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Our reference: ORGN-1039201495-1768  
Your reference: PLH0415-2017A/01

23 May 2019

Ms Gail McGowan  
Director General  
Department of Planning, Lands & Heritage  
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Department of Planning, Lands and Heritage Received	
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*Gail McGowan*

Dear Ms McGowan

## REVIEW OF THE ABORIGINAL HERITAGE ACT 1972

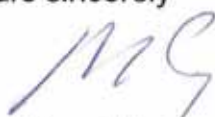
Following your letter of 13<sup>th</sup> March 2019, I wish to provide the following comments:

One of the difficulties is in defining whether a place is heritage. In one experience I had the site was checked in the mapping of Aboriginal sites, the former Department of Aboriginal Affairs was contacted to confirm what was found on the map and to seek direction in terms of any further guidance on who to contact. They directed us to the Land and Sea Council who indicated that they had no issues with the site. We then proceeded on the basis of all available information having taken the direction of the Department.

An aboriginal person subsequently became aware of the work and then declared that the site had significance. The issues for us at the time were that we had no way of knowing who might make a claim of heritage value or how to ascertain who to ask given that we took the Department's advice. We also had no certainty as to whether the claim made was valid or not.

It would be appreciated if the Act were to provide subsidiary legislative or other guidance on what is fair and reasonable in terms of the process of enquiry into aboriginal heritage significance and secondly what is fair and reasonable in terms of adjudication of the heritage site.

Yours sincerely

  
Mark Goodlet  
Chief Executive Officer



City of Nedlands

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