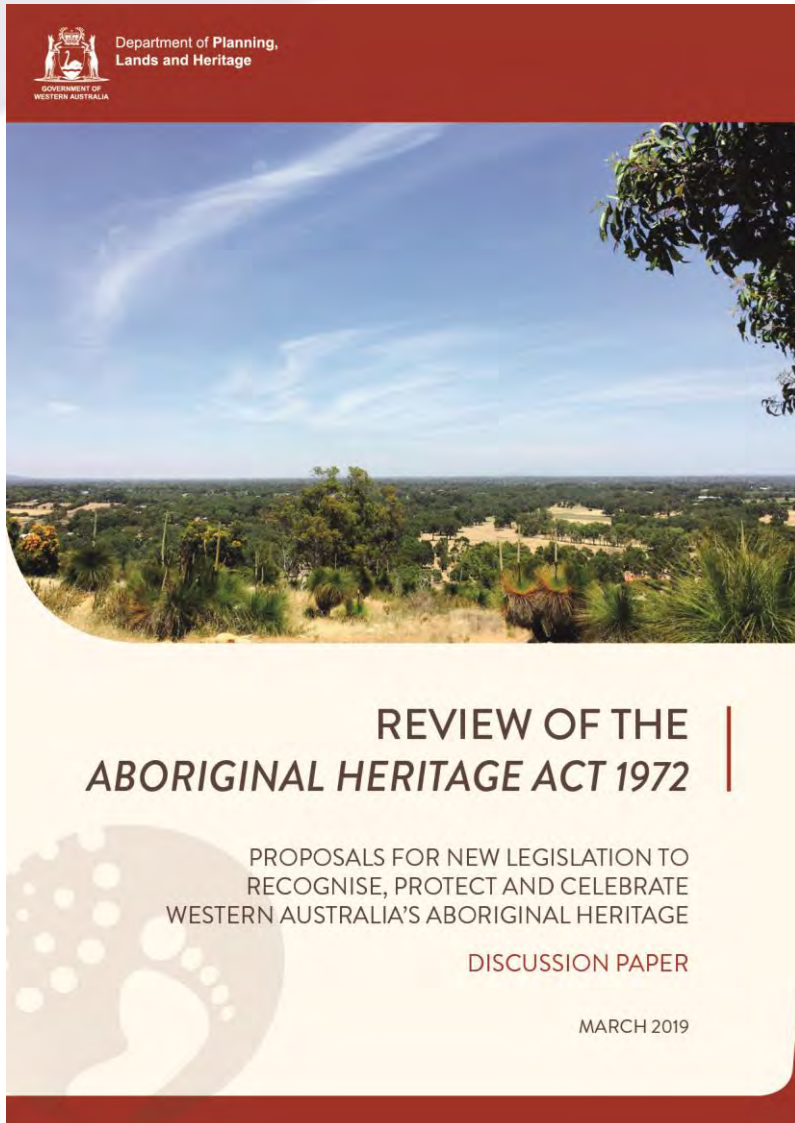




Department of Planning,  
Lands and Heritage



**AHA REVIEW PHASE 2 WORKSHOPS**  
**ESPERANCE – 20 MAY 2019**  
*Facilitator Report*

# **Report on Stage Two Consultations**

## **Review of The Aboriginal Heritage Act**

**Esperance 20/5/19**

### **Attendees**

#### Community

Number of Attendees: 9

#### DPLH Staff

Angela Murphy

Ceonie Clinch

#### Facilitator

Robert Reynolds

Consultations were based on a PowerPoint presentation prepared by DPLH staff to ensure consistent presentations were made across the state. This draws on, and summarises information from the March 2019. The order of proposals differed from the consultation document but all Desired Outcomes / Proposals listed in the paper were covered.

Issues raised by participants were written down on large sheets of paper displayed on the walls of the venue for the whole length of the consultation where they were checked by participants. These are the official records of the meeting and will be published on the DPLH website. They are also attached at the end of this report.

This was an active group which included some keys elders and senior members of the community with extensive experience and active involvement with heritage in the Esperance and Norseman region. There were also two representatives of the Shire of Dundas. As a result, the discussions around the proposed changes were often put in the context of direct experience in management and protection of Aboriginal heritage. This included references to issues where occasions when the existing AHA had failed to live up to their expectations. This resulted in active participation into the discussions and well thought out comments on the proposals for new heritage legislation.

