



New South Wales  
Aboriginal Land Council

## MEDIA RELEASE

### Aboriginal Groups condemn NSW Government's 'bad faith' on heritage negotiations

14 September 2010

The State's peak Aboriginal groups have expressed extreme concern at the lack of honesty and integrity displayed by the NSW Government in withholding key information about new Aboriginal cultural heritage regulations, despite its commitment to negotiate.

The NSW Government's undertaking to negotiate on regulations was a key condition for the NSW Aboriginal Land Council (NSWALC) and NTSCORP Ltd to remove their opposition to legislative changes to the *National Parks and Wildlife Act 1974 (NSW)*, opening the way for Coalition and Greens support for the National Parks and Wildlife Amendment Bill 2010.

NSWALC and NTSCORP are very disappointed they did not receive key information or copies of the final *National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010* until the documents were made publicly available by the Department of Environment, Climate Change and Water (DECCW) this week.

This is despite a commitment made in Hansard in April by the Environment Minister, Hon Frank Sartor MP to continue working with both organisations on the regulations.

"While meetings between our organisations and the Department of Environment, Climate Change and Water took place, it now appears the negotiations were not in good faith," said Bev Manton, Chair of NSWALC.

She said that repeated requests for copies of the regulations had led to late and partial information being provided and there had been no response at all on several key issues raised by NSWALC and NTSCORP over the past four months until this week.

"Unfortunately, now that we have the information, it's clear that commitments made by the Minister in writing are absent, including a promised amendment to ensure that court appeals would still be available if there was substantial non-compliance with the consultation process.

"This was one of the few hard-won rights for Aboriginal people under the previous law," said Ms Manton.

The regulations will support new provisions in the *National Parks and Wildlife Act* which are due to come into effect on 1 October 2010.

The regulations will detail the defences available where a person has damaged or destroyed an Aboriginal object, and also outline the processes for consultation with Aboriginal groups.



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Defences will be available if a person was carrying out a wide range of activities defined by the regulations as 'low impact', including major farming infrastructure and mining exploration works. Separate codes of conduct set out in the regulations for the forestry and mining industries will also act as a defence if a person destroys an Aboriginal object.

NSW still remains the only state without standalone Aboriginal cultural heritage legislation.

"Aboriginal cultural heritage is not only significant to our people, but holds a central place in the cultural heritage of this State. It's insulting that it continues to be treated under the same legislation as flora and fauna," said Warren Mundine, CEO of NTSCORP.

"Aboriginal People have the cultural responsibility to protect their significant objects and places and the traditional right to speak for those places but in NSW we still don't have the legal right to protect and speak for our own cultural heritage," Mr. Mundine said.

During debate on the legislative changes earlier this year, the Minister announced the establishment of a working party to undertake a two-year review of the regulation of Aboriginal cultural heritage in New South Wales and to develop a new legislative model.

But NSWALC, NTSCORP and other Aboriginal groups are still waiting for a further announcement from the Minister for Aboriginal Affairs, Hon Paul Lynch MP, and confirmation as to who will be invited to participate on the Working Group.

"These changes to the *National Parks and Wildlife Act* were announced with great fanfare by the NSW Government as an improvement for Aboriginal heritage protection, to be followed by much overdue broader reform in the coming years," said Ms Manton.

"The lack of details put forward by the Government on the establishment of a working party to undertake a two-year review of the regulation of Aboriginal cultural heritage in New South Wales and to develop a new legislative model, and the failure to properly and respectfully negotiate with Aboriginal groups on the changes to the National Parks and Wildlife Regulations, tell a different story," she said.

**Media contacts:**

NSWALC: Chris Munro  
0438 760 242

NTSCORP: Danielle Bevins-Sundvall  
0488 293 944