



Tony Zappia MP
Committee Chair
House of Representatives Standing Committee on Climate Change, Environment and the Arts
Inquiry into Climate Change and Biodiversity
PO Box 6021
Parliament House
Canberra ACT 2600

Via: ccea.reps@aph.gov.au

Dear Mr Zappia,

Re: Inquiry into Climate Change and Biodiversity

Thank you for your invitation to provide a submission to the Inquiry into Climate Change and Biodiversity. The NSW Aboriginal Land Council (**NSWALC**) is pleased to provide comments to the Standing Committee in relation to this Inquiry.

NSWALC is the peak body representing Aboriginal peoples in NSW and with over 20,000 members, is the largest Aboriginal member based organisation in Australia.

NSWALC is a self-funded statutory corporation under the *Aboriginal Land Rights Act 1983 (NSW)*, and has a legislated objective to improve, protect and foster the best interests of Aboriginal peoples in NSW. NSWALC also provides support to the network of 119 autonomous Local Aboriginal Land Councils (**LALCs**) across the state. LALCs have similar statutory objectives to NSWALC in regards to their own local communities.

Aboriginal peoples in NSW and particularly the network of Aboriginal Land Council's that represent them (both LALCs and NSWALC) are key stakeholders in relation to biodiversity management and climate change mitigation; they are significant landowners and managers of lands with high biodiversity value, and at a local level are holders of specific Traditional Ecological Knowledge accumulated over millennia.

The comments and suggestions provided in this letter are made from a NSW perspective and refer to points six and seven of the Terms of Reference. Comments are based on the challenges Aboriginal peoples in NSW face in regards to biodiversity conservation. These include:

- The limited acknowledgment of Aboriginal rights and connections to Country in government biodiversity and climate change policy; and

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- The lack of sustained funding for Aboriginal organisations to undertake biodiversity conservation activities.

Current governance arrangements

In order for current governance arrangements to adequately deal with the challenges associated with conserving biodiversity, Aboriginal peoples, and particularly LALCs, need to be consulted and engaged with. Acknowledgement of Aboriginal rights and connection to Country in government policy is also essential.

NSWALC supports practical measures taken by Government that seek to implement the United Nations Declaration on the Rights of Indigenous Peoples, which was endorsed by the Australian Government on 3 April 2009. These include mechanisms to support Aboriginal peoples' management of lands, waters and natural resources.

The following excerpts from the United Nations Declarations on the Rights of Indigenous Peoples identify the inherent rights of Aboriginal peoples in relation to Country, lands, waters, natural resources and Traditional Ecological Knowledge. These excerpts have been provided to assist with the incorporation of these rights into governance arrangements and policy measures.

Article 25 – Connections to Country

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 29 – Caring for Country and the Environment

Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

It is also relevant to note that Article 8 (j) of the Convention on Biological Diversity already commits Australia to “*respect, preserve and maintain knowledge, innovations and practices of Indigenous ... communities ... for the conservation and sustainable use of biological diversity*”.

Aboriginal peoples have inherent rights over these lands, waters and natural resources. The continuing occupation of land and sustainable use of land, water and natural resources were, prior to dispossession, typified by active and sustainable management of Country. Land, water and all natural resources were owned and managed for the spiritual, cultural, environmental and social benefit of generation after generation. It is

essential for biodiversity policies to provide true recognition of the unique status of Aboriginal peoples in Australia in all aspects of land and natural resource management.

NSWALC encourages the Government to incorporate the below principles into current governance arrangements and biodiversity and climate change policy. Principles include:

- Supporting Indigenous peoples sustainable use of biodiversity;
- Facilitating Aboriginal involvement in comprehensive biodiversity conservation planning; and
- The appropriate use of Indigenous Ecological Knowledge.¹

Government must support and promote the inclusion of Aboriginal peoples' Traditional Ecological Knowledge and perspectives into the development and practice of biodiversity and climate change policies and programs. In the NSW context, the participation of LALCs, Native Title groups and other Aboriginal community organisations must be actively sought for this purpose.

Enhancing Aboriginal community engagement

Capacity constraints, brought about by limited funding present one of the most significant impediments to biodiversity conservation and climate change mitigation activities and outcomes within Aboriginal communities in NSW.

NSW has the largest population of Aboriginal peoples in Australia. In light of this demographic reality, the well recognised linkages between social and economic outcomes for Aboriginal peoples, biodiversity conservation strategies should provide a greater level of sustained, long-term funding directly to Aboriginal organisations and communities in NSW. Long-term funding should seek to cover staffing, management, administration and infrastructure costs, so that capacity may be built to sustainably undertake biodiversity conservation and climate change mitigation activities into the future. Short-term allocations of funding do little to build longer-term capacity to undertake sustainable land management and biodiversity conservation. Funding should also be adaptive and flexible to ensure that it meets the needs of LALCs and other Aboriginal organisations.

Given the significant landholdings and the transparent, accountable and fully audited governance arrangements of the Aboriginal Land Council Network, government should seek to fund LALCs and other Aboriginal organisations in designing and implementing biodiversity conservation initiatives and programs.

In line with the whole of government approach to Closing the Gap, and the value Aboriginal peoples can add to biodiversity conservation and climate change mitigation activities, it is essential for biodiversity conservation initiatives to recognise and promote Aboriginal participation these initiatives. Initiatives should not only aim to deliver environmental outcomes, but in line with Closing the Gap commitments, it should be responsive to the broader social, cultural and socio economic indicators for Aboriginal peoples and communities.

¹ Altman et al, 2009. *Submission to the Review of the National Biodiversity Strategy: Indigenous people's involvement in conserving Australia's biodiversity*, Centre for Aboriginal Economic Policy Research, CAEPR Topical Issue No. 08/2009

Should you wish to discuss any issues raised in this letter, please contact Kate Aubrey-Poiner on

Yours Sincerely,

Clare McHugh
Director
Policy and Research Unit
NSW Aboriginal Land Council

Date: 20/7/11
