



Tabled, by leave,  
MS Sharpe  
for Clerk of the Parliaments  
BILL 2024/5/8 124

## ENVIRONMENTAL TRUST ACT AMENDMENT

### STATEMENT OF PUBLIC INTEREST

#### **Need: Why is the policy needed based on factual evidence and stakeholder input?**

The Bill amends the *Environmental Trust Act 1998* (the Act) to require the appointment of an additional member to the board, being an Aboriginal person. The Bill will also update a reference to the Chief Executive of the Office of Environment and Heritage with the Secretary of the Department of Climate Change, Energy, the Environment and Water.

The Trust has an important role in working with Aboriginal peoples to promote history, cultural heritage and caring for Country. This is reflected in the Trust's new strategy, which acknowledges the importance of prioritising healthy Country and recognising and integrating the values of Aboriginal peoples.

The Trust already has a long history and association with the Aboriginal peoples of New South Wales and has been delivering the Protecting Our Places grant program for over 20 years, empowering Aboriginal communities to protect, conserve and restore landscapes and waterways important to them.

The proposed amendments to the Bill will amend the Act to change the operation of the provisions in practice by adding an additional voting member to the Environment Trust who can make decisions as per section 8 of the Act in relation to grants.

The inclusion of Aboriginal membership on the Trust aligns with other government decision making bodies, including those in the environment and heritage portfolio, such as the NSW Coastal Council, Heritage Council of NSW and the Biodiversity Conservation Trust.

#### **Objectives: What is the policy's objective couched in terms of the public interest?**

The proposed amendments set out in the Bill will ensure appropriate Aboriginal cultural representation on the Environmental Trust board and oversight of priorities of the Strategic Plan and existing grant programs where Aboriginal communities and interests are involved.

This will ensure the Trust maintains a high level of governance and expertise across a broad range of environmental issues in relation to providing government funding.

The minor amendment to Section 6(2)(c) ensures the Act remains current and aligns with the government's current structure.

The National Agreement on Closing the Gap is a top priority of the NSW Government in partnership with Aboriginal organisations, communities and people. Having an Aboriginal member on the Trust will contribute to the four priority reforms, especially to priority one - creating formal partnerships and share decision making within government to empower Aboriginal and Torres Strait Island people.

#### **Options: What alternative policies and mechanisms were considered in advance of the bill?**

In July 2024, an amendment to the Act was included in the Statute Law (Miscellaneous Provisions) Bill 2024, however, the proposed amendment was removed from the bill by the Legislative Council in August 2024.

The mechanism to include an Aboriginal member on the Environmental Trust can only be done through legislative amendment to Section 6 of the Act – membership and procedure of Trust.

#### **Analysis: What were the pros/cons and benefits/costs of each option considered?**

The proposed amendments set out in the Bill are minor and are an outcome of stakeholder consultation on the development of the Trust Strategic Plan 2024-2029. The amendments do not impact any other parts of the Act.

The NSW Environmental Trust has been delivering environmental grants programs that support Aboriginal communities to protect and restore landscapes since 2009.

The new Environmental Trust Strategic Plan prioritises environmental issues impacting New South Wales related to prioritising healthy Country and recognising and valuing Aboriginal culture, restoring ecosystems and biodiversity, and strengthening environmental management.

Aboriginal representation on the Trust Board is appropriate in this context and a legislative amendment is the only option available to appoint a new member to the Trust.

The minor amendment to Section 6(2)(c) ensures the Act remains current and aligns with the government's current structure.

**Pathway: What are the timetable and steps for the policy's rollout and who will administer it?**

The NSW Department of Climate Change, Energy, the Environment and Water is responsible for implementing the Bill after it commences, including conducting the process to attract and appoint the Aboriginal member which the Minister will consider.

**Consultation: Were the views of affected stakeholders sought and considered in making the policy?**

The NSW Environmental Trust conducted stakeholder workshops to assist in developing the priorities for the new Strategic Plan (2024-2029). During the workshops, information was gathered about the importance of connection to Country and understanding the linkages between Aboriginal culture and environment.

The strongest sentiments from both Aboriginal and non-Aboriginal representatives were the need to authentically recognise and value Aboriginal culture and practices and to listen to what Aboriginal people have to say. As a result, a key recommendation from the 'Connecting to Aboriginal cultural landscapes' workshop report was to establish Aboriginal representation on the Trust.

In May 2024, the Trust considered the benefits of bringing an Aboriginal member to the table to assist the Trust with carrying out their functions, and ultimately decided to endorse such a proposal for government consideration.