



**ABORIGINAL CULTURAL HERITAGE
ADVISORY COMMITTEE (ACHAC)
2006–2009**

Role of the Committee

The role of the Aboriginal Cultural Heritage Advisory Committee is to advise the Minister for the Environment and the Director General of the Department of Environment and Conservation (DEC) on any matter relating to the identification, assessment and management of cultural heritage in NSW. This includes the protection and management of cultural heritage, in particular:

- Management of Aboriginal heritage in national parks, conservation reserves and botanic gardens, including co-management arrangements.
- Plan of management processes for national parks, other conservation reserves and botanic gardens.
- Identification, assessment and protection of Aboriginal cultural heritage across NSW.
- Review of Aboriginal heritage impact processes.
- Review of policies, programs and research proposals to ensure that DEC's approach to nature conservation and Aboriginal cultural heritage management reflects Aboriginal community concerns and aspirations.
- Communication between DEC and Aboriginal communities on Aboriginal cultural heritage management matters.
- Review of Aboriginal heritage education material and programs; and
- Administration of the '*Protecting Our Places*' grant program.

ATTACHMENT:

Sections 27 and 28 and Schedule 9 of the *National Parks and Wildlife Act 1974*

National Parks and Wildlife Act 1974 No 80

27 Aboriginal Cultural Heritage Advisory Committee

- (1) There is to be an Aboriginal Cultural Heritage Advisory Committee.
- (2) Schedule 9 has effect.

National Parks and Wildlife Act 1974 No 80

28 Functions of Committee

The Aboriginal Cultural Heritage Advisory Committee is to advise the Minister and the Director-General on any matter relating to the identification, assessment and management of Aboriginal cultural heritage, including providing strategic advice on the plan of management and the heritage impact permit process, whether or not the matter has been referred to the Committee by the Minister or the Director-General.

SCHEDULE 9 – The Aboriginal Cultural Heritage Advisory Committee

(Section 27 (2))

1 Composition

- (1) The Aboriginal Cultural Heritage Advisory Committee is to consist of 11 members appointed by the Minister in accordance with this clause.
- (2) The members of the Committee are to consist of one member nominated by the New South Wales Aboriginal Land Council and 10 other members appointed from the following:
 - (a) nominees of Aboriginal elders groups,
 - (b) registered native title claimants,
 - (c) Aboriginal owners listed on the register under the Aboriginal Land Rights Act 1983.
- (3) The members of the Committee are to be persons who:

- (a) are involved in cultural heritage matters in their local communities,
and
 - (b) have an understanding of cultural heritage management issues.
- (4) The Minister is to ensure that:
- (a) there are at least 5 male and 5 female members on the
Committee, and
 - (b) as far as is reasonably practicable, the members of the Committee
come from a range of cultural areas across New South Wales.
- (5) The Minister is to cause an advertisement inviting written nominations of
persons for appointment to the Committee to be published in a newspaper
circulating throughout New South Wales and in a newspaper widely read in
Aboriginal communities in New South Wales.
- (6) The advertisement must specify the following:
- (a) the number of members to be appointed to the Committee
pursuant to nomination,
 - (b) the particular capacity or capacities (being a capacity specified in
subclause (2) or (3)) that a member will be required to have,
 - (c) the closing date for nominations (being a date not earlier than 28
days after the date of the advertisement),
 - (d) the address to which nominations are to be sent.
- (7) The advertisement must also state that a nomination will not be accepted
unless the nominee's written consent to the nomination is forwarded with the
nomination.
- (8) The Minister is not to appoint a person as a member of the Committee
unless:
- (a) the person was duly nominated under this clause, and
 - (b) nominations have closed, and
 - (c) the Minister has considered all nominations duly received.

2 Term of office

A member shall, subject to this Schedule, hold office for a period of 3 years or such lesser period as may be specified in the instrument of appointment, and is eligible for reappointment as a member.

3 Removal from office

The Minister may for any cause which to the Minister seems sufficient remove from office any member of the Aboriginal Cultural Heritage Advisory Committee.

4 Vacation of office

A member of the Aboriginal Cultural Heritage Advisory Committee shall be deemed to have vacated the office if the member:

- (a) dies,
- (b) resigns the office by writing under the hand addressed to the Minister,
- (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act 1958 or a person under detention under Part 7 of that Act,
- (d) ceases to hold the qualification by virtue of which the member was appointed, or
- (e) is removed from office by the Minister.

