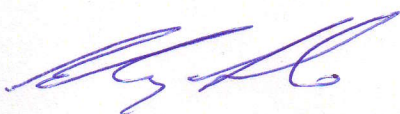


- In response to this all proponents should be required to contact the relevant LALC so that these people that speak for country can be identified and involved in the planning process from its onset, this will minimise the inevitable impact from developments.
- It is noted that DECC recognises certain procedural rights in relation native title holders and claimants, however this does not facilitate true comprehensive consultation with Traditional owners as successful Native Title claims in NSW are virtually non-existent. There have been 2 successful Native Title determinations since the inception of the Native Title Act, add to this the complex process required of native title claimants in prosecuting their claims, poor representation for the Traditional Owners & funding restrictions, with the outcome being a reduced ability to have a claim registered.
- It is emphasized that consultation should NOT be confused with employment. DECC'S should recognise that Aboriginal Knowledge holders should be paid for their consultation and intellectual possessions, just as any other consultant is remunerated throughout the course of the development. Following the occupation of our lands and loss of our tribal wealth bases, surely DECC are not now suggesting that the intellectual assets of our people also be exploited for the advantage of the proponent.
- 3.5 – it is noted that the proponent is not obliged to employ registered Aboriginal parties to provide specialist assessment services. As the owners and interpreters of our Culture it is unacceptable that people including Aboriginal people that are not entitled to speak for country be used to perform these activities. Any employee responsible for this service provision should be engaged and approved by the traditional people who's culture and heritage is being examined.
- The inclusion of scientific assessment in determining cultural significance, appears an attempt to diminish the ownership of the culture from its people. We have observed cultural and spiritual practises for 42,000 years, continuing to protect and nurture these ancient values without assistance from the outside influences. Now in 2009 DECC proposes that a scientist make judgement about our culture, or our spirituality and to determine the impacts on our cultural heritage. How can a scientist make judgements regarding cultural and spiritual significances? - It is not within their expertise, the expertise remains with the traditional people who are the owners of their culture and the holders of the knowledge.

In closing, the GNLALC would like to reiterate that we believe the proposed consultation guidelines are fundamentally flawed and that the DECC should engage in a meaningful consultation process and should then re release a draft set of guidelines that incorporates changes based on the views of Aboriginal people and to then seek the final views of the primary stakeholder in this matter, being the Aboriginal people of NSW whose culture and heritage it is that will be impacted by these guidelines. This should happen prior to the guidelines being finalised and legitimised by their inclusion in any government regulations.

If you wish to discuss any of these matter further, please contact me at the GNLALC on the numbers attached.

Yours in the protection of our culture and heritage.



Wesley Fernando  
Chief Executive Officer

Cc NSW Aboriginal Land Council Land Policy and Research Unit

Deputy Premier and Minister for Climate Change and the Environment Carmel Tebbutt