

## Response ID ANON-8EBD-41C7-2

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

Submitted on **2018-06-01 13:57:54**

### 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:**

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

No

### Purpose of the Act

#### Question 1

No opinion

**If not, what changes should be made?:**

### Roles under the Act

#### Question 2

**2 - who should be consulted?:**

The Act should be amended to include mandatory consultation with Aboriginal community of the area in question and there should be Aboriginal member/s on the ACMC.

#### Question 3

Ineffective

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

Take the appointment of honorary wardens out of the control of the Minister and place it under the control of the ACMC or a neutral body.

#### Question 4

No

**Role and functions - Minister:**

No opinion

**Role and functions - Registrar:**

No

**Role and functions - Committee:**

It appears that the ACMC has been ineffective as the Minister has vetoed the advice of the ACMC in favour of industry repeatedly. It would be more effective if the advice was more binding, and if it better represented the community and heritage it is supposed to.

No opinion

**Role and functions - DPLH:**

**What is Protected?**

### Question 5

No

#### 5. How can section 5 be improved?:

Any term you use should be CLEARLY defined so it is not open to interpretation, and if there are any restrictions in terms of 'must show repeated use' etc this should be stated here. For example, the definition of a 'sacred' site has been previously interpreted through a colonialist lens to be defined as similar to a European church with repeated acts of worship/ritual which is not in keeping with how the sites may be used by Aboriginal people of the past and of the present and this led to deregistration of culturally significant sites.

### 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?:

Procedures need to be put in place in the instance of discovery - usually for skeletal remains this means the police are notified, if the remains are unknown to the police (i.e. haven't been uncovered before) the State's physical/forensic anthropologist is called out to determine if ancestral or modern remains. The remains should be left in-situ where possible, or if they must be relocated there must be Aboriginal community consultation on the process and reburial. Consultation with relevant community groups regarding procedures on the management of remains, protection of these sites, and a non-public register to prevent potential grave robbing/disturbance of remains.

## Protection and Enforcement

### Question 9

#### 9. Activities that should require consent or authorisation:

All activities that may cause damage or destruction to an Aboriginal site, and activities that may be culturally inappropriate should require consent or authorisation.

### Question 10

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

Significance of the site, will the activity cause damage to the site, is there a compromise that can be made between the proposed use and the Aboriginal community in consultation (i.e can a road go around the site rather than through it), will the proposal restrict traditional activity on the site?

### Question 11

No opinion

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

### Question 12

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

The ACMC in conjunction with the Aboriginal traditional owners/corporations of the area in question.

### Question 13

No opinion

#### 13. How s18 can be improved?:

### Question 14

#### 14. provisions for long-term protection of sites:

More funding for Aboriginal Ranger programs - these programs could be used to protect the site and traditional culture while providing employment and a strong connection to culture.

### Question 15

No

**15. How can enforcement provisions be improved?:**

**Question 16**

No

**16. How can penalties be improved?:**

Increase the fines for damage/destruction of Aboriginal sites to match the fines for damage/destruction of colonial heritage sites (see the Heritage of Western Australia Act 1990).

**Site Assessment and Registration**

**Question 17**

No opinion

**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:**

**19. Steps to remove place or object from Register:**

A full review of the sites significance by the ACMC, including a period of community consultation and comment, with the opportunity to make a case to defend against the removal of a place or object (to be considered by the ACMC) prior to any removal of sites.

**Other Parts of the Act**

**Question 20**

**20. What's missing from the Act?:**

**Question 21**

**21. Sections to be removed from Act?:**

**Any other comments**

**Any other comments:**