

Dharriwaa Elders Group



An orchard of gurruuwi (a native fruit tree) in the Walgett region

RESPONSE TO THE DRAFT WALGETT VEGETATION MANAGEMENT PLAN¹

About the Dharriwaa Elders Group

The Dharriwaa project is managed by a Walgett Aboriginal Medical Service (WAMS) sub-committee comprising of elders and WAMS board members - the Dharriwaa Elders Group. The project was born at its first Management Committee meeting 20 November 2000, and includes:

- Regular culture and language camps for elders and youth
- Establishing a database of local cultural heritage information
- Recording of cultural and language knowledge of the elderly
- Development of projects to assist local cultural and language knowledge and its use
- Exploring community development opportunities led by Dharriwaa Elders

Dharriwaa project

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¹ We recommend that the name be changed to the Walgett Native Vegetation Management Plan

Introduction

The Walgett region's Aboriginal community has begun to record and promote Aboriginal knowledge of native vegetation and other cultural heritage resources. This knowledge was retained by Aboriginal people who lived and worked on properties in the region and were taught by their elders when it was shamed to do so. Now Aboriginal people rarely live or work outside the towns² so the link with country is weakening. The economic, social, emotional and spiritual consequences of separation from country have also weakened this link.

The Walgett region³ retains the highest percentage of native vegetation in the state.

The retention of native vegetation and Aboriginal knowledge of it are two precious resources of NSW. Together these resources provide an opportunity for the Aboriginal population of the Walgett region to "plug back in" to management of country. They also provide opportunities for a region struggling economically that needs to find sustainable land use alternatives to unviable cropping.

This moment in history presents a challenge for NSW. Do the people of NSW want to take advantage of the opportunities presented by its surviving native vegetation and Aboriginal cultural heritage?

This submission will attempt to recognize and promote those opportunities. The Dharriwaa Elders Group welcomes the opportunity to enhance the substantial work already achieved by the DLWC and Walgett Native Vegetation Committee.

Summary

- Narran Lake and its system must be given the highest conservation value and protected from cropping, grazing and clearing.
- The Walgett region's surviving native vegetation including its dead timber must be retained to offset the loss of native vegetation in the rest of NSW.
- Aboriginal people⁴ must be an equal partner in the implementation processes of native vegetation management.
- Aboriginal people will strive to retain ownership of their knowledge. NSW will benefit from the active application of this asset in native vegetation management processes.
- Incentives and cost-sharing for conservation can be achieved by agencies assisting landholders and Aboriginal representatives⁵ to make land management agreements.
- We believe cropping is not an economically viable use of land in the Walgett region.
- The Plan should provide economic modelling for alternative land uses and the negative impacts of clearing
- The Plan is unfair as those who benefit most from the "clearing" Plan are the landholders who are a minority of the population.
- The region should not be split into east and west for native vegetation planning purposes. This is a device to allow more clearing.

² Aboriginal people are rarely employed on properties. We estimate 3 or 4 properties are Aboriginal-owned in the region defined by the Plan.

³ with its neighbour Brewarrina region

⁴ an Aboriginal non-profit organization endorsed by elders / custodians

⁵ as above

Part A Introduction and Plan Context

There is no mention of the substantial Aboriginal presence in the region⁶ which is notoriously underrepresented in census and most other data. The true economic and social context of the Plan is unrepresented. The substantial Aboriginal knowledge of heritage and landscape still possessed in the region is only evidenced by the included list of native vegetation. There is no recognition of cultivated areas of native vegetation (eg barigan and gayn gayn orchards) and other Aboriginal land and resource management practices of the past or present.

We strongly object to the “arbitrary boundaries”⁷ used by the Plan that split the region into two areas west and east of the Barwon River. This device is clearly used to allow more development, and should be removed.

“The aim is to ultimately have 10% of each vegetation community in the east and 15% in the west of the region formally managed for conservation, across all land types and tenures.”⁸

We are not satisfied that the Plan’s percentages of vegetation communities to be formally managed for conservation is enough to conserve biodiversity in our region. International conventions may not take into account the region’s soil types, our weather conditions, salinity and other local factors.

