

Response ID ANON-8EBD-41ME-T

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

Submitted on **2018-05-03 14:34:15**

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:

David Forster

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?:

the words Aboriginal culture and (Aboriginal)heritage and should include language as a specific notation

Roles under the Act

Question 2

2 - who should be consulted?:

Legislation about roles - with Aboriginal people being the 'only' original stakeholders in matters of the protection of heritage places should/would be obligatory.

Question 3

No opinion

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

Question 4

No

Role and functions - Minister:

I do not like the term Aboriginal 'affairs' which should be changed - nor do I think the roles of the Minister for ... has sufficient legislative authority currently to protect Aboriginal interests without a direction on Aboriginal people to be in the legislation and consulted - contrary to the statement above my response to Question 2.

Yes

Role and functions - Registrar:

Providing the Registrar is a devolved agent of a tightened legislation to require legislation for Aboriginal consultation I believe the role remains.

Yes

Role and functions - Committee:

No

Role and functions - DPLH:

The Department's roles and functions, like the necessary change(s) to legislation to require Aboriginal people being consulted in my responses above, must

include Aboriginal oversight/inclusion at the strategic and decision making levels.

What is Protected?

Question 5

No

5. How can section 5 be improved?:

State based legislation needs to be linked to Federal legislation (and International law) to prevent/recover Aboriginal artefacts/objects taken overseas to be 'extradited.'

Question 6

Yes

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

Question 7

No

Additional comments:

A Declaration without legislated enforcement at least Australia-wide is not 'protection.'

Question 8

Yes

8. what needs to be considered?:

Protection and Enforcement

Question 9

9. Activities that should require consent or authorisation:

All matters after identification and declaration of the site as 'of Aboriginal significance' should require Aboriginal input into consent or authorisation ... (question needs to be put in a better).

Question 10

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

Too widely stated as a question - if I listed 10 items will it be legislated - within the intent of your survey on reviewing legislation not processes?

Question 11

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

Too widely stated as a question - if I listed 10 items will it be legislated - within the intent of your survey on reviewing legislation not processes?

Question 12

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

Aboriginal people/groups identifying with that site ... how does fit 'legislation' in the manner stated?

Question 13

No opinion

13. How s18 can be improved?:

Question 14

14. provisions for long-term protection of sites:

The amended Act should be sufficient to stand alone in protecting Aboriginal sites.

Question 15

Yes

15. How can enforcement provisions be improved?:

Question 16

Yes

16. How can penalties be improved?:

Site Assessment and Registration

Question 17

Yes

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

Question 18

Yes

18. What should the criteria be?:

Question 19

19. Steps to report place or object:

Not sure what legislated review clause would cover 'steps' ... sounds more like procedures

19. Steps to nominate a place or object:

Not sure what legislated review clause would cover 'steps' ... sounds more like processes ...

19. Steps to assess a place or object:

Not sure what legislated review clause would cover 'steps' ... sounds more like processes ...

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

Not sure what legislated review clause would cover 'steps' ... sounds more like processes ...

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

Not sure what legislated review clause would cover 'steps' ... sounds more like processes ...

19. Steps to remove place or object from Register:

Not sure what legislated review clause would cover 'steps' ... sounds more like processes ...

Other Parts of the Act

Question 20

20. What's missing from the Act?:

Refer to each of the responses containing obligatory Aboriginal involvement in decision making - repeated for this one.

Question 21

No opinion

21. Sections to be removed from Act?:

Any other comments

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