



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

MEDIA RELEASE

REPORT TABLED – ABORIGINAL CULTURAL HERITAGE (CULTURE IS IDENTITY) BILL 2022

**FOR IMMEDIATE RELEASE
8 NOVEMBER 2022**

The Legislative Council's Portfolio Committee No. 7 – Planning and Environment today released its report on the Aboriginal Cultural Heritage (Culture is Identity) Bill 2022, a private members' bill introduced by Reverend the Hon Fred Nile MLC.

The Chair of the Committee, Ms Sue Higginson MLC, commented: 'The object of the bill is to provide a modern framework for the recognition, protection, conservation and preservation of Aboriginal cultural heritage – an incredibly complex matter which is deeply important to Aboriginal people in New South Wales'.

Ms Higginson continued, 'The committee found that modernised and standalone Aboriginal cultural heritage legislation is both necessary and long overdue, with current protections failing to adequately protect Aboriginal cultural heritage. The bill represents a considerable step forward in terms of two key principles. First, protection would be extended to both tangible and intangible Aboriginal cultural heritage – the latter not being protected under current laws – and Aboriginal people would have rights of ownership of or control over Aboriginal cultural heritage and its management and protection – a role that presently lies with the NSW Government'.

'The committee also heard that, as currently drafted, the bill has some way to go when it comes to the complex issue of cultural authority to speak for Country, and the suggestions put forward by stakeholders as to potential amendments to the bill should be seriously and carefully considered. Other key aspects of the bill that will need to be considered include the fact that State significant development and State significant infrastructure projects, that would harm or destroy Aboriginal cultural heritage, are subject to the statutory protective mechanisms in the bill, and the so-called 'right of veto' by the Aboriginal Cultural Heritage Council'.

'The committee believes the bill has merit and should be referred back to the House. The committee recommends that debate on the bill is informed by committee comments, stakeholders' views expressed in this report and that any amendments include further consultation with stakeholders. The committee has also recommended that if debate on this bill is not able to be concluded before the end of this session of Parliament, then early in the next term of Parliament, a bill should be introduced to enact standalone Aboriginal cultural heritage legislation that takes into account committee comments and stakeholders' views expressed in this report', the Chair concluded.

Information about the inquiry, including the committee's report, is available on the committee's website: <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2893>

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