

Response ID ANON-8EBD-41YX-S

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

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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:

Ella

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

Yes

Purpose of the Act

Question 1

No

If not, what changes should be made?:

The act should also be aware that Indigenous culture, is a living culture. Therefore such heritage sites are of value to contemporary indigenous Australians. Preservation should always be done in alliance with indigenous values and the relevant custodians should be consulted and included throughout to ensure the correct and appropriate approach for protecting a site is conducted. In addition to objects and places, the act should seek to preserve the language, spirituality, and the customary and traditional practices integral to past indigenous peoples, contemporary indigenous Australians, and future. In addition, the Act does not include specific provisions that cover the discovery and management of Aboriginal Ancestral (Skeletal) Remains. The act should also seek to encourage and foster an appreciation of Indigenous ways of life, values, spirituality and language amongst the wider public of Australia.

Roles under the Act

Question 2

2 - who should be consulted?:

I think the aboriginal heritage act not only applies to indigenous peoples, but also to all Australians. aboriginal heritage is something all Australians should seek to protect and value. To ensure that the appropriate people are consulted there needs to be transparency between the government and indigenous communities and the wider public. Aboriginal people should always be consulted concerning their heritage. to ensure that appropriate consultation is ensured, there must be systematic consultation with relevant indigenous groups with concerns to sites. Communication between aboriginal peoples and government should be strengthened. In addition, those that are recognised by communities as representatives for indigenous groups are the appropriate members to consult, but consultation should come from a variety of sources, and one spokesperson is inadequate to ensure all of the voices within an indigenous community are being heard.

Question 3

No opinion

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

honorary wardens should always represent the values of Aboriginal peoples, although these are varied, it is important to recognise the rights and voices of indigenous peoples in the Australian government. Facilitating the rights and power of indigenous people to speak for themselves, can be attained through employment positions, like appointed honorary wardens. This could mean improvement as it may ensure that the person occupying the role of this governmental position is in fact acting in the best interest of indigenous people. Self governance is important to give power to indigenous groups over their own heritage

Question 4

No opinion

Role and functions - Minister:

No opinion

Role and functions - Registrar:

No opinion

Role and functions - Committee:

No opinion

Role and functions - DPLH:

What is Protected?

Question 5

Yes

5. How can section 5 be improved?:

Question 6

No

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

Question 7

No

Additional comments:

protected areas, become areas for the Minister to give consent to their destruction. Protected areas should always require consultation with indigenous communities and the wider public before any consent is given.

Question 8

Yes

8. what needs to be considered?:

Protection and Enforcement

Question 9

9. Activities that should require consent or authorisation:

entering, camping, excavating, photographing- sharing via location and social media, destruction of, relocation, vandalism, building near or on.

Question 10

No opinion

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

Question 11

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

consulting relevant indigenous communities, following precautions for cultural safety.

Question 12

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

Aboriginal people, communities, and appointed elders.

Question 13

No opinion

No opinion

13. How s18 can be improved?:

Question 14

No opinion

14. provisions for long-term protection of sites:

Question 15

No

15. How can enforcement provisions be improved?:

"In proceedings for an offence under the Act, section 62 provides a 'special defence of lack of knowledge'. Section 62 states 'It is a defence for the person charged to prove that he did not know and could not reasonably be expected to have known, that the place or object to which the charge relates was a place or object to which [the Act] applies'. " --- this is inadequate, it should be the duty of government to work on behalf of indigenous peoples to protect aboriginal heritage. Those who are impacting land should have to assess for indigenous cultural heritage on places or objects which they may be impacting, this should be a relevant precaution before undertaking any actions on land that results in impact. It is the responsibility of the government to ensure that relevant sites are known to those who are proposing to impact land, and awareness should be raised.

Question 16

No

16. How can penalties be improved?:

harsher. In addition, they should not be so easily avoidable.

Site Assessment and Registration

Question 17

No opinion

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

Question 18

No opinion

18. What should the criteria be?:

Question 19

No opinion

19. Steps to report place or object:

No opinion

19. Steps to nominate a place or object:

No opinion

19. Steps to assess a place or object:

No opinion

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

No opinion

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

19. Steps to remove place or object from Register:

consulting the relevant indigenous community. Communication is key. Indigenous communities should not experience waking up to find a sacred site has been delisted by the registrar without being consulted or even warned. It should not be the power of the government to remove places and objects from the Register, easily without communicating and retrieving consent to do so, by appropriate indigenous peoples

Other Parts of the Act

Question 20

No opinion

20. What's missing from the Act?:

Question 21

No opinion

21. Sections to be removed from Act?:

Any other comments

Any other comments:

closer communication with indigenous people.

more funding for the protection of aboriginal cultural heritage

Aboriginal heritage should receive the same if not more funding for upkeep and protection as historical heritage.

aboriginal heritage needs to be as valued as historical heritage.