“this plan sets a minimum for vegetation retention at a regional scale of around 70% of the pre-clearing vegetation amount, or 1.25 million hectares of a total of 2.2 million hectares.”⁹

1.25 million hectares is 56.8% of 2.2 million hectares! Can this Plan be trusted?

“so overgrazing would be inappropriate behaviour in this instance”¹⁰

Overgrazing is never appropriate. Isn’t it clearing?

The plan *“relies on the goodwill of the region’s landholders to uphold the intent behind the proposed conservation zones in the first instance”¹¹* What is the track - record of landholders in the Walgett region re compliance with license conditions? Has clearing been monitored adequately in the region to make this decision? What percentage of clearing has been illegal? Landholder goodwill cannot be relied upon in matters of development.

We believe that there are areas of land in the Walgett region that should be “locked up” ie where there can be no grazing or clearing. Our group has readily identified such locations.

Who has decided what the grazing *“Best Management Practices”* are as quoted pg 5? How do we know they *“will deliver the required conservation benefits”*?

A2.3 Vision for the Walgett Native Vegetation Region

⁶ refer to CAEPR Report commissioned by ATSIC, NSW, entitled The Relative Social and Economic Status of Indigenous People in Bourke, Brewarrina and Walgett Centre for Aboriginal Economic Policy Research (CAEPR) Australian National University Canberra. June 2000, and the The Murdi Paaki Region: The land and its people (A Regional Profile) ATSIC for background statistics for the region

⁷ Pg 4 Draft Walgett Vegetation Management Plan DWVMP

⁸ Pg 5 as above

⁹ Pg 4 as above

¹⁰ Pg 5 as above

¹¹ Pg 5 as above

Alternative vision:

“To ensure that the native vegetation of the Walgett Region is managed for its long-term contribution to Australia’s biodiversity, land and water protection, habitat and Aboriginal culture, in a way that is consistent with the social, cultural and economic needs of its population and the future needs of all Australians.”

A2.4 Aims and Objectives

Add to part 3

- Recognise, evaluate and promote the Aboriginal cultural value of native vegetation and habitat
- Recognise, evaluate and promote the biodiversity value of native vegetation and habitat
- Ensure that Aboriginal knowledge of native vegetation is respected, protected and valued
- Ensure that biodiversity is protected and valued

Add to part 7

- Ensure Aboriginal non-profit agency endorsed by custodians / elders is resourced to verify, assess and monitor native vegetation management in the region
- Ensure that protocols approved by an Aboriginal non-profit agency endorsed by custodians / elders are applied in the continuing development, implementation and monitoring of the DWVMP and planning procedures

Add to part 8

- Recognise, monitor, evaluate and limit the negative cumulative impacts of clearing (including the social, economic, biodiversity, habitat, world greenhouse gasses and cultural impacts).

A3.2 Matters for consideration under Section 27 (1) of the Act

Narran Lakes must be protected and given the highest conservation value by this Plan. That means no cropping and no grazing by cloven hooved animals – both of which happen now. Narran Lakes provides important habitat for a number of migratory birds, and other animals. It is also an area of extreme cultural significance to Aboriginal people and is currently being assessed as an “Aboriginal Place” by NPWS.

The Plan must also recognise that Narran Lakes is one part of a chain of waterways and their catchment areas and cannot be isolated from the other parts of its system.

Dharriwaa is the real name for Narran Lakes, and was decreed by Biami the creator as a place that is commonly owned by all tribes of people and animals (ie a “common”). It was a place of plentiful water and food where at least five tribal groups met to conduct political, trade and cultural business. Its system includes the Garigiil and other springs, the Narran River and its waterholes, Angledool Lake, Coocoran Lake, Grawin creek and waterhole and their catchment areas. This system is linked mythologically, and historically by the seasonal paths Aboriginal people took to regularly travel to Narran Lake. The “common” nature of Narran Lakes can be continued if it is recognised for its significance to all.

