

Response ID ANON-8EBD-41YA-2

Submitted to **Review of the Aboriginal Heritage Act 1972**

Submitted on **2018-05-28 22:46:17**

About You

Are you submitting a response as an individual, or on behalf of your organisation?

Individual

Individual details

Are you of Aboriginal or Torres Strait Islander descent?

No

What is your name?

Optional:

Do you give permission for your name to be published with your feedback?

No

Purpose of the Act

Question 1

No

If not, what changes should be made?:

Change preservation to 'management' or similar.

Change on behalf of community to 'Aboriginal' or similar.

Provide a reason as to 'why'.

Roles under the Act

Question 2

2 - who should be consulted?:

Aboriginal people should be consulted PROIR to any scientific heritage work. Revisionist conduct carried out by Aboriginal groups and consultants post-survey about areas they knew/know nothing about is dishonest and a misrepresentation of knowledge bases.

Question 3

Ineffective

How can the provision to appoint honorary wardens be improved?:

Do not appoint - they are not necessary.

Question 4

Yes

Role and functions - Minister:

Yes

Role and functions - Registrar:

No

Role and functions - Committee:

The committee should only evaluate if a 'place' is a 'site' rather than place moral assessments on the management of such places. Committee members should also state conflicts of interest and excuse themselves when compromised.

Yes

Role and functions - DPLH:

The roles are clearly defined, however staff a DPLH act outside of these roles and functions.

What is Protected?

Question 5

No

5. How can section 5 be improved?:

Specifically identify what should be protected so there is a solid reference.

Question 6

Yes

6. How can section 6 / Part VI be improved?:

Question 7

No

Additional comments:

A Protected Area is far to restrictive.

Question 8

No

8. what needs to be considered?:

Protection and Enforcement

Question 9

No opinion

9. Activities that should require consent or authorisation:

Only those that an agreement between developer and Aboriginal group can not agree on.

Question 10

10. Criteria to evaluate activities that may affect a site:

Irreparable physical damage.

Question 11

11. What is an impact in relation to sacred sites?:

They can't and shouldn't be.

Question 12

12. consent / authorisation for proposals that will affect sites:

Firstly through agreement between group and proponent and then mediated through the Minister.

Question 13

Effective

13. How s18 can be improved?:

It has too many parties. Remove DPLH and/or ACMC in the recommendation process and only have them in the assessment' process.

Question 14

14. provisions for long-term protection of sites:

Protection should not be the default - long term management should be.

Question 15

Yes

15. How can enforcement provisions be improved?:

Question 16

Yes

16. How can penalties be improved?:

Site Assessment and Registration

Question 17

No

17. Why shouldn't a defence be provided?:

Transparency. If it impacts others plans they have a right to transparency in the process.

Question 18

No

18. What should the criteria be?:

The manner of reporting. If reported as an archaeological site, the archaeological report should be the primary consideration. If reported as an ethnographic site, the ethnographic report should be the primary consideration. If report independently by Aboriginal people as sacred; ceremonial; and/or ritual, then the Aboriginal people(s) report should be the primary consideration (unless documented restrictions on knowledge are provided).

Question 19

19. Steps to report place or object:

Via simple site card.

19. Steps to nominate a place or object:

Simple site card an then independent assessment.

19. Steps to assess a place or object:

Initial Notification. Independent assessment. Assessment by DPLH. Assessment by ACMC.

19. Steps to enter a place or object on the Register:

Recommendation by independent assessment, recommendation by DPLH and recommendation by ACMC.

19. Steps to amend a place or object on Register:

No amendment for new sites. New recordings for old sites.

19. Steps to remove place or object from Register:

Complete new assessment under the current understandings.

Other Parts of the Act

Question 20

20. What's missing from the Act?:

Transparency in the decision making process.

Question 21

21. Sections to be removed from Act?:

Section 15 - no obligation if no harm.

Any other comments

Any other comments:

The Act, if administered accurately is a reasonable Act. It may need updating to reflect current understandings of heritage management. However the glaring issue with the Act has always been the administration of the Act by a department with limited understandings of the bureaucratic process and a high occurrence on nepotism.