

Response ID ANON-8EBD-41MK-Z

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

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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:

Tyson Mowarin

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?:

Firstly I personally think that the Heritage act should at least be on par with Built heritage act in Aus in some ways. Built heritage has far more protection and is cared for in so many different ways compared to Aboriginal Heritage.

The Aboriginal Heritage isn't something that belongs to all people of the state in the same way that built heritage is.

its in another category of its own but its only treated the same when the state says that the Aboriginal heritage belongs to the state.

I personally think that there needs to be a new heritage act authored by Aboriginal people and not the state govt who have an undeniable massive conflict of interest.

Let us write our own act and the state adopt it or treat Aboriginal and built heritage the same under one act.

Question 3

Ineffective

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

The Ranger programs around the state are all gaining momentum. putting our people in employment in the best jobs in our worlds. give the rangers wardens powers and help protect heritage that everyone in the world sees as valuable except Australian politicians.

Question 4

No

Role and functions - Minister:

No

Role and functions - Registrar:

No

Role and functions - Committee:

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?:

the act should actively keep human remains on country where they are found and belong.

if you remove them then you will be upsetting their spirits.

no one should ever remove skeletal remains or disturb burial sites. we are not Egyptians where they let white people rape and pillage their tombs for their own entertainment.

Protection and Enforcement

Question 9

9. Activities that should require consent or authorisation:

Any proposed disturbance at all.

Question 10

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

whether the identified heritage is removable such as an artefacts scatter or not removable such as rock art embedded on boulders that shouldn't be cut with industrial machinery.

Question 11

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

Question 12

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

Aboriginal people connected to those lands only

Question 13

Ineffective

13. How s18 can be improved?:

At the moment the section 18 process gives miners the right to lodge an application if they want to. its biased towards industry.

The section 18 process should give traditional owners with Native title whether its exclusive or non exclusive the right to deny an application without full and proper consultation first.

Aboriginal people do not want to stand in the way of whitefellas so called progress so atleast give us the opportunity to be a part of the process that satisfies both

parties in the first instance not just let the act be the Miners Act that it is now. because its the Aboriginal Heritage act, let us protect heritage first.

Question 14

14. provisions for long-term protection of sites:

there needs to be a fund where protecting heritage is taken seriously.

much in the same way that built heritage has funds people can apply to to protect built heritage.

Give the Ranger teams more money to include heritage protection in their programs.

Question 15

No

15. How can enforcement provisions be improved?:

no they are absolute joke.

heritage sites are damaged regularly without any consequence to the offenders.

but on the other hand if built heritage is damaged in any way then theres hell to pay.

Question 16

No

16. How can penalties be improved?:

Yes and No, they are probably sufficient but when is the Govt going to actually enforce those penalties ?, theres heritage being damaged and destroyed regularly.

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:

there should be an easy to fill out online form if there isn't one already.

19. Steps to nominate a place or object:

consultation with the traditional owners

19. Steps to assess a place or object:

consultation with the traditional owners

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

consultation with the traditional owners, then entry on a easy to use database, intergrated with the local PBC's

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

consultation with the traditional owners

19. Steps to remove place or object from Register:

consultation with the traditional owners is the most important. not like that stealth its has occurred in recent times

Other Parts of the Act

Question 20

20. What's missing from the Act?:

the provision for funds to protect heritage in much the same way there is funds to protect built heritage.

Question 21

21. Sections to be removed from Act?:

Any other comments

Any other comments:

There needs to be a whole new act written but authored by Aboriginal People because we are talking about Aboriginal Heritage, not White Australians, built heritage.

The act needs to reinforce that it exists for the sole purpose of protecting Aboriginal Heritage, not destroying it or weakened to fast track access to damage and or destroy heritage on behalf of industry and the state, so called on behalf of everyone in the state.

it needs to embrace the fact that Aboriginal Australian Heritage is the oldest living and continuous culture on the face of the earth. its something all of Australia should be proud of and embrace.