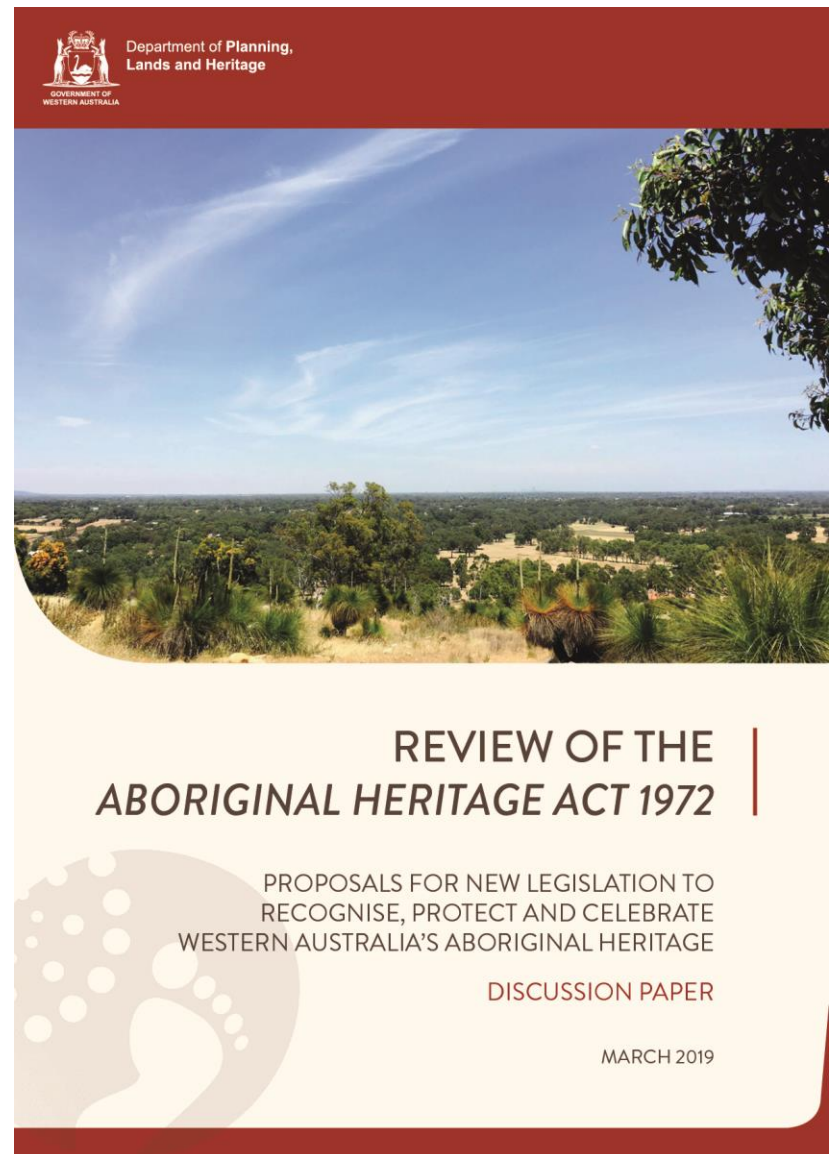


*PROPOSALS FOR NEW
ABORIGINAL HERITAGE
LEGISLATION*

*FITZROY CROSSING
COMMUNITY WORKSHOP
9 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 – FITZROY CROSSING (9 MAY 2019)

1. SCOPE OF ACT

- * WILL THERE BE A TRANSITION PERIOD?
- * WILL CURRENT ACT BE REPEALED WHEN NEW ACT COMES IN?
- * CONCERN LAND USERS WILL RUSH TO PUT SITES THROUGH CURRENT SYSTEM.
- * INTELLECTUAL PROPERTY SHOULD BE INCLUDED
- * WANT CLARIFICATION OF WHAT C'WEALTH LEGISLATION PROTECTS

* INTELLECTUAL PROPERTY → INCLUDES KNOWLEDGE OF SITES. EC TOUR GUIDES WOULD NEED PERMISSION FROM KNOWLEDGE HOLDERS TO VISIT/DISCUSS SITES.

ACT SHOULD
* THE PROTECT IMPORTANT SITES BY ALLOWING KNOWLEDGE HOLDERS TO RESTRICT ACCESS. → THIS WOULD BE RESPECTING CULTURAL LAW

* TOUR OPERATORS NEED ENDORSEMENT FROM KNOWLEDGE HOLDERS.

* ATIC DEVELOP POLICIES/GUIDE FOR TOUR OPERATORS

MEETING NOTES – FITZROY CROSSING (9 MAY 2019)

LOCAL ABORIGINAL HERITAGE³
SERVICES

- * FUNDING
→ NEED TO BE ADEQUATELY
FUNDED
- * LAHS SHOULD CONTROL REGISTER, INCLUDING
DOCUMENTS + AND BE RESPONSIBLE FOR PROVIDING ACCESS

ABORIGINAL HERITAGE COUNCIL

- *

5.

- * HERITAGE SHOULD ALSO
CREATE ECONOMIC OPPORTUNITIES
FOR ABORIGINAL PEOPLE.
- * ACT NEEDS TO CONSIDER
IMPACT OF TECHNOLOGY + SOCIAL
MEDIA ON HERITAGE PROTECTION.
- * RIGHTS TO ACCESS SITES
TO MANAGE SITES, AND UNDERSTAND
CULTURAL ACTIVITY. AND TO MONITOR
THEIR PROTECTION.

MEETING NOTES – FITZROY CROSSING (9 MAY 2019)

6.

- * NEEDS TO INCLUDE PROVISIONS IN ACT FOR SITE MANAGEMENT + MONITORING. FOR EXAMPLE HERITAGE LANGUAGES (MALE + FEMALE)
- * FUNDING REQUIRED TO PROTECT SITES
- * FEES FOR CAMPING ON SITES

DