



Department of **Planning,  
Lands and Heritage**

*PROPOSALS FOR NEW  
ABORIGINAL HERITAGE  
LEGISLATION*

*DERBY  
COMMUNITY WORKSHOP  
7 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 – DERBY (7 MAY 2019)

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### ABORIGINAL HERITAGE COUNCIL

DOES IT HAVE TO BE THE MINISTER TO BE THE DECISION MAKER ON SOME PROPOSALS. IS THERE A CONFLICT OF INTEREST WITH THE MINISTER?

- \* IS THE S.A.T. EQUIPED TO MAKE DECISIONS ON HERITAGE MATTERS?
- \* S.A.T. HEARINGS NEED FINANCIAL ASSISTANCE, ESPECIALLY FOR REGIONAL PEOPLE.
- \* IS IT APPROPRIATE FOR A.H.C. MEMBERS TO BE APPOINTED BY THE MINISTER?
- \* SHOULD ALL MEMBERS (OR A MAJORITY) OF THE A.H.C. BE ABORIGINAL?
- \* THE STRENGTH OF THE A.H.C. IS VITAL WHEN DEALING WITH L.A.H.S.
- \* WHO HAS OVERSIGHT OF THE A.H.C.?
- \* MINISTERIAL DECISIONS SHOULD NOT BE SOLELY MADE ON ECONOMICS.

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### LAND USE ASSESSMENTS

THIRD PARTY TO REFER?

DOES IT HAVE TO BE THE MINISTER TO BE THE DECISION MAKER ON SOME PROPOSALS. IS THERE A CONFLICT OF INTEREST WITH THE MINISTER?

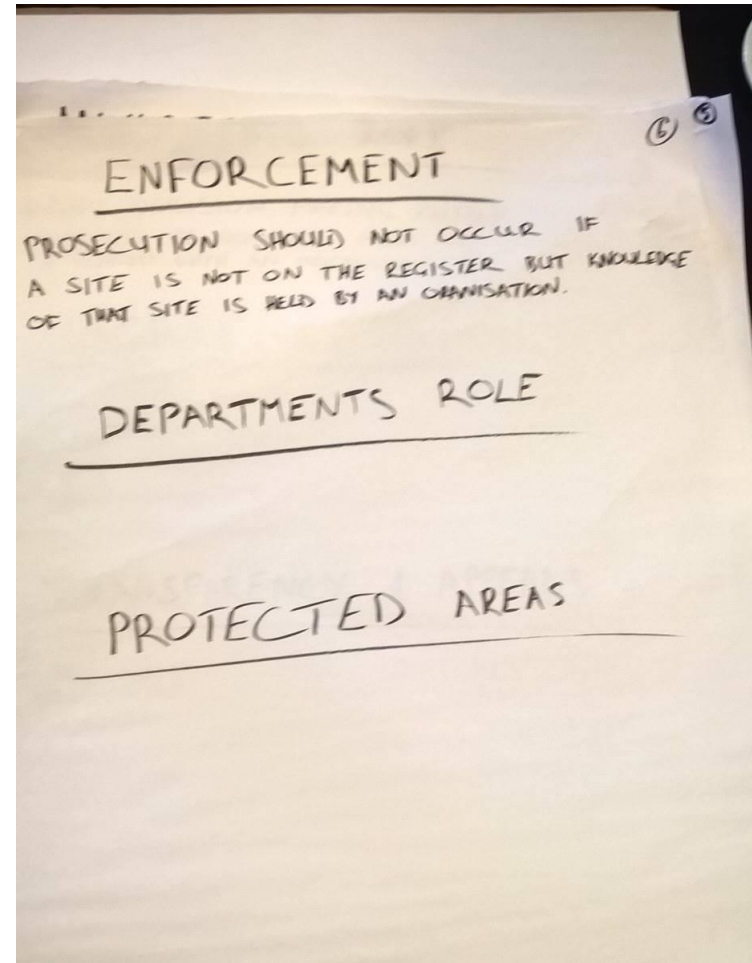
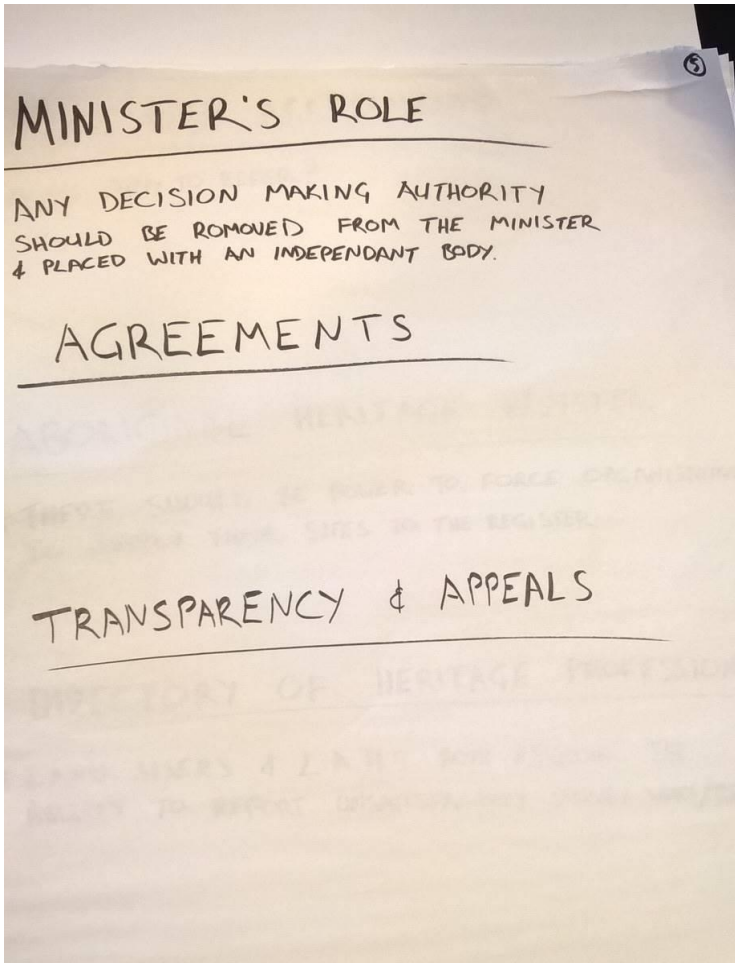
### ABORIGINAL HERITAGE REGISTER

- \* THERE SHOULD BE POWER TO FORCE ORGANISATIONS TO SUPPLY THEIR SITES TO THE REGISTER.

### DIRECTORY OF HERITAGE PROFESSION

- \* LAND USERS & L.A.H.S BOTH REQUIRE THE ABILITY TO REPORT UNSATISFACTORY SURVEY WORK/RE

## MEETING NOTES - DERBY (7 MAY 2019)



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### SCOPE OF ACT ①

- \* PRESERVATION OF ABORIGINAL HERITAGE SHOULD BE PARAMOUNT!
- \* REPORTING OF SITES MUST BE COMPULSORY & ENFORCABLE
- \* OBLIGATION FOR 3RD PARTIES (builders etc) TO HAND OVER KNOWLEDGE TO REGISTER & T.O.'s

### LOCAL ABORIGINAL HERITAGE SERVICES ②

- \* NEEDS TO BE PROPERLY FUNDED.
- \* FEE FOR SERVICE NEEDS TO BE REASONABLE.
- \* PREFERABLE TO CONTACT L.A.H.S BEFORE ANTHROPOLOGISTS.
- \* COULD BE ISSUES WITH PBC'S ACTING AS L.A.H.S.
- \* HERITAGE COUNCIL NEEDS "TEETH" TO HOLD L.A.H.S' ACCOUNTABLE.
- \* LOCAL LAND COUNCILS CAN NOT BE A L.A.H.S.