



# fact sheet

## ABORIGINAL CULTURE AND HERITAGE



New South Wales  
Aboriginal Land Council

### Broader reform of Aboriginal Culture and Heritage laws in NSW

This information sheet provides an overview of the current inquiry into the laws managing Aboriginal Culture and Heritage in NSW.

This document has been prepared by the New South Wales Aboriginal Land Council (**NSWALC**) for Local Aboriginal Land Councils (**LALCs**) and Aboriginal communities across NSW.

**Please Note:** While all care has been taken in the preparation of this document, the advice it contains should not be seen as a substitute for independent consideration of the issues and/or legal advice on this subject. This document is current as of October 2011.

#### Proposals to reform NSW's Aboriginal culture and heritage laws

The NSW Government released advice on the Office of Environment and Heritage (**OEH**) website on the 20 October 2011 advising that consultations on developing options to reform NSW Aboriginal culture and heritage laws are due to commence on the **1 November 2011**.

**NSWALC has major concerns about the extremely short "public consultation" process, 1 November to 7 December 2011, and about the limited notice that has been provided to the community.**

NSWALC also has significant concerns about:

- The hasty commencement of the Government's reform process, and release of the *'Aboriginal heritage legislation in NSW'*:

*Public consultation on issues for reform'* document prior the new 'working party' being established,

- The exclusion of key Aboriginal community stakeholders, NSWALC and NTSCORP, from the new working party,
- The significantly revised and weakened 'objectives' for the reform,
- The composition of the 'working party' which is dominated by 'experts' appointed by the government, that does not ensure appropriate Aboriginal community representation, and
- The failure by the Government to consult or formally notify key community stakeholders, NSWALC and NTSCORP of any of these changes to the consultation and reform processes.

#### What has been the process so far?

In February 2010, as amendments to the *National Parks and Wildlife Act 1974 (NPW Act)* were introduced into the NSW Parliament, the then Labor Minister for the Environment announced that a 'working party' would be established for a 2 year period to consider separate Aboriginal heritage legislation in NSW. The working party would report jointly to the Minister for Environment and the Minister for Aboriginal Affairs.

In so doing, the Minister acknowledged what has long been known within the Aboriginal communities of NSW; ***that the current legal protections for Aboriginal culture and heritage are not good enough and are not working.***

### Reform of Aboriginal Culture and Heritage laws in NSW

October 2011

It is noted that whilst in opposition the new Coalition Government supported the call for broader reform.

In October 2010, as a result of NSWALC and NTSCORPs ongoing negotiations with the Government on the passage of the NPW Act 2010 through Parliament, NSWALC and NTSCORP were invited by the Government to participate on the working party, and the NSWALC Council resolved to participate on the working party in good faith.

The working party met three times between November 2010 and February 2011. However as a result of the NSW Government elections in March 2011 the reform process stalled.

### **What is happening now?**

In August 2011 NSWALC raised the following concerns with the NSW Government about the reform process:

- That the process appeared to have stalled,
- That the process was not being based on genuine engagement and consultation with Aboriginal peoples,
- That possible options for delivering Aboriginal ownership and control of Aboriginal culture and heritage appeared to be off the table, and
- That without genuine engagement and consultation with Aboriginal peoples, and consideration of possible options for delivering Aboriginal ownership and control of Aboriginal culture and heritage, the reform process would fail to deliver the best protections for Aboriginal culture and heritage.

**It now appears that the NSW Government are rushing ahead with a flawed consultation process, that does not guarantee the recognition of Aboriginal peoples' rights to control Aboriginal culture and heritage in any new laws.**

### **More Information**

If you would like any additional information about the contents of this document, please visit the NSWALC website [www.alc.org.au](http://www.alc.org.au), call the NSWALC Policy and Research Unit on 02 9689 4444 or email us at [policy@alc.org.au](mailto:policy@alc.org.au). For an overview of current site

protection options, please refer to the **NSWALC Site Protection Fact Sheet** series available from [www.alc.org.au](http://www.alc.org.au).

The 'Aboriginal heritage legislation in NSW: Public Consultation on issues for reform' document and consultation dates are available on the OEH website at:

<http://www.environment.nsw.gov.au/achreform/>

### ***Have your say!***

#### **Consultations**

NSWALC urges Aboriginal community members to raise concerns about the current process at the public consultation workshops.

