 to 2001; and the National Forest Policy with its Comprehensive Regional Assessments and vision of a Comprehensive, Adequate and Representative Reserve system.

The National Wilderness Inventory was discontinued in 1997 even though in the previous year a poll commissioned by the Australian Heritage Commission indicated 99% public support for wilderness and 98% support for wild rivers (Roy Morgan Pty Ltd: 1996). Nevertheless, the Commonwealth Wilderness Program continued on and identified and mapped wilderness areas throughout Australia up to about 1999. In that year also, the Commonwealth's Environment Protection and Biodiversity Conservation Act came into force; this legislation includes section 346 which requires Commonwealth reserves to be assigned to a particular IUCN category, including wilderness, and section 360 which prohibits inappropriate activities in wilderness reserves or any wilderness zone within a reserve.

However, by 2001 the Commonwealth Department (now it is called the Department of Environment and Heritage) seems to have turned away from wilderness. It seems that wilderness was not seen as sufficiently "scientific" and there were concerns that wilderness was the cause of arguments among some NGOs. The Department continued the "National Reserve System" policy.

Although there was a change in policy, some elements of the Commonwealth Wilderness Program still exist. For example, the National Wilderness Inventory can still be accessed on the internet under the name "Australian Land Disturbance database," although I am uncertain how up-to-date or usable this database is. Various aspects of landscape which incidentally may be used to assess wilderness quality are still monitored, updated and presented in databases maintained by the Bureau of Rural Sciences, another Commonwealth agency. Such information can be used to assist in wilderness planning and monitoring. I believe there are also some thousands of maps of wilderness areas from the former Commonwealth Wilderness Program kept in the public access section of the Department of Environment and Heritage library. However I believe the Department is dispensing with the library. The maps will then go to a Fyshwick Store where further access might be problematical.

Regrettably, the Australian Heritage Commission, an organisation which did so much valuable work in documenting and helping to protect Australia's natural heritage, including wilderness, is gone. It has been replaced by the Australian Heritage Council, a body that shows little interest in the nation's

natural heritage. Of 33 listings on the National Heritage List, only two – Queensland’s Glasshouse Mountains, and the Dinosaur Stampede National Monument – appear to have been listed primarily for their natural heritage values.

## **The States and Territories**

### **New South Wales**

New South Wales currently has 6.5 million hectares of national parks including almost 2 million hectares of wilderness protected under the NSW Wilderness Act.

However wilderness in western NSW is not as well served as the east. Also, there is now no central wilderness unit in the State Department of Environment and Conservation and regional differences are emerging in the way wilderness is being assessed and administered.

The NSW IFOA process, put in place in 1999, has limited the lands to which wilderness nominations and assessments can apply. Much forested public land outside national parks has been excluded. This has compromised the operation of the NSW Wilderness Act.

More recently a further limitation has been placed on the application of the Wilderness Act. The NSW Government brought in the Brigalow and Nandewar Community Conservation Area Act in 2005 which had the effect of establishing special “community” reserves in this vast woodland region in northwestern NSW. These new reserves were provided with a new form of governance in which the Director of National Parks and Wildlife has to share control with other State agencies. A nomination made by the Colong Foundation for a 22,000 hectare ‘Bebo’ Wilderness in these northwestern woodlands was stopped by the enactment of the Brigalow and Nandewar Community Conservation Area Act. The Minister for the Environment advised the Colong Foundation that the provision in the new Act excluding the operation of the Wilderness Act was made “as it was considered that any wilderness declaration would exclude general public use and community participation in the planning and management of a large part of the CCA” (the Community Conservation Area).

The most recent addition to the wilderness system was in November 1995 when, in a formal presentation to environmental groups by Premier Morris Iemma, the Government announced the declaration of the 11,000 hectare Chaelundi Wilderness Area in the northeast of the State, an area of old growth forest including rainforest and the scene of conservation disputes over many years. The Premier suggested that more wilderness declarations would follow in 2006.

On the same occasion the NSW Government announced that it would also proclaim the State's first wild rivers and nominated the Washpool, Upper Brogo, Upper Hastings, Forbes and Kowmung Rivers. It was suggested that more Wild Rivers declarations could follow, with mention of the Paroo, Macdonald, Grose and Colo Rivers. Although these wild river declarations would affect river courses already protected within national parks, they may help to prevent the further exploitation of these streams' water resources.