5 Filling casual vacancy

On the occurrence of a vacancy in the office of a member of the Aboriginal Cultural Heritage Advisory Committee, otherwise than by the expiration of the term for which the member was appointed, the Minister may appoint a person to hold that office for the balance of the predecessor's term of office, being a person qualified under clause 1 in the same manner (if any) of that predecessor.

6 Alternate members

- (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member of the Aboriginal Cultural Heritage Advisory Committee, a person qualified under clause 1 in the same manner (if any) as the person for whom he or she is the alternate member.
- (2) An alternate member shall have and may exercise, while acting as a member of the Aboriginal Cultural Heritage Advisory Committee, the powers,

authorities, duties and functions, as such a member, of the person for whom he or she is the alternate member.

6A Presiding member

At a meeting of the Aboriginal Cultural Heritage Advisory Committee, a member elected by the members present at the meeting to chair the meeting is to preside at the meeting.

7 Quorum

(1) Six members shall form a quorum at any meeting of the Aboriginal Cultural Heritage Advisory Committee and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee.

(2) Questions arising at a meeting of the Aboriginal Cultural Heritage Advisory Committee shall be determined by a majority of votes of the members present and voting.

8 Procedure

The procedure for the calling of meetings of the Aboriginal Cultural Heritage Advisory Committee and for the conduct of business at those meetings shall, subject to the Schedule and any regulations made in relation thereto, be as determined by the Aboriginal Cultural Heritage Advisory Committee.

9 Fees

A member of the Aboriginal Cultural Heritage Advisory Committee shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of the member.



**Environment,
Climate Change
& Water**

**ABORIGINAL CULTURAL HERITAGE
ADVISORY COMMITTEE (ACHAC)
2010**

Terms of Reference

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1. Introduction

The Aboriginal Cultural Heritage Advisory Committee (the Committee) is established under Sections 27 and 28, Schedule 9 of the *National and Parks Wildlife Act 1974*.

The Committee is administered and funded by the Department of Environment, Climate Change and Water (DECCW).

The role of the Committee is to advise the Minister for the Environment and the Director General of DECCW on any matter relating to the identification, assessment and management of cultural heritage in NSW. This includes initiatives, such as:

- Programs to increase Aboriginal participation in the management of Country, such as national parks, conservation reserves and botanic gardens; such as co-management,;
- Plan of management processes for national parks, other conservation reserves and botanic gardens;
- Aboriginal cultural heritage identification, assessment and protection methodologies and tools;
- Aboriginal heritage impact processes;
- Policies, programs and research to ensure that DECCW's approach to environmental and Aboriginal cultural heritage conservation and management responds to Aboriginal community concerns and aspirations;
- Communication between DECCW and Aboriginal communities on Aboriginal cultural heritage management matters;
- Review and monitoring of legislation as it relates to Aboriginal cultural heritage.

2. Sections 27 and 28 - National Parks and Wildlife Act 1974 No 80

(Section 27 (2))

1 Composition

(1) The Aboriginal Cultural Heritage Advisory Committee is to consist of:

- (a) 13 members appointed by the Minister in accordance with this clause,
and
- (b) an ex-officio member, being the Director-General (or his or her delegate).

(1A) The ex-officio member is a non-voting member of the Committee.

(2) The appointed members of the Committee are to consist of:

- (a) one member nominated by the New South Wales Aboriginal Land Council, and
- (b) one member nominated by the Heritage Council of New South Wales,
and
- (c) one member nominated by the NTSCORP Limited (ACN 098 971 209),
and
- (d) 10 other members appointed from the following:
 - (i) nominees of Aboriginal elders groups,
 - (ii) registered native title claimants,
 - (iii) Aboriginal owners listed on the register under the Aboriginal Land Rights Act 1983.

(3) The members of the Committee are to be persons who:

- (a) are involved in cultural heritage matters in their local communities, and
- (b) have an understanding of cultural heritage management issues.

(4) The Minister is to ensure that:

- (a) as far as is reasonably practicable, there is gender balance in the membership of the Committee, and

ABORIGINAL CULTURAL HERITAGE ADVISORY COMMITTEE
TERMS OF REFERENCE 2010

- (b) as far as is reasonably practicable, the members of the Committee come from a range of cultural areas across New South Wales, and
 - (c) all the appointed members of the Committee are Aboriginal persons.
- (5) The Minister is to cause an advertisement inviting written nominations of persons for appointment to the Committee to be published in a newspaper circulating throughout New South Wales and in a newspaper widely read in Aboriginal communities in New South Wales.
- (6) The advertisement must specify the following:
- (a) the number of members to be appointed to the Committee pursuant to nomination,
 - (b) the particular capacity or capacities (being a capacity specified in subclause (2) or (3)) that a member will be required to have,
 - (c) the closing date for nominations (being a date not earlier than 28 days after the date of the advertisement),
 - (d) the address to which nominations are to be sent.
- (7) The advertisement must also state that a nomination will not be accepted unless the nominee's written consent to the nomination is forwarded with the nomination.
- (8) The Minister is not to appoint a person as a member of the Committee unless:
- (a) the person was duly nominated under this clause, and
 - (b) nominations have closed, and
 - (c) the Minister has considered all nominations duly received.

