

# NATURE CONSERVATION COUNCIL OF NSW

THE NATURE CONSERVATION COUNCIL OF NSW  
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## ABORIGINAL INTERESTS AND NATURE CONSERVATION

Policy adopted by the June 10 meeting of the N.C.C. Executive.  
Endorsed at the 1988 Annual Conference.

### PRINCIPLES

- 1.0 THE NATURE CONSERVATION COUNCIL OF NEW SOUTH WALES recognises:
- 1.1 that the Aboriginal community of this state have special rights to land based on occupation by past Aboriginal generations, and on their ancient associations with the land;
- 1.2 that, where sustained, Aboriginal Land Rights claims should be granted in the form of inalienable freehold title vested in the land councils as corporations;
- 1.3 that Aboriginal people should have a right to carry out hunting, fishing, gathering and cultural activities, on lands to which they have access for those purposes, in such a way as to not prejudice the conservation status of any flora, fauna cultural feature or landform;
- 1.5 land having nature conservation values, claimed by Aboriginal land councils, should not be refused on the basis of need for "an essential public purpose" unless it can be shown that the proposed Aboriginal land use would be in conflict with nature conservation objectives and that joint management in accordance with the ULURU MODEL would not be appropriate;
- 1.6 that Aboriginal land councils should have the right to claim Travelling Stock Reserves where they have traditional rights, or where they have had a long association with such land;
- 1.7 that an Aboriginal Heritage Council, or other appropriate legislative mechanism, is desirable to assist Aboriginal people in exercising their rights and powers to care for and control Relics, Aboriginal Places, Aboriginal Areas, Archeological Areas and other Reserves in co-operation with the NSW National Parks and Wildlife Service, Heritage Council of NSW and other appropriate statutory authorities;
- 1.8 that there is a need for a national Aboriginal Heritage Commission, or other appropriate federal legislative mechanisms to operate in co-operation with federal agencies such as the Australian Heritage Commission;



- 1.9 that Aboriginal land councils should be afforded the opportunity of joint management of wilderness areas, with the NSW National Parks and Wildlife Service in accordance with the ULURU MODEL, where their claims for such lands might be sustained, provided that these lands will be managed in a way that will not prejudice their wilderness values;
- 1.10 that Aboriginal people have a right to substantial input into the education and training, for the purposes of natural and Aboriginal heritage conservation, of Aboriginal Site Officers and/or Rangers;

#### ACTION

- 2.0 THE NATURE CONSERVATION COUNCIL OF NEW SOUTH WALES agrees to enter into and pursue dialogue and consultation, on the following matters, with -

#### THE N.S.W. ABORIGINAL LAND COUNCIL regarding:

- 2.1 the best means for achieving the proper recognition of Aboriginal Land Rights and the long term protection of conservation values, where Land Claims:
  - a) -have been made for land in the Western Division,
  - b) -have been made for wilderness and other environmentally significant areas,
  - c) -have been made for Travelling Stock Reserves,
  - d) -have been made which conflict with nature conservation agreements and objectives,
  - e) -have been made for land likely to be the subject of mining activity,
- 2.2 an Amendment to The Aboriginal Lands Rights Act 1986, whereby, under s.36,5(A), when a Land Claim is granted for lands having nature conservation values, (as certified by the Director of the NSW National Parks and Wildlife Service), such land will not be subject to mining in any form;
- 2.3 the development of an agreed policy whereby Aboriginal people would be enabled, by legislation, to carry out hunting, fishing, gathering and cultural activities in such a way as to not prejudice the conservation status of any flora, fauna cultural feature or landform;
- 2.4 the co-operative application for a grant under the National Estates Grants program, or other relevant grants schemes, for the purposes of identifying and collating scientific, Aboriginal and common names of biota likely to be the subject of hunting, fishing, or gathering activities;



- 2.5 assistance in the development of management strategies for the protection of any natural values associated with Aboriginal sacred or significant sites;
- 2.6 seeking the assistance of the NSW Bureau of Aboriginal Affairs, in the development of a set of land use and land management guidelines appropriate to the natural resource management needs of Local and Regional land councils;

THE APPROPRIATE REGIONAL OR LOCAL ABORIGINAL LAND COUNCIL regarding:

- 2.7 the acceptance of Conditions (under s.36,5(A) of the Aboriginal Lands Rights (Amendment) Act, 1986, to ensure that the significant conservation values of Aboriginally owned lands are respected and protected;
- 3.0 THE NATURE CONSERVATION COUNCIL OF NEW SOUTH WALES undertakes to request THE NSW GOVERNMENT to:
  - 3.1 give increased funding and priority to the Cultural Resources Division of the NPWS so that the Division can specifically meet the needs of Aboriginal and non-Aboriginal communities in relation to the conservation and management, and dissemination of information about, Relics, Aboriginal Places, Aboriginal Areas, Archeological Areas and other Reserves.
  - 3.2 ensure that all relevant Departments and Statutory Authorities employ the services of Aboriginal Sites Officers;
  - 3.3 ensure that Aboriginal representatives are appointed, in consultation with the NSW Aboriginal land council, to all government Advisory Councils and Committees concerned with natural resource management issues relevant to Aboriginal interests, including the National Parks and Wildlife Advisory Council.
  - 3.4 direct the Forestry Commission to implement the recommendations of the Bowdler Report, being that "the Forestry Commission:
    - i) employ a permanent Aboriginal Site Officer, to advise the Commission, and to liaise and consult with Aboriginal communities in regard to sacred and significant sites and land rights issues;
    - ii) should agree to the gazettal, as Aboriginal Places, of all such sites recommended by the NPWS;
    - iii) should continue its recognition of Aboriginal sites as per its Preferred Management Priority Classification Scheme;
    - iv) establish joint management committees on a regional basis and that such committees should include the Commissions Aboriginal Site Officer" (Bowdler, 1983);
  - 3.5 establish a committee which would be responsible for initiating and co-ordinating the production and dissemination of appropriate



education resources materials.

(Such a committee should have representatives from Aboriginal land councils, NPWS, Department of Lands, Department of Education, the Australian Museum, Tranby Aboriginal College, and others as required.)

- 3.6 provide funding for the training of Aboriginal Site Officers by Aboriginal land councils or other appropriate Aboriginal organisations in addition to the funding provided for such training by government authorities;
- 3.7 request state government authorities employing Aboriginal Site Officers to ensure that any inappropriate employment and promotional structures are modified so that employment benefits will ensue for trained Aboriginal people who wish to work in the field of nature conservation;
- 4.0 THE NATURE CONSERVATION COUNCIL OF NEW SOUTH WALES agrees to request THE COMMONWEALTH GOVERNMENT to:
  - 4.1 ensure that Aboriginal representatives are appointed, in consultation with state Aboriginal land councils, to government Advisory Councils and Committees concerned with natural resource management issues relevant to Aboriginal interests;
  - 4.2 direct the Australian National Parks and Wildlife Service to set up a National Aboriginal Site Officers and Rangers Advisory Committee which would consist of only Aboriginal members;
  - 4.3 provide funding for the training of Aboriginal Site Officers by Aboriginal land councils, or other appropriate Aboriginal organisations, for the purposes of natural and Aboriginal heritage conservation in addition to the funding provided for training by government authorities;
  - 4.4 ensure that when Commonwealth funding is provided for state-based Aboriginal training schemes, such courses will be developed only in full consultation with the relevant Aboriginal land council;
  - 4.5 liaise with state government authorities employing Aboriginal Site Officers to ensure that any inappropriate employment and promotional structures are modified so that employment benefits will ensue for trained Aboriginal people who wish to work in the field of nature conservation;
  - 4.6 consult with Aboriginal people, in relation to environment and resource matters under its jurisdiction, regarding the implementation of the relevant parts of the Australian Law Reform Commission Report, 1986;
  - 4.7 establish an Aboriginal Heritage Commission to co-operate with existing Commonwealth authorities, including the Australian

Heritage Commission, in promoting the conservation of Australia's Aboriginal cultural heritage;

- 5.0 THE NATURE CONSERVATION COUNCIL OF NEW SOUTH WALES agrees to:
- 5.1 request and encourage all member societies to become more involved, at grass roots level, with their local Aboriginal community;
- 5.2 in particular, local member societies are encouraged to facilitate discussion with their local land council and to invite the land council and/or local Aboriginal people to join the local conservation society;
- 5.3 seek special grants to establish a fully funded position for an Aboriginal person to co-ordinate the implementation of the Nature Conservation Council's policy on the role of Aboriginal people in nature conservation.
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