

## Response ID ANON-8EBD-41C8-3

Submitted to **Review of the Aboriginal Heritage Act 1972**

Submitted on **2018-06-01 09:04:12**

### About You

**Are you submitting a response as an individual, or on behalf of your organisation?**

Individual

### Individual details

**Are you of Aboriginal or Torres Strait Islander descent?**

No

**What is your name?**

**Optional:**

**Do you give permission for your name to be published with your feedback?**

No

### Purpose of the Act

#### Question 1

No

**If not, what changes should be made?:**

Long titles are just summaries of legislation. The whole Act needs to be repealed and a new AHA drafted which placed Aboriginal People in the forefront of the Act and which protects, preserves and maintains sites and areas of significance

### Roles under the Act

#### Question 2

**2 - who should be consulted?:**

The UN Declaration of the Rights of Indigenous People Articles 8, 11 and 12 should guide the development of a new AHA. Traditional Owner Groups are the only ones who should be making decisions about their cultural heritage. They should be given veto rights against the destruction of their culture and communities

#### Question 3

Ineffective

**How can the provision to appoint honorary wardens be improved?:**

Appoint Aboriginal Ranger Teams to undertake those and a range of other functions

#### Question 4

No

**Role and functions - Minister:**

The Minister has generally been responsible for the destruction of culture and heritage through the s18 process more so than performing his functions relating to protection. This is unacceptable.

No

**Role and functions - Registrar:**

No

**Role and functions - Committee:**

Scrap the ACMC. Non indigenous people and indigenous people who are not Traditional Owners should not make decisions for other people's country and culture

No

**Role and functions - DPLH:**

## **What is Protected?**

### **Question 5**

No

#### **5. How can section 5 be improved?:**

The definition of sites is too narrow - the commonwealth heritage act and NTA borhahve wider definitions which more closely accord to how Aboriginal People view sites/areas of cultural significance and the complexity of these matters. A new AHA needs to also acknowledge the connectivity of sites over different areas of country

### **Question 6**

No

#### **6. How can section 6 / Part VI be improved?:**

### **Question 7**

No

#### **Additional comments:**

Protected Area study's can be revoked to allow destruction ie Woodstock Abydos

### **Question 8**

Yes

#### **8. what needs to be considered?:**

That remains should only ever be dealt with at the direction of Traditional Owners

## **Protection and Enforcement**

### **Question 9**

#### **9. Activities that should require consent or authorisation:**

Any activity and consent should only ever be provided by Traditional Owners

### **Question 10**

#### **10. Criteria to evaluate activities that may affect a site:**

Do the Traditional Owners give their consent?

### **Question 11**

#### **11. What is an impact in relation to sacred sites?:**

Talk to Traditional Owners

### **Question 12**

#### **12. consent / authorisation for proposals that will affect sites:**

Traditional Owners

### **Question 13**

Ineffective

#### **13. How s18 can be improved?:**

Effective in destroying sites

Ineffective in protecting sites

### **Question 14**

#### **14. provisions for long-term protection of sites:**

Make proponents sit down and come to an agreement with Traditional Owners

### **Question 15**

No

**15. How can enforcement provisions be improved?:**

You would have to catch them first. How many prosecutions have there been under the AHA?

**Question 16**

No

**16. How can penalties be improved?:**

They can always be increased but increased penalties are only a deterrent if people are genuinely scared of being caught and prosecuted

**Site Assessment and Registration**

**Question 17**

Yes

**17. Why shouldn't a defence be provided?:**

**Question 18**

No

**18. What should the criteria be?:**

It doesn't accord with how Aboriginal people view sites and areas. Sacred implies secret or restricted and it's not only those sites that are important

**Question 19**

**19. Steps to report place or object:**

Do the Traditional Owners want it reported ?

**19. Steps to nominate a place or object:**

Do the Traditional Owners want it nominated?

**19. Steps to assess a place or object:**

**19. Steps to enter a place or object on the Register:**

**19. Steps to amend a place or object on Register:**

**19. Steps to remove place or object from Register:**

**Other Parts of the Act**

**Question 20**

**20. What's missing from the Act?:**

Aboriginal people obviously

**Question 21**

**21. Sections to be removed from Act?:**

Tear the AHA up and start again

**Any other comments**

**Any other comments:**

This is the State's chance to demonstrate it has the guts to stand up to industry and put their money where their mouth is about the importance of Aboriginal culture to the State. This government has been very vocal about the importance of Aboriginal culture to things like tourism so it's time to protect the cultural assets that are left. Sadly it's too late for many areas.