2 Term of office

A member shall, subject to this Schedule, hold office for a period of 3 years or such lesser period as may be specified in the member's instrument of appointment, and is eligible for reappointment as a member.

3 Removal from office

The Minister may for any cause which to the Minister seems sufficient remove from office any member of the Aboriginal Cultural Heritage Advisory Committee.

4 Vacation of office

A member of the Aboriginal Cultural Heritage Advisory Committee shall be deemed to have vacated the member's office if the member:

- (a) dies,
- (b) resigns the member's office by writing under the member's hand addressed to the Minister,
- (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act 1958 or a person under detention under Part 7 of that Act,
- (d) ceases to hold the qualification by virtue of which the member was appointed, or
- (e) is removed from office by the Minister.

5 Filling casual vacancy

On the occurrence of a vacancy in the office of a member of the Aboriginal Cultural Heritage Advisory Committee, otherwise than by the expiration of the term for which the member was appointed, the Minister may appoint a person to hold that office for the balance of the predecessor's term of office, being a person qualified under clause 1 in the same manner (if any) of that predecessor.

6 Alternate members

(1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member of the Aboriginal Cultural Heritage Advisory Committee, a person qualified under clause 1 in the same manner (if any) as the person for whom he or she is the alternate member.

(2) An alternate member shall have and may exercise, while acting as a member of the Aboriginal Cultural Heritage Advisory Committee, the powers, authorities, duties

and functions, as such a member, of the person for whom he or she is the alternate member.

6A Presiding member

At a meeting of the Aboriginal Cultural Heritage Advisory Committee, a member elected by the members present at the meeting to chair the meeting is to preside at the meeting.

7 Quorum

(1) Seven members shall form a quorum at any meeting of the Aboriginal Cultural Heritage Advisory Committee and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee.

(2) Questions arising at a meeting of the Aboriginal Cultural Heritage Advisory Committee shall be determined by a majority of votes of the members present and voting.

8 Procedure

The procedure for the calling of meetings of the Aboriginal Cultural Heritage Advisory Committee and for the conduct of business at those meetings shall, subject to the Schedule and any regulations made in relation thereto, be as determined by the Aboriginal Cultural Heritage Advisory Committee.

9 Fees

A member of the Aboriginal Cultural Heritage Advisory Committee shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of the member.



Office of
Environment
& Heritage

ABORIGINAL CULTURAL HERITAGE
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1. Introduction

The Aboriginal Cultural Heritage Advisory Committee (the Committee) is established under Sections 27 and 28, Schedule 9 of the *National and Parks Wildlife Act 1974*.

The Committee is administered and funded by the Office of Environment and Heritage (OEH), Department of Premier and Cabinet (DPC).

The role of the Committee is to advise the Minister for the Environment and the Director General of DPC on any matter relating to the identification, assessment and management of cultural heritage in NSW. This includes initiatives, such as:

- Programs to increase Aboriginal participation in the management of Country, such as national parks, conservation reserves and botanic gardens; such as co-management,;
- Plan of management processes for national parks, other conservation reserves and botanic gardens;
- Aboriginal cultural heritage identification, assessment and protection methodologies and tools;
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and
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- (b) as far as is reasonably practicable, the members of the Committee come from a range of cultural areas across New South Wales, and
- (c) all the appointed members of the Committee are Aboriginal persons.

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(2) An alternate member shall have and may exercise, while acting as a member of the Aboriginal Cultural Heritage Advisory Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he or she is the alternate member.

6A Presiding member

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7 Quorum

(1) Seven members shall form a quorum at any meeting of the Aboriginal Cultural Heritage Advisory Committee and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee. A minimum of three male and three female members is required to be present to form a quorum.

(2) Questions arising at a meeting of the Aboriginal Cultural Heritage Advisory Committee shall be determined by a majority of votes of the members present and voting.

8 Procedure

The procedure for the calling of meetings of the Aboriginal Cultural Heritage Advisory Committee and for the conduct of business at those meetings shall, subject to the Schedule and any regulations made in relation thereto, be as determined by the Aboriginal Cultural Heritage Advisory Committee.

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