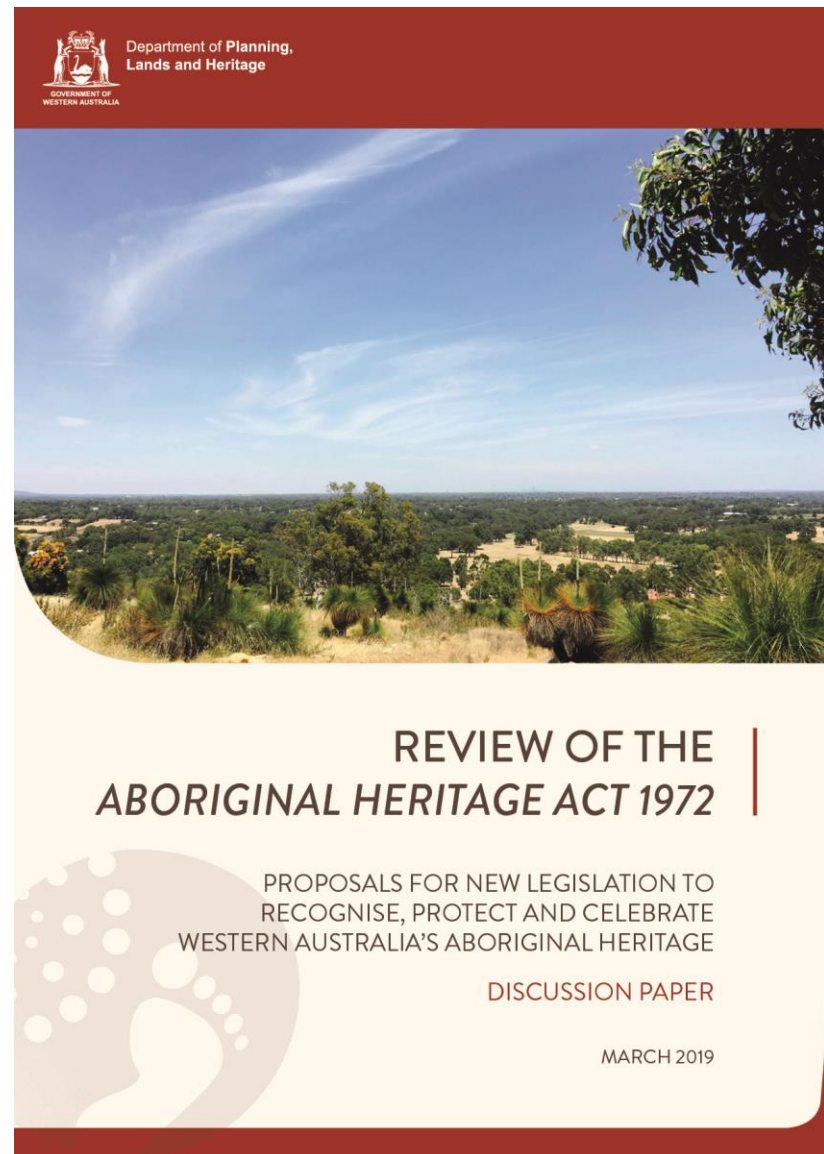


*PROPOSALS FOR NEW
ABORIGINAL HERITAGE
LEGISLATION*

*BROOME
COMMUNITY WORKSHOP
13 May 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 – BROOME (13 MAY 2019)

SCOPE OF THE ACT

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- SHOULD INCLUDE PLACES ^{HISTORICALLY} USED FOR RESOURCES SUCH AS FISH TRAPS ETC
- PLACES USED FOR RESOURCES SUCH AS BUSH TUCKER + BUSH MEDICINE
- ALIGNING WITH BURRA CHARTER IS GOOD
- INTELLECTUAL PROPERTY DOES NEED PROTECTION
- NEED A MORE HOLISTIC VIEW OF ^{CULTURAL} HERITAGE – INSTEAD OF SPLITTING INTO SEPARATE PARTS
- PREAMBLE SHOULD SET OUT OBJECTIVES ETC
- ALL SITES CONTINUE TO BE PROTECTED WHETHER REG'D OR NOT
- MOVEABLE HERITAGE SHD BE PROTECTED
- 'MATERIAL CULTURE' NOT 'OBJECTS' (TERMINOLOGY)

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LOCAL ABORIGINAL HERITAGE SERVICES

- CULTURAL GOVERNANCE SHOULD BE A CONSIDERATION
- REGIONAL BODY COULD PERFORM THE FUNCTION TO FILL GAPS UNTIL SOME OTHER BODY IS READY TO TAKE IT ON
- HOW TO MANAGE IMPACTS ON OTHER GROUPS OUTSIDE DEVELOPMENT SITE, EG FRACLING, GROUNDWATER FITZROY RIVER
- LAHS SHOULD HAVE STATUS UNDER LAA TO HAVE MORE SAY IN WHAT PASTORALISTS DO EG LOCKING PEOPLE OUT OF SITES
- LAHS SHOULD BE ABLE TO SPECIFY NO GO AREAS + REGULATE ENTRY ETC
- LAHS TO BE ABLE TO FACILITATE ACCESS TO PLACES TO MANAGE + PROTECT AS A CULTURAL RESPONSIBILITY (OTHER LEGISLATION WILL NEED TO BE LOOKED AT)

MEETING NOTES – BROOME (13 MAY 2019)

- MINISTER SHOULD HAVE REGARD TO HUMAN RIGHTS PROTECTIONS + PRINCIPLES BEFORE MAKING DECISIONS TO IMPACT HERITAGE
- WHO HAS STANDING TO APPEAL TO THE SAT? NEEDS TO BE OPEN TO GROUPS/INDIVIDUALS WHOSE HERITAGE IS IMPACTED.
- ALIGNMENT WITH NTA
 - ILUA ALLOWS IMPACT; BUT STATE ACT MAY SAY NO
 - MAKE CLEAR THAT AHA IS NOT ~~ANTHROPOLATRY~~ ^{ANTHROPOLATRY} ~~ANTHROPOLATRY~~ ^{ANTHROPOLATRY} OTHER RIGHTS.
- AGREEMENT MAKING REQUIRES FUNDING OF LAHS TO WORK.
(+ TO IMPLEMENT AGREEMENTS)
- Ab. Heritage should be seen as part of state heritage generally (and local Govt. inventories)
— for everyone — spell it out in Preamble

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- OTHER ISSUES
- MANAGING + PROTECTING
- ~~ACCESS TO~~ IMPORTANT PLACES IS A CULTURAL RESPONSIBILITY — THE ACT + OTHER LEGISLATION NEED TO ENSURE PEOPLE WITH SUCH RESPONSIBILITY CAN ACCESS SUCH PLACES FOR THIS PURPOSE
 - INCLUDE PROVISIONS FOR REPATRIATION OF ANCESTRAL REMAINS
 - LAHS SHOULDN'T HAVE TO CHOOSE SOMEONE FROM DIRECTORY OF HERITAGE PROFESSIONALS
 - STANDARDS OF H. PROFESSIONALS SHOULD INCLUDE ETHICS
 - INFORMATION ON H.P.'S SHOULD BE PROVIDED TO DEVELOPERS TO ENCOURAGE THEM TO USE BEST PRACTICE (NOT JUST 'CHEAPEST') — + REGION SPECIFIC EXPERTISE
 - SHOULD BE A MECHANISM FOR SEEKING FURTHER DETAILS ON REASONS FOR DECISION BY MINISTER

MEETING NOTES – BROOME (13 MAY 2019)

