



Department of **Planning,
Lands and Heritage**

*PROPOSALS FOR NEW
ABORIGINAL HERITAGE
LEGISLATION*

*ARDYALOON
COMMUNITY WORKSHOP
16 May 2019*

MEETING RECORD



Department of **Planning,
Lands and Heritage**



REVIEW OF THE
ABORIGINAL HERITAGE ACT 1972

PROPOSALS FOR NEW LEGISLATION TO
RECOGNISE, PROTECT AND CELEBRATE
WESTERN AUSTRALIA'S ABORIGINAL HERITAGE

DISCUSSION PAPER

MARCH 2019

DISCUSSION PAPER PROPOSALS

1. A New Aboriginal Heritage Act

PROPOSAL 1: *Repeal the Aboriginal Heritage Act 1972 and deliver new Aboriginal heritage legislation*

2. What new legislation will cover: Aboriginal heritage places, objects, ancestral remains

PROPOSAL 2: *Update definitions and scope of new Aboriginal heritage legislation*

3. Key roles in Aboriginal heritage: Proposed local and central bodies – Functions and selection

PROPOSAL 3(a): *Local Aboriginal Heritage Services*

PROPOSAL 3(b): *The Aboriginal Heritage Council*

PROPOSAL 3(c): *The Minister's role*

PROPOSAL 3(d): *The role of the Department of Planning, Lands and Heritage*

PROPOSAL 3(e): *Heritage professionals – aiding selection of those with appropriate qualifications and experience and improving standards*

4. How heritage information will be managed: The Aboriginal heritage register

PROPOSAL 4: *Retain the current form and function of the register of Aboriginal Places and Objects but rename it the Aboriginal Heritage Register*

DISCUSSION PAPER PROPOSALS (cont.)

4. How heritage information will be managed: The Aboriginal heritage register

PROPOSAL 4: *Retain the current form and function of the Register of Aboriginal Places and Objects but rename it the Aboriginal Heritage Register*

5. Managing land use proposals that may impact on Aboriginal heritage

PROPOSAL 5: *Introduce a referral mechanism to facilitate tiered assessments and approvals of proposed land uses*

6. Agreements between Aboriginal people and land users

PROPOSAL 6: *Encourage and recognise agreement making*

7. Transparency of decision making

PROPOSAL 7: *Transparency and appeals*

8. Enforcement: Offences and penalties

PROPOSAL 8: *A modernised enforcement regime*

9. Protecting places of outstanding importance

PROPOSAL 9: *Protected Areas*



MEETING NOTES – ARDYALOON (16 MAY 2019)

Ardyaloon 16/5/2019
Scope & Definition of Act

- Old Act not strong enough.
- Aboriginal people didn't have a say.
- We always lost the s.18 applications.
- Aboriginal heritage protection should be for what Aboriginal people want protected.
- We have an obligation to look after heritage for next generations.
- Our customary ways should be what's protected in the new Heritage Act.
- Aboriginal law and non-Aboriginal law should sit side-by-side.
- Provisions to ~~protect~~ restrict access to sites/places.
- Does the Act cover the sea? If not, it should. The sea is very important to salt water people.

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Aboriginal Heritage Register

- Walking trail between places is significant.
- Places where plants that are special, (i.e. used in ceremony) grow should be registered.

MEETING NOTES – ARDYALOON (16 MAY 2019)

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Aboriginal Heritage Council

- Having an Aboriginal person as Chair is important.
- Some members must have Aboriginal cultural knowledge.
- How will Aboriginal communities know when the Minister is calling for members of the AHC?
- Transparency of AHC.
- At least 50% of members should be Aboriginal plus the Chair.
- Education about what & where Aboriginal heritage is.

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Department's role
OK.

Protected Areas.
Good.

MEETING NOTES – ARDYALOON (16 MAY 2019)

Ardyaloon 16/5/19
Directory of Heritage Professionals
-OK.

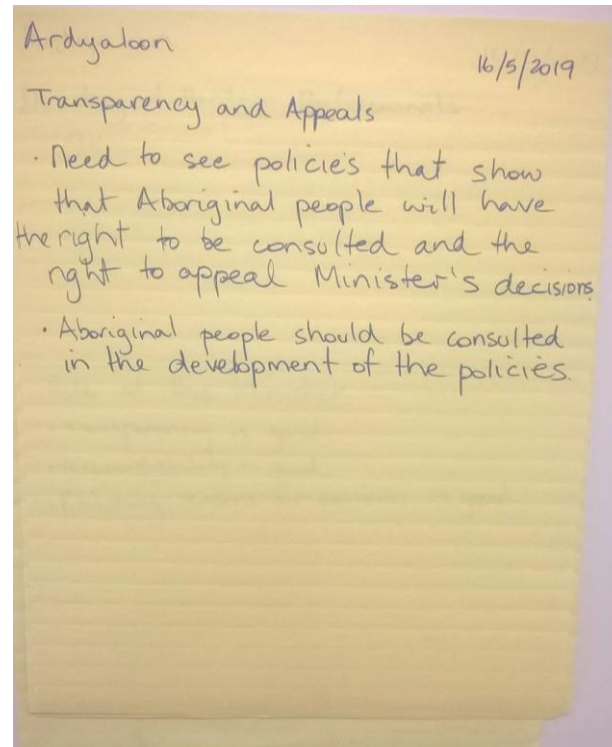
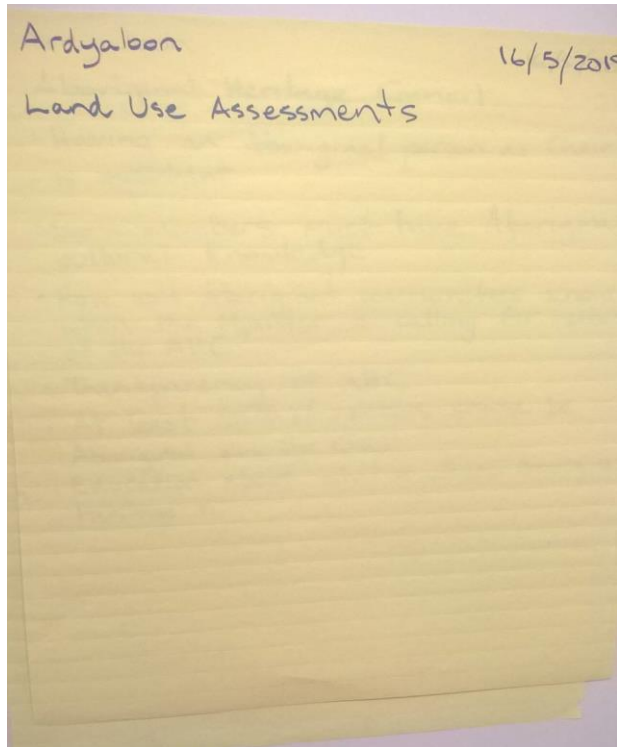
Rde of the Minister

- Transparency is good.
- Accountability is good.
- Publishing reasons for decision is good.

Ardyaloon 16/5/20
Agreements
OK.

Enforcement
OK

MEETING NOTES – ARDYALOON (16 MAY 2019)



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