

Aboriginal Heritage Act 1972 (WA)

We are writing to you on behalf of the Swan Valley Nyungah Community about how the *Aboriginal Heritage Act* (AHA) affects us as Nyungah People and how it could be changed. We are also thinking about how the AHA affects all Aboriginal People in Western Australia.

1. The AHA should be changed because now it does not respect Nyungah People and our cultural heritage
2. The AHA should recognise Nyungah people as the most important stakeholders in decisions about our important, sacred and significant Artifacts and Places
3. Our Nyungah Artifacts and Places are important, sacred and significant to us Nyungah People because they keep us linked to our past, present and future
4. Our Nyungah Artifacts and Places are important, sacred and significant to us because we Nyungah People are the first peoples of Western Australia and we still live on the Land and are connected through our Dreaming stories and our culture to our Nyungah Ancestors who lived on the Land
5. Our Nyungah Artifacts and Places must be preserved so that we can keep our knowledge to pass on our arts, rituals and performances and other things to our Nyungah children

We think that that the best way for the AHA will work better for everybody if Nyungah People are listened to.

A We want our Nyungah Elders to be directly involved in;

1. Protecting our Nyungah Artifacts and Places that are important, sacred and significant to us
2. Recommending how our important, sacred and significant Artifacts and Places should be preserved, acquired or managed
3. Recommending how Land containing our important, sacred and significant Artifacts and Places is used
4. Recommending if, when and how excavations are to be undertaken and removing material from our sites under s18s
5. Making decisions about registration of our important, sacred and significant Artifacts and Places Artifacts and Places on the 'Register of Places and Objects'
6. Making decisions about how to make other people abide by the Act and what penalties should be imposed for offences

We Nyungah People know best what Artifacts and Places are important, sacred and significant to us under s5. We know best what is worthy of preservation for protection under the Act.

B We want the Aboriginal Heritage Act to change so that;

1. The Aboriginal Cultural Material Committee is abolished because now it does not represent Nyungah People and does not listen to us and conducts its business in a secret way

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2. The AHA should be fair so that every Nyungah person who is culturally connected and has knowledge about important, sacred and significant Artifacts and Places is paid to be consulted
3. Other Aboriginal People from outside our area must not speak for Nyungah People or Nyungah Country or about our important, sacred and significant Artifacts and Places

C We don't want other People including other Aboriginal People making the final decision about our Artifacts and Places, so we want;

1. Nyungah People must be able to appeal a decision made by other people including other Aboriginal People about our important, sacred and significant Artifacts and Places and a Tribunal should be set to hear any Nyungah People appeal
2. A Committee of our Nyungah Elders should be set up to have the last word on protection of our important, sacred and significant Artifacts and Places
3. The Committee of Nyungah Elders who make the final decision must be the people who have been standing up for protection of our important, sacred and significant Artifacts and Places.
4. Our Nyungah Elders choose which anthropologist will assist them in making their decisions
5. Our Nyungah Elders will not be paid to make the final decision about our important, sacred and significant Artifacts and Places
6. Our Nyungah Elders will make their decision in their own way and should not be hurried up or pressured to make a decision by a certain date. They must be able to make their decision in their own time
7. No other person who is not culturally connected to important, sacred and significant Artifacts and Places can override the decision of our Committee of Nyungah Elders

Decisions Made under the Act over the last 10 Years

All s18s approval decisions about our important, sacred and significant Artifacts and Places made in the last 10 years should be stopped and reviewed by Nyungah People and Elders in the way we have outlined above.

Swan Valley Nyungah Community

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