

**MY HERITAGE, MY VOICE WORKSHOP  
LEONORA - 15 MAY 2018**

**MEETING RECORD**

GRAHAM CASTLEDINE - INDEPENDENT  
FACILITATOR

CEONIE CLINCH - DPLH  
KALGOORLIE  
OFFICE

CESAR RODRIGUEZ - DPLH  
PERTH

ABORIGINAL HERITAGE  
ACT REVIEW

ABORIGINAL  
HERITAGE ACT 1972

1972



HOW DO WE  
PROTECT ABORIGINAL  
HERITAGE

TODAY

WHAT NEEDS LEGISLATION TO PROTECT IT?

\* MASSACRE SITES

\* ANCESTRAL REMAINS

\* MAPS OF TRADITIONAL COUNTRY BY OLD PEOPLE.

\* STORIES, STORYLINES, SONGLINES  
→ INTANGIBLE HERITAGE

\* DON'T RELOCATE SITES

\* WATER, PLANTS, ANIMALS

# HAS BEEN A FOCUS ON LANDUSE PLANNING → NEEDS TO BE A FOCUS ON BROADER HERITAGE + NEEDS TO BE RESOURCED.

"REPRESENT WHO WE ARE

\* RESOURCING TO COMMUNITY  
TO PRACTICE, MAINTAIN  
HERITAGE.

\* ABORIGINAL PEOPLE LIVING HERE  
OVER 40,000 YEARS. NON ABORIGINAL  
PEOPLE 230 yrs.

\* MINERS NOT BEING CHARGED FOR  
MINING ON SACRED SITES.

↓ COMPARISON WITH WHAT WOULD  
HAPPEN IF SOMEONE KNOCKED OVER A  
100 YEAR OLD STATUE OF AN ANZAC

↓ ABORIGINAL OR ALTERNATIVE → ORIGINAL  
PERSON OF THE LAND



\* LEGISLATION TO CONSIDER  
~~TRIAL~~ BOUNDARIES TRIBES +  
BOUNDARIES.

\* WHO WE ARE

\* PURPOSE OF ACT (LOW TITLE)  
NEEDS TO BE TO PRESERVE HERITAGE  
FOR ABORIGINAL PEOPLE INSTEAD OF  
ON BEHALF OF ~~ABORIGINAL~~ THE  
COMMUNITY.

\* PURPOSE NEEDS TO ALSO INCLUDE  
INTANGIBLE.

\* ABORIGINAL HERITAGE SHOULD NOT  
BE OVERRIDDEN BY NATIVE TITLE

\* HERITAGE IS IDENTITY

\* PEOPLE FROM COUNTRY NEED TO  
WORK WITH CUSTODIANS

- \* THE ~~SEE~~ CURRENT ACT IS GREAT BUT NEEDS RESOURCING + FUNDING TO ADMINISTER PROPERLY
- \* DELAYS IN PROSECUTING + LIMITED STATUTE OF LIMITATIONS PERIOD.
- \* LEGISLATION NEEDS TO CONTINUE TO REFER TO "ABORIGINAL" NOT "INDIGENOUS"
- \* NEED THE WORD "HERITAGE" TO STAY
- \* NEED TO BE WORDED STRONGER  
eg REPLACE "SHALL" WITH "MUST"  
→ USE MANDATORY LANGUAGE
- \* BREACH ALLEGATIONS TO BE ACTIVATED IMMEDIATELY

\* NEED TO IMPROVE PROCESS  
AT SSO (STATE SOLICITOR) LEVEL

\* ABORIGINAL PEOPLE NEED  
TO BE IN CONTROL OF THEIR  
OWN HERITAGE.

\* THE RIGHT PEOPLE SHOULD BE  
INVOLVED IN HERITAGE

\* THE VIEW THAT WHEN LEGISLATION  
IS DRAFTED THAT RELATES TO  
ABORIGINAL PEOPLE, IT DEFRAUDS  
ABORIGINAL PEOPLE.

\* NEED GOVT TO FUND THE  
SUPPORT OF HERITAGE TO  
ENRICH ABORIGINAL PEOPLE TO ADDRESS  
THINGS THAT HAVE BEEN TAKEN



\* HERITAGE & NATIVE TITLE  
SHOULD NOT BE LINKED

\* AHA SHOULD NOT BE  
WATERED DOWN → MAKE STRONGER

\* NEW LEGISLATION SHOULD MAKE  
IT MORE DIFFICULT FOR COMPANIES  
TO ~~IMPACT~~ IMPACT SITES.

\* FINES SHOULD INCREASE TO THE  
ORDER OF \$ MILLIONS

\* ACT SHOULD ACKNOWLEDGE ABORIGINAL  
PEOPLE AS SOVEREIGN

\* HERITAGE'S STRENGTH → CANNOT BE TAKEN AWAY

\* HERITAGE TO HAVE STRONGER FOCUS THAN NT.

