

Magorie Strickland.
Madurongga Native Title Registered Claimants.
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- The Act was written towards the end of the native Welfare Department era, which was a time when Aboriginal people were considered incapable of looking after their own affairs and decisions and policies were made for them by politicians, public servants and academics.
- Because of that, the Act tends to legislate over the heads of the Aboriginal people, rather than after consulting them and determining their opinions and wishes.
- It is therefore not an **Aboriginal** heritage act in the true sense of the word, but an act to use the Aboriginal heritage for the benefit of other persons and groups – mainly academics and especially archaeologists.
- This is ably demonstrated by the Short Title on Page 1, which does not specify that the “places and objects” should be of significance to Aboriginal people. That should be simplified and reworded: “an Act to make provision for the preservation of places and objects of significance and importance to the Aboriginal people of Western Australia”.
- The insult to Aboriginal people is continued in Section 5, where 5(a) does not specify that the “places” should be of significance to Aboriginal people – in fact it doesn’t specify to whom these places should be significant. That has left the door open for academics to sail in and suggest that the places should be significant to them.
- It can easily be remedied, by moving 5(b), which does require that the places should be significant to Aboriginal people, to become a new 5(a). SO now we have the primary places as “sacred, ritual or ceremonial sites” that are significant to Aboriginal people (and not to academics).
- Then take the present 5(a) and make it the new 5(b), with simpler wording, as follows: “any other place of importance and significance to the Aboriginal people of Western Australia. That will cover burial grounds, sorry camps, water places, rock art, etc. What we have done here is cut out the academics and make the major criterion significance to Aboriginal people
- In that case, there is no need for 5(c), but 5(d) should be retained.

Section 6 deals with objects. The use of the word ‘cultural’ in the penultimate line of 6(1) has left the door open for all and sundry to walk in. That can be easily remedied by changing one word and the matter will then also be restricted to Aboriginal people. So we should have in 6(1)...”Subject to Section 2(a), this Act applies to all objects.....or made or adapted for use for, any purpose connected with the traditional **religious** life of the Aboriginal people past or present”.

There are a number of other areas in which the present Act is deficient, in that it takes authority from Aboriginal people and places in the hands of “professionals”, but a rewriting of the above sections would lead to necessary changes in them.

Cheers,