

Response ID ANON-8EBD-41PV-E

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

Submitted on **2018-05-17 10:04:27**

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:

Sarah

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

Yes

Purpose of the Act

Question 1

No

If not, what changes should be made?:

Rather than "to make provision for" I think the language should be stronger, eg "to ensure the preservation..."

Roles under the Act

Question 2

2 - who should be consulted?:

The act must very explicitly state that Aboriginal People MUST be consulted, perhaps specifying culturally appropriate processes for effective consultation. The act must also specify that the Aboriginal Cultural Material Committee must ONLY have Aboriginal members. The act does not need to make provision to include non-Aboriginal people about Aboriginal Heritage. A committee that evaluates the importance/significance of Aboriginal places and objects must ONLY consist of Aboriginal people. Non-Aboriginal people are by definition unable to effectively evaluate the importance of Aboriginal places and objects.

Question 3

No opinion

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

Question 4

No

Role and functions - Minister:

The act must require that the Minister be Aboriginal.

No

Role and functions - Registrar:

The act must require the Registrar to be Aboriginal.

No

Role and functions - Committee:

The act must require that members of the Committee be Aboriginal.

No opinion

Role and functions - DPLH:

What is Protected?

Question 5

No opinion

5. How can section 5 be improved?:

Question 6

No opinion

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

Question 7

No opinion

Additional comments:

Question 8

Yes

8. what needs to be considered?:

Consultation with specific Traditional Custodians of the area where the remains are located.

Protection and Enforcement

Question 9

9. Activities that should require consent or authorisation:

Development, mining, fracking, land clearing, water theft. Any and ALL activities.

Question 10

No opinion

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

Question 11

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

In the context of ongoing land theft, cultural genocide and the long term impacts destruction of Aboriginal cultures have on Aboriginal People as a collective. Eg, the need for a toll road must not be evaluated against the immediately obvious impacts on the Aboriginal community. Rather it would need to be evaluated against the long term overall impacts upon health and wellbeing that the seizure and destruction of Sacred Sites has upon the Aboriginal people . The social impacts of land seizure and destruction must be accounted for and appropriately weighted.

Question 12

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

Strictly only Aboriginal people, and with provision for cultural law.

Question 13

No opinion

13. How s18 can be improved?:

Question 14

14. provisions for long-term protection of sites:

The act must acknowledge cultural genocide, and frame everything in it within the context of ongoing cultural genocide.

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

No opinion

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:

No opinion

19. Steps to remove place or object from Register:

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: