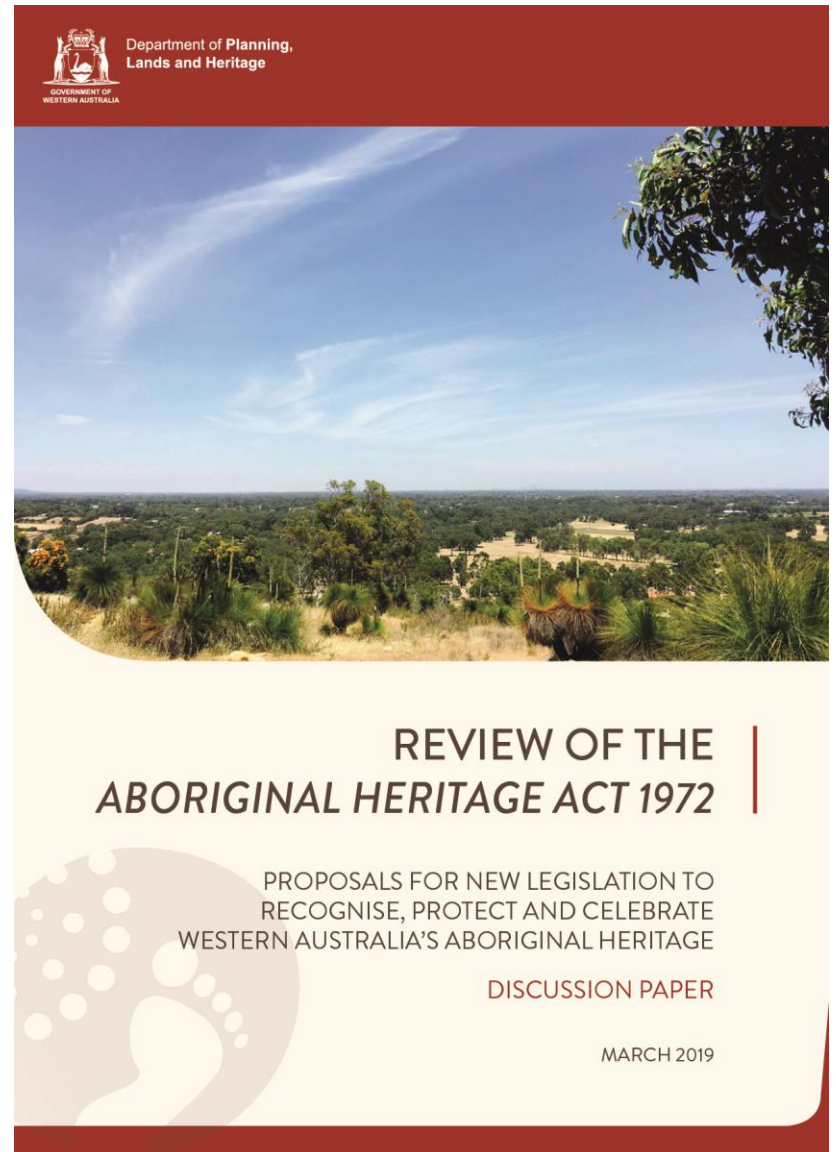


*PROPOSALS FOR NEW
ABORIGINAL HERITAGE
LEGISLATION*

*ALBANY
COMMUNITY WORKSHOP
17 April 2019*

MEETING RECORD



DISCUSSION PAPER PROPOSALS

1. A New Aboriginal Heritage Act

PROPOSAL 1: *Repeal the Aboriginal Heritage Act 1972 and deliver new Aboriginal heritage legislation*

2. What new legislation will cover: Aboriginal heritage places, objects, ancestral remains

PROPOSAL 2: *Update definitions and scope of new Aboriginal heritage legislation*

3. Key roles in Aboriginal heritage: Proposed local and central bodies – Functions and selection

PROPOSAL 3(a): *Local Aboriginal Heritage Services*

PROPOSAL 3(b): *The Aboriginal Heritage Council*

PROPOSAL 3(c): *The Minister's role*

PROPOSAL 3(d): *The role of the Department of Planning, Lands and Heritage*

PROPOSAL 3(e): *Heritage professionals – aiding selection of those with appropriate qualifications and experience and improving standards*

4. How heritage information will be managed: The Aboriginal heritage register

PROPOSAL 4: *Retain the current form and function of the register of Aboriginal Places and Objects but rename it the Aboriginal Heritage Register*

DISCUSSION PAPER PROPOSALS (cont.)

4. How heritage information will be managed: The Aboriginal heritage register

PROPOSAL 4: Retain the current form and function of the Register of Aboriginal Places and Objects but rename it the Aboriginal Heritage Register

5. Managing land use proposals that may impact on Aboriginal heritage

PROPOSAL 5: Introduce a referral mechanism to facilitate tiered assessments and approvals of proposed land uses

6. Agreements between Aboriginal people and land users

PROPOSAL 6: Encourage and recognise agreement making

7. Transparency of decision making

PROPOSAL 7: Transparency and appeals

8. Enforcement: Offences and penalties

PROPOSAL 8: A modernised enforcement regime

9. Protecting places of outstanding importance

PROPOSAL 9: Protected Areas

MEETING NOTES – ALBANY (17 APRIL 2019)

Albany 17/4/19 ①

AHA Review

- Welcome
- Acknowledgement of Country
- Past consultations
- Overview re proposals
- Further written submissions by 31 May 2019

dplh.wa.gov.au

Albany 17/4/19 ②

Proposal 1+2 New Act + Scope

- New Act
- Aboriginal people should have access rights to sites
- Support landscapes being protected
- What about trees + plants that are traditionally used by people + protected under the proposals?
- Wording in legislation should be very strong + enshrine Aboriginal peoples rights for heritage protection + control of that heritage
- The language used should follow international treaties on indigenous rights
- Access to and ability to use + plant resources for cultural purpose

MEETING NOTES - ALBANY (17 APRIL 2019)

Albany 17/4/19 3

Proposal 3A Local Aboriginal Heritage Services.

- 'Right people' is not a good definition
- Caution with the use of 'knowledge holders' - meaning?
- Review clause in the Act so reviewed say in 10 years
- Need clarity on role of LAHS vs roles the body may also be responsible for such as Native Title, Land ownership, Land mgmt ie other things under SWSLVA.

Albany 17/4/19 4

Proposal 3B Aboriginal Heritage Council

- Aboriginal peoples cultural skills & experience should be important criteria.
- Need clarity on the role/right of AHC to override LAHS. LAHS should have great autonomy

MEETING NOTES - ALBANY (17 APRIL 2019)

Albany 17/4/19 (5)

Proposal 5 Land Use Assessments

- Aboriginal Heritage needs to be incorporated into early planning i.e. District planning strategies, so as to avoid or minimise impact.
- Must be resourced adequately to make sound decisions.
- Aboriginal people need capacity building to run an agreed tiered process.

Albany 17/4/19 (6)

Proposal 4 The Register

- Support local control of the information that goes on the register
- Need clarity of when a place is put on the Register what protection is it given.
- What will be called impacts to ethnographic sites i.e. rivers and waterways
- Generally supportive of new type of Register

MEETING NOTES - ALBANY (17 APRIL 2019)

Albany 17/4/19 (7)

Proposal 3E Heritage professionals

- Standards that Heritage professionals must meet should be agreed by LAHS
- Directory should allow for Aboriginal people to make comment or leave references

Albany 17/4/19 (8)

Proposal 3C Ministers Role

- For system to work and not be clogged with everything going to Minister / ATC or DPLH the LAHS will need to be properly resourced to make sound, fair, legally tight + equitable agreements.
- Support rejection of substandard agreements
- Support minister must consult
- Support publishing reasons for decisions
- Need to include Ministers role in protection + promotion of heritage not just part of approval system

MEETING NOTES - ALBANY (17 APRIL 2019)

Albany 17/4/19 (9)

Proposal 6	<u>Agreement Making</u>
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- Need transitional arrangements from old Act to New Act so that arrangements made prior remain valid, but also not disadvantage an agreement if it was made under an old Act

Albany 17/4/19 (10)

Proposal 7	<u>Transparency and Appeals</u>
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- Concerns that people will use other Acts to get approvals when approval is not given or overturned under the Aboriginal Heritage Act
- There should be Aboriginal representation + expertise on State Admin Tribunal when they consider AHA decisions

MEETING NOTES - ALBANY (17 APRIL 2019)

Albany 17/4/19

(11)

Proposal 8 Enforcement

- What is position where companies become insolvent. Who then fixes damages
- If a company goes insolvent can members be restricted from future agreements

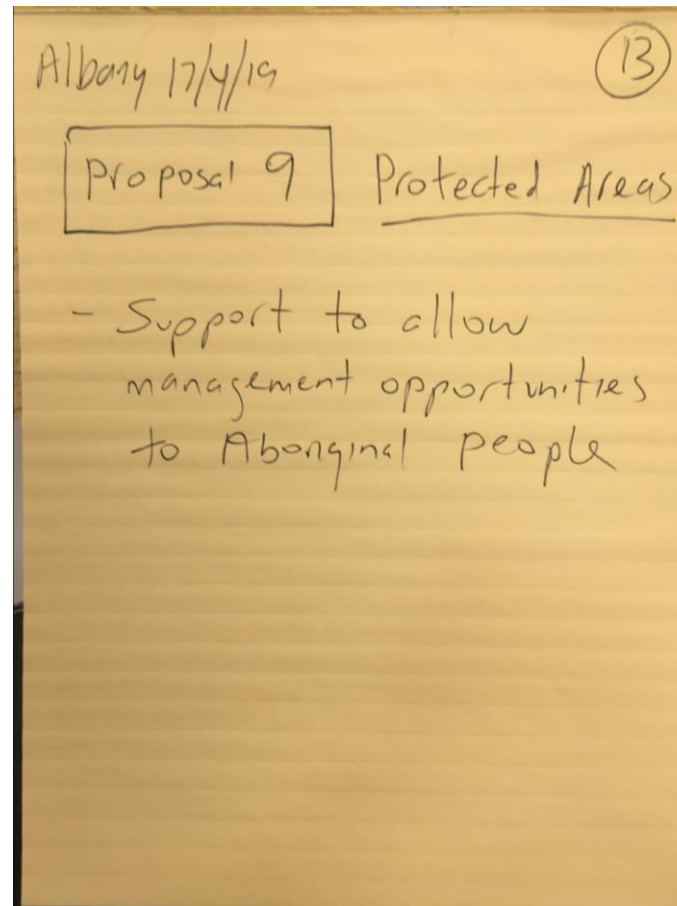
Albany 17/4/19

(12)

Proposal 3 D Role of DPLH

- LATS should be consulted for changes to the Register
- On register changes the original informant's family should be consulted.

MEETING NOTES - ALBANY (17 APRIL 2019)



MEETING NOTES - ALBANY (17 APRIL 2019)

