

The consultation requirements process



Consultation requirements for proponents

Part 6 National Parks and Wildlife Act 1974

Q1 Both Stage 2 and Stage 3 involve providing information to registered Aboriginal parties. Can Stage 2 and Stage 3 be conducted concurrently, given that both stages involve providing information?

Yes.

Q2 What happens if there is no written feedback from registered Aboriginal parties?

Registered Aboriginal parties may choose to provide feedback in writing or may prefer to provide feedback orally. Where feedback is being provided orally it is the responsibility of the proponent to ensure this is accurately recorded.

Where no feedback is provided (either written or oral), the opportunities created for registered Aboriginal parties – along with any follow-up from the proponent to seek input from registered Aboriginal parties – must be accurately documented by the proponent in the final Aboriginal cultural heritage assessment report.

Q3 Can an AHIP application be determined without anything in writing from any Aboriginal group?

When assessing and making a decision about whether or not an AHIP application should be granted (and, if so, under what conditions) the Director General of DECCW or delegate takes a number of matters into account. These include the results of consultation with Aboriginal people.

Registered Aboriginal parties may choose to provide feedback to the proponent in writing or may prefer to provide feedback orally. Where feedback is being provided orally it is the responsibility of the proponent to ensure this is accurately recorded.

Alternatively, registered Aboriginal parties may choose not to provide feedback; in this circumstance the proponent needs to accurately document, in the final Aboriginal cultural heritage assessment report, the opportunities created and the attempts made to follow-up feedback.

Further information about how DECCW determines an application for an AHIP can be found in *DECCW guide to determining and issuing Aboriginal heritage impact permits* (www.environment.nsw.gov.au).

Q4 If there are multiple registered Aboriginal parties, is feedback required from them all?

The process established through the Aboriginal cultural heritage community consultation requirements requires a proponent to create an opportunity for registered Aboriginal parties to provide feedback. Some or all registered Aboriginal parties may choose not to provide feedback. In this circumstance the proponent needs to accurately document the opportunities created along with the attempts made to follow up feedback in the final Aboriginal cultural heritage assessment report.

Q5 What happens when the views of registered Aboriginal parties differ markedly? That is, some may support a proposed development and AHIP application while others may oppose it. How do conflicts of views get resolved?

The proponent is required to record all feedback received, along with the proponent's response to the feedback. The proponent should make reasonable attempts to resolve conflicts; however, DECCW acknowledges that, in some cases, this may not be achievable.

In the case where conflict cannot be resolved, it is the responsibility of the proponent to record these differences and provide the necessary information in their Aboriginal cultural heritage assessment report with their AHIP application to support decision making.

Conflict resolution is a component of consultation – DECCW recommends that proponents engage someone who is skilled and experienced in consultation with Aboriginal people.