

**ABORIGINAL HERITAGE ACT 1972 (AHA) REVIEW  
PHASE 1 CONSULTATION WORKSHOPS  
APRIL TO MAY 2018**

**FACILITATOR REPORT**

<b>WORKSHOP:</b>	<i>My Heritage, My Voice</i> <input checked="" type="checkbox"/>	<i>Working with Our Aboriginal Heritage</i> <input type="checkbox"/>
<b>DATE:</b>	23 May 2018	
<b>TOWN/VENUE:</b>	Bunbury/Entertainment Centre	
<b>FACILITATOR:</b>	Graham Castledine	

<b>Number of attendees:</b>	7
<b>Any logistical/venue related issues?:</b>	No

<b>1. SUMMARY OF KEY ISSUES RAISED</b>
<ul style="list-style-type: none"> <li>Regional corporations set up under the Noongar settlement should be more involved in decision making processes and even have delegated powers (eg ACMC).</li> <li>If ACMC is to continue it should be set up on a regional basis so that Noongar people evaluate Noongar places.</li> <li>If consents are given to impact sites for the economic benefit of the general community then a percentage of those financial benefits should be directed to the affected Aboriginal group particularly to assist with heritage protections and restoration.</li> <li>The Department needs to be better resourced for evaluating sites and monitoring compliance, and should have offices in the regions working side by side with regional corporations.</li> </ul>

<b>2. SUMMARY OF KEY IDEAS FOR AMENDED LEGISLATION</b>
<p><b><i>What needs protection</i></b></p> <ul style="list-style-type: none"> <li>Skeletal remains</li> <li>Repatriation sites</li> <li>Places associated with songlines</li> <li>Ethnographic aspects should continue to be affected</li> <li>Places currently protected should stay protected</li> <li>Places of traditional food sources/gathering</li> <li>Focus needs to be on landscapes not just 'sites'</li> <li>Previously impacted sites, esp if they have been restored and/or retain ethnographic value</li> </ul> <p><b><i>Who is to be consulted and how</i></b></p> <ul style="list-style-type: none"> <li>People who are able to contribute knowledge of a site</li> <li>Only those with knowledge should be allowed to go on surveys</li> <li>Any research conducted on a site under section 16 should be made available to the relevant Aboriginal group</li> </ul> <p><b><i>Roles and responsibilities</i></b></p> <ul style="list-style-type: none"> <li>Honorary warden concept should be retained and strengthened</li> <li>Minister's obligations under section 10 should be mandatory (with the Dept being given more resources to identify and protect sites)</li> </ul>

- ACMC should be broken down into regional committees and they need to be adequately resourced to assess sites
- Minister's decision should be based on heritage values affected, not the general interests of the community
- ACMC recommendation should be made public before going to the Minister (like the EPA's recommendations)
- Aboriginal people should have a right of review against section 18 consents
- The Department should have an office in Bunbury with officers working hand in hand with regional corporation set up under SW settlement
- Monitors should be required for all major land development projects
- Aboriginal custodians should be given access to private land where important sites are located
- The Act should be administered by the DBCA and have more Aboriginal participation in staff etc
- Some powers, eg ACMC could be delegated to the regional corporations set up under the SW settlement
- There needs to be more consistency in the way sites are evaluated

***Actions requiring approval***

- Proposed developments should be required to produce an Aboriginal Heritage Impact Statement (similar to environmental impact statements)
- Any proposal which might impact a water way (eg altering flows to rivers, estuaries etc)
- Developers should be required to salvage and store (and later repatriate) cultural material
- If consent is given to impact a site for economic reasons, a percentage of the economic benefits should be paid to the affected Aboriginal group

***Enforcement and compliance***

- Penalties need to increase
- More resources needed for compliance and prosecutions
- Compliance reports should be made available to groups on a regional basis
- Penalties should be paid to Aboriginal groups affected for ongoing protection
- Companies found in breach should be publicly disclosed and have their ability to trade restricted in some way
- Rangers/authorised officers should have 'stop work' powers where breaches are occurring and be able to issue on the spot fines
- Needs to be protective fencing and surveillance for significant places
- Provide for memorials on titles of land to notify of the existence of sites on private land

**3. POINTS OF CONTENTION**

NA

**4. OVERALL EFFECTIVENESS OF WORKSHOP**

The workshop provided a good opportunity to hear the views of local people (with considerable knowledge and experience) about Aboriginal heritage protection in the south-west.

**5. ANY OTHER OBSERVATIONS?**

This group raised some interesting ideas about using the regional corporations set up under the south west settlement to be more involved in consultations and decisions made under the Act.

**6. ANY SUGGESTIONS FOR NEXT PHASE OF CONSULTATION?**