



**New South Wales  
Aboriginal Land Council**

## **NETWORK MESSAGE**

4 October 2013

### **NSW Government releases new model for Aboriginal culture and heritage laws, OEH consultations scheduled for November and December 2013**

The NSW Government has released their proposed model for new Aboriginal culture and heritage laws, and will undertake consultations in November and December 2013. Comments on the proposed model are due by **14 February 2014**. An outline of the proposed reforms is below in addition to consultation dates and locations.

***NSWALC encourages all LALCs and members of the Aboriginal community to have a say about the future management and protection of Aboriginal culture and heritage in NSW. The proposed reforms, if implemented, will have significant impacts on how Aboriginal culture and heritage is managed in NSW in addition to significant impacts on the Aboriginal Land Council Network.***

The proposed NSW Government model is available on the NSW Office of Environment and Heritage (OEH) website at: <http://www.environment.nsw.gov.au/achreform/ACHproposedmodel.htm>

#### **REFORM PROCESS**

The NSW Government has been pursuing a process to reform Aboriginal culture and heritage laws for over two years. NSWALC has raised a number of concerns with the process to date. Please visit the 'More than Flora and Fauna' page of the NSWALC website for further information: <http://www.alc.org.au/culture-and-heritage/more-than-flora--fauna.aspx>

The OEH have advised that after the current consultation process, a draft Exposure Bill is due to be considered by Cabinet by mid 2014. It is not clear whether the Government intends to release a draft Exposure Bill for public comment.

#### **OVERVIEW OF PROPOSED REFORMS**

A number of concerns and issues with the Government's proposed model have been identified and further advice will be provided in due course.

In summary, key features of the Government's proposed model include:

- **Establishment of a new *Aboriginal Culture and Heritage Act***, however, elements of the current system are proposed to be retained including 'due diligence',
- **New Government appointed Local Aboriginal Culture and Heritage Committees** are proposed to be established by the Minister for Heritage as a 'one stop shop' for all Aboriginal heritage matters. Local Aboriginal Land Councils (LALCs) are not proposed to automatically form part of the committee. The proposals are likely to have significant implications for LALCs, particularly for those who currently undertake culture and heritage and sites work.
- **Increased role for the *Aboriginal Culture and Heritage Advisory Committee (ACHAC)*** who are proposed to develop minimum standards and have a role in deciding membership of Local ACH committees,
- **Focus on 'flexible regulatory processes'** and 'streamlined consultations and assessments',

- **Emphasis on ‘upfront planning’ and mapping** which appears to reduce the ability to have a say on individual projects,
- Expanding the **definition of Aboriginal culture and heritage** to include intangible heritage, however a tired system of ‘low’ or ‘high’ Aboriginal culture and heritage value will also be introduced,

Please refer to the **attached information sheet** for further information about the proposed Government model.

### GOVERNMENT CONSULTATIONS

The OEH advises that all consultation workshops will run from 10am to 1pm. **LALCs and members of the Aboriginal community are encouraged to attend consultations to raise concerns and issues about the proposed Government model.**

Location	Date	Venue and address
Dubbo	6 November 2013	Western Plains Culture Centre, Auditorium, 76 Wingewarra Street
Queanbeyan	8 November 2013	Queanbeyan Bicentennial Hall, 253 Crawford Street
Broken Hill	12 November 2013	Broken Hill Council Chambers, 240 Blend Street, Broken Hill
Bourke	14 November 2013	Diggers on the Darling, Gundabooka Room, 23-25 Sturt Street
Cessnock	20 November 2013	Potters Brewery, Wine Country Drive, Nulkaba, Hunter Valley
Tamworth	22 November 2013	Community Facility, Heritage Room, Cnr Peel and Darling Streets
Ballina	27 November 2013	Lennox Head Cultural Centre, Mackney Lane, Lennox Head
Sydney	3 December 2013	Redfern Community Centre, 29-53 Hugo Street, Redfern
Port Macquarie	5 December 2013	Panthers, Renaissance Room, 1 Bay Street, Port Macquarie
Griffith	16 December 2013	Griffith Regional Theatre, Burley Griffith Room, 1 Neville Place
Nowra	19 December 2013	Shoalhaven Entertainment Centre, Studio Theatre, Bridge Road

### HOW TO HAVE A SAY

Submissions and comments are due to the OEH by the **14 February 2014**. NSWALC encourages all LALCs to make a submission outlining any concerns and issues with the proposed Government model.

Submissions can be made via the following:

- **Online** at: <http://engage.haveyoursay.nsw.gov.au/achreform>
- **By email:** [ach.reform@environment.nsw.gov.au](mailto:ach.reform@environment.nsw.gov.au)
- **By mail** to: Aboriginal Culture and Heritage Reform Secretariat, NSW Office of Environment and Heritage, PO Box 1967 Hurstville BC NSW 1481
- **By phone:** Record your submission by calling the free message line 1800 881 152
- **By fax** to: 02 9585 6366

### NSWALC MORE THAN FLORA AND FAUNA CAMPAIGN

Throughout the reform process NSWALC has been raising awareness of this important issue and seeking to engage with government to ensure that Aboriginal peoples are recognised in new laws. In addition, NSWALC held consultations with the Aboriginal Land Council Network on three proposed models for reform during 2012. An **Outcomes Paper** is available on the NSWALC website.

### MORE INFORMATION

Please contact the NSWALC Policy and Research Unit on 02 9689 4444 or email [policy@alc.org.au](mailto:policy@alc.org.au) if you would like to discuss the proposed reforms. NSWALC submissions, fact sheets, reports and research on Culture and Heritage issues are available on the NSWALC website [www.alc.org.au](http://www.alc.org.au) under the ‘Culture and Heritage’ tab.

The OEH consultation materials including the Government model, the Working Party’s recommendations, fact sheets, and a questionnaire are available on the OEH website at:

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