



Department of **Planning,  
Lands and Heritage**

*PROPOSALS FOR NEW  
ABORIGINAL HERITAGE  
LEGISLATION*

*ESPERANCE  
COMMUNITY WORKSHOP  
20 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 – ESPERANCE (20 MAY 2019)

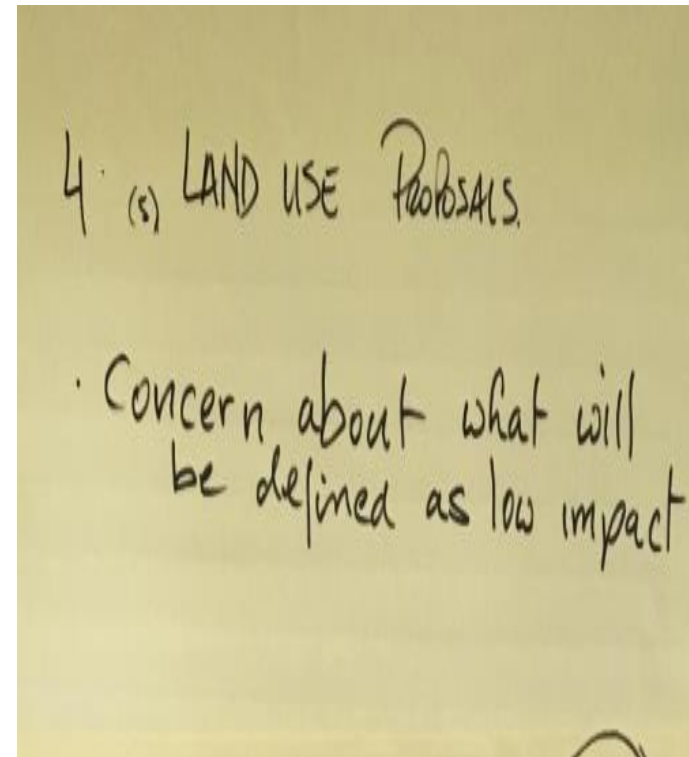
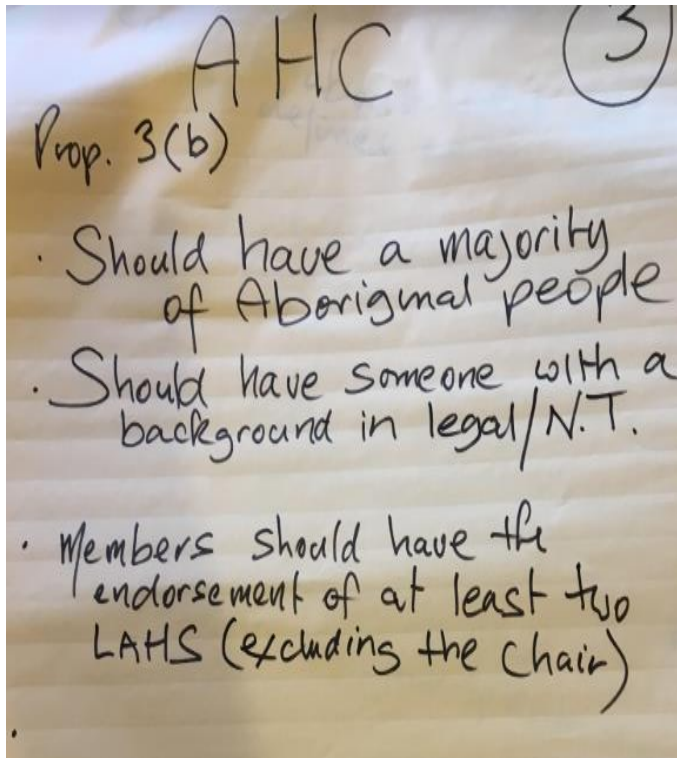
SCOPE OF THE ACT ①  
Prop 1+2 P 3-5

- 1) ESSENTIAL TO PROTECT ANCESTRAL REMAINS  
(IN ORIGINAL LOCATION) + POTENTIAL BURIAL / CEMETERY SITES
- 2) Must be requirements to report heritage places
- 3) Concern at development close to heritage places (burial sites from roadworks)
- 4) Must support protection (legal + physical) of heritage places
- 5)

P.3(A) LAHS ②

- Needs to be resources for LAHS to operate effectively
- Must have professional services to make sure they are not overridden by land user interest (Arch + Antiqu)
- Local people with local knowledge to do surveys
- Must have access to local heritage site info from register - also reports

