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# Aboriginal representation and participation in caring for country

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## Abstract

This paper introduces Walgett's Dharriwaa Elders Group and its role to provide advocacy and representation for Walgett Aboriginal elders in Aboriginal cultural management and community development activities. It explains why it is important for Aboriginal people to first know about, and then actively participate in any scientific, planning, management and development activities in their country of interest. It discusses why Aboriginal participation in caring for country is and has been difficult, and cites examples from its experience with the Narran Lakes Co-Management Committee and the Catchment Management Authorities. It proposes a more effective model for the promotions of Aboriginal participation in caring for country, including how advisory and co-management committees could work better. It gives a summary of the work of the Dharriwaa Elders Group in trying to protect the Aboriginal cultural heritage values of the area known as Opal Prospecting 4, adjacent to the Narran Lakes Nature Reserve, and ends by suggesting ways that Aboriginal communities can participate more usefully in the management of landscapes. Indeed, the DEG has its own cultural heritage management strategy to provide for the protection and preservation of areas with known and important Aboriginal heritage values, which identifies all of the resources, responsibilities and procedures needed to prevent deterioration of Aboriginal cultural values.

## Introduction

The Dharriwaa Elders Group ('the DEG') was established by a group of Aboriginal elders in 2000 after working together on cultural projects since 1998. It has 45 full members over 60

and takes a leading interest in the protection of Aboriginal cultural heritage in the region. This includes an interest in the preservation of biodiversity. Staff have been trained to undertake surveys, and to develop DEG's policy and advice to government, landholders and other stakeholders. We do this because elders have a responsibility to maintain our community's cultural knowledge and use it to benefit first our community, but also the world.

It is important for Aboriginal people to be respected when speaking with land managers and scientists, so they can undertake land management responsibilities and assist contemporary and scientific methods for sustainable land management. As key stakeholders they have significant knowledge, skills and responsibilities for the protection of Australia's natural and cultural resources.

It is currently hard for Aboriginal people to participate in these processes:

1. Current laws exclude effective Aboriginal participation
2. There is poor understanding of local Aboriginal situations by other stakeholders
3. Often scientists, landholders and others don't think they need to consult Aboriginal people on these matters unless forced to do so by law
4. Many Aboriginal people lack the confidence and communication skills to speak up about these issues and there is a lack of resourcing of advocates and facilitators to promote Aboriginal participation
5. Enforced separation from country, including the reduction in agricultural employment has reduced Aboriginal knowledge of country, but not their stake in it

We have found that legislation processes that seek to protect Aboriginal cultural heritage, unintentionally promote its destruction. Inadequate penalties are rarely prosecuted as compliance is poorly monitored. Prevention of destruction in the first place is not encouraged and should be because once places and biodiversity are destroyed they are gone and their Aboriginal cultural value is diminished. The AHIMS register creates difficulties. In the first place, no-one is resourced on the ground to properly survey areas and gather information about their Aboriginal values. The AHIMS register does not make associations between places or groups of places, and doesn't include landscape and biodiversity. It only represents the tip of the iceberg of Aboriginal cultural heritage knowledge. This is rarely

understood. If places are registered into AHIMS, this information is given freely to developers (including landholders) with the intention that if locations are known, they will be protected. It is our experience that when places have been identified they have sometimes been destroyed. We don't believe it is the intention of the NSW Government to promote this destruction, nor of the Commonwealth which accredits NSW to undertake these protection activities. Yet this is the result of the current legislation.

The Narran Lakes Co-Management Committee and the CMA Aboriginal Advisory Committee structures are examples of how the NSW Government makes participation hard. The DEG has to fight for representation on these committees. This is inappropriate and undermines our representative and advocacy activities. It encourages a token participation of individuals who are often ill-equipped to truly represent their community. The role of local Aboriginal cultural heritage and natural resource management groups should be recognised by the NSW Government, and not supplanted by the activities of Aboriginal advisory committees whose membership is made up of individuals selected by the agencies to be advised. Ideally advisory bodies should contain representatives from local groups, who are tasked to feedback committee business to their local group– and represent their local group in their work on the committee. Decisions continue to be made about Aboriginal cultural heritage behind closed government doors without communities knowing they might have had an opportunity to intervene or participate.

The CMA's Plans need to meet their objectives for Aboriginal communities but the systems of the CMAs hamper their success. In our opinion, limited input from Aboriginal Advisory Committees and poor project management limit the Plans' success.

The newly formed Narran Lakes Nature Reserve Co-Management Committee is managed by barely competent NSW DECCW's staff. It struggles to operate with probity – neglecting accurate minute taking and its Terms of Reference. It appears to us that plans for the nature reserve are made by staff and approved by the compliant dominant faction of the committee which receives little expert and no independent advice. One female committee member is the DEG's representative. One male in the dominant faction is an off-duty NSW DECCW officer. It is not hard to conclude that this state of affairs does not encourage effective Aboriginal participation in the co-management of the Narran Lakes Nature Reserve.

A more representative model for promoting Aboriginal participation in caring for country activities would ensure that the views just relayed are better understood by government and other stakeholders. Legislation and planning that serves Aboriginal communities as well as other interests would become more obvious to government. Committee members must be selected for their local representative status, good character and communication skills. Representatives of existing grassroots groups, nominated by resolution, are more likely to have the capacity to feedback and feed forward community advice to government advisory committees. Where local groups do not exist, agencies must take on responsibility to help develop them. Once representation is sorted out, meeting procedures must be respected.

Since 2002 the DEG has worked to limit destruction of Aboriginal cultural values in the area known as OPA4, which contains around 15 properties adjacent to the Narran Lakes Nature Reserve which we all know is only a small part of the Narran Lakes wetland system.

We nominated Narran Lakes as an Aboriginal Place under the NSW NPWAct. This has not been gazetted after 8 years.

We participated in the REF process which recommended to the NSW Government that, because there is a high likelihood that opal mining would negatively impact the Aboriginal cultural values of the mostly unsurveyed area, using the precautionary principle, mining should not proceed until more is understood. This advice was ignored.

We created an historic alliance with landholders in the area who are also fearful of the negative impacts of opal mining.

We pursued resources to train local Aboriginal people in archaeological survey work so that more evidence exists about the values of the lands to be mined. We have not been able to attract funds to survey comprehensively including biodiversity. The information collected surveys has been lodged with the NSW AHIMS register which was then passed on to the opal miners who have a poor track record we believe, for safeguarding environmental and cultural values of our area.

We commissioned a report from environmental scientists to examine the methodology used by the NSW Government to conclude that opal mining would not negatively impact threatened species in OPA 4 and particularly Kurrajong and Barfield. The DEG's "Bangalay Report" <sup>1</sup> concluded that "...the REF documents relating to OPA4...are not sufficient to show clear evidence of areas within OPA4 where *'there are no major environmental issues.'* In general, the methods, timing and survey effort...are inadequate, and appear flawed in several respects. "

We have consistently requested that all governments take a more active role on the ground to ensure that Aboriginal cultural values are not destroyed by miners.

We have developed a Mineral Claims Management Plan process <sup>2</sup> for the property Barfield. It defines a new way of opal prospecting and mining than has occurred in the past. It will provide a list of rules for how opal prospecting and mining will proceed according to clearly defined buffer zones, approved by the Walgett LALC and the DEG. We propose that compliance with our Plan will provide miners with proof of due diligence, and would be a condition of mining leases to be managed by NSW DECCW and NSW Industry and Investment.

It is hoped the above discussion has promoted a clearer understanding of the perspective of a small Aboriginal elders group in Walgett which seeks to undertake its cultural management responsibilities more effectively in the future. We know how caring for country can be done better. We are happy to provide advice for how you and your organizations could facilitate better participation from Aboriginal communities in caring for country. We think that if our communities are able to take a greater role then our health, education and employment opportunities will also improve. Where governments have difficulty monitoring compliance in our region – let us do it. Give us the wages, training, computers, GPS and GIS resources to pass on this information to those who enforce the law. Incorporate our participation in your staff selection and training processes, budgets and plans. We want competent people to be implementing the intention of the legislators more effectively on the ground.

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