

Response ID ANON-8EBD-41RY-K

Submitted to **Review of the Aboriginal Heritage Act 1972**

Submitted on **2018-05-25 19:06:22**

About You

Are you submitting a response as an individual, or on behalf of your organisation?

Individual

Individual details

Are you of Aboriginal or Torres Strait Islander descent?

No

What is your name?

Optional:

Peter Thompson

Do you give permission for your name to be published with your feedback?

Yes

Purpose of the Act

Question 1

Yes

If not, what changes should be made?:

Roles under the Act

Question 2

2 - who should be consulted?:

Amend the Act to ensure Aboriginal people are consulted and to ensure the Aboriginal Cultural Material Committee is composed of Aboriginal people.

Question 3

No opinion

How can the provision to appoint honorary wardens be improved?:

Ensure every Aboriginal community has at least one Aboriginal honorary warden endorsed by local organisations.

Question 4

No opinion

Role and functions - Minister:

Specify that the Minister and the Registrar have a duty to preserve places.

No

Role and functions - Registrar:

Ensure statutory independence of the position of Registrar.

No opinion

Role and functions - Committee:

No opinion

Role and functions - DPLH:

What is Protected?

Question 5

Yes

5. How can section 5 be improved?:

Question 6

Yes

6. How can section 6 / Part VI be improved?:

Question 7

Yes

Additional comments:

Once declared, protection should be strong and permanent

Question 8

Yes

8. what needs to be considered?:

Include parallel provisions for skeletal remains rather than including them as 'objects'. Empower Aboriginal people to protect ancestral remains. Protect burial sites as well as the remains.

Protection and Enforcement

Question 9

9. Activities that should require consent or authorisation:

All activities that may harm a site except traditional activities.

There should be a category of activities that are prohibited - that is, authorisation is not possible.

Question 10

10. Criteria to evaluate activities that may affect a site:

All development proposals. Current use that is likely to be causing damage.

Question 11

11. What is an impact in relation to sacred sites?:

By relevant Aboriginal people who know about the sites.

Question 12

12. consent / authorisation for proposals that will affect sites:

Some types of activities should be prohibited - no-one can consent. Likewise for some sites. For other activities, an independent Registrar on advice from the Committee should decide.

Question 13

No opinion

13. How s18 can be improved?:

Question 14

14. provisions for long-term protection of sites:

The Act has statutory planning status and decisions under the Act are planning instruments.

Question 15

No opinion

15. How can enforcement provisions be improved?:

Question 16

No opinion

16. How can penalties be improved?:

Site Assessment and Registration

Question 17

Yes

17. Why shouldn't a defence be provided?:

Question 18

Yes

18. What should the criteria be?:

Question 19

No opinion

19. Steps to report place or object:

No opinion

19. Steps to nominate a place or object:

No opinion

19. Steps to assess a place or object:

No opinion

19. Steps to enter a place or object on the Register:

No opinion

19. Steps to amend a place or object on Register:

19. Steps to remove place or object from Register:

This should be very difficult.

Other Parts of the Act

Question 20

No opinion

20. What's missing from the Act?:

Question 21

No opinion

21. Sections to be removed from Act?:

Any other comments

Any other comments: