

Response ID ANON-8EBD-41R5-F

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

Submitted on **2018-05-25 17:37:28**

About You

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

Organisation

Organisation details

What is the name of your organisation?

Organisation Name:

Koora Retreat Centre inc

Name of submitting officer and position.

Submitting officer and position:

Anna Killigrew

Do you have authorisation to make a submission on behalf of your organisation?

Yes

In which field is your business?

Other (please specify below)

If "other" please specify your field of business:

Retreat centre in Boorabbin National Park catering for aborigines and others.

Purpose of the Act

Question 1

Yes

If not, what changes should be made?:

Roles under the Act

Question 2

2 - who should be consulted?:

Aboriginal people with knowledge of the place or the mythology or dreaming need to be consulted, as well as people knowledgeable of Aboriginal heritage places in general.

People of any descent but who live in the vicinity of the proposed heritage place need to be consulted, as they may know more than do the traditional-owner Aborigines who live in towns and cities.

Anthropologists who are peer-reviewed and supervised and accountable need to be involved in stating how any proposal may affect the heritage of a place.

Question 3

Ineffective

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

Any one charged with the warden-role of inspection of listed sites needs to know what they are looking at and looking for. Such people need to have been trained and qualified by traditional owners of the land or knowledgeable Aborigines from other areas that have been successful in identifying and preserving heritage places.

Question 4

No

Role and functions - Minister:

Aboriginal people need to advise and guide and recommend the enforcers of the Act. Also, as people of other descent become more aware of the importance and significance of sites and protected areas for the overall sense of identity of the Australian people, then such experts should be included in advising and

recommending preservation for the future of the whole community.

No

Role and functions - Registrar:

The registrar needs more staff and skilled and motivated staff to expedite the registration and protection of the many sites that exist but have not been protected.

No

Role and functions - Committee:

There is not a sense of urgency to preserve heritage places and objects so this Committee needs to develop this sense of urgency and be resources to attain preservation before the heritage is destroyed..

No

Role and functions - DPLH:

The DPLH hands its responsibilities about determining heritage places to DAA and it needs to develop expertise in moving land tenure matters through the system in a timely manner.

What is Protected?

Question 5

No

5. How can section 5 be improved?:

The Act should include trees, which grow from generation to generation on a significant site. A tree which is 60 years old at a site is the offspring of the tree on that site that was witness to the ceremonies or rituals performed there and are of significant cultural heritage to the whole State.

Question 6

Yes

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

Question 7

No

Additional comments:

If the site is deemed of cultural significance to the whole State, it needs to be available to those in the State who seek to understand their cultural heritage as created by the Aboriginal people.

Question 8

Yes

8. what needs to be considered?:

The traditional understanding of the spirit of the ancestors being associated with ancestral remains needs to be honored by the Act.

Protection and Enforcement

Question 9

9. Activities that should require consent or authorisation:

Construction or maintenance of infrastructure corridors,
All prospecting, drilling and mining activities
Land clearing for industry use
Public access
Maintenance works and site amenities.

Question 10

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

Will this activity remove evidence of the site?

Will this activity reduce its significance?

Does it cause distress to the Aboriginal custodians of the place or artifact?

Can this activity be carried out without the knowledge of the Aborigines associated with the place?

Will this activity reduce or destroy the ability for future generations to experience the significance of this site or these artifacts?

Will this activity remove access to the site for traditional purposes?

Question 11

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

Use the criteria: would this proposal remove access to this site in order for its spiritual or mythological power to be experienced and renewed?

Question 12

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

The body that has tenure of the land over which the activity is proposed.
The DAA or Dept of Aboriginal Heritage.

Question 13

Ineffective

13. How s18 can be improved?:

All proponents seeking to complete the Section 18 process need to undertake due diligence and consult to determine the presence or otherwise of listed sites as well as registered sites. At present, lack of knowledge of listed sites has been used as an excuse to desecrate them. The fact that DAA has an 80 year backlog of assessing sites needs to be rapidly remedied so that site-existence becomes commonly available knowledge.

Once sites are registered, the area does not need ongoing and repeated site clearances.

Site clearances should be registered as should the results of drilling explorations.

Question 14

14. provisions for long-term protection of sites:

Sites that are discovered in surveys or are listed awaiting assessment for registration should be protected while statutory protection is developed.

Question 15

No

15. How can enforcement provisions be improved?:

There are not enough staff to enforce this provision. The remote location of many sites enables unauthorized activities to proceed undetected. The current enforcement is no deterrent to destructive activities.

Question 16

No

16. How can penalties be improved?:

There is not enough staff to detect destructive, concealing or damaging activities, even when they are reported.

Often such activities are concealed past the 12 months limitation on commencement of prosecution.

Arranging prosecution may well take longer than 12 months.

Site Assessment and Registration

Question 17

Yes

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

Question 18

No

18. What should the criteria be?:

In 39 (3) sites may offer physical evidence of significant past activity but that use can no longer be ascertained from local or related sites knowledge. Such sites should also be protected.

Question 19

19. Steps to report place or object:

Provide the GPS and a description of the location or object on an easily accessible online portal.

Where there are sensitive exclusions, there needs to be some indication of the presence of a significant site, otherwise how can land users avoid them?

19. Steps to nominate a place or object:

The place or object should be named in a way that associates it with the Aboriginal group traditionally associated with its location.

19. Steps to assess a place or object:

Assessment should be within 6 months, and sufficient skilled and supervised staff should be employed to facilitate this.

Assessment should involve discovering whether a place or object relates to a list of pre-determined sacred or significant places or objects, or if it offers a new facet of this cultural history.

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

The entry should be within 6 months of the place or object being reported. Sufficient staff should be employed at the previous stage of assessment to enable this registration to be completed.

Once it is assessed as significant it should be registered

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

Further information should be provided about the place or object to enable an amendment to be made.

19. Steps to remove place or object from Register:

Such a proposal should be made known to the Aboriginal group associated with the place or object, and to those who are statutorily responsible for maintaining the State's cultural heritage. The site's removal or not should be by agreement with these stakeholders.

Other Parts of the Act

Question 20

20. What's missing from the Act?:

When sites are registered an email list of subscribers need to be immediately notified.

Stakeholders for a proposed site need a place to self-register interest and from which to be kept informed.

Survey reports of a special location could be sent to all registered stakeholders for that location.

Heritage values need to be clearly defined.

Sites associated with historical acts (such as massacres) need to be protected.

There needs to be a state-wide cultural-map of Aboriginal Heritage sites compiled from registered survey reports. This map should include songlines and dreaming sites, mythological sites, ceremony sites, massacre sites, water holes.

Question 21

21. Sections to be removed from Act?:

Those sections of the Act that are focused on preserving artifacts for museums should be amended to make the right of veto with the Aborigines associated with the heritage places or artifacts so that preservation is continued but in line with the sensibilities of the traditional owners.

Those sections that do not include Aboriginal consultation need to be amended to allow for such consultation.

The sections that talk about the anthropologists need to include a form of supervision to ensure professional behavior.

The parts relating to legal representation needs to ensure that obstructionist tactics aren't employed.

There needs to be a mechanism for review that gives weight to the sensibilities of the Aborigines associated with the issue.

Any other comments

Any other comments: