

## Response ID ANON-8EBD-41ZD-6

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

Submitted on **2018-03-21 15:52:41**

### 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?**

Yes

**What is your name?**

**Optional:**

Kathleen Musulin

**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?:**

The Act must state that Aboriginal people must be consulted and that the Aboriginal Cultural Material Committee must have members from the Aboriginal community State wide.

The Act must ensure that the appropriate people, Traditional Owner Peoples from the states different regions are consulted and most importantly listened to, because they are the people with the knowledge of their law, culture, traditions and country .

#### Question 3

Ineffective

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

The honorary wardens must consult with the appropriate people Traditional people of the specific areas in question.

#### Question 4

No

**Role and functions - Minister:**

The Ministers powers should not be delegated to anyone.

No

**Role and functions - Registrar:**

should not delegate powers to any one else

No

**Role and functions - Committee:**

should not have government agencies as members

No

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:

### Question 8

Yes

8. what needs to be considered?:

## Protection and Enforcement

### Question 9

9. Activities that should require consent or authorisation:

Everything

### Question 10

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

Everything

### Question 11

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

Listen and adhere to the Traditional Owner people and their Native Title rep bodies views in relation to these areas.

### Question 12

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

The Traditional Owner people of that significant site and area.

### Question 13

No opinion

13. How s18 can be improved?:

The committee must have fair representation from the regions and the Minister must take into account the views and knowledge of the Traditional Owner people have of that area.

### Question 14

14. provisions for long-term protection of sites:

### Question 15

No

15. How can enforcement provisions be improved?:

There should not be a defence for "a lack of Knowledge" it is everyone's responsibility to make sure that they have the relevant information in relation to any areas they intend to destroy, damage, alter or conceal.

Ignorance is not a defence!

#### **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**

**19. Steps to report place or object:**

**19. Steps to nominate a place or object:**

**19. Steps to assess a place or object:**

Consult with Traditional Owner People and their legal rep bodies

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

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

**19. Steps to remove place or object from Register:**

### **Other Parts of the Act**

#### **Question 20**

**20. What's missing from the Act?:**

No self determination (acknowledgment, protection) for Aboriginal people in relation to our own heritage culture and land.

Who knows our heritage better than us! Why should others who don't know our heritage make decisions on our behalf re our heritage.

#### **Question 21**

**21. Sections to be removed from Act?:**

#### **Any other comments**

**Any other comments:**

the current Act is not meeting our expectations and aspirations for the way our heritage is recognised, managed and protected.