



Media Statement

2 April 2009

National Trust Calls for Protection of Aboriginal Heritage

The National Trust of Australia (NSW) is concerned about the preservation of all Australian heritage and supports a review of the provisions of the *National Parks and Wildlife Act 1974* as they relate to the protection of Aboriginal objects and places, which according to Trust Advocacy Manager, Graham Quint is “clearly insufficient for the task”.

“Under present NSW law it would appear that everyone and no one is responsible for protecting Aboriginal artifacts. A review of the legislation is urgently required to create enforceable laws that are fit for purpose,” Mr Quint said.

“The principal aim of Part 6 of the Act was to deter artifact removal and sale, with ownership being retained by the Crown or returned to the Aboriginal owners,” he said.

“Today’s report in the Sydney Morning Herald confirms our anecdotal evidence that the present law and its enforcement is ineffective. This has been further complicated by the continuing use of the same clause as an urban planning control. A task for which it was not designed,” he said.

“Under the Act a developer must make an application to the NSW Department of Environment and Climate Change for destruction or modification of an area of Aboriginal heritage significance. However, a condition imposed on a developer is not necessarily appropriate as the applicant would typically no longer retain control of the artifact after subdivision and sale of the land. If the purchaser of a lot is required to make an application then there is no guarantee that destruction would be permitted and consequently the buyer may have been sold a property that cannot be developed,” said Mr. Quint.

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