## **Victoria**

Since the early 1990s Victoria has had a reasonably comprehensive wilderness protection system established under legislation. The position of wilderness in Victoria is largely unchanged since the last wilderness conference.

## **Tasmania**

In Tasmania there continues to be no provision in State legislation in for the identification or protection of wilderness areas. However large wilderness areas within the State's World Heritage national parks are identified and protected under the WHA plans of management. The position of wilderness in Tasmania is largely unchanged since the last wilderness conference.

## **Australian Capital Territory**

Namadgi National Park contains a wilderness zone made under the ACT Nature Conservation Ordinance. This was proposed in the 1980s Plan of Management and still exists. A representative Board for the Namadgi National Park has recently produced a report criticising the wilderness zone

within the Park on the basis that wilderness is a concept that is offensive to Aboriginal people. A new draft for Namadgi National Park was released late in 2005 which proposes numbered zones, corresponding to descriptions such as “remote”, “semi remote” etc. In management terms, the wilderness zone would not be eliminated but the zoning categories would not use the word.

## **South Australia**

South Australia has had statutory provision for wilderness for some time but had established only a limited number of small wilderness reserves. However, since 2004 the situation has improved markedly with the establishment of the 500,000 hectare Yellabinna Wilderness protection area north of Ceduna.

## **Queensland**

Queensland was the second state after NSW to provide for wilderness areas in legislation. They were referred to in the National Parks and Wildlife Act 1975 as “primitive areas”. However, no primitive areas were ever gazetted. Provision was made for the declaration of “wilderness areas” in the Nature Conservation Act 1992 but none has ever been declared.

Wilderness areas in Queensland do nevertheless receive some recognition and appropriate management under plans of management for national parks, including Mount Barney, Hinchinbrook Island, Currawinya and Carnarvon. In the case of Carnarvon and Hinchinbrook Island – national parks with high wilderness values – the plans of management designate remote-natural zones over most of the park with minimal or no visitor facilities and excluding motor vehicle access other than for management purposes.

## **Northern Territory**

Wilderness zones may be created within national parks under the provisions of the Territory Parks and Wildlife Act, but no wilderness zones have been gazetted. Many national parks in the Northern Territory are now on Aboriginal-owned land.

There exists a zone (Zone 4) in the Kakadu National Park, created under the park's management plan, which is described in terms which equate with wilderness management, however the term "wildness" is used rather than "wilderness". Zone 4 is in the southeast of Kakadu National Park and covers the Arnhem land escarpment within the park or, as it is known to local Aboriginal people, the "Sickness Country". However the new draft Kakadu National Park plan of management (yet to be adopted) would dispense with Zone 4. Indeed, the new plan would, if adopted, abandon any form of zoning within the Park.

## **Western Australia**

Western Australia is a late starter in wilderness protection but took a step forward in 2004 when the State Government adopted a policy to protect wilderness areas. Western Australia's wilderness policy was at the time described as an integral part of the State's policy to protect old growth forests and would be applied within a new and extensive forest conservation area badged as the Walpole Wilderness Area (WWA). Situated in the forests between Walpole and Denmark in the State's southwest, most of the WWA consists of half a dozen national parks (some created only recently) formed from former State forest. Because much of the area has a history of logging disturbance with many logging tracks, little of it strictly qualifies as "wilderness" at the present time. Under a management plan currently being developed, two formal wilderness zones are to be designated. Recovery of disturbed areas over time should allow more of the WWA to be designated as wilderness in the future. Under Western Australia's new wilderness policy, criteria for wilderness include remoteness from settlement and access, with the minimum size of a designated wilderness area being 8,000 hectares in the agricultural and forested southwest region of the State and about 20,000 hectares in the semi-arid, arid and tropical regions. Wilderness management under the new policy is generally in accordance with practice in other states.

## **Non Government Environment Organisations**

### **The Australian Conservation Foundation**

In 1999 the ACF approved a policy statement entitled “Wilderness and Indigenous cultural landscape in Australia”. This was approved after about two years of discussion. The policy did not replace the ACF’s earlier position paper on wilderness, mainly the work of Dr Geoff Mosley, which continues to apply.

The 1999 policy statement included the following provision:

5.5 The Commonwealth should:

- establish a leading role in wilderness conservation;
- actively promote the establishment of a national wilderness protection system; and
- maintain an inventory of areas in a wilderness condition

As discussed, the Commonwealth has not taken these actions and the ACF has not given priority to pursuing them.

