

File Ref: 18/179742
Your Ref:
Enquiries: Toyah McCarthy (9405 5902)

30 May 2018

Ms Gail McGowan
Director General
Department of Planning
140 William Street
PERTH WA 6000

Dear Ms McGowan *Gail*

ABORIGINAL HERITAGE ACT 1972 REVIEW CONSULTATION

Thank you for the opportunity to comment on Phase One of the *Aboriginal Heritage Act 1972* review. The City of Wanneroo (the City) is supportive of conserving and protecting the State's Aboriginal heritage and maintaining positive relationships with Aboriginal people. Please find the City's comments in relation to the Consultation Paper below:

Purpose of the Aboriginal Heritage Act (the Act)

Question 1:

- The title is appropriate however the City recommends to a re-write in plain English.
- For inclusivity, consideration should be given for key elements of the Act to be written in native languages.
- The Act is ad hoc around the issue of consultation and who should be consulted.
- The Act does not empower Aboriginal people or adequately involve them in the decision making process around how sites that are sacred to them should be managed.

Roles under the Act

Question 2:

- As part of the 'procedural fairness process' there is a current pre-condition of the Aboriginal Cultural Material Committee to consult with relevant Aboriginal people when considering an application.
- Recommendation for inclusion of documented clauses within the Act designating the engagement of appropriate Land and Sea Councils (regional), and Aboriginal persons of significant status in recognition of knowledge and experience held.
- The definition of a 'site' appears appropriate, but the process of identifying sites is not clear. The previous process of engaging anthropologists was unclear and resource intensive.

Question 4:

- Recommendation for involvement/representation by Aboriginal Land and Sea Council members on Aboriginal Cultural Material Committee (e.g: SWLSC, GLSC).

Sites Assessment & Registration

Question 19:

- The City's Reconciliation Action Plan (RAP) raised a number of issues around sites that should be protected that are not clearly identified or included on the register. There are sensitive issues around this that need to be managed or a process clearly identified for how they should be managed.
- It would be beneficial for the database of heritage sites to include the location of sites that for cultural reasons are currently unlisted or are of a "local" significance. It is challenging to plan or assess a development without transparency as to whether it is affecting an unlisted site. By making improvements to the database, this increases confidence that all sites in an area are listed and would greatly assist developers, landowners and approval authorities. Suggested improvements would likely require additional resourcing and potentially legislative changes to require a group claiming a site has significance ensures this is registered.

In conclusion, the City supports a modernisation of this legislation with a greater emphasis on the inclusion of Aboriginal people throughout the review process in order to better inform the content of the Act.

If you require more information, please contact Toyah McCarthy, Coordinator Healthy and Inclusive Communities on telephone (08) 9405 5902.

Yours sincerely



Daniel Simms
CHIEF EXECUTIVE OFFICER