



Department of Indigenous Affairs
Government of Western Australia



ENQUIRIES : Kevin Dolman - Ph 9235 8128

OUR REF: 08/0243

YOUR REF:



Dr M.D. Nahan, MLA
Chair
Economics and Industry Standing Committee
Parliament House
Perth Western Australia 6000

Dear Dr Nahan

**PARLIAMENTARY INQUIRY - PROVISION, USE AND REGULATION OF
CARAVAN PARKS (AND CAMPING GROUNDS) IN WESTERN AUSTRALIA**

Please find enclosed a submission by the Department of Indigenous Affairs to the Parliamentary Inquiry into the provision, use and regulation of caravan parks and camping grounds in Western Australia.

Thank you for the opportunity to reflect on the relevant legislation and its potential impact on the culturally significant practice of 'camping', and to explore ways of realising some of the potential economic opportunities.

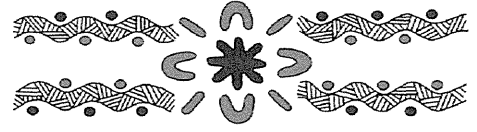
Yours sincerely

Patrick Walker
DIRECTOR GENERAL

14 May 2009



Department of Indigenous Affairs
Government of Western Australia



DEPARTMENT OF INDIGENOUS AFFAIRS

**Submission by the Department of Indigenous
Affairs to the Economics and Industry Standing
Committee Inquiry into the Provision, Use and
Regulation of Caravan Parks (and Camping
Grounds) in Western Australia**

Department of Indigenous Affairs
May 2009

The Department of Indigenous Affairs (DIA) is pleased to have the opportunity to present this submission to the Economics and Industry Standing Committee Parliamentary Inquiry into the Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia.

DIA engages with Indigenous people and all levels of Government to improve service delivery and facilitates the development of policy and programs which deliver sustainable economic, environmental and social benefits to Indigenous communities under the authority of the *Aboriginal Affairs Planning Authority Act 1972* (AAPA Act).

The provision, use and regulation of caravan parks and camping grounds raises a number of issues for Indigenous Western Australians. The key themes raised by this submission include the potential economic development opportunities for Indigenous people; the need for the legislation to embrace and sustain traditional Indigenous 'camping' practices; and to highlight the provisions and duties of caravanners and campers as provided for by the *Aboriginal Heritage Act 1972*.

DEMAND, SUPPLY AND COSTS, AND TRENDS THEREOF, OF CARAVAN PARK SITES AND RELATED SERVICES

Economic development opportunities for indigenous persons and communities

There are no Indigenous owned and/or controlled 'caravan parks'¹ and very few Indigenous owned and/or controlled 'camping grounds'² in Western Australia. The Western Australian Indigenous Tourism Operators Committee (WAITOC) advises that there are 14 accommodation sites listed in their latest product manual, but not all have camping facilities. There are eleven in the Kimberley, one in the Pilbara and one in the Goldfields. WAITOC says there might be another half a dozen camping sites around which aren't listed as a fully commercial business, but may have campers on a seasonal basis providing some income.

It is not clear why the numbers of Indigenous owned and/or controlled commercial operations are so low. It may be due primarily to the problems being faced by the industry generally. The Caravan Industry Association (CIA) reported in 2005 that there had been no new caravan parks developed anywhere in Western Australia for the past ten years.³ The CIA has pointed to 'galloping land values in regional and metropolitan areas have made it impossible for potential developers of 'low order' tourism facilities to acquire land and develop new facilities'. The CIA has also suggested 'other contributing factors such as low levels of government and industry assistance, tourism levels and that it is a capital and labour intensive industry'.⁴

¹ As defined in section 5 of the *Caravan Parks and Camping Grounds Act 1995*.

² As defined in section 5 of the *Caravan Parks and Camping Grounds Act 1995*.

³ Tourism Western Australia and Tourism Research Australia (2007). *Understanding the Caravan Park Industry in WA*, Tourism Western Australia, Perth.

⁴ Tourism Western Australia and Tourism Research Australia (2007)

However, a large number of regional and remote Indigenous communities do have control of, or access to significant land holdings at relatively low cost, which are often in close proximity to favourable tourist potential locations. There are also a number of State and Commonwealth government agencies providing assistance programs for Indigenous economic development opportunities including the Small Business Development Corporation, Indigenous Business Australia, the Indigenous Land Corporation and the Department of Education, Employment and Workplace Relations.