\* ABORIGINAL PEOPLE ARE THE SOVEREIGN  
OWNERS AND IT IS THEIR LEGISLATION

\* EDUCATE



# WHO NEEDS TO BE CONSULTED

\* TRIBES + BOUNDARIES

\* ACKNOWLEDGE THE ~~TRACES~~  
BOUNDARIES OF TRIBES +  
LANGUAGE GROUPS AND FOR THEM  
TO BE A REGISTER.

\* NEED TO GO ALL THE WAY BACK TO  
COUNTRY WERE ANCESTORS FROM

\* HERITAGE OVERRIDES NT

\* ACT NEEDS TO REFLECT THAT  
ABORIGINAL PEOPLE NEED TO BE  
CONSULTED.

\* PREFACE NEW LEGISLATION BY  
REFERENCING ABORIGINAL PEOPLE THAT  
COMMENCED THE ORIGINAL ACT.

\* PEOPLE WITH KNOWLEDGE NEED TO  
BE CONSULTED.

\* LAND COUNCIL SHOULD NO LONGER BE  
INVOLVED ONCE NT DETERMINED

## ROLES + RESPONSIBILITIES

\* STRUCTURES THAT REPRESENT THE ABORIGINAL VOICE.

\* PEOPLE WHO SHOULD BE ON THE COMMITTEE SHOULD BE THE PEOPLE WHO HAVE STRIVED TO STOP DEVELOPMENT THAT IMPACTS HERITAGE.

\* SHOULD BE PEOPLE COMMITTED SOLELY TO THE PRESERVATION OF HERITAGE.

\* RECOGNISE + RECOGNITION NOT BE INCLUDED IN ANY WORDING DUE TO BECOMING WORDS OF THE CROWN.

\* REFERENCE SHOULD BE MADE TO THE NAME OF THE LOCAL GROUP.

\* HONORARY WARDENS SHOULD BE ABORIGINAL ONLY. + HAVE STOP WORK ORDERS. → REPLACE THE WORDS HONORARY WARDENS WITH CUSTODIANS.

## ROLES + RESPONSIBILITIES

\* PROCESS FOR COMMUNITY TO HOLD ACMC TO ACCOUNT

\* IF WE ABOLISH ACMC WHO ~~TAKES~~ DOES THAT WORK.

\* DECISION MAKING TO BE DONE BY ~~SKIN GRABBERS~~ AS IN TRADITIONAL CONTEXT. DECISIONS MADE TRADITIONAL WAY.

\* COMMITTEE DECISIONS MAKE DECISIONS BASED ON THE INTEREST OF ABORIGINAL PEOPLE WITHOUT FEAR OR PREJUDICE.

\* ACMC: RULES OF DECISION MAKING NEED TO BE MADE VERY CLEAR.

NEEDS TO BE MADE UP OF ABORIGINAL PEOPLE AND CONSULT WITH ABORIGINAL PE



## ROLES + RESPONSIBILITIES

\* MINISTER NEEDS TO HEAR FROM THE RIGHT PEOPLE

\* NEEDS TO BE AN ABORIGINAL VOICE IN DECISION MAKING

\* IF THERE IS TO BE A COMMITTEE THAT ADVISES ~~ASIA~~ THE MINISTER, IT MUST CONTAIN ABORIGINAL PEOPLE ONLY.

\* ACMC TO BE ABOLISHED.

\* ABORIGINAL COMMUNITY NEEDS TO LEAD/MAKE THE CHANGES TO LEGISLATION.

\* ABORIGINAL PEOPLE ARE SOVEREIGN OWNERS OF THE LAND AND SHOULD BE MAKING THE DECISIONS

\* SOME COMMITTEE MEMBERS DON'T HAVE CULTURAL BACKGROUND

\* ~~NO~~ ACMC MEMBERS SHOULD HAVE CULTURAL KNOWLEDGE AND BE COMMITTED TO HERITAGE

## WHAT ACTIVITIES REQUIRE APPROVAL?

- \* ALL LANDUSERS NEED TO DO CULTURAL AWARENESS TRAINING
- \* FENCES THAT PREVENT ACCESS NEED APPROVAL
- \* PASTORALISTS DO NOT OWN THE LAND AND SHOULD NOT DENY ACCESS
- \* ON-GROUND CONSULTATION PRIOR TO DECISION BY MINISTER TO IMPACT A SITE.

\* NEED LONGER THAN ONE  
DAY FOR THIS CONSULTATION.  
ABORIGINAL HERITAGE TOO IMPORTANT  
TO DISCUSS OVER JUST ONE  
DAY.



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**MEETING RECORD**

Introductions:

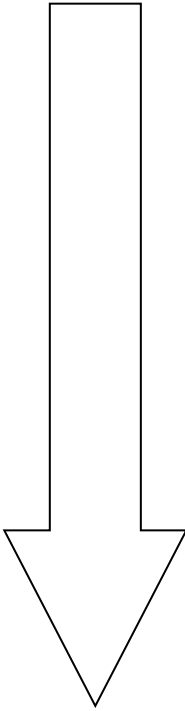
Graham Castledine – Independent Facilitator

Ceonie Clinch – DPLH Kalgoorlie Office

Cesar Rodriguez – DPLH Perth Office

Aboriginal Heritage Act – Review

Aboriginal Heritage Act 1972



How do we protect Aboriginal heritage today

## What Needs Legislation to Protect It?

- Massacre sites
- Ancestral remains
- Maps of traditional country by old people.
- Stories, storylines, song lines – intangible heritage.
- Don't relocate sites
- Water, plants, animals
- Has been a focus on land use planning – needs to be a focus on broader heritage and needs to be resourced.

