

WORKING WITH OUR AORIGIAL HERITAGE WORKSHOP
BROOME - 10 MAY 2018

MEETING RECORD

⑤ WHO NEEDS TO BE CONSULTED + HOW?

- * ~~STATE~~ THE REGISTER NEEDS TO MAKE CLEAR WHO NEEDS TO BE CONSULTED
 - PREFER GROUPS + ORGANISATIONS RATHER THAN INDIVIDUALS.
- * INCOMPLETENESS OF THE REGISTER MAKING IT DIFFICULT FOR ORGANISATIONS TO NAVIGATE HERITAGE ISSUES.
- * PROCEDURAL FAIRNESS:
 - * NEED TO BE CLEARER → LOCATION
 - * PROVIDE MORE TIME TO RESPOND
 - * PROVIDE MORE CONTEXT.
 - * INCLUDE WORKSHOPS
- * INTERMEDIATE BODY TO LIAISE WITH COMMUNITI ON LOCAL HERITAGE MATTERS.
- * CULTURAL HERITAGE MAPPING TO BE USED TO ASSIST PLANNING PROCESS.

④ WHO NEEDS TO BE CONSULTED + HOW?

* NEEDS TO BE ^{CORRECT} QUALITY INFORMATION
+ TRANSPARENCY.

* MATERIAL SHOULD BE AVAILABLE, EXCEPT
CULTURALLY SENSITIVE INFO.

* ALSO THE VIEW THAT ALL INFORMATION
SHOULD BE ACCESSIBLE INCLUDING CULTURALLY SENSITIVE.

* BEING CLEAR ABOUT WHO NEEDS
TO BE CONSULTED ABOUT A SPECIFIC HERITAGE
MATTER AS OPPOSED TO GENERAL CONSULTATION

* WOULD CREATE CERTAINTY IF NT PBC WAS
PRIMARY CONTACT.

* ALTERNATIVE VIEW: PBC'S NOT ALWAYS THE
KNOWLEDGE HOLDER

* NEED TO ENCOURAGE INPUT FROM OTHER
EXPERTS.

① WHAT REQUIRES LEGISLATION TO PROTECT IT.

* MYTHOLOGICAL SITES SHOULD NOT BE PROTECTED → CAN'T PROTECT SOMETHING THAT DOESN'T HAVE PHYSICAL REPRESENTATION

* SONGLINES + CULTURAL CORRIDORS SHOULD BE PROTECTED → THEY ARE DEFINED WHERE THERE IS SUFFICIENT AREAS INFORMATION.
→ A PHYSICAL RELATIONSHIP DOES EXIST

* ARCHAEOLOGICAL SITES THAT DON'T INCLUDE ETHNOGRAPHIC SIGNIFICANCE TO BE DEALT WITH UNDER DIFFERENT LEGISLATION (E.g. STATE HERITAGE ACT)

Q) WHAT REQUIRES LEGISLATION
TO PROTECT IT?

* LAW COURDS, BURIAL SITES, TILAS
CAMPING AREAS, ART SITES, ~~OR~~ OTHER
CEREMONIAL SITES, LANDSCAPES (TREES)

⑨ ENFORCEMENT

* PENALTIES FOR MISUSING/ABUSING PROCESSES UNDER THE ACT.

* EXTEND STATUTE OF LIMITATIONS PERIOD.

* MORE CLARITY ABOUT TIMEFRAMES/COSTS FOR CONSULTING ABORIGINAL PEOPLE.

* FINES SHOULD GO BACK TO THE AFFECTED COMMUNITY.

* REMEDIATION PROCESSES.

* INCREASE FINES



WHAT ACTIONS SHOULD REQUIRE APPROVAL

* HAVING A CLEAR UNDERSTANDING OF WHAT TYPES OF ACTIVITIES WOULD IMPACT AN ABORIGINAL SITE AN WILL REQUIRE APPROVAL

* ALL IMPACT TO ABORIGINAL HERITAGE THAT ARE OF ONGOING VALUE TO PEOPLE REQUIRE APPROVAL.

* APPROVAL SHOULDN'T BE REQUIRED IN AREAS PREVIOUSLY DISTURBED → eg regrading road

* IF YOU HAVE CONSENT OF KNOWLEDGE HOLDERS + NATIVE TITLE BODY, SHOULD NOT REQUIRE S18.

* ROLE, RESPONSIBILITIES OF MINISTER TO REMAIN

* ALTERNATIVE VIEW: IN MAKING DECISIONS, THE PRIMARY CONSIDERATION OF THE MINISTER SHOULD BE PRESERVING HERITAGE.

⑥ ROLES + RESPONSIBILITIES

* APPROPRIATE FOR MINISTER TO HAVE FINAL DECISION ON SECTION 183

* GREATER REGIONAL REPRESENTATION ON THE ACMC, A

* ACMC MEMBERSHIP SHOULD NOT BE LIMITED TO ABORIGINAL PEOPLE.

* MINUTES OF ACMC MEETINGS SHOULD BE PUBLICLY AVAILABLE.

* RELEVANT ABORIGINAL PEOPLE NEED APPEAL/REVIEW RIGHT.

* ALTERNATIVE VIEW: IF PROCESSES UNDER THE ACT ARE RIGHT, WOULD NOT REQUIRE A REVIEW PROCESS.

* IF THERE ARE TO BE REVIEW RIGHTS, THEY SHOULD INCLUDE INTEREST HOLDERS

7) ROLES + RESPONSIBILITIES

* CLEAR TIMEFRAMES + QUICKER PROCESSES
+ TRANSPARENCY (TRACK ONLINE)

* IMPROVED + QUICKER PROCESSES FOR
ASSESSING SITES.

* ADDRESS SITES BACKLOG

* BETTER RESOURCING FOR THE DEPARTMENT
+ TRADITIONAL KNOWLEDGE HOLDERS.

* MINISTER NEEDS, TIME + CAPACITY FOR
PORTFOLIO.

⑨ ENFORCEMENT

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MEETING RECORD

What requires legislation to protect it?

- Mythological sites should not be protected – can't protect something that doesn't have physical recognition.
- Songlines and cultural corridors should be protected. There are defined areas where there is sufficient information – a physical relationship does exist.
- Archeological sites that don't include ethnographic significance to be dealt with under a different legislation (e.g. State Heritage Legislation).
- Law ground.
- Burial sites.
- Jilas (waterholes).
- Camping areas.
- Any sites.
- Other ceremonial sites.
- Landscape (trees).

Who should be consulted and how?

- Anyone with land tenure affected should be consulted.
- All relevant material should be accessible.
- Implications of proposal to include something on the register should be made clear.
- Process on identifying correct people to consult.
- Knowledge holders including people not represented by Native Title groups.
- Register.
 - Should be assessable to Aboriginal people for their sites.
 - Relevant Aboriginal people should have input into site summaries prepared by the department.
- Department needs to be aware of how its process create sensitivities and conflict in community.
- Needs to be correct quality information and transparency.
- Material should be available, except cultural sensitive information.
- Also the view that all information should be accessible including cultural sensitive information.
- Being clear about who needs to be consulted about a specific heritage material as opposed general consultation.
- Should create certainty if Native Title PBC was primary contact.
- Alternative view: PBC not always the knowledge holder.
- Need to encourage input from other experts.
- The Register needs to make clear who needs to be consulted – prefer groups and organisation rather than individuals.
- Incompleteness of the register making it difficult to navigate heritage issues.
- Procedural fairness:
 - Need to be clearer – location.
 - Provide more time to respond.
 - Provide more contact.
 - Include workshops.
- Intermediate body to liaise with community on local heritage matters.
- Cultural heritage mapping should be used to assist town planning process.
- Department needs to be aware of how its process creates sensitivities and conflict in community.

Roles and Responsibilities

- Appropriate for the minister to have final decision on section 18.
- That should be a greater regional representation on the ACMC.
- ACMC membership should not be limited to Aboriginal people.
- Minutes of ACMC should be publicly available.
- Relevant Aboriginal people need appeal/review right.
- Alternative view : if procedures under the Act are right, would not require a review process.
- If there are to be review rights they should include interest holders.
- Clear timeframes, quicker process, transparency and to be able to track online.
- Improved and quicker process for accessing sites.
- Address sites backlog.
- Better resourcing for the Department and traditional knowledge holders.
- Minister needs time, capacity for portfolio.

What actions require approval?

- Have a clear understanding of what types of activities would be impact an Aboriginal sites and will require approval.
- All impact to Aboriginal heritage that are of ongoing value to people require approval.
- Approval shouldn't be required in areas previously disturbed (eg. Regarding road).
- If you have consent of knowledge holders and Native Title Body, should not require section 18.
- Roles and responsibility of Minister to remain.
- Alterative view: in making decision, the primary consideration of the minister should be preserving heritage.

Enforcement

- Penalties for misusing/abusing process under the act.
- Extend statute of limitations period.
- More clarity about timeframes/costs for consulting Aboriginal people.
- Fines should go back to the affected community.
- Remediation's process.
- Increase fines.