NATURAL RESOURCE MANAGEMENT PROCESSES

Caring for Country is the cultural responsibility of Aboriginal people to protect land and its natural resources. Land and natural resource management strategies should include Aboriginal cultural and spiritual values, as well as environmental, social and economic values.

Q6 (a): How well do you think current natural resource management processes help protect Aboriginal heritage?

Q6 (b): How could Aboriginal cultural values be better incorporated into natural resource management processes?

Q7: Do you have any other comments or suggestions on the reform of Aboriginal culture and heritage legislation in NSW?

HOW TO MAKE A SUBMISSION

The NSW Government welcomes your feedback on these issues and would like to hear your views on how to build a new framework for protecting and managing Aboriginal heritage in NSW. This is an open process and your comments will be publicly available unless you indicate that all, or a particular part, of your comments are confidential.

The closing date for responses is 1 December 2011. Send your comments by:

- writing to:
  Mr Norman Laing
  Office of Environment and Heritage
  PO Box 1967
  Hurstville BC NSW 1481
- recording a message on 1800 881 152
- sending a fax to 02 9585 6366
- participating in an online discussion at www.environment.nsw.gov.au
- emailing a submission to ach.reform@environment.nsw.gov.au
- attending a regional workshop – details at www.environment.nsw.gov.au
Management of Aboriginal culture and heritage

Under the NPW Act, the Office of Environment and Heritage (OEH) is responsible for both the protection of Aboriginal heritage and for issuing permits to cause harm or damage to that heritage.

Past Aboriginal heritage reviews have recommended that an independent administrative body fulfil these roles.

Q2 (a): Who should be responsible for making decisions on protecting Aboriginal culture and heritage?

Q2 (b): What management structures and processes will effectively manage Aboriginal culture and heritage protection in NSW?

Ownership of Aboriginal culture and heritage

The NPW Act states that almost all NSW Aboriginal objects are the ‘property of the Crown’. Under the Aboriginal Land Rights Act 1983, ownership of land, including conservation reserves can be granted to Aboriginal people. Native title law recognises Aboriginal rights and interests in lands, waters, natural resources, and cultural knowledge. Aboriginal cultural knowledge generally lacks enforceable property rights under Australian law.

Q3 (a): Should legislation make a statement about ownership of physical and intangible Aboriginal heritage?

Q3 (b): If you agree that the legislation should address the issue of ownership how should any new laws address ownership of physical and intangible Aboriginal heritage?

Speaking for Country

Identifying the people or groups within Aboriginal communities who have a decision-making role on Aboriginal cultural heritage is controversial and complex. Given this complexity, a process or ‘protocol’ can help with identifying appropriate people and groups.

Q4 (a): What are your views about who speaks for Country?

Q4 (b): What do you think are the best ways to ensure that the appropriate people speak for Country in public processes, including who resolves conflict?

Q4 (c): Should these mechanisms be reflected in legislation or protocols and guidelines?

Land-use planning and development processes

These processes help plan for the future use of particular areas, assess land-use proposals, and how to deal with specific issues.

Negotiating Aboriginal cultural heritage protection outcomes at the planning stage, before they are under immediate threat, allows long-term strategies to be developed.

Q5 (a): Do you understand how Aboriginal cultural heritage is protected in legislation and planning instruments?

Q5 (b): How could Aboriginal heritage be better protected through land-use plans and other planning instruments?