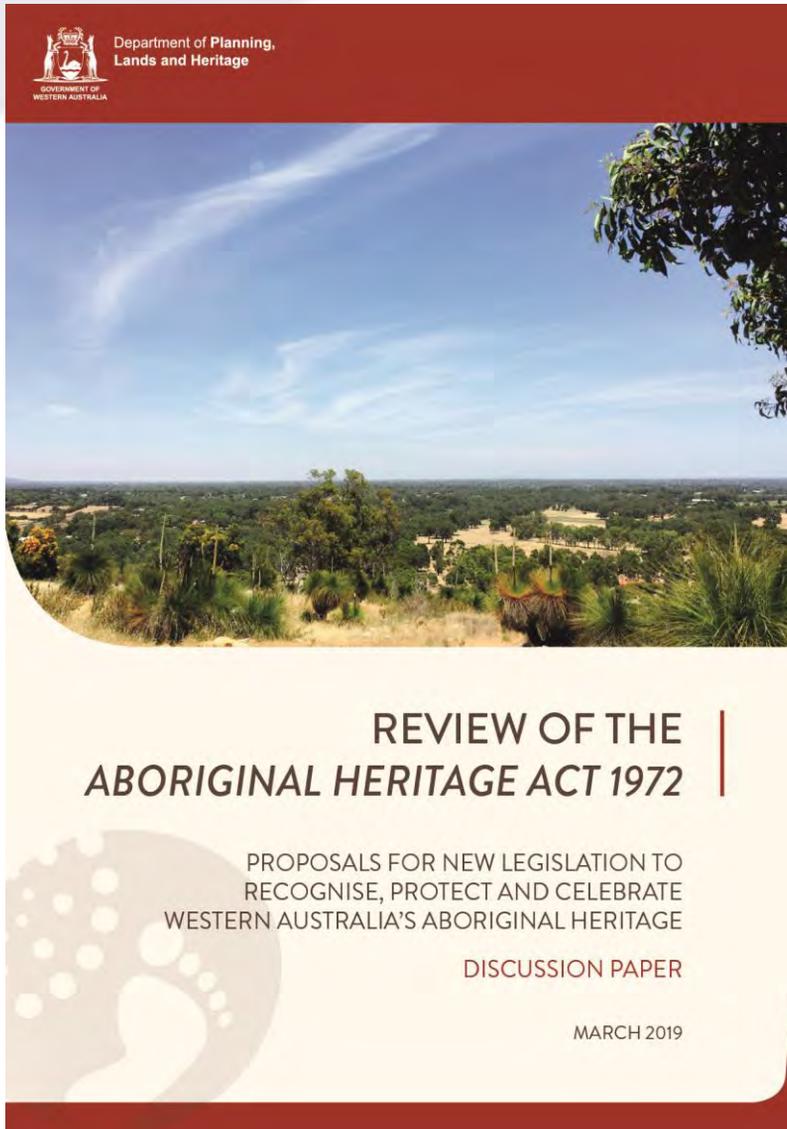




Department of Planning,
Lands and Heritage



AHA REVIEW PHASE 2 WORKSHOPS
MIDLAND - 14 MAY 2019
Facilitator Report

Report on Stage Two Consultations

Review of The Aboriginal Heritage Act

Midland 14 May 2019

Attendees

Community

Number of Attendees: 11

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, particularly during breaks in the consultations. 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 which included some keys elders and senior members of the community with extensive experience involvement with heritage in the region. There was also a representative of the Department of Biodiversity, Conservation and Attractions and a three non-Aboriginal member of the public with knowledge and interest in Aboriginal Heritage from interstate. As a result the discussions around the proposed changes were often put in the context of extensive experience and issues surrounding management and Heritage protection in the local area. This included references to occasions when the existing AHA had failed to live up to their expectations. This resulted in very active participation in the discussions and well thought out comments on the proposals for new Aboriginal heritage legislation.

Discussion of the agreement processes were not discussed as a separate issue but were discussed in discussions of the role of the “Local Heritage Services” and “land Use processes”.

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.