Indigenous people who are operating a commercial entity on their 'traditional country' in regional or remote areas are also likely to be in a better position to plan and invest for the long term, and are likely to have lower profit expectations. There is also a strong interest by tourists in Aboriginal culture⁵ and there is a potentially good supply of local labour.

There are two categories of Indigenous land holders in this State that present potential economic development opportunity – native title holders and the Aboriginal Lands Trust (ALT). There are currently 23 determinations of native title in Western Australia over more than 818,000 square kilometres and the ALT has responsibility for approximately 27 million hectares or 11% of the State's land mass. This land comprises different tenures including, reserves, leases and freehold properties. A significant proportion of this land comprises reserves that have Management Orders with the ALT (generally having the power to lease), with their purposes mostly being for "the use and benefit of Aboriginal inhabitants".

SUPPLY AND DEMAND FOR LONG- AND SHORT-STAY SITES INCLUDING CAMPING SITES

There are two forms of camping regularly practiced by Indigenous Western Australians which the current legislation does not explicitly recognise or support. It is submitted that the legislation has the potential to operate in a manner that undermines these culturally significant practices whereas the legislation could be framed to sustain these culturally significant practices.

The first form of camping practice under consideration is when large numbers of Indigenous people gather to attend extended family community events such as weddings, funerals or other significant events, particularly in regional towns.

Regional towns throughout Western Australia experience both negative and positive consequences arising from the temporary influx of significant numbers of visitors from outlying Indigenous communities to attend community-based events. The positive consequences can include significant financial injections into the local economy through the purchase of goods and services. The negative consequences include temporary camping in the town

⁵ Tourism Research Australia (2008), "Indigenous Tourism Visitors in Australia 2007" at http://www.tra.australia.com/content/documents/Snapshots/2008/Indigenous_07_FINAL.pdf

common, which can be accompanied with excessive alcohol consumption, anti-social behaviour and littering.

The issue of non-availability of adequate camping grounds for Indigenous visitors from remote communities to major centres has long been one without resolution and consequential cost to society, individuals and Government services. Attached to this submission is a copy of recent paper presented by the CEO of the Shire of Laverton which indicates the degree of severity of the issue in one such town that is first "port of call" for visitors from the Central Desert Communities whether on business or for pleasure.

As can be seen from the Council papers, the Shire of Laverton does not possess all the answers and is appearing to focus on declaring the town common camping, alcohol and drug free under the Local Government Act 1995 section 3.1 clauses 3.14., 3.15., clause 4.4 and 4.5 (see attached document top of page 2). The paper does however highlight the complexity of the issue.

In general, within the Goldfields region the towns of Wiluna, Leonora, Laverton and particularly Kalgoorlie-Boulder require the provision of a secure, safe, managed short stay camping facility providing common facilities of camp kitchen and ablutions. These facilities need to be drug and alcohol free and managed 24 hours a day. This would be consistent with the provisions of section 13 of the CPCG Act.

Remote Indigenous visitors, unless they are well presented, are excluded from existing caravan and camping sites particularly given that they arrive without their own caravan.

Within the Goldfields both Laverton and Kalgoorlie-Boulder are in dire need of permanent short stay, managed camping facilities. Wiluna and Leonora to a lesser extent cater for funerals and major social events.

The establishment and funding of such facilities would provide additional employment opportunities for Indigenous people as well as the possibility of associated transport services to and from such sites. Both travel and use of the camping facility could be the vehicle for a gradually introduced "user pays" principle starting with a nominal payment increasing over a planned 5 year period to reduce recurrent Government outlay.

The second form of camping practice is when Indigenous families and communities go 'walkabout' on their 'traditional country' for cultural purposes including educating the younger ones and to participate in sacred ceremonies. Often this type of camping can occur for extended periods of time over weeks or even months, which is potentially in breach of the regulations regarding the need for a licence for camping longer than three days. This type of camping is further complicated by the fact that these camps are likely to occur in a range of locations over that period of time which makes it difficult to provide the facilities and amenities as required by the legislation. It is recommended that the legislation be amended to enable the local authorities to issue temporary

licences which require the provision of the usual temporary facilities and amenities.