Details of all the discussions are not covered here as the formal responses of the group are those put up around the meeting room and are to be uploaded on the DPLH AHA review website. However, the following general points that underlay the responses to a range of the proposals and came up several times are noted below.

- Overall the group were supportive of proposals which were seen as a significant improvement on the existing legislation.
- Important that the proposals become workable at a local level and do not place undue costs to either the Aboriginal community or others engaging with the Act, especially for small poorly resourced local government groups.
- Sufficient resources need to be provided to ensure the operations of the Act at a local level can work as proposed.

- Concern that if not properly funded, Aboriginal groups could be set up to fail (especial when competing with industry groups that can fund highly paid lawyers / anthropologists) to counter community aspirations.
- Need to work around community politics and self interest of some groups and individuals.
- Interaction of Native title, ILUA's and the new Legislation
- Idea of Local Heritage Services is strongly supported but need to be provided with sufficient support.
- Sites that had been deregistered need to be reassessed.

### **Other Issues**

Inevitably issues beyond the scope of the AHA review were raised during the meeting. These acted as real issues on which broader discussions of effective heritage legislation could focus.

However, unless they had direct relevance to the working of revised heritage legislation these were parked and those raising them were asked to bring them up during the break with DPLH Staff. They were written These were noted down at the time and staff also followed them up if they were not raised. These form a valuable part of ongoing engagement between DPLH Aboriginal heritage section and local community members.

Issues raised at the Esperance meeting included

- Past examples were AHA has failed the Aboriginal community and did not protect sites of importance.
  - Newman's Rock
  - Old Reserve and Burial ground near the old dairy near Norseman
- Cocklebidy – damage to burials,
- Concern about loss of cultural information/ heritage records and reports held by GL&SC

### **General follow up**

As per attendees' request, copies of the presentation and notes recorded to be e-mailed to all attendees whose e-mail addresses provided.

Robert Reynolds  
10/5/19

## BUTCHER'S PAPER NOTES – ESPERANCE WORKSHOP

SCOPE OF THE ACT (1)  
Prop 1+2 P 3-5

- 1) ESSENTIAL TO PROTECT ANCESTRAL REMAINS  
(IN ORIGINAL LOCATION) + POTENTIAL BURIAL / CEMETERY SITES
- 2) Must be requirements to report heritage places
- 3) Concern at development close to heritage places (burial sites from roadworks)
- 4) Must support protection (legal + physical) of heritage places
- 5)

P.3(A) LAHS (2)

- Needs to be resources for LAHS to operate effectively
- Must have professional services to make sure they are not over ridden by land user interest (Arch + Antiqu)
- Local people with local knowledge to do surveys
- Must have access to local ~~site~~ <sup>heritage</sup> info from register - also reports

# AHC (3)

## Prop. 3(b)

- Should have a majority of Aboriginal people
- Should have someone with a background in legal/N.T.
- Members should have the endorsement of at least two LAHS (excluding the chair)

## 4 (s) LAND USE PROPOSALS.

- Concern about what will be defined as low impact

## Pr 4 REGISTER (5)

- Places to be protected even if not on the register
- Will there be problems with different levels of valuing significance
- Resources needed for LAHS to audit/update register
- Concern that places on the register are subject to destruction

## Pr 3(e) Heritage Prof. Directory (6)

- LAHS to be able to identify preferred professionals
- list to indicate area (LAHS) of experience

Pr 3(c) MINISTER'S Role (7)

- Having to consider Aboriginal views is essential
- Having give reasons for decisions is supported

Pr. 6 Agreement MAKING (8)

- No comments - concept supported.

TRANSPARENCY & APPEALS (9)

Pr. 7

- Concern Aboriginal people could still be working against better funded legal teams
- Will there be funding for legal support
- (LAHS' SHOULD HAVE SPECIFIC FUNDING)

ENFORCEMENT (10)

Pr. 8

Supported



Dept's  
Role

(11)

· Supported.

P. 9

P. A.'s

(12)

Should enhance  
cultural management  
by T.O's. not restrict  
them