



Aboriginal Heritage Act (AHA) Review Consultation Meeting

Working with Our Aboriginal Heritage

Bunbury

24 May 2018

1. ATTENDANCE

There were 25 attendees at the Our Heritage meeting in Bunbury.

2. MEETING PROCESS

- Welcome by the facilitator
- Acknowledgement of Country by Karim Kham
- Introduction of Facilitator and Staff
- Powerpoint presentation provided to the meeting
- Attendees worked through the five topics of discussion

3. FACILITATOR AND STAFF

Facilitator: Graham Castledine

Staff: Harley Coyne, Glenn Shaw

4. DISCUSSIONS

Graham progressed discussion with a focus on getting responses to the 5 topics for discussion.

5. KEY ISSUES RAISED

There were a number of issues of importance to the attendees raised during discussions, with particulars being set out in the response to the respective topics.

Topic 1: WHAT NEEDS LEGISLATION TO PROTECT IT?

- Protected areas should not be limited to places on the Register.
- Bush Baby sites.
- This needs to be addressed through the education system.
- All heritage reports produced to be provided to the Department.
- Heritage values need to encompass broader natural landscape.
- Legislation has difficulty in understanding – incorporating cultural aspects which are spiritual rather than physical.
- Something symbolic alongside the Act to convey the feelings and sentiment.

TOPIC 2: WHAT ROLES AND RESPONSIBILITIES ARE NEEDED?

- Local people (Regional) make up regional APMC.
- Aboriginal people should have a right of appeal for s18 decisions.
- Need for more resources for the evaluation of sites.
- Separate functions of evaluation of places from s18 Applications.
- Department needs to be better resourced in the regions.
- State should pay for surveys not private proponents.
- Alternative: user pays but still goes on the register.
- Mines Department processes need to clearly incorporate Aboriginal heritage.

- Local Government planning process to be linked to Aboriginal heritage e.g. Regional requirements.
- Planning Authorities and proponents need to be encouraged to engage early with Aboriginal heritage issues
 - Including in State Planning Policy.

TOPIC 3: **WHO SHOULD BE CONSULTED AND HOW?**

- Government needs to give more guidance on how and who to consult
 - Place more importance on Aboriginal heritage.
- Direct contact with Elders
 - Concern dealing with land councils
- Act should mandate consultation with knowledge holders and land councils should be required to identify knowledge holders.
- Previous consultation reports should be available.
- Requirement in Act to do due diligence
 - Supported by searchable website

TOPIC 4: **WHAT ACTIONS REQUIRE APPROVAL?**

- Whether the activity is inside or outside the boundary of a site – consideration needs to be given to impact of the ‘value’

TOPIC 5: **WHAT PENALTIES ARE NEEDED?**

- Can we have incentives to protect as well as penalties?
- Penalties to be increased.
- Penalties for false information or misrepresentation.

1.

- PROTECTED PLACES SHOULD NOT BE LIMITED TO PLACES ON THE REGISTER.
- BUSH BABY SITES
- THIS NEEDS TO BE ADDRESSED THROUGH THE EDUCATION SYSTEM
- ALL HERITAGE REPORTS ^{PRODUCED} TO BE PROVIDED TO THE DEPT.
- HERITAGE VALUES NEED TO ENCOMPAS BROTHER NATURAL LANDSCAPE VALUES.
- LEGISLATION HAS DIFFICULTY IN UNDERSTANDING
 - INCORPORATING CULTURAL ASPECTS WHICH ARE SPIRITUAL RATHER THAN PHYSICAL
- SOMETHING SYMBOLIC ALONGSIDE THE ART TO CONVEY THE FEELINGS & SENTIMENT

2.

- LOCAL PEOPLE (REGIONAL) MAKE UP REGIONAL ACMC
- ABORIGINAL PEOPLE SHOULD HAVE A RIGHT OF APPEAL FOR S18 DECISIONS
- NEED FOR MORE RESOURCES FOR THE EVALUATION OF SITES
- SEPERATE FUNCTION OF EVALUATION OF PLACES FROM S18 APPLICATIONS
- DEPT NEEDS TO BE BETTER RESOURCED IN THE REGIONS
- STATE SHOULD PAY FOR SURVEYS NOT PRIVATE PROPONENTS.
- ALTERNATE; USER PAYS BUT STILL GOES ON THE REGISTER.
- MINES DEPT PROCESSES NEED TO CLEARLY INCORPORATE ABORIGINAL HERITAGE

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- o LOCAL GOVT PLANNING PROCESS TO BE LINKED TO ABORIGINAL HERITAGE
e.g. REFUSAL REQUIREMENTS
- o PLANNING AUTHORITIES ^{AND PROPONENTS} NEED TO BE ENCOURAGED TO ENGAGE ^{EARLY} WITH ABORIGINAL HERITAGE ISSUES.
- ↳ INCLUDING IN STATE PLANNING POLICY

3.

- o GOVT NEEDS TO GIVE MORE GUIDANCE ON HOW & WHO TO CONSULT
↳ PLACE MORE IMPORTANCE ON ABORIGINAL HERITAGE
- o DIRECT CONTACT WITH ELDERS
↳ CONCERN DEALING WITH LAND COUNCILS
- o ACT SHOULD MANDATE CONSULTATION WITH KNOWLEDGE HOLDERS & LAND COUNCILS SHOULD BE REQUIRED TO IDENTIFY KNOWLEDGE HOLDERS
- o PREVIOUS CONSULTATION REPORTS NEED TO BE AVAILABLE
- o REQUIREMENT IN THE ACT TO DO DUE DILIGENCE
↳ SUPPORTED BY SEARCHABLE WEBSITE

4.

- o WHETHER THE ACTIVITY IS INSIDE OR OUTSIDE THE BOUNDARY OF A SITE - CONSIDERATION NEEDS TO BE GIVEN TO IMPACT OF THE 'VALUE'!

o PENALTIES FOR FALSE INFORMATION

o o MISREPRESENTATION

5.

- o CAN WE HAVE INCENTIVES TO PROTECT AS WELL AS PENALTIES

- o PENALTIES TO BE INCREASED

- o PENALTIES FOR FALSE INFORMATION OR MISREPRESENTATION

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