## “Represent Who We Are”

- Resourcing to community to practice, maintain heritage
- Aboriginal people living here over 40,000 years. Non Aboriginal people 230years.
- Miners not being charged for mining on sacred sites.
- Comparison with what would happen if someone knocked over a 100year old statue of an ANZAC.
- Aboriginal or alternative – Original person of the land.

## Legislation to Consider?

- Who we are
- Purpose of Act (long title)
- Needs to be “Preserved heritage for Aboriginal people” instead of “On behalf of Community”.
- Purpose needs to also include intangible sites.
- Aboriginal heritage should not be overridden by Native Title
- Heritage is identity
- People from country need to work with Custodians.
- The current Act is great but needs resourcing and funding to administer properly.
- Delays in prosecuting and limited statute of limitation period.
- Legislation needs to continue to refer to “Aboriginal” not “Indigenous”.
- Need the word “heritage” to stay.
- Need to be worded stronger eg. Replace “shall” with “must”
- Use of mandatory language.
- Breach allegations to be activated immediately.
- Needs to improve process at SSO (State Solicitor) level.
- Aboriginal people to be in control of their own heritage.
- The right people should be involved in heritage.
- The view that when legislation is drafted that relates to Aboriginal people, it defrauds Aboriginal people.
- Needs government to fund the support of heritage to enrich Aboriginal people to address things that have been taken.
- Heritage and Native Title should not be linked.
- AHA should not be watered down – make stronger.
- New legislation should make it more difficult for companies to impact sites.
- Fines should increase to the order of millions of \$\$.
- Act should acknowledge Aboriginal people as sovereign.
- Heritage is strength – cannot be taken away.
- Heritage to have stronger focus than native title.
- Aboriginal people are the sovereign owners and it is their legislation
- Educate.



## Who Needs To Be Consulted?

- Tribes and boundaries
- Acknowledge the boundaries of tribes and language groups, and for there to be a register.
- Need to go all the way back to country where ancestors are from.
- Heritage overrides native title.
- Act Needs to reflect that Aboriginal people need to be consulted.
- Preface new legislation by referencing Aboriginal people that commenced the original act.
- People with knowledge need to be consulted.
- Land Councils should no longer be involved once native title determined.

## Roles & Responsibilities?

- Structures that represent the Aboriginal voice.
- People who should be on the committee should be the people who have strived to stop development that impacts heritage.
- Should be people committed solely to the preservation of Aboriginal heritage.
- Recognize and recognition not be included in any wording due to becoming words of the Crown.
- Reference should be made to the name of the local group.
- Honorary Wardens should be Aboriginal only and have 'stop work' orders – Replace the word 'Honorary warden' with 'Custodians'.
- Process for community to hold ACMC to account.
- If we abolish ACMC, how does that work?
- Decision making to be done in a traditional context. Decisions made traditional way.
- Committee make decisions based on the interest of Aboriginal people without fear of prejudice.
- ACMC: Rules of decision making needs to be made very clear.
- Needs to be made up of Aboriginal people and consult with Aboriginal people.
- Minister needs to hear from the right people.
- Needs to be an Aboriginal voice in decision making.
- If there is to be a committee that advises the Minister, it must contain Aboriginal people only.
- ACMC to be abolished.
- Aboriginal community needs to lead/make the changes to legislation.
- Aboriginal people are sovereign owners of the land and should be making the decisions.
- Some committee members don't have cultural background.
- ACMC members should have cultural knowledge and be committee to heritage.

## What Activities Require Approval?

- All land users need to do cultural awareness training.
  - Fences that prevent access need approval.
  - Pastoralist do not own the land and should not deny access.
  - On-ground consultation prior to decisions by Minister to impact a site.
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- Need longer than one day for this consultation. Aboriginal heritage too important to discuss over just one day.

**MY HERITAGE, MY VOICE WORKSHOP**

**LEONORA – 15 MAY 2018**

**LIST OF ATTENDEES**

Elwyn Evans	Jacinta Caldwell
Janine Evans	Sally Hennessey
Nuala Evans	Geraldine Hogarth
Richard Evans	Luxie Hogarth Redmond
Taralee Kenda	Joan Tucker
Trevor Donaldson	Colleen Berry
Dennis Simmons	Gary Harris
Leo Thomas	Verna Vos
Ian Tucker	Joadi Harris
Kado Muir	Rene Reddingius Jr
James Calyon	Shaun Redmond
Samantha Banks	Kevin Banks
Darryl Banks	Keedan Jennings
Sandra Evans	Laslie Calyun
Dawn Little	Nicky Evans
Isobell O'Brien	