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Dear Assistant Director General,

## Review of the Aboriginal Heritage Act 1972

Outdoors WA thanks the Department of Planning Lands and Heritage for their invitation to respond to the Review of the Aboriginal Heritage Act 1972. As a peak community organisation Outdoors WA supports and encourages the growth of outdoor recreation, outdoor education, adventure therapy and adventure tourism in Western Australia.

We commend the Department for the open manner in which they are conducting the review and for the state wide workshops and consultation that has been put in place.

Outdoor recreation is an important part of our states cultural heritage, for as long as recorded human history we have had people walking and travelling over the Australian landscape.

The positive interplay of culture and leisure activities has been recognised at a national level with the Australian Bureau of Statistics identifying that these activities enhance community cohesion and strength. "Cultural activities are seen as a valuable forum for social examination and debate, and a means of fostering the creativity, innovation, and dialogue necessary for economic development. And many leisure activities bring health benefits by providing relaxation and physical activity" <sup>1</sup> (Australian Bureau of Statistics, 2006)

The Australian Curriculum has also identified 'Aboriginal and Torres Strait Islander Histories and Cultures' as a cross curriculum priority, this is supported by the delivery of Outdoor Education within WA schools that provides a hands-on opportunity to learn from, and appreciate, Aboriginal culture.

We share a heritage of interacting in nature whether it be for education or recreation, camping, walking, riding or exploring. For Aboriginal and non-Aboriginal peoples this provides a unique opportunity to celebrate our shared past and recognise the future social, health and economic benefits that getting more people active outdoors can provide.

We would encourage any changes to the Aboriginal Heritage Act to actively consider how it can encourage more outdoor recreation and outdoor education within WA.

Outdoors WA participated in the Perth workshop and would like to provide feedback to a number of issues to enhance the ongoing consultation:

### 1. Burra Charter

We would support an alignment with the Burra Charter<sup>2</sup> (ICOMOS, 2013) that states "cultural significance of a place is embodied in its physical material, its setting and its contents; in its use; in the associated documents; and in its meaning to people through their use and associations with the place."

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<sup>1</sup> Australian Bureau of Statistics. (2006). Measuring Australia's Progress. Retrieved from [http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/6CF7815003DE9DF1CA25758900F8AA9/\\$File/1370.0\\_culture\\_and\\_leisure.pdf](http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/6CF7815003DE9DF1CA25758900F8AA9/$File/1370.0_culture_and_leisure.pdf)

<sup>2</sup> ICOMOS. (2013). The Burra Charter: The Australia. International Council on Monuments. Retrieved from <https://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>

We assert that outdoor recreation and outdoor education is a common land use and provides an essential way for people to develop a connection to place for the development of meaning and social values. In a time of increasing urbanisation it is critical that we provide ways for our community to connect to country.

## 2. Consultation

Outdoor recreation and outdoor education users should be identified as a part of the community groups to be consulted in the declaration of Aboriginal places for protection. This conversation will support the growth of a shared understanding on the value of the land and compatible recreational land use.

## 3. Shared heritage values

A set of common WA community heritage values should be developed to support the identification and management of how these places should be protected. One of these values should consider local cultural heritage that supports Aboriginal culture and encompasses all community views including land use for outdoor recreation and outdoor education purposes.

## 4. Promotion of managed use

The revised Act should support and promote harmonizing managed land use over exclusion, this would maximise the shared community value of these areas by enabling as much low impact use as possible. Outdoor recreation use and increased access for outdoor education should be supported alongside minimal impact practices.

## 5. Interpretation for different user groups

There should be clear interpretation of the Act and associated regulations for different user groups in the ways in which certain actions can support interaction with Aboriginal heritage and other more destructive non-compatible uses.

For example: how the act would apply to minimal impact bushwalkers travelling on foot across an area should be completely different to a mining company seeking to change the landscape forever. It will aid outdoor recreation groups to know when consultations are happening, how they can be involved and how the outcomes will impact recreational and educational usage.

## 6. Proportional penalties

Any penalty regime should be proportionate to the intention and impact. Area 10 of the Regulations, 'Activities requiring consent' outlines a fine for a number of activities. The fine is the same (\$50) for taking a photograph or for the permanent destruction of the landscape by digging or removal of trees. This is not proportional, the fine should match the level of impact and would encourage lower impact usage like outdoor recreation.

Outdoor recreation and outdoor education holds out a great hope in providing for the development of shared experiences that can support growing community relationships between all peoples. This strengthening of connections provides the space in which to build and protect Aboriginal culture.

We can imagine a time in which it will be normal for the protection of our common heritage to be shared by all. A time when it is normal to educate about land on land and to learn about ways to recreate appropriately in significant areas.

A time where the billy boils over a desert plain and we sit down as brothers and sisters sharing our stories together.

Outdoors WA welcomes further engagement and can be contacted on the details below.

Sincerely

Jamie Bennett  
Executive Officer