### **The Wilderness Society**

TWS’s WildCountry program is “based on the way the continent works as a whole and the connections between wildlife, habitat, climate change and people and how these change over time”. TWS is working with long term objectives to set up large-scale connections across the continent. The focus is said to be both protecting the best of what is left of Australia’s natural environment, and maintaining and/or restoring ecological connections in the landscape. The program is said to be based on “cutting-edge science” and on “landscape-scale conservation initiatives”. There are currently five of these initiatives underway around the country:

- (a) Gondwana Link (South-west Western Australia);
- (b) Northern Australia (from the Kimberley to Cape York Peninsula);

- (c) Far North Queensland (which is a component of the broader Northern Australia project -focused on the Gulf of Carpentaria & Cape York Peninsula)
- (d) Mallee to the coast (Tri-state Project, which captures South Australia, Victoria and New South Wales);
- (e) The Western Corridor (South Australia).

WildCountry is based on the ‘Rewilding’ concept developed in North America by Reed Noss and Michael Soule (Foreman: 2004). The TWS’s first WildCountry co-ordinator, Virginia Young said in an interview:

"We had heard about the Wildlands Project initiative in the US which aims to stem the disappearance of wildlife and wilderness across every region of North America ... (in Australia we saw) ... the major issue was rebuilding linkages and connectivity in the landscape for a range of ecological processes ... an interesting dialogue began with a group of scientists, leading to the first meeting of scientists in April 2000 and the formation of the WildCountry Science Council in 2001 ..." (McDonald: 2004).

Does the WildCountry/Rewilding approach mean that we must abandon wilderness areas and national parks? There is little reason to think so. Dave Foreman in his book, “Rewilding North America,” addresses this point, and the differences that have sometimes emerged there between the community environment movement and some conservation biologists:

“In general, wilderness critics, including some conservation biologists, have failed to acknowledge the tremendous successes of traditional American conservation and national parks. Some claim that an ecological approach doesn’t fit with a traditional conservation approach. Many of these critics just don’t know what they are talking about. Others have overstated their case in typical human fashion to make their point. ... wilderness areas and national parks are the bedrock underlying protection of biodiversity and rewilding ... Far from tossing aside existing protected areas and the wilderness and park systems, we conservationists must expand such areas and reconnect them” (Foreman: 2004 pp 168-169).

## **Indigenous Issues**

### **The Mabo Decision**

In 1992, the High Court of Australia delivered its landmark “Mabo” decision which rewrote Australia’s common law. The Court found that Indigenous people have native title rights that existed before colonisation and which still exist where not extinguished by inconsistent acts of the Crown. Within national parks some native title rights might exist where consistent with the national park.

### **Native Title Act**

In 1993, the Native Title Act codified Native Title law and put in place machinery for native title claims. It validated titles granted after 1975 which were invalid in law by operation of the Racial Discrimination Act. Indigenous people were given the right to negotiate, but not veto, developments on native title lands.

### **Wik Decision**

In 1996 the Wik case was decided by the High Court of Australia. The case concerned Aboriginal rights to land which were, or had been, subject to a pastoral lease. Pastoral leases are a form of land tenure created by the British Colonial Office in the nineteenth century and were a response to concerns at the unlawful occupation of vast areas of Australia by squatter pastoralists in the 1830s and 1840s. The British Government intended that these leases would not give squatters exclusive rights to the land to the detriment of the native people. Substantial areas of Australia – some 42% of the continent – are under pastoral leases and are especially significant in the north. The High Court held that native title rights could exist alongside the rights of pastoralists on pastoral leases. It held that when pastoralists and Aboriginal rights were in conflict, the pastoralists’ rights would prevail and give pastoralists certainty to continue with grazing and related activities. However pastoralists and conservative political leaders demanded that these native title rights be extinguished.

### **1998 - “Buckets of Extinguishment” - the Native Title Act Amendment**

Following the High Court’s 1996 Wik decision the Howard Government brought forward a Native Title Amendment Bill, based on a “Ten Point

Plan”. The Government delivered what was described at the time as “buckets of extinguishment” not only on pastoral leases, but on a range of other land tenures, depriving Aboriginal people in the north of Australia of potential access to much land. In the southern regions of Australia the significant “available” categories of public land (in a political if not a legal sense) were the national parks and the remaining – usually small areas – of vacant crown lands.

### **1998 Malimup Communique**

In May 1998 a communique was issued from a meeting at Malimup Spring, Western Australia, of indigenous representatives, staff of government land management agencies and representatives of non-government environmental groups. The communique is concerned with indigenous people and the management of areas reserved or zoned as wilderness and puts forward a set of principles as to how such areas should be managed to meet the needs of indigenous people with a traditional connection to these areas.