## MEETING NOTES – ESPERANCE (20 MAY 2019)



## MEETING NOTES – ESPERANCE (20 MAY 2019)

Pr 4 REGISTER (5)

- Places to be protected even if not on the register
- Will there be problems with different levels of valuing significance
- Resources needed for LAHS to audit/update register
- Concern that places on the register are subject to destruction

Pr 3(e) Heritage Prof. Directory (6)

- LAHS to be able to identify preferred professionals
- list to indicate area (LAHS) of experience

## MEETING NOTES – ESPERANCE (20 MAY 2019)

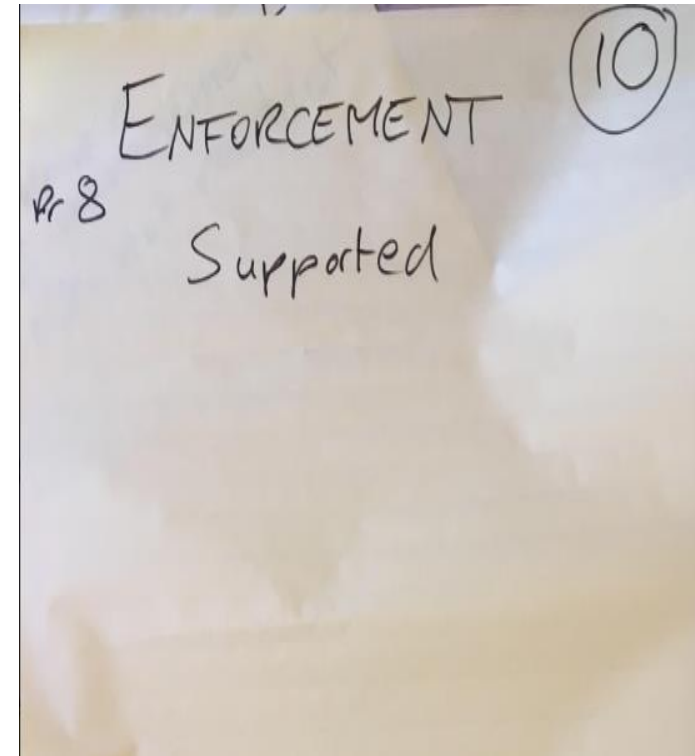
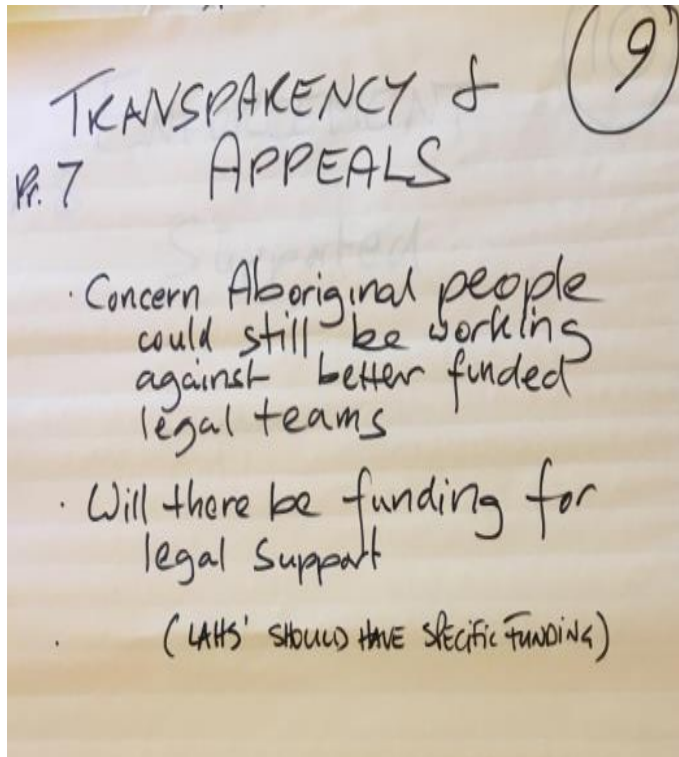
Pr 3(c) MINISTER'S  
Role (7)

- Having to consider  
Aboriginal views is essential
- Having give reasons for  
decisions is supported

Pr. 6  
Agreement MAKING (8)

- No comments - concept  
Supported.

## MEETING NOTES – ESPERANCE (20 MAY 2019)





## MEETING NOTES – ESPERANCE (20 MAY 2019)

Dept's  
Role

(11)

Supported.

P. 9 P. A.'s (12)

Should enhance  
cultural management  
by T.O.'s. not restrict  
them