- Overall the meeting was supportive of proposals for a new AHA which were seen as a significant improvement on the existing.
- Act needs to Act more strongly to protect places of significance (eg Monday Swamp)
- As the Act is nearly 50 years old any new Act needs to be flexible to it will still be relevant in 10 / 20 years' time.
- Aboriginal community politics will need to managed, especially in the role of the Local Heritage Services.
- LAHS as a concept strongly supported but will need support. How will they be adequately funded?
- Links between Heritage and Environmental and Planning needs to be improved to ensure better processes for heritage protection.
- Concern about deregistered sites. They need to be reassessed to reflect community values and put back on the Register.

Other Issues

Inevitably issues beyond the scope of the AHA review were raised during the meeting. These discussions of specific sites were a useful focus on 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 Midland meeting included

- Alstone (Rock of outstanding cultural significance) located near Hanson's quarry in Red Hill.
 - Concern that although the site protected it could still be damaged by blasting and
 - Concern the approvals process lacked transparency.
 - TO's want to be able access the site and check it is OK.
 - DPLH staff agreed that the matter would be referred to compliance.
- Past examples were AHA has failed the Noongar community and did not protect sites of importance.

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
10/5/19

BUTCHER'S PAPER NOTES – MIDLAND WORKSHOP

Midland 14/5/2019 (1)

Proposal 1 & 2 NEWACT & SCOPE

- Legislation should reflect the spirit & intent of International Conventions at the highest level.
- Legislation should be looking ahead to exceed future international obligations.
- * Consequential Amendment to ensure Aboriginal Heritage sites included on land title documents.
- Agreed access arrangements for Aboriginal Community to sites on freehold land.

Midland 14/5/2019 (2)

Proposal 3A LOCAL ABORIGINAL HERITAGE SERVICE

- Needs to be the right people for country
 - Elders need to be included
 - reflect ^{of groups} skin groups, totems, family
 - Needs to manage disputes
- How will it be funded?
- Needs to be reflective of traditional structures
- Important ^{in its character/contribution} it reflects community values & ^{renew} mechanism in anticipation of changing/future needs
- Need support to be set up.
- LAHS should support local community
- LAHS have a role in promoting heritage and educating Aboriginal & non-Aboriginal people.
- LAHS should work with other groups i.e. LOCAL GOVT, LAND MANAGEMENT & CONSERVATION GROUPS/AUTHORITY

Midland 14/5/2019 (3)

Proposal 3B Aboriginal Heritage Council

- Structure might include Aboriginal law men & women not just those w/ University degrees.
- Healers should also be included
- Reflect community view not just Government view
- Promotion of Aboriginal heritage is a key role of the AHC.
- AHC should have a strategic role in protecting heritage through the State Planning Policy.

Midland 14/5/2019 (4)

Proposal 5 LAND USE ~~ASSESSMENT~~ AGREEMENTS

- Agreements need to look at accumulative impact to a site
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Midland

4/5/19

(5)

Proposal 4 Aboriginal Heritage Register

- Restrictions to be managed in a culturally sensitive way
- Important that the Register can be searched by "site type"
- Reports to be linked to a particular site
- Register must reflect the Aboriginal Values of a site
- Register should include cultural values of a site
- Register to include family groups
- Important that it includes Heritage Reports.

Midland

14/5/2019

(6)

Proposal 3E Directory of Aboriginal Heritage Professionals

- Must ~~ensure~~ ensure inclusion of Aboriginal People on the Directory
- Needs to be transparency in the process
- Needs to include the area, families etc. the Heritage Professional has worked with

Midland 14/5/19 (7)

Proposal 3C Minister's Role

- Not only publish reasons for decisions but that it be done before impact ~~activity~~ ^{occurs} activity commences
- Minister to help identify areas of outstanding significance for the purpose of protection in perpetuity

Midland 14/5/19 (8)

Proposal 6 Agreements

NOT CONSIDERED

Midland

14/5/19

(9)

Proposal 7

Transparency &
Appeals

- Broadly supported
- S.A.T to have Aboriginal members included on Aboriginal Heritage matters

Midland

14/5/19

(10)

Proposal 8

Enforcement

- Fines should go to a Heritage Trust for Heritage activities across the state, if site remediation undertaken as part of the penalty.
- Need to build local capability to assist with identification of offenders
- Additional signage to indicate location of sites, & reporting of site damage.
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MIDLAND 14/5/19
Proposal 3D Department's Role (11)
NOT CONSIDERED

Midland 14/5/19 (12)
Proposal 9 Protected Areas
• Needs Aboriginal Heritage officers
to protect those areas