STRUCTURE CONDUCT AND PERFORMANCE OF THE CARAVAN PARK INDUSTRY

Culture and heritage protection

DIA administers the *Aboriginal Heritage Act 1972* (AHA). The AHA provides automatic protection for all places and objects in Western Australia that are important to Aboriginal people because of connections to their culture. Under section 17, it is an offence if a person excavates, destroys, damages, conceals or in any way alters any Aboriginal site; or in any way alters, damages, removes, destroys, conceals, or who deals with in a manner not sanctioned by relevant custom, or assumes the possession, custody or control of, any object on or under an Aboriginal site.

Under section 15, persons are required to report to the Registrar if they find anything that resembles Aboriginal burial grounds, symbols or objects of sacred, ritual or ceremonial significance, cave or rock paintings or engravings, stone structures or arranged stones or carved trees or similar.

The Act provides for significant penalties for breaches of the Act including a fine of \$20,000 and imprisonment for 9 months for a first offence.

A recent report has raised concerns about illegal camping and the negative impacts on Indigenous culture and heritage in the Kimberley. A comprehensive study on expedition cruising in the Kimberley by the Cooperative Research Centre for Sustainable Tourism (CRC Report) found that the region has an active Aboriginal tourism industry and that the Kimberley offers unique opportunities to experience Aboriginal culture and landscapes (Jacquier 1999; Tourism WA 2006) including camping. However, the report found that 'current cultural and spiritual impacts on sites are of significant concern to Traditional Owners'.

The CRC Report found that there were a total of 30 vessels from 28 companies operating along the Kimberley Coast between Broome and Wyndham in 2006, some of which offered beach camping as an option. The Report found that most of the beach camping that occurred in 2006 from expedition cruising along the coastline was illegal. The report found that 'no permits for access to any ALT reserves had been granted to commercial tour operators, thus land-based excursions at many sites currently accessed by tour operators constitute trespass'. It concluded that there are a number of constraints that must be considered in relation to tourism and other development along the Kimberley coast including 'the need to protect the rich Indigenous heritage and respect the Aboriginal custodianship, which may limit tourism activities in some areas.'⁶

⁶ Scherrer P, Smith A and Dowling, A (2008) *Tourism and the Kimberley Coastal Waterways – Environmental and cultural aspects of expedition cruising*, Cooperative Research Centre for Sustainable Tourism, Queensland.

An implication for this Inquiry is that potential commercial camping activities on the ALT estate need to comply with the AHA, AAPA Act and relevant ALT policies including the land use and development policy, and the commercial opportunities and leasing policies. Economic development activities on the ALT estate would also need to comply with the *Code of Practice for Housing and Infrastructure Development in Western Australian Indigenous Communities 2006 (revised)*, developed by the Indigenous Environmental Health Coordinating Committee.

The Department of Indigenous Affairs and the Kimberley Land Council have recently been successful in securing Commonwealth Government funding under the 'Working-On-Country' program to establish two Indigenous Ranger programs in the Kimberley region. It is recommended that one of the roles for these Rangers include monitoring compliance with the *Caravan Parks and Camping Grounds Act 1995* (CPCG Act) as an authorised person under Section 17. It is also recommended that authorised persons under section 17 also be given the scope and power to monitor compliance with the AHA and with the AAPA Act.

This recommendation proposes a significant expansion of the scope of the CPCG Act. The underlying policy justification for this expansion is that the international and domestic tourism markets are increasingly attracted to commercial operations that respect and promote culturally- and environmentally-conscious experiences.

RECOMMENDATIONS

1. The *Caravan Parks and Camping Grounds Act 1995* should be amended to more effectively promote and enable Indigenous owned and/or controlled commercial activities, which by their nature, includes the promotion of sustainable cultural and eco-tourism.
2. The *Caravan Parks and Camping Grounds Act 1995* should be amended to incorporate Indigenous perspectives and practices in relation to 'camping' to enable the achievement of the Act's objects for culturally significant Indigenous camping practices, particularly clauses 4(d) and (e).
3. An ongoing information campaign needs to be conducted to ensure that all caravanners and campers in Western Australia are aware of the provisions and obligations of the *Aboriginal Heritage Act 1972 (WA)*.
4. That further collaboration occurs between the Department of Local Government and Regional Development and the Department of Indigenous Affairs to explore ways to implement the outcomes of the legislative review.
5. There should be greater enforcement of the legislative provisions.
6. Penalties for breaches of the Act should be increased.

7. Section 25 should be amended to require a representative from the Department of Indigenous Affairs on the Caravan Parks and Camping Grounds Advisory Committee.