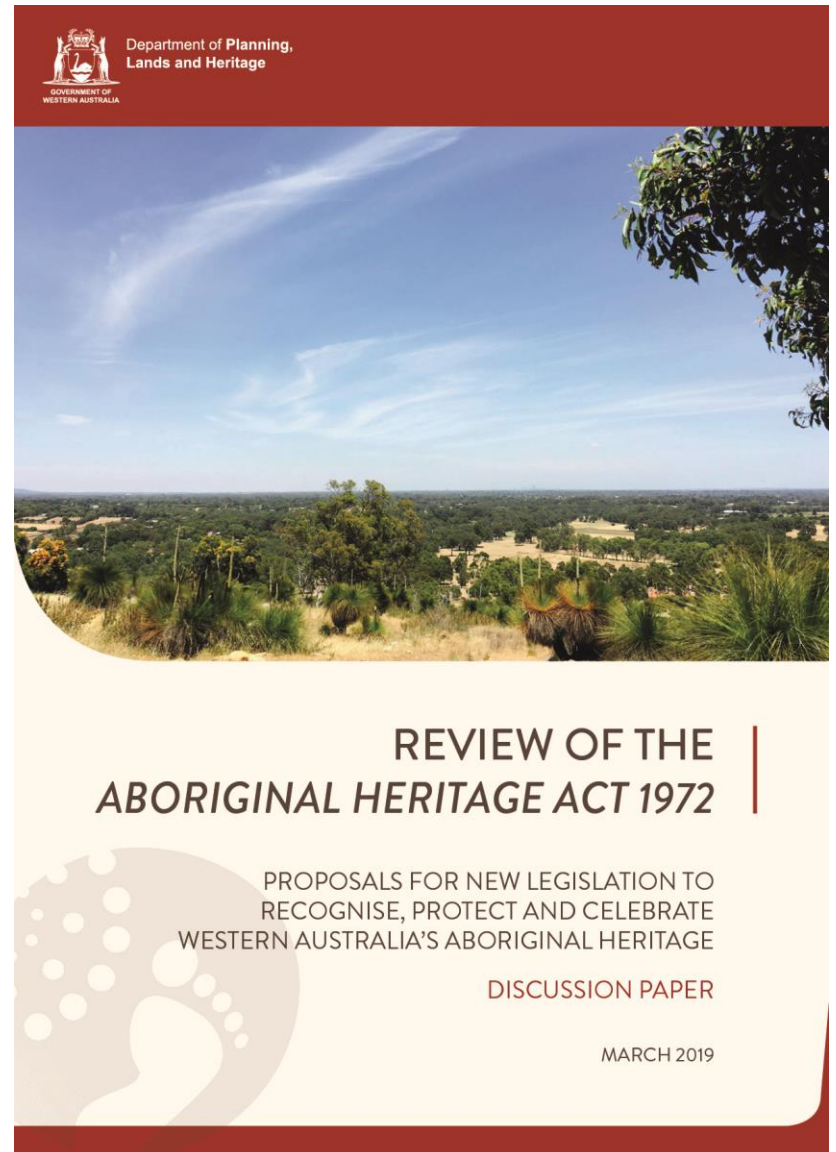


*PROPOSALS FOR NEW
ABORIGINAL HERITAGE
LEGISLATION*

*DERBY
COMMUNITY WORKSHOP
7 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 – DERBY (7 MAY 2019)

③

ABORIGINAL HERITAGE COUNCIL

DOES IT HAVE TO BE THE MINISTER TO BE THE DECISION MAKER ON SOME PROPOSALS. IS THERE A CONFLICT OF INTEREST WITH THE MINISTER?

- * IS THE S.A.T. EQUIPED TO MAKE DECISIONS ON HERITAGE MATTERS?
- * S.A.T. HEARINGS NEED FINANCIAL ASSISTANCE, ESPECIALLY FOR REGIONAL PEOPLE.
- * IS IT APPROPRIATE FOR A.H.C. MEMBERS TO BE APPOINTED BY THE MINISTER?
- * SHOULD ALL MEMBERS (OR A MAJORITY) OF THE A.H.C. BE ABORIGINAL?
- * THE STRENGTH OF THE A.H.C. IS VITAL WHEN DEALING WITH L.A.H.S.
- * WHO HAS OVERSIGHT OF THE A.H.C?
- * MINISTERIAL DECISIONS SHOULD NOT BE SOLELY MADE ON ECONOMICS.

④

LAND USE ASSESSMENTS

THIRD PARTY TO REFER?

ABORIGINAL HERITAGE REGISTER

- * THERE SHOULD BE POWER TO FORCE ORGANISATION TO SUPPLY THEIR SITES TO THE REGISTER.

DIRECTORY OF HERITAGE PROFESSION

- * LAND USERS & L.A.H.S BOTH REQUIRE THE ABILITY TO REPORT UNSATISFACTORY SURVEY WORK/RE

MEETING NOTES - DERBY (7 MAY 2019)

MINISTER'S ROLE

ANY DECISION MAKING AUTHORITY
SHOULD BE REMOVED FROM THE MINISTER
& PLACED WITH AN INDEPENDANT BODY.

AGREEMENTS

TRANSPARENCY & APPEALS

ENFORCEMENT

PROSECUTION SHOULD NOT OCCUR IF
A SITE IS NOT ON THE REGISTER BUT KNOWLEDGE
OF THAT SITE IS HELD BY AN ORGANISATION.

DEPARTMENTS ROLE

PROTECTED AREAS

MEETING NOTES - DERBY (7 MAY 2019)

SCOPE OF ACT ①

- * PRESERVATION OF ABORIGINAL HERITAGE SHOULD BE PARAMOUNT!
- * REPORTING OF SITES MUST BE COMPULSORY & ENFORCEABLE
- * OBLIGATION FOR 3RD PARTIES (builders etc) TO HAND OVER KNOWLEDGE TO REGISTER & T.O's

LOCAL ABORIGINAL HERITAGE SERVICES ②

- * NEEDS TO BE PROPERLY FUNDED.
- * FEE FOR SERVICE NEEDS TO BE REASONABLE.
- * PREFERABLE TO CONTACT L.A.H.S. BEFORE ANTHROPOLOGISTS.
- * COULD BE ISSUES WITH PBC'S ACTING AS L.A.H.S.
- * HERITAGE COUNCIL NEEDS "TEETH" TO HOLD L.A.H.S. ACCOUNTABLE.
- * LOCAL LAND COUNCILS CAN NOT BE A L.A.H.S.