

## Response ID ANON-8EBD-41ZX-T

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

Submitted on **2018-03-12 18:23:56**

### 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:**

Jeff Murray

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

No

### 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?:**

A representative committee for each Aboriginal community be identified who will be consulted on Aboriginal heritage places and matters. If traditional custodians are identified by a community then a committee may not be required.

#### Question 3

Ineffective

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

Appointment by Minister be conducted through consultation with the relative Aboriginal community or committee. Once an honorary warden is appointed that persons details must be promoted, advertised and be available to the public.

#### Question 4

Yes

**Role and functions - Minister:**

Yes

**Role and functions - Registrar:**

Yes

**Role and functions - Committee:**

Yes

**Role and functions - DPLH:**

**What is Protected?**

#### **Question 5**

Yes

**5. How can section 5 be improved?:**

#### **Question 6**

Yes

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

#### **Question 7**

Yes

**Additional comments:**

#### **Question 8**

Yes

**8. what needs to be considered?:**

### **Protection and Enforcement**

#### **Question 9**

**9. Activities that should require consent or authorisation:**

Mining  
Clearing of vegetation  
Disturbance of the ground and surrounding area  
Vehicle and motor bike activities  
Defence activities  
Burning of vegetation  
Fencing in or through sites  
Landscaping  
Signage  
Road realignments  
Urban or industrial development

#### **Question 10**

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

Any disturbance to the natural environment that may result in changes to the appearance or spiritual value of a place.

#### **Question 11**

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

Representation by custodians or spiritual leaders assess the proposed impact.

#### **Question 12**

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

Government agency after consultation with Elders, custodians, community or representative bodies.

#### **Question 13**

Ineffective

**13. How s18 can be improved?:**

Greater powers to manage/patrol sites for prosecution if consent has not been applied for or not consented too.

#### **Question 14**

No opinion

**14. provisions for long-term protection of sites:**

#### **Question 15**

No

**15. How can enforcement provisions be improved?:**

Penalties inadequate.

Patrolling provisions inadequate.

Public awareness of sites inadequate.

**Question 16**

No

**16. How can penalties be improved?:**

Court proceedings for offences must be exercised otherwise they are ineffective as a deterrent.

**Site Assessment and Registration**

**Question 17**

No

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

Disclosure is required to understand and exempt Aboriginal people who do not report knowledge of an object or place.

**Question 18**

Yes

**18. What should the criteria be?:**

**Question 19**

**19. Steps to report place or object:**

Easy download of documentation material from website.

Department services available to inspect and confirm place or object is significant.

Remuneration for provider to encourage reporting.

**19. Steps to nominate a place or object:**

As above

**19. Steps to assess a place or object:**

As above

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

Provider supplies information based on simple to follow criteria.

Department acknowledges receipt of information.

Department officer investigates information provided for value and authenticity.

Department officer responds to provider on investigation results.

Results included in Register.

Register updated with notices advising of update.

Provider acknowledged for contribution to Register.

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

As above

**19. Steps to remove place or object from Register:**

As above, plus, endorsement to remove certified by Custodian, Elder or other person with authority.

**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:**