

Shire of Wyalkatchem

"Strange Name - Beautiful Place"



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Submission: Review of the Aboriginal Heritage Act 1972

Ian McCabe, Chief Executive Officer, Shire of Wyalkatchem

1. Purpose of the Act.

Recommend consideration be given to inclusion of aboriginal culture that is non-artefact, such as preservation of language;

2. Inclusion and consultation.

Each of the four categories of aboriginal people suggested by the Committee for consultation should be consulted; however, reconciliation and inclusion will be served by an open and transparent consultation process that allows non-aboriginal persons to participate and develop deeper respect and understanding of culture.

3. Honorary wardens.

No submission.

4. Roles and functions

The roles and functions assigned under the Act are sufficiently clear and comprehensive to allow for the objectives of the Act to be fulfilled.

5. Section 5

The section is sufficiently broad to allow for any reasonable protection.

6. Section 6 and Part VI

The main issue for non-aboriginal persons with an obligation to notify possession or awareness of artefacts under the Act is ignorance of the requirement; the value of such objects is an educational need.

7. Protected Areas.

Declaration of protected areas will protect sacred sites and artefacts. This must be done in concert with consultation and education.

8. Management of skeletal remains.

This should be included in the review with the aim of harmonising state and national legislation; consideration to localised practice and belief requires sensitive drafting.

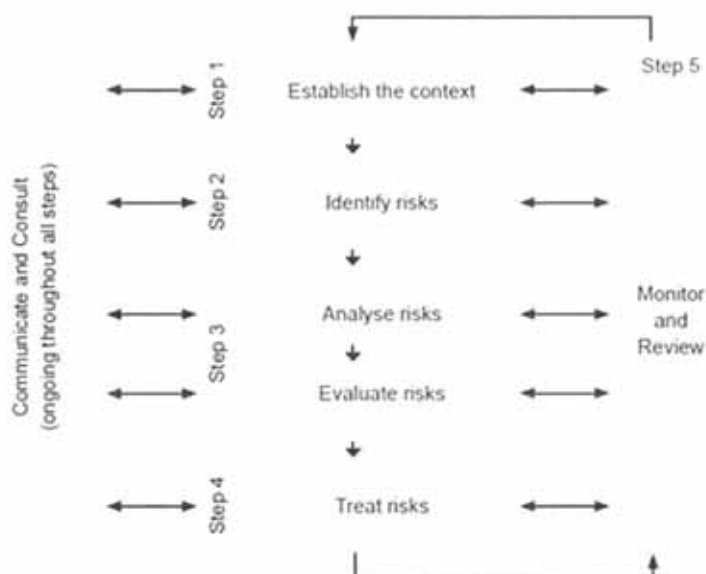
9. Activities

Any other than pre-considered low impact activities such as recreational access (walking, for example). Any development of a protected or likely to be protected site should require consultation and agreement.

10. Criteria in addressing activities

Adopt a risk management perspective to determine likely impact of proposed activities on protected site, such as:

RISK MANAGEMENT PROCESS



For example, a proposal to develop land would require consultation throughout the process with aboriginal and other interested persons. The context would be established by expertise and development proposition. The risks to the site and the proposal would be identified by consultation; the analysis process would facilitate whether these can be treated (mitigated or otherwise).

If mitigation allows the proposal to be modified or approved as proposed, a process of monitoring and review will preserve the site.

11. Impact assessment

An absence of physical impact may still have ramifications for cultural participation or access or modification of environmental context. The risk of these impacts would need to be considered and assessed in the context of how they might limit the preservation of the aboriginal culture.

12. Authorisation

The Minister should authorise proposals affecting aboriginal sites. This can be anticipated where sites are identified or native title determined and the Minister could grant a power of consent as part of title.

13. Section 18: No submission.

14. Additional provisions: No submission.

15. Enforcement: No submission.

16. Penalties: No submission,

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'Ian McCabe', written in a cursive style.

Ian McCabe

Chief Executive Officer