



COUNCILLOR WILLIAM MURRAY

SILVER ANNIVERSARY SPEECH

PARLIAMENT HOUSE, NSW

TUESDAY, JUNE 10, 2008

**LAND, CULTURAL HERITAGE AND  
ENVIRONMENTAL MANAGEMENT**

**IT IS A GREAT PLEASURE TO JOIN MY FELLOW COUNCILLORS HERE TODAY IN THIS HISTORIC MEETING OF THE NEW SOUTH WALES LAND COUNCIL.**

**I WANT TO SPEAK TO YOU TODAY ABOUT ONE OF OUR KEY CORPORATE PRIORITIES—LAND, CULTURAL HERITAGE, AND ENVIRONMENTAL MANAGEMENT.**

**I HAVE BEEN INVOLVED IN LAND RIGHTS ALL OF MY LIFE.**

**LAND...AND LAND CLAIMS...ARE OUR CORE BUSINESS.**

**LAND IS THE ONLY FORM OF COMPENSATION NOW AVAILABLE TO US UNDER THE ACT.**

**THIS MEETING PROVIDES A GOOD OPPORTUNITY TO REVIEW WHERE WE HAVE COME FROM, WHERE WE ARE NOW, AND WHERE WE INTEND TO GO IN THE FUTURE.**

**IT IS IMPORTANT TO REVISIT THE ORIGINAL INTENT OF THE ACT AND THE CRITICAL PRINCIPLES UPON WHICH IT IS BASED.**

**LET ME ECHO FRANK WALKER'S WORDS.**

**LAND RIGHTS MEANS THE RECONGITION BY THIS PARLIAMENT OF THE PRIOR OWNERSHIP OF THIS STATE BY ABORIGINAL PEOPLE.**

**MR WALKER TOLD THIS CHAMBER THAT BY INCORPORATING THIS PRINCIPLE IN THE PREAMBLE TO THE ACT THE GOVERNMENT HAD ACCEPTED THE VIEWS OF THE NEW SOUTH WALES ABORIGINAL LAND COUNCIL, IN PARTICULAR**

**BUT HE NOTED IT WAS A KEY THEME IN SUBMISSIONS TO THE SELECT COMMITTEE BY ALL ABORIGINAL ORGANISATIONS.**

**HE ALSO NOTED IT WAS THE FIRST TIME ANY GOVERNMENT HAD MADE A CLEAR CUT STATEMENT OF ABORIGINAL PRIOR OWNERSHIP.**

**IN DOING SO IT REJECTED THE VIEWS OF THOSE FOREBEARS WHO FAILED TO FOLLOW THE UNITED STATES, NEW ZEALAND AND CANADA BY ENTERING INTO TREATIES WITH THE ORIGINAL INHABITANTS.**

**MUCH BENEFIT HAS FLOWED FROM THIS ACT IN THE INTERVENING 25 YEARS.**

**THIS IS UNDENIABLE.**

**THERE HAVE BEEN JUST UNDER 16,000 CLAIMS LODGED ON VACANT CROWN LAND BY NSWALC--ON BEHALF OF LOCAL ABORIGINAL LAND COUNCILS-- SINCE 1983**

**I'D BE LESS THAN HONEST, THOUGH, IF DID NOT POINT TO ONE TELLING FACT.**

**A LITTLE OVER TWO THOUSAND OF THOSE CLAIMS HAVE BEEN GRANTED.**

**JUST OVER 80-THOUSAND HECTARES OF LAND HAS BEEN RETURNED TO US-- LESS THAN ONE PER OF NSW'S TOTAL LAND MASS.**

**MORE THAN FOUR THOUSAND LAND CLAIMS HAVE BEEN REFUSED.**

**WE AWAIT THE OUTCOME OF THE ALMOST NINE THOUSAND CLAIMS WHICH ARE YET TO BE DETERMINED BY THE MINISTER.**

**NSWALC HAS LODGED A SIGNIFICANT NUMBER OF CLAIMS IN THE PAST FEW YEARS BUT THERE REMAIN OVER 500 CLAIMS THAT ARE STILL OUTSTANDING FOR THE PERIOD 1983 TO 1999.**

**THERE HAS BEEN CONSIDERABLE RESISTANCE WITHIN SUCCESSIVE GOVERNMENTS TO DELIVER ON THE INITIAL PROMISE AND INTENT OF THE BILL.**

**I UNDERSTAND THE REGISTRAR OF THE ALRA HAS UNDERTAKEN A REVIEW AND RE-SUBMISSION PROCESS OF THE OLDEST OF THOSE OUTSTANDING CLAIMS.**

**AT LEAST 100 OF THE OLDEST LAND CLAIMS HAVE BEEN REVIEWED.**

**NSWALC AWAITS THE OUTCOME OF THIS REVIEW AND THE CLEARING OF THIS LOGJAM.**

**I CAN ASSURE YOU, HOWEVER, THAT NSWALC IS NOT LETTING THIS AFFECT OUR FOCUS ON WORKING WITH LOCAL ABORIGINAL LAND COUNCILS TO ACQUIRE CULTURAL AND ECONOMICALLY VIABLE LAND.**

**IT IS OUR JOB.**

**IT IS OUR RIGHT UNDER THE ACT WE COMMEMORATE AND CELEBRATE HERE TODAY.**

**WE WILL ALSO WORK WITH LOCAL ABORIGINAL LAND COUNCILS TO ENSURE THE PRUDENT MANAGEMENT AND DEVELOPMENT OF OUR LAND.**

**OUR CORPORATE PLAN COMMITS US TO DO SO BY:**

- **DEVELOPING A BUSINESS CASE FOR THE RETURN OF ALL ABORIGINAL SITES IN NEW SOUTH WALES.**
- **DEVELOPING GUIDELINES WHICH IDENTIFY, PROTECT AND PRESERVE CULTURAL HERITAGE IN ACCORDANCE WITH TRADITIONAL CUSTOMS, OBLIGATIONS AND RESPONSIBILITIES OF INDIVIDUAL TRADITIONAL OWNER GROUPS THROUGHOUT THE STATE.**
- **ESTABLISHING AN EFFECTIVE COMMUNICATIONS PROCESS TO MONITOR ALL LAND DEVELOPMENTS TO ENSURE THE IDENTIFICATION OF, PROTECTION AND PRESERVATION OF ALL CULTURAL HERITAGE SITES.**
- **PROVIDING ADVICE, SUPPORT AND DIRECTION TO LOCAL ABORIGINAL LAND COUNCILS IN DEVELOPING A CULTURAL AND ARCHIVAL CENTRE FOR NEW SOUTH WALES.**

**WHILE MUCH OF OUR FOCUS OVER THE PAST 25 YEARS HAS BEEN ON RECLAIMING SOME OF OUR DISPOSSESSED LAND WE HAVE LONG BATTLED ON ANOTHER SIGNIFICANT FRONT: THE PROTECTION AND OWNERSHIP OF OUR CULTURAL HERITAGE.**

**WHEN HE INTRODUCED THIS LEGISLATION FRANK WALKER NOTED THAT IT LACKED AN ESSENTIAL ELEMENT-----THE PROTECTION AND OWNERSHIP OF OUR CULTURAL HERITAGE.**

**HE FLAGGED THE INTRODUCTION OF AN ABORIGINAL HERITAGE COMMISSION BILL.**

**IT NEVER SAW THE LIGHT OF DAY.**

**TWENTY-FIVE YEARS ON, RESPONSIBILITY FOR THIS PROTECTION AND MANAGEMENT LIES LARGELY WITH THE DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE.**

**THE DEPARTMENT DOES WHAT IT CAN TO ENSURE A HIGH LEVEL OF ABORIGINAL INVOLVEMENT IN THE MANAGEMENT AND PROTECTION OF ABORIGINAL OBJECTS AND PLACES.**

**DESPITE ITS EFFORTS ABORIGINAL CULTURAL HERITAGE CONTINUES TO BE DESTROYED.**

**THE DEPARTMENT HAS ESTIMATED THAT SINCE 1990 THE DIRECTOR GENERAL HAS APPROVED OVER 800 PERMITS FOR THE DESTRUCTION OF OUR CULTURAL HERITAGE.**

**THIS NEEDS TO BE STOPPED.**

**NSWALC AND LALCS ARE INVOLVED IN THE PROTECTION AND PROMOTION OF CULTURAL HERITAGE ON A DAILY BASIS THROUGH CULTURAL HERITAGE SITES WORK AND SURVEYS.**

**NUMEROUS LAND COUNCILS ARE ALSO INVOLVED IN THE JOINT MANAGEMENT OF CULTURALLY SIGNIFICANT NATIONAL PARK LAND.**

**PLACES LIKE MUTAWINJTI NATIONAL PARK, MT GRENFELL HISTORIC SITE, BIAMANGA AND GULAGA NATIONAL PARKS AND WORIMI CONSERVATION LANDS HAVE BEEN RETURNED TO ABORIGINAL OWNERSHIP.**

**LAND COUNCILS HOLD TITLE TO THE LAND ON BEHALF OF THE ABORIGINAL OWNERS AND PARTICIPATE ON BOARDS OF MANAGEMENT RESPONSIBLE FOR THE CARE, CONTROL AND MANAGEMENT OF THESE LANDS.**

**WE DO WHAT WE CAN BUT WE ARE SEVERELY LIMITED.**

**WE NEED TO REVISIT THE ESTABLISHMENT OF AN ABORIGINAL HERITAGE COMMISSION.**

**I ALSO HOPE TO SEE LAND COUNCILS TAKING UP THE OPPORTUNITY FOR FUNDING OFFERED BY THE AUSTRALIAN GOVERNMENT'S NEW PROGRAM 'WORKING ON COUNTRY.'**

**LAND COUNCILS ARE IDEALLY PLACED TO PARTICIPATE IN THIS PROGRAM.**

**ALL HAVE A COMMUNITY OF ABORIGINAL PEOPLE WANTING TO WORK ON COUNTRY.**

**BUT, AS NSWALC AND LOCAL ABORIGINAL LAND COUNCILS WORK TOWARDS ACHIEVING THESE AIMS, WE WILL FACE MANY KEY CHALLENGES.**

**I RECOGNISE THAT LALCS DO NOT, IN THEMSELVES, NECESSARILY HAVE THE RIGHT TO SPEAK FOR COUNTRY.**

**BUT MOST HAVE MEMBERS QUALIFIED TO SPEAK FOR COUNTRY.**

**THEY NEED TO BE SUPPORTED, ALONG WITH OTHER TRADITIONAL OWNERS, TO EXERCISE THAT RIGHT.**

**SPEAKING 'FOR' AND 'ABOUT' COUNTRY IS NOT A MATTER FOR GOVERNMENT TO RESOLVE FOR US.**

**WE MUST COME TOGETHER AND SEEK TO RESOLVE OUR DIFFERENCES.**

**WE SHOULD DO SO FOR OUR FUTURE, AND THAT OF OUR CHILDREN.**

**THE LAND RIGHTS SYSTEM WILL BE PIVOTAL IN ADDRESSING THIS PROBLEM, BUT WE CANNOT DO IT ALONE.**

**THERE HAS BEEN AN ARTIFICIAL DIVIDE IN GOVERNMENT POLICY IN NSW FOR FAR TOO LONG BETWEEN THE MANAGEMENT OF ABORIGINAL CULTURE AND HERITAGE AND THE NATURAL ENVIRONMENT.**

**TOO OFTEN ABORIGINAL PEOPLE ARE FIGHTING FOR THE PROTECTION OF HERITAGE SITES, WHILE FORGETTING ABOUT THE IMPACT OF DEVELOPMENT ON OUR USE OF THE LAND AND WATERS TODAY.**

**THE PROTECTION OF HERITAGE SITES IS IMPORTANT BUT SO TOO, IS OUR ACCESS TO LAND, WATER AND RESOURCES.**

**ANOTHER KEY CHALLENGE IS TO BRIDGE THE DIVIDE BETWEEN CULTURE AND HERITAGE AND NATURAL RESOURCES.**

**IT IS NOT AN EASY SITUATION TO ADDRESS.**

**IT IS ALSO BEING MADE MORE COMPLICATED BY A PRO-DEVELOPMENT ATTITUDE WITHIN GOVERNMENT.**

**BUT WE MUST CONTINUE TO PUSH GOVERNMENT TO RECOGNISE THE NEED FOR ACCESS TO OUR LANDS.**

**HUNTING AND GATHERING CONTINUES TO PROVIDE A SOURCE OF SUBSISTENCE AND NOURISHMENT FOR OUR PEOPLE.**

**THE LAND AND WATERS PROVIDE THE SOURCE OF OUR KNOWLEDGE.**

**ACCESS IS CRITICAL TO ENSURE THIS KNOWLEDGE IS PASSED DOWN TO OUR CHILDREN.**

**WE ALSO NEED TO REMEMBER THAT WE ARE A SMALL PERCENTAGE OF THE POPULATION.**

**OUR CULTURE AND HERITAGE IS NOT UNDERSTOOD BY MANY OF OUR FELLOW AUSTRALIANS.**

**WE NEED TO IMPROVE OUR CAPACITY TO ARGUE THE CASE FOR BETTER PROTECTION OUTCOMES.**

**WE CANNOT, AND SHOULD NOT AVOID, ECONOMIC DEVELOPMENT.**

**....BUT WE HAVE TO BE CLEARER ABOUT WHAT THIS TERM MEANS FOR US.**

**SOUND AGREEMENTS WILL ENSURE DEVELOPMENT DOES NOT EXCLUDE PROTECTION OF CULTURE AND HERITAGE.**

**WE MUST CONTINUE TO BUILD TECHNICAL CAPACITY.**

**CONSULTATIVE COMMITTEES SATISFY GOVERNMENT REQUIREMENTS TO BE SEEN TO BE CONSULTING WITH US.**

**BUT WE CANNOT PROPERLY ENGAGE IF WE ARE NOT FULLY INFORMED.**

**CLIMATE CHANGE IS A GOOD EXAMPLE.**

**IT POSES A THREAT TO THE HEALTH, CULTURES AND LIVELIHOODS OF INDIGENOUS PEOPLES AROUND THE WORLD.**

**AUSTRALIA'S INDIGENOUS PROTECTED AREAS AND OTHER INDIGENOUS OWNED OR MANAGED LAND COVERS 120 MILLION HECTARES OR ROUGHLY 16 PER CENT OF AUSTRALIA'S LAND MASS.**

**OUR INVOLVEMENT IN NEW SOUTH WALES, AND ELSEWHERE, IS CRITICAL TO RESPONDING TO CLIMATE CHANGE.**

**I HOPE I HAVE BEEN ABLE TO PROVIDE YOU WITH A SNAPSHOT OF OUR WORK IN THIS VITAL AREA TODAY.**

**I ALSO HOPE YOU HAVE A GREATER APPRECIATION OF THE BENEFITS AND CHALLENGES THE LAND RIGHTS LEGISLATION HAS PROVIDED TO OUR PEOPLE.**

**THANK YOU.**