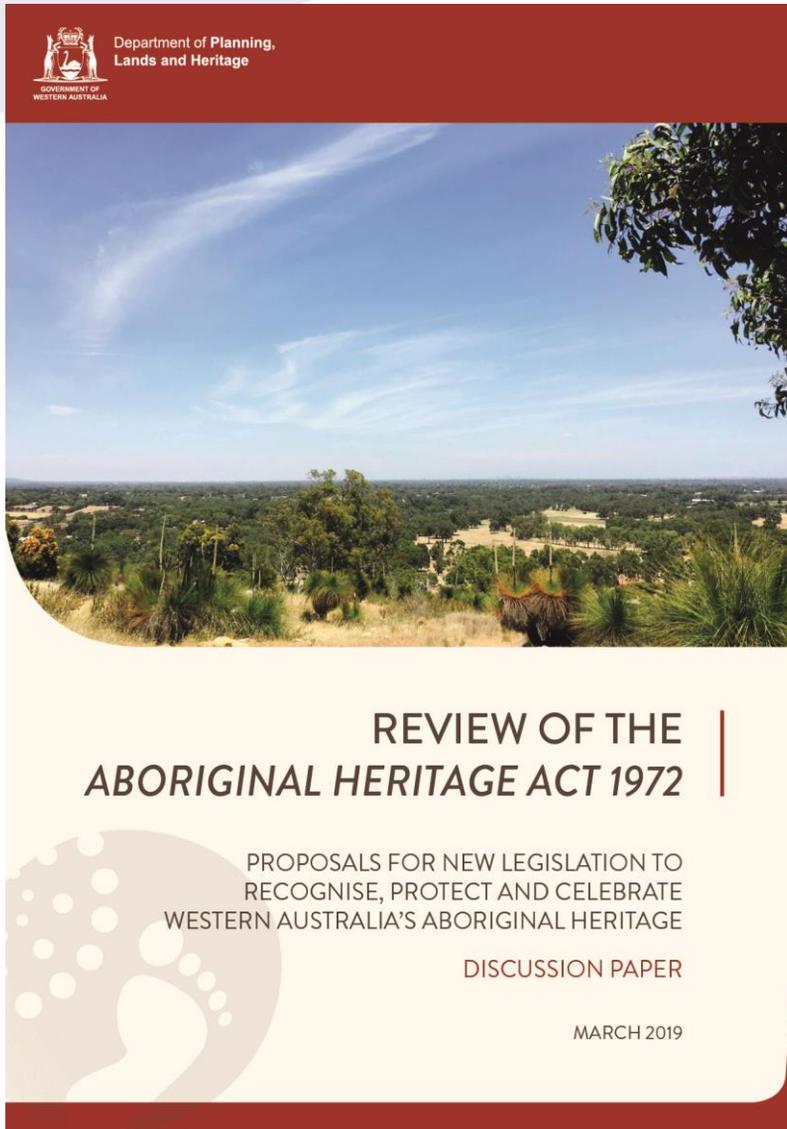




Department of Planning,  
Lands and Heritage



**AHA REVIEW PHASE 2 WORKSHOPS**  
**BROOME - 13 MAY 2019**  
*Facilitator Report*

## PHASE 2 CONSULTATION WORKSHOP – BROOME (#1)

DATE: 13 May 2019

VENUE: Mercure Inn

ATTENDANCE: 8

### MEETING PROCESS:

- Welcome to Country (Natalie - Yawuru)
- Introduction by Facilitator
- Presentation by DPLAH
- Facilitated Discussion (throughout presentation)

### FACILITATOR AND STAFF:

- Facilitator – Graham Castledine
- DPLAH – Cesar Rodriguez, Lorraine Fitzpatrick and Julie Cobb

### FEEDBACK ON KEY THEMES:

#### 1. Scope of Act

- Protection needs to extend to places historically used for resources such as fish traps etc, and also places relied on for bush tucker and bush medicine;
- Aligning with Burra Charter principles is supported;
- Intellectual property related to Aboriginal cultural heritage does need protection;
- Need a more holistic view of cultural heritage, not splitting into separate parts;
- Preamble to the new Act should set out its objectives;
- All sites must continue to be protected whether registered or not;
- Moveable heritage (described as ‘material culture’ rather than ‘objects’) also need to continue to be protected.

#### 2. Register/Information

- Sites currently included as ‘other heritage places’ need to be included;
- Information on some places needs to be restricted and kept confidential;
- LAHS should have the same level of access to information as the State for land which the LAHS is managing;

- Developers should not have unrestricted access to all information on the register – access should only be provided where there is a need to know;
- Tourists need to be encouraged to avoid sites by contacting the LAHS for information;
- Closed information needs to be managed in conjunction with the State;
- There are cultural reasons why mandatory reporting of all sites should not be included in the Act;
- In respect of human remains, police officers should be accompanied by persons with cultural knowledge when investigating.

### 3. Local Aboriginal Heritage Service

- Cultural governance (not just corporate governance) needs to be a consideration for selection;
- A regional body could usefully perform the function of a LAHS to ‘fill the gaps’ until a suitable local body is developed to take on the function;
- Need to consider how to manage developments which have impact on groups outside the LAHS boundaries (eg fracking, groundwater impacts, Fitzroy River etc);
- LAHS should also have some status under other statutes such as the LAA to deal with problem of pastoralists impacting land and locking people out of important sites etc;
- LAHS should be able to specify no go areas and regulate entry to these;
- LAHS should have power to facilitate entry to places to fulfil obligation to manage and protect them (may require change to other legislation).

### 4. Aboriginal Heritage Council

- At least 50% of members need to be Aboriginal (as well as Chair);
- AHC will need more people with cultural knowledge;
- Ensure nomination process encourages people with cultural knowledge to apply (even if they do not have computers, degrees etc);
- Could have a group of cultural bosses to support and advise the AHC;
- Should have a dispute resolution function (including in relation to disputes between LAHS and proponents);
- A better model is a board made up of Aboriginal people representative of different geographic regions throughout the State who can call on experts with skills as needed from time to time.

### 5. Land Use Proposals

- Processes need to ensure different groups are consulted when impacts go beyond immediate development site;
- Consultation with LAHS should also be required for local government planning processes, eg proposed town planning schemes (would require amendments to the *Planning & Development Act*);
- Agreements need to provide for what happens when proponent later identifies a site after the initial agreement/approval;

- LAHS should have input into what impacts are or are not considered acceptable (including the appropriate level of impacts on land);
- Tourism impacts need to be regulated;
- LAHS should have veto right if heritage is too important to destroy;
- Still need to be able to have open and closed reports on heritage surveys.

#### 6. Enforcement/Protected Areas

- Removing ancestral remains should be an offence;
- Dept should have delegated power to make stop work orders in situations of emergency;
- Enforcement officers should do cultural awareness training;
- LAHS rangers could have compliance role, eg reporting possible breaches (funding to be made available for training for this);
- Dept needs to be adequately resourced to regulate the new Act;
- Process for proposing Protected Areas must be transparent and accountable – LAHS should be informed of all submissions received (for and against).

#### 7. Other Issues

- Managing and protecting important places is a cultural responsibility – the Act and other legislation need to provide for people with that responsibility to be able to access such places to carry out this responsibility;
- Act should include provision for repatriation of ancestral remains;
- Should not be mandatory for LAHS to select a consultant from the Directory of Heritage Professionals;
- Standards required for Heritage Professionals should incorporate ethics;
- Information on Heritage Professionals should be provided to developers in a manner which encourages best practice (not just the ‘cheapest’ option); could also include information on region specific expertise;
- Should be a mechanism for seeking further details on reasons for decision provided by the Minister;
- Minister should have regard to human rights protections and principles before making decisions to impact heritage places;
- Standing to appeal to the SAT should extend to groups and individuals whose heritage is impacted;
- Alignment and relationship with the NTA needs to be made clear;
- Aboriginal heritage should be seen as part of the State’s heritage more generally and valuable for everyone (spell this out in the preamble).

GENERAL OBSERVATIONS: The proposal was generally supported by the attendees (other than the proposed make-up of the AHC) with most of the discussion focussing on issues of detail, particularly how the LAHS would be selected and carry out its functions in complex cultural situations.