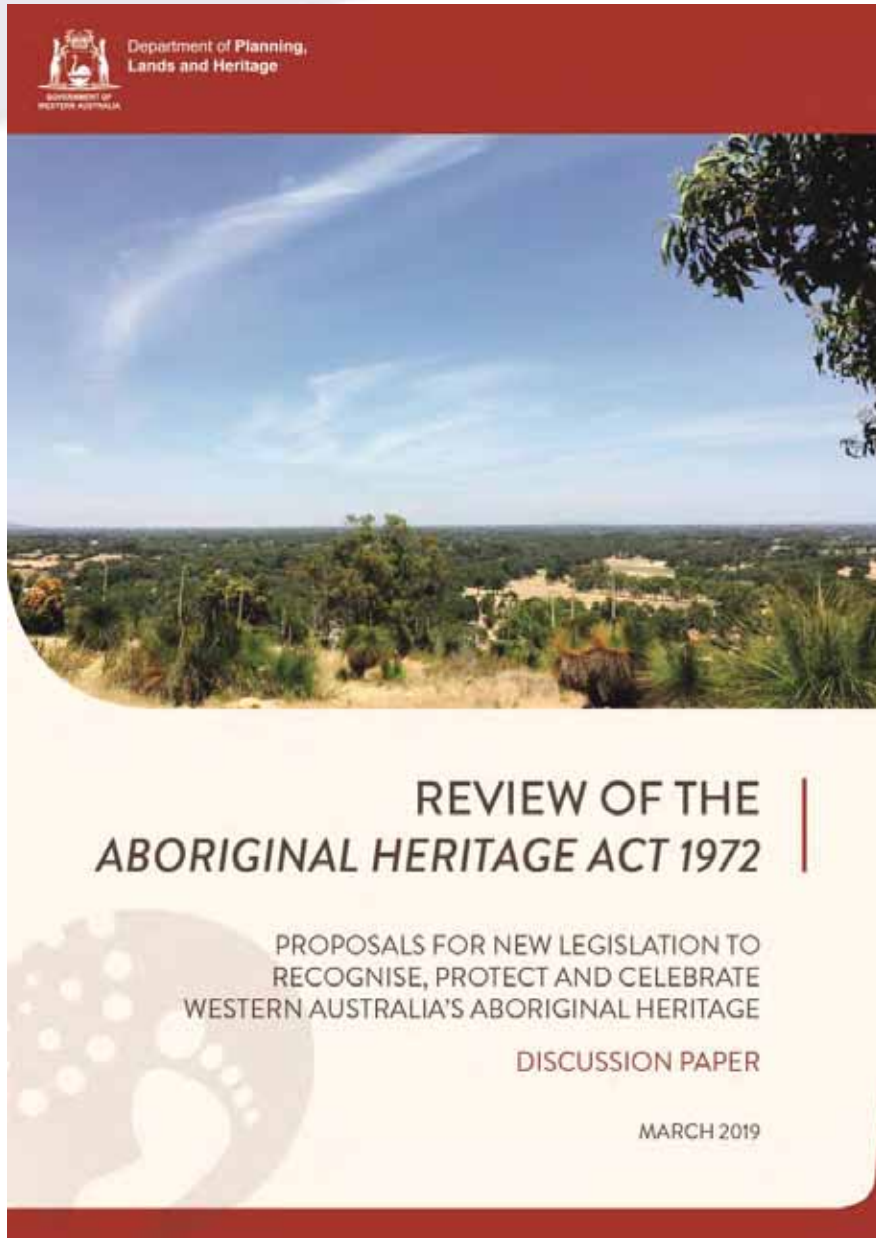




Department of Planning,
Lands and Heritage



AHA REVIEW PHASE 2 WORKSHOPS
BUNBURY - 8 MAY 2019
Facilitator Report

Report on Stage Two Consultations

Review of The Aboriginal Heritage Act

Bunbury 8 May 2019

Attendees

Community

Number of attendees: 7

DPLH Staff

Glenn Shaw
Harley Coyne
Jeremy Elliott

Facilitator

Robert Reynolds

Consultations were based on a PowerPoint presentation prepared by DPLH staff to ensure consistent presentations were made across the state. This draws on, and summarises information from the March 2019 Consultation Paper which was handed out to all participants in the workshop. The order of proposals differed from the document but all Desired Outcomes / Proposals listed in the Consultation paper were covered.

Issues raised by participants were written down on large sheets of paper displayed on the walls of the venue for the whole length of the consultation where they were checked by participants. These are the official records of the meeting and will be published on the DPLH website. They are also attached at the end of this report.

This was an active group with elders and senior members of the community with extensive experience and involvement with heritage in the region. Discussions of the proposed changes were often put in the context of real on ground experience and issues surrounding management and heritage protection. This included occasions when the existing AHA had failed to live up to Aboriginal community needs and expectations. This resulted in very active participation in the discussions and well thought out comments on the proposals presented.

Details of all the discussions are not covered here as the formal responses of the group are those put up around the meeting room and are to be uploaded on the DPLH AHA review website. However, the following general points that underlay the responses to a range of the proposals and came up several times are noted below.

- Generally supportive of proposals which were seen as a big improvement on the existing legislation. But process needs to be open.
- Based on previous experience there was some distrust as to whether it will get properly implemented and given the necessary resources.
- Decisions about heritage need to be made by those with cultural authority. These are generally the elders and senior members of the custodian families.

- Younger members of the community also need to be involved
- Aboriginal people need to be employed in all aspects of Aboriginal Heritage work and heritage processes should lead to better social and economic outcomes for local Aboriginal people.
- Want more input into local government and for them to take Aboriginal heritage and Aboriginal interests more seriously.
- Aboriginal people should have access to their sites
- The role of Local Heritage Services is strongly supported but these need to be provided with sufficient support, both administratively and financially if they are to be effective.
- Government and the Department responsible for the AHA needs to be strong in protecting heritage and be seen to be supporting the Aboriginal community.

Other Issues

Inevitably issues beyond the scope of the AHA review were raised during the meeting. These acted as real issues on which broader discussions of effective heritage legislation could focus.

However, unless they had direct relevance to the working of revised heritage legislation these were parked and those raising them were asked to bring them up during the break with DPLH Staff. They were written These were noted down at the time and staff also followed them up if they were not raised. These form a valuable part of ongoing engagement between DPLH Aboriginal heritage section and local community members.

Issues raised at the Bunbury meeting included

- Concerns about intellectual property rights, especially use of cultural knowledge on medicinal plants that is then used for commercial advantage.
- Past examples where sites were damaged and not prosecution occurred
 - Lake Jingie, near Dunsborough
- Changing of boundaries / registration status of Sites (eg Collie River)
 - This should not be the role of Government
 - Aboriginal Custodians should be able to decide these things
- Aboriginal people should have hunting rights over their traditional lands
- Perth Airport – additional runway
 - Jeremy explained the process
 - Alteration of design to reduce impact on the site
 - Minister's openness in publishing basis of his decision
 - Process seen as a move towards the underlying values of the new act (group reasonably satisfied with response.
- Local Governments, NRM groups etc getting funding from Royalties for Regions to undertake work on culturally sensitive places such as rivers without consulting the correct TO's/Knowledge holders
- Wanting training to equip community to benefit from economic activity in the region
 - Relates not only to heritage bit also SW settlements and industry
 - Jobs needed on ongoing basis not just short term projects (heritage monitoring etc.)

General follow up

As per attendees' request, copies of the presentation and notes recorded to be e-mailed to all attendees whose e-mail addresses provided.

Robert Reynolds
8/5/2019

BUTCHER'S PAPER NOTES – BUNBURY WORKSHOP

Bunbury 8/5/19 ①

Proposal 1 & 2 NEW ACT & SCOPE

- Support the broad concept
- Still concern in relation to Intellectual Property i.e. Bush medicine.

Bunbury 8/5/19 ②

Proposal 3A Local Aboriginal Heritage Service

- Perceived tension between Native Title & Aboriginal Heritage
- Act needs to help with protection of heritage.
- Must support cultural governance.
- Must be properly Resourced & Supported
- Training for young people in the Community
- L.A.H.S help to raise the profile of the Aboriginal Community & Aboriginal Heritage in the region
- L.A.H.S has control of information on the Register.

Bunbury

8/5/19

3

Proposal 3B

Aboriginal Heritage Council

- Promotion of Heritage must be given better resources & higher profile.
- Not regional representation but must provide equity across the State.
- Majority of Aboriginal membership

Bunbury

8/5/19

4

Proposal 5

Land Use Assessments

- Decisions on assessments should be culturally appropriate
- Decision makers should have cultural authority
 - ↳ Senior Cultural People
- Openness & Clarity is better
- Assessment should discuss the quality of a site.

Bunbury

8/5/19

(5)

Proposal 4

Aboriginal Heritage Register

- Can the Register & the process be trusted?
- Important that decision on what is a site is with the L.A.H.S. not the A.H.C.
- Nominations by knowledge holders with cultural authority
- L.A.H.S. have access to the register

Bunbury

8/5/19

(6)

Proposal 3E

Directory of Heritage Professionals

- Must be ethical
- Aboriginal people should have the ability to be registered.
-

Bunbury 8/5/19 (7)

Proposal 3C Minister's Role

- Supportive of the proposal.
-

Bunbury 8/5/19 (8)

Proposal 6 Agreements

- Supportive of the Proposal

Bunbury 8/5/19
Proposal 7 Transparency & Appeals
⑨

- Significant improvement & supported.

Bunbury 8/5/19
Proposal 8 Enforcement
⑩

- Compensation should go back to LHS.
- Concern clear breaches of the Act may not lead to legal action.
 - ↳ should be a requirement to prosecute where legal merit exists.

Bunbury 8/5/19 (11)

Proposal 3D Department's Role

- Provide capacity building & resources to LHS
- Dept needs to stand up for Aboriginal heritage & back the community

Bunbury 8/5/19

(12)

Proposal 9 Protected Areas

- Like the continuation of Protected Areas