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Mr Vaughan Davies
Assistant Director General,
Heritage Services
Department of Planning, Lands and Heritage
Locked Bag 2506
Perth WA 6001

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By email: AHAreview@dplh.wa.gov.au

Dear Mr Davies

Review of the *Aboriginal Heritage Act 1972*

Thank you for the opportunity to comment on the March 2019 Discussion Paper as part of the review of the above legislation. The Metropolitan Cemeteries Board (MCB) is broadly supportive of the reform proposals.

The MCB notes the comment on page 11 of the Discussion Paper that the current Act omits a "specific reference to Aboriginal skeletal remains, in-situ and burials; those that have been dis-interred and those re-buried, including remains that have been repatriated and await reburial" and that it is recommended that this issue be addressed as a priority. The MCB requests that the legislative drafters take into account the provisions of the *Cemeteries Act 1986* when drafting proposals for legislative reform. Section 12 may be of particular relevance as it relates to the authorisation to bury a dead body outside of a cemetery.

The MCB would also welcome the opportunity to be part of any future consultations on this issue. The MCB's cemeteries hold the remains of approximately 600,000 Western Australians, including Indigenous Australians. The MCB has respect for the land on which its cemeteries are built, and for Aboriginal culture and customs. We have some awareness of the sensitive issues that can be involved through our association with the Gnangara Aboriginal Cemetery (and previously the Nyoongah Community Inc.) and our management of the Aboriginal Keeping Place at Karrakatta Cemetery:



- The 'Keeping Place' was the first of its kind in Australia. It is a holding place for the remains of Indigenous people which have been previously stored in museums around the world and other sources. It was designed as a large, walk-in vault with shelving used for the safe storage of repatriated remains. If the original tribal area of the deceased can be determined, the remains are removed from the Keeping Place for interment in the traditional burial ground. The MCB maintains the facility and surrounding burial area in keeping with a traditional Aboriginal burial ground. The facility is integral to preserving our unique Aboriginal heritage for current and future generations. Co-located with the Keeping Place is the Indigenous War Memorial which honours the war service of Indigenous people who have served Australia.
- The Gnangara Aboriginal Cemetery has been created as a burial area within a natural bushland setting and is intended to be a place where persons of Aboriginal descent and of the Nyoongah community can be buried. On 17 December 2018 the MCB signed a Memorandum of Understanding (MOU) with the Nyoongah Community Aboriginal Corporation to vest the cemetery with the MCB. Once the cemetery is vested, the MCB will manage the Cemetery including grounds maintenance and burials in accordance with the MOU.

The MCB looks forward to the development of new Aboriginal heritage legislation and to being part of further consultation about the ways the statutory regime that will be developed to deal with all aspects of the management of Aboriginal skeletal remains.

Yours sincerely



Peter Deague
Chief Executive Officer