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REGISTER/INFORMATION

- SITES IN 'OTHER HERITAGE PLACES' NEED TO BE INCLUDED.
- SOME PLACES NEED TO BE RESTRICTED + KEPT CONFIDENTIAL
- LAHS NEEDS TO HAVE SAME LEVEL OF ACCESS TO INFORMATION AS THE STATE (FOR LAND THEY ARE MANAGING)
- DEVELOPERS SHOULD APPROACH LAHS OR STATE ON A NEEDS BASIS – SHOULDN'T BE OPEN ACCESS TO EVERYTHING ON REGISTER
- TOURISTS SHLD ALSO BE ENCOURAGED TO AVOID SITES (BY CONTACTING LAHS).
- CLOSED INFORMATION TO BE MANAGED BY LAHS/ STATE
- CLEAR CULTURAL REASONS WHY THERE SHOULD NOT BE MANDATORY REPORTING OF ALL SITES – BUT COULD BE REQUIRED TO REPORT FINDS TO THE LAHS (BY TOURISTS)
- WITH HUMAN REMAINS, POLICE SHOULD BE ACCOMPANIED BY PERSON WITH CULTURAL KNOWLEDGE

LAND USE PROPOSALS

- PROCESSES NEED TO ENSURE DIFFERENT GROUPS ARE CONSULTED WHEN IMPACTS GO BEYOND IMMEDIATE DEVELOPMENT SITE
- NEEDS TO COVER LOCAL GOVT. PLANNING PROCESSES
EG PLANNING SCHEMES
– CONSULT WITH LAHS
(AMENDMENT TO P.D.ACT?)
- AGREEMENTS NEED TO ALLOW FOR PROPONENT LATER IDENTIFYING A SITE (AFTER INITIAL AGREEMENT/APPROVAL) (MANDATORY REPORTING)
- LAHS SHOULD HAVE SOME INPUT ON WHAT IMPACTS ARE OR ARE NOT CONSIDERED ACCEPTABLE + APPROPRIATE LEVEL OF IMPACTS
- TOURISM IMPACTS NEED TO BE INCLUDED
- LAHS SHOULD HAVE VETO RIGHTS IF HERITAGE IS TOO IMPORTANT TO DESTROY.
- STILL NEED TO BE ABLE TO HAVE OPEN + CLOSED REPORTS ON SURVEYS

MEETING NOTES – BROOME (13 MAY 2019)

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ABORIGINAL HERITAGE COUNCIL

- AT LEAST 50 % OF MEMBERS SHOULD BE ABORIGINAL (AS WELL AS CHAIR)
- NEED MORE PEOPLE WITH CULTURAL KNOWLEDGE
- MAKE SURE NOMINATION PROCESS ENCOURAGES PEOPLE WITH CULTURAL KNOWLEDGE TO APPLY
- COULD HAVE A GROUP OF CULTURAL BOSSES TO SUPPORT + ADVISE AHC
- SHOULD HAVE A DISPUTE RESOLUTION FUNCTION (INCLUDING RE DISPUTES BETWEEN LAHS + DEVELOPER)
- SHOULD BE AN ABORIGINAL COMMITTEE WHO CAN CALL OF EXPERTS AS NEEDED, EG WATER, MINING, ANTHRO ETC
→ HERE BOARD SHOULD BE REPRESENTATIVE OF DIFFERENT REGIONS

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ENFORCEMENT + PROTECTED AREAS

- REMOVING ANCESTRAL REMAINS SHOULD BE AN OFFENCE
- STOP WORK ORDERS – DEPT. NEEDS POWER IN EMERGENCY SITUATION (AS WELL AS MINISTER'S POWER)
- Enforcement officers should have to do C.A.T
- LAHS RANGERS COULD HAVE A COMPLIANCE ROLE – EG REPORTING POSSIBLE BREACHES
TRAINING COSTS NEED TO BE PROVIDED
- DEPT. NEEDS ADEQUATE RESOURCES
- PROCESS FOR PROPOSING PROTECTED AREAS NEEDS TO BE TRANSPARENT + ACCOUNTABLE
- LAHS TO BE INFORMED OF ALL SUBMISSIONS ETC