#### **Submissions**

The Office of Environment and Heritage have called for written or verbal submissions by **1 December 2011**.

#### **Contact your Local Member of Parliament**

NSWALC encourages all LALCs and other members of the community to **urgently write to the Premier, the Minister for the Environment and Heritage, the Hon. Robyn Parker, and your local MP** to raise your concerns with the current process and call for genuine consultation with Aboriginal communities, which includes:

1. an extended consultation period, being not less than 6 months,
2. greater notice of public consultations, being not less than 1 month, and
3. a more extensive consultation, covering not less than 50 communities.

The Premier

Mr Barry O'Farrell, MP

Level 40 Governor Macquarie Tower

1 Farrer Place

SYDNEY NSW 2000

Contact details for your Local Member can be found on the NSW Parliament website:

<http://www.parliament.nsw.gov.au/prod/parlment/members.nsf/V3ListDownloads>

## Aboriginal heritage legislation in NSW: Public consultations

NOTE: The workshops run from 9:00 am until 3:30 pm and will include morning tea, lunch and afternoon tea.

*Listed by date*

<b>Location</b>	<b>Date</b>	<b>Venue</b>
<b>Redfern</b>	1-Nov	Yaama Dhinawan (Carriageworks), 255 Wilson Street, Darlington
<b>Mount Druitt</b>	2-Nov	Rooty Hill RSL, 55 Sherbrooke Street, Rooty Hill
<b>Newcastle</b>	3-Nov	Yamalong, 71 Prospect Road, Garden Suburb, Cardiff
<b>Bathurst</b>	4-Nov	Bathurst Panthers Club, Panorama Room, 132 Piper Street, Bathurst
<b>Wollongong</b>	7-Nov	Illawarra Aboriginal Corporation Cultural Centre, 22 Kenny Street, Wollongong
<b>Kempsey</b>	7-Nov	Kempsey Macleay RSL Club, 1 York Lane, Kempsey
<b>Moree</b>	7-Nov	Moree RSL Club, Auditorium Albert Street, Moree
<b>Coffs Harbour</b>	9-Nov	Coffs Harbour Ex-Servicemen's Club, Cnr Pacific Highway and Vernon Streets, Coffs Harbour
<b>Walgett</b>	9-Nov	Walgett RSL Memorial Club Hall, 71 Fox Street, Walgett
<b>Nowra</b>	9-Nov	Nowra Library, 10 Berry Street, Nowra
<b>Grafton</b>	11-Nov	5 Mile Hotel & Steakhouse, Armidale Road, South Grafton
<b>Queanbeyan</b>	11-Nov	Queanbeyan City Council RB Smith Hall, 262 Crawford Street, Queanbeyan
<b>Bourke</b>	11-Nov	Bourke PCYC, 2 Wilson Street, Bourke
<b>Dubbo</b>	17-Nov	Dubbo RSL Club Auditorium, Cnr Brisbane and Wingewarra Streets, Dubbo
<b>Narooma</b>	21-Nov	Narooma Golf Club, 1 Ballingalla Street, Narooma
<b>Tamworth</b>	22-Nov	Coledale Community Centre, 2b Kenny Drive, Tamworth
<b>Merimbula</b>	23-Nov	Black Dolphin Resort, 8 Arthur Kaine Drive, Merimbula
<b>Albury</b>	25-Nov	Quest Conference Centre, 550 Kiewa Street, Albury
<b>Wagga Wagga</b>	28-Nov	Lawson Motor Inn, 117 Tarcutta Street, Wagga Wagga
<b>Tweed Heads</b>	29-Nov	Minjungbal Aboriginal Cultural Centre, Cnr Kirkwood Road and Duffy Streets, South Tweed Heads
<b>Singleton</b>	30-Nov	Singleton Civic Centre, Queen Street, Singleton
<b>Griffith</b>	30-Nov	Griffith Ex Servicemen's Club, Jondaryan Avenue, Griffith
<b>Balranald</b>	2-Dec	Balranald RSL Club, Market Street, Balranald
<b>Broken Hill</b>	5-Dec	Musician's Club, 276 Crystal Street, Broken Hill
<b>Ivanhoe</b>	7-Dec	Ivanhoe RSL Club, Columbus Street, Ivanhoe