Conflicts surrounding “Malimup” and wilderness seem likely to arise from issues such as vehicular access, hunting with firearms, and the establishment of living areas, although the economic and commercial aspirations of Indigenous people may also lead to tensions. Rather than continue to generalise, however, it would be better if we applied “Malimup” to proposed wilderness areas with definite boundaries and see what conflicts, if any, arise.

It is encouraging that the “Malimup” principles include the aim that indigenous use of wilderness should be undertaken in ways that ensure that “all natural and cultural values are protected in the long term” and that, where possible, technology used should be “low impact to minimise detrimental effects” (TWS: 1999).

### **A National Wilderness Protection System**

- Cut it down to the essentials.

This Fifth National Wilderness Conference in Australia should not end – like the last one – with a call for a National Wilderness Protection System,

and a hope that national NGOs and the Commonwealth will do something about it.

The Conference should plan for the probability that the only national wilderness protection system that we are likely to see in the near future is an unofficial one based around the existing State and Territory wilderness designations. There is an obvious need for a national network to advance the management and extension of the wilderness protection system. However, if it is to make any headway in central and northern Australia, it needs to include representation from those regions.

The Conference should seek action from the Commonwealth but be realistic about it. This might involve the establishment of a small administrative unit within DEH to drive the process. It should continue the “Australian Land Disturbance Database” (renaming it the “Wilderness Inventory”) drawing perhaps on the databases of other Commonwealth agencies which incidentally contribute to the mapping and monitoring of wilderness conditions. It should issue and promote national standards and a national code of management for wilderness areas, and perhaps seek appropriate entries on the National Heritage List. There need not be any changes in reserve jurisdiction or administration.

- Keep it relevant

Over the years the motivation for wilderness conservation has changed. Years ago recreation was the driver. Later, nature conservation became important, and more recently biological science has influenced the selection and design of reserves.

Today, wilderness areas in North America continue to be relevant as core areas within an integrated approach to landscape conservation at a continental scale (Foreman: 2004). As discussed, this approach has been taken up in Australia, notably in the Wilderness Society’s WildCountry Project. Proposals for new wilderness reservations that are distant from large cities, located in the arid zone or in the north, will, I think, have fewer prospects of being realised unless they are seen as helping to stem development pressures on biodiversity and the looming extinction crisis, or issues of water management or climate change. New wilderness proposals should have the potential to fit into a landscape matrix with appropriate linkages.

Another point of relevance is in the management of natural areas. Wilderness is a useful management regime offering greater protection than national parks alone, but with less restrictions on public use than a strict nature reserve. Opportunities should be sought to show the management advantages of wilderness in national parks, water catchments and other suitable areas.

- Co-operate

Environmental problems are getting bigger and more complex. To make progress, NGOs interested in wilderness conservation must co-operate. There needs to be more sharing of information, and better integration of activities and campaigns.

- Build bridges

There should be more engagement with Aboriginal people and a better understanding of the implications of the Malimup Communique. This will more useful if the dialogue can progress to the discussion of the Malimup principles in reference to specific wilderness areas (existing or proposed).

- Keep the word “wilderness”

Wilderness is a word that is widely understood and powerfully communicates the concerns of those interested in wilderness conservation. No corporation would ever think of giving up such an effective “brand”. Use of the word “wilderness” should therefore be retained. I reject the tendency of some people to ascribe to this one word all the historical injustices done to the Aboriginal people of Australia, but if the use of the term “wilderness” is an issue in achieving a particular proposal for wilderness protection on land owned by Aboriginal people, another term should be sought that is acceptable for that situation.

- Be specific

Much of the debate involving Aboriginal interests has revolved around the general idea of wilderness. This debate has been interesting and, up to a point, useful, but we should now try to move forward. We need to examine

the implications of specific wilderness reservations and see what issues, if any, they raise.

- Take a stand

Although protecting wilderness is strongly supported in the community, wilderness reserves and their management have not shaken off their traditional opposition of farming and pastoral interests, recreational four-wheel-drivers, horse-riders, various resource and commercial interests, and a few bureaucrats. More recently criticism has come from some Aboriginal interests, and some biologists. A few in the community environment movement have wavered in the face of this opposition. But wilderness deserves better. We should not lose sight of the values of wilderness or lack the courage to defend it.

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