A3.2.1a Threatened Flora

Threats to native vegetation other than clearing need to be addressed by the Plan. They include competition for resources from exotic species, infection by genetically modified pollen¹² and salinity. Aquatic vegetation which used to keep the waterways clear has disappeared due to poor water quality, badly managed water flow and introduced threats like the carp. The Plan needs a management strategy for identifying plants vulnerable to these and other threats, reducing the threat and regenerating the native vegetation.

A 3.2.1.b Threatened Fauna

Threats to koala and other native animal habitat need to be addressed by the Plan. Native animals have disappeared within living memory. Native animals' habitats were the plains¹³ as well as more densely vegetated areas. Fish and other water animals' habitat is threatened by declining native water and riverine vegetation. The native bee is almost impossible to find today. The Plan needs a management strategy for identifying fauna vulnerable to these and other threats, reducing the threat and decreasing vulnerability.

A3.2.1.c Koala Habitat Protection

Self-regulation by landholders is not good enough – and won't happen if they know reporting koala habitat will “lock up their land”. Aboriginal people however know most koala habitat in the region. Koala protection will happen more effectively if a local Aboriginal organisation is assisted to map, report and manage these locations.

The note about the standing dead timber anomaly

The table A1 has separated standing dead timber Coolibah from Coolibah and applied clearing thresholds to them separately. This is a mechanism to allow further clearing of unmodified Coolibah woodlands. Currently only 40% of the Coolibah woodlands in west Walgett remains unmodified. There should be no further clearing of unmodified Coolibah woodlands.

A.3.2.1.e Development of vegetation thresholds for retention / development in nine Broad Vegetation Types

The last column “% of original vegetation community for development” is wrong in most rows of the table! For example for the first row “black box” if 30% of the original vegetation community is being developed there should be 67,253 ha retained. Instead they have calculated retention from the 98/99 column not from the original community. This means the amount for retention has been underestimated. Another example: 49.155% of “Native Grasses” has already been cleared across Walgett (if you subtract “Walgett total as mapped 98/99” from “Walgett total pre cleared” and see what percentage of “Walgett total pre-cleared” that result is). This means for the Native Grasses community the column “yet to clear to meet threshold” should be zero, not 21052 and the “% of original vegetation community for development” should be 49% not 30%!

¹² We understand that the yellow flowering wild turnip that we see everywhere after rain in the Walgett region is the nearest relative to canola. If genetically modified canola pollen infects the wild turnip further management problems occur

¹³ which are now mostly cropped

Another example: the “all other” row. The amount cleared already is “Walgett total pre-clearing” minus “Walgett total as mapped 98/99” which is 14959 ha. 10% of the “Walgett total pre-clearing” would be 1408.48, so already the clearing percentage has been exceeded and the “Yet to clear to meet threshold” cell should read “0”.

Most of the other columns don’t add up either. We ask the Minister to check all calculations of the Plan, for currently this Plan can’t be trusted. Simple maths shows that the figures quoted here have been falsified to allow more clearing of native vegetation.

We strongly object to the division between east and west in this table and throughout the Plan. It allows a greater percentage of vegetation communities to be cleared than if the two regions were combined as the one Walgett region. Several communities are already cleared beyond the threshold in East Walgett however this is not taken into account in calculating figures for West Walgett. For example: Native grasses are now cleared 64.6% in the east and 15.4% in the west and 49.155% overall the Walgett region. If the threshold of 30% is allowed to be applied in the west, then 21052 more hectares of clearing is allowed! This is outrageous. If thresholds are used they should be applied across the Shire.

We strongly object to the clearing thresholds referred to. The Aboriginal communities of the Walgett region were not party to deciding these thresholds or aware of any scientific research backing them up. We support the resourcing of DLWC, NPWS and non-government organisations for researching the scientific merits of the thresholds quoted, and other matters regarding planning properly for the management of native vegetation in our region. Current clearing under exemptions must also be mapped and tracked.

The Walgett region must retain its native vegetation to compensate for the loss of native vegetation in all the other regions of NSW. We recommend the Plan incorporate a “NSW native vegetation offset” for the Walgett region.

A.3.2.1.g. Developing the network of land “managed for conservation” – a model to balance clearing with the development of a conservation reserve system.

We have not been involved in the development of the Plan and cannot justify the percentages and ratio of “land MFC” to “land cleared” cited in the Plan.

It is not true that all vegetation of Aboriginal cultural significance has been mapped. Some plants, their names and a general description of significance, have begun to be listed. Their locations have begun to be mapped by the Dharriwaa Elders Group. Vegetation communities where these species are found have been mapped by the *Northern Floodplains Regional Planning for Conservation and Environmentally Sustainable Development* project. We need a guarantee that the information collected by this project will be considered in native vegetation management processes, for it will identify potential areas where plants of cultural heritage significance may occur¹⁴ which is recognised as an important part of the Plan. The knowledge of actual locations of significant vegetation areas will reside with the community and the community must be involved in the verification, assessment, implementation and monitoring processing of development applications. That is, the Aboriginal

¹⁴ Pg 26

community represented by a non-profit Aboriginal organisation endorsed by elders / custodians must be an equal partner in the implementation of native vegetation management.

Selection of lands suitable to be included as MFC

Crown Lands including travelling stock routes should be included as MFC because they should not have been cleared. They are subject to claim under the NSW Aboriginal Land Rights Act and are often important areas of remnant native vegetation. They often also contain significant Aboriginal heritage places.

Funding

Clearing incurs a loss to the environment and Aboriginal cultural heritage and a gain for the landholder. Compensation should be paid by the landholder for clearing and this money should be tied to conservation management costs. The compensation should be greater if clearing has incurred on Western Lands Leases. On the other hand, the landholder should receive some compensation for land that will become “locked up”. This compensation could be “in-kind” and negotiated according to agreements under the Plan.

A3.2.2.a Conservation of soil and water resources, as they relate to native vegetation management.

“The plan allows a maximum of 10% of the red ridges to be cleared for farming to meet equity considerations for any landholders whose property falls predominantly within this category”¹⁵

Landholders would have bought this land cheaply because it is unfarmable so it wouldn’t help equity between landholders to let them clear 10% of it! Clearing, including “thinning” in the red ridge country must be subject to development application.

A3.2.2.b. Conservation of archaeologically, geologically or anthropologically sensitive or significant areas of land, as they relate to native vegetation management

“This plan recommends extra financial incentives to land holders and land managers for the protection, management and enhancement of sites of cultural heritage significance across all management areas.”¹⁶

We recommend that financial incentives be available to the Walgett community to encourage the support of the local Aboriginal community to protect, manage and enhance sites of cultural heritage. Landholders will mostly not have the knowledge or ability to manage these areas to the satisfaction of Aboriginal custodians. The local Aboriginal community needs landholder support and agreement to protect, manage and enhance sites of cultural heritage. Protocols for this process are needed that satisfy elders and other responsible agencies. The protocols will include the verification, assessment and monitoring process undertaken by a non-profit Aboriginal organisation endorsed by elders and agencies, and would often include a site search by NPWS and consultant archaeologists.

¹⁵ pg 25 DWVMP

¹⁶ pg 26 as above

Agreements need to be made between landholders and Aboriginal custodians regarding protection, management, access and sharing of future costs and income generated from the country in question and indigenous knowledge of it. Targets and performance indicators need to be developed to track the management of these areas.

Indigenous cultural resources

Aboriginal cultural resources affected by the Plan are really all elements of the world in the Walgett region, both natural and made or managed by man before the white man arrived; Aboriginal knowledge about them; and Aboriginal ways of being.

Non-indigenous cultural resources

A recent example of a native vegetation site significant to the Aboriginal and non-Aboriginal communities is the special “out-of-place” ironbark tree on Bairnkine next to the Castlereagh Hwy. It was fenced in by the Walgett Historical Society but was chainsawed last year. This crime remains unprosecuted. This Plan should have a strategy in place to prevent similar future crimes. This is graphic illustration why the Aboriginal community is reluctant to publicise information re location of sites to the wider community. The destruction of Aboriginal and non-Aboriginal cultural heritage resources should be a criminal offence. The Plan should outline monitoring and compliance regimes.

Geologically significant areas

“Cumborah mound springs” is a site of high Aboriginal cultural significance. It should not be dealt with in isolation. There are associated caves and springs that should be added to the buffer zone suggested.

A3.2.3.a Socio-economic profile of Walgett Native Vegetation region

An examination of census statistics will show that only a small percentage of the Walgett region’s population is employed by the agricultural industry, or enjoy any other benefits from the industry. The education, community, health services and other government agencies are the largest employers and they mostly service the Aboriginal community.

A3.2.3.b A valuation of Land Use Development Scenarios

Without the Plan, development continuing as it has would contribute “*a total \$2.3 million to the value of agricultural production from the region*”.¹⁷ “*After deducting variable costs of production this would be reduced to a gross margin of \$0.8 million*”¹⁸

¹⁸The Plan’s “*full development targets could contribute up to \$8 million to the total value of agricultural production.*”¹⁹

This valuation is flawed. The three scenarios explore similar types of land use all requiring clearing – the only difference is the timeframe.

We are not convinced that cropping is an economically viable land use for this region in the long term. The negative impacts of clearing and agricultural industries in the Walgett region are not quantified.

¹⁷ pg 29 DWVMP

¹⁸ pg 30 DWVMP

¹⁹ pg 29 DWVMP

The Plan contains no management of salinity levels or water table levels, but merely recommends 30-50% groundcover.²⁰ We can't rely on the scientific veracity of this statement and besides, we know that recommending won't make it happen.

The scenarios don't recognise the other negative impacts of inappropriate land use and development for Aboriginal people – including the negative health impacts, poverty, dispossession and their associated costs to society.

The Plan needs to demonstrate how many residents of the Walgett region will positively benefit in the economic returns suggested by the current Plan. We propose that the residents who benefit will be a significant minority and appeal to Australian's sense of fairness to reject the Plan because of this.

The statement "*the Aboriginal population was over 20% of the population of the Shire*"²¹ underestimates the true population. Less than 200 years ago the Aboriginal population was 100% of the Walgett Shire's population! Today the Aboriginal population is always undercounted by non-Aboriginal Australia.²² For example Centrelink figures put the number of unemployed Indigenous people in Bourke, Brewarrina and Walgett about 2.5 times greater than the Census figures (CAEPR:26).

Quantifying the Regional Economic Returns of Alternative Land Use Outcomes

Real alternative land uses are not developed or given \$ values in the Plan and they should be. Economic modelling should be provided for the reconnection with Aboriginal identity that land custodianship would supply, including potential cultural tourism benefits to the region and other alternative land use.

The Plan needs performance indicators linking Aboriginal native vegetation and cultural heritage conservation and management to community health.

A.3.2.3.c Values of native vegetation

To the values listed pg 37 should be added Aboriginal cultural heritage and Aboriginal uses and potential \$ values, carbon trading in old growth vegetation, cultural and eco tourism, education, scientific research, biodiversity and native vegetation farming and manufacturing industries.

Once the above are modelled properly, the \$ value of not clearing quoted in the Plan (\$1800 per hectare) will be an obvious underestimation. The costs of the economic modelling will justify the greater economic, social, cultural and other benefits for the local community and Australia than agricultural land use will provide for the region.

A3.2.3.d. Socio-economic factors considered during preparation of the WRVMP

Unemployment

We recommend that suggestions for employment and training strategies are best dealt with by the Gamilaroi Goondi Community Working Party monthly meetings and the Walgett CDEP.

²⁰ pg 25 DWVMP

²¹ pg 30 DWVMP

²² CAEPR Report commissioned by ATSIC, NSW, entitled **The Relative Social and Economic Status of Indigenous People in Bourke, Brewarrina and Walgett** written by the Centre for Aboriginal Economic Policy Research (CAEPR) at the Australian National University Canberra. June 2000.

Agricultural production

“employment in agriculture in the Walgett region declined by 17% between 1986 and 1996 despite the increase in more intensive land uses”²³

We dispute the viability of cropping in this part of the country. A minority of Walgett region’s residents benefit from agricultural production, while the majority are negatively affected through health, poverty and disenfranchisement. Land degradation and loss of species costs etc should also be included in the economic modelling.

Regionally significant vegetation communities

We disagree that if vegetation communities listed as significant are more widespread then there is an argument for more of them to be cleared.²⁴

The clearing / conservation reserve model

We agree that areas cleared should be balanced by the establishment of a reserve system and extend this model to NSW so that Walgett’s surviving native vegetation is reserved in its entirety. We don’t believe the Plan recognises the true values of native vegetation or establishes adequately the link between the dollar values of clearing and the dollar and other values of retention. If this clearing / conservation model is applied across NSW or even in the Walgett region, given that the levels of clearing far exceed the levels of conservation of native vegetation, conservation should begin first before any further clearing occurs. The WRVMP must plan the managed conservation and restoration of native vegetation in the Walgett region.

Cultural and geological sites Since the Plan has not been developed with adequate Aboriginal participation, this statement is premature.

A.3.2.5 Summary of issues and Plan response

Narran Lakes and its system of waterways and associated sites must be included in the HCV Management Zone and given a high level of protection.

It’s not acceptable to provide “at least the same level of protection” as the EPs, River Management plans etc.

Salinity land management techniques should be mandatory – not recommended.

NPWS site register does not include all sites of Aboriginal significance. Aboriginal people²⁵ must be involved with the management of the Plan and protocols need to be established for this involvement.

Not acceptable that only “known” sites of geological sensitivity be placed in HCV Management Zone. There are more in the region that are “unknown” that would be included by Aboriginal representatives as described above.

“regional target of 20% of each community to be managed for conservation”(pg 41).
Why is this different to the 10% and 15% mentioned elsewhere?

Part B Vegetation Management

Management processes and practices, targets and priorities must be regulated – not voluntary according to landholder’s individual whims and knowledge. Aboriginal knowledge must be used to determine native vegetation management needs and

²³ pg 33 DWVMP

²⁴ as expressed DWVMP pg 39

²⁵ ie represented by a non-profit Aboriginal organisation endorsed by elders/ custodians and appropriate agencies

priorities. Aboriginal skills, experience and presence must be used to manage native vegetation.

B2 Management Incentives

Aboriginal people will always retain copyright for their knowledge. Benefits for landholders and Aboriginal individuals contributing management knowledge and other items can be negotiated, according to agreements negotiated by a non-profit Aboriginal community organisation endorsed by elders and custodians and assisted by government agencies. Together landholders and Aboriginal people can develop an exciting future for the Walgett region.

B2.1 A framework for funding

The “duty of care” and “managed for public conservation service” distinction is useful as it recognises the benefits all Australians receive from the conservation of native vegetation. The conservation management process however must not be voluntary and it must be nurtured and monitored. Local Aboriginal people will prove invaluable to assist agencies to perform these tasks.

We propose adding to this framework a value that recognises the loss to the environment and Aboriginal cultural heritage that clearing incurs. Only the landholder benefits from clearing. Western Land Lease land in particular is only supposed to be used for grazing. Compensation should be paid by the landholder for clearing and this money should be tied to conservation planning, management, verification, assessment, monitoring and compliance costs.

B3 Management Issues

Narran Lakes and its chain of waterways and their catchment areas must be protected by this Plan.

Threats to native vegetation other than clearing also need to be addressed by the Plan. The Plan needs a management strategy for identifying plants vulnerable to these and other threats, reducing the threat and regenerating the native vegetation.

The Plan needs a management strategy for identifying fauna vulnerable to these and other threats, reducing the threat and decreasing vulnerability.

We commend the production of “guides” for landholders re the above and other issues – but licensing and monitored compliance is needed to ensure that the intent of the Plan is realised.

A publication outlining the protocols of Aboriginal involvement in native vegetation management will be required. It should be produced locally.

Part C Vegetation Controls

Aboriginal knowledge must be used to determine what significant vegetation communities are present on land included in development applications (verification), and in the decision-making regarding development applications (ie assessment).

Aboriginal communities must also make equal contributions in monitoring compliance. In the above implementation processes a non-profit Aboriginal group representing the Walgett Aboriginal communities and endorsed by elders and custodians of the countries relevant to the development must be resourced to be an equal decision-maker with landholders. Currently local and regional land councils and

other groups with heritage funding are working towards this goal around NSW. The government agencies' roles are to enable these stakeholders to make effective decisions according to law and the best national interest, and to resource information and research from native vegetation, wildlife, cultural heritage and other experts.

C4.5 General Consent Management Zone & C4.6 Self Management Zone

No clearing activities, either “thinning” or felling of a single tree should happen without Aboriginal verification, assessment and monitoring, ie without development consent and all clearing should be mapped for inclusion in planning devices and agreements.

C4.7 Excluded areas

Large areas of land in the Walgett region available for opal prospecting include significant vegetation communities and Aboriginal cultural heritage sites. They need to be protected.

C5 Requirements for assessing applications

Aboriginal people must be involved in the verification, certification, assessment and monitoring of applications.

“Assessment of applications to clear will be based on a consideration of the relative social and economic benefits of the proposal and the environmental (insert “ and cultural heritage”) values of the vegetation under application....”²⁶

As explained above, this submission objects to the targets and benchmarks for retention and restoration, and the threshold retention rates for each vegetation class as defined in table A1.

C6 Exemptions and codes of practice

The self-assessment of Aboriginal cultural heritage by the land owner/land user is unacceptable. Landholders are unable to make appropriate native vegetation decisions without Aboriginal involvement / participation so exemptions are unacceptable.

C6.1 (2) Exemption

A non-profit Aboriginal organization endorsed by custodians/ elders must approve any clearing in the case of a public utility, clearing single trees, or “thinning” or “minimal tree clearing for on farm use”. Our position is in response to the poor local track record of landholders in this regard. We agree that sometimes thinning is needed to “enhance the habitat available for endemic flora and fauna”²⁷ but believe from experience that most landholders do not have the knowledge necessary to determine this. Our group can take people who are interested to locations that demonstrate this. A site survey (verification) must be undertaken by the above organization preferably with archaeologists and formal “consent to destroy” agreements will need to be made and compensation negotiated if a loss to significant cultural heritage is suffered. Please note that the NPWS Sites Register has not been legally made available to landholders or the DLWC. There are also things and places of cultural significance that are not registered by the NPWS, so local Aboriginal heritage information systems need to be consulted. The only way to do this is to enter agreements with Aboriginal

²⁶ pg 61 DWVMP

²⁷ pg 66 as above

custodians according to protocols this submission has requested be developed by the Plan.

C6.11, C6.12, C6.13, C6.14, C6.15, C6.16, C6.17, C6.18 clearing for various purposes

Exemptions in above sections should not include exemptions from requirement for clearing to be approved by an Aboriginal organization endorsed by elder/custodians to ensure Aboriginal cultural heritage is not being compromised.

Part D Implementation and Monitoring

There is no mechanism in place to police or enforce regulations regarding Aboriginal cultural heritage. How will we know about breaches under the *Act*, and how can we respond to them? An Aboriginal non-profit organization must be involved in management planning, implementation and monitoring processes.

D2 Vegetation Clearing and Management

Local Review Committee (LRC) should have equal participation from Aboriginal representatives nominated by non-profit Aboriginal organization endorsed by elder/custodians. As well as these individuals, seats on the LRC must be set aside for representatives from the Local Aboriginal Land Council and other Walgett Aboriginal organizations. Councillors from the ATSIC Murdi Paaki Regional Council must also have seats on this committee.

Agreements must be negotiated between landholders and a non-profit Aboriginal organization safeguarding Aboriginal knowledge regarding management processes and for the undertaking of verification, assessment, implementation and monitoring processes.

Aboriginal people will always strive to retain ownership of the intellectual property associated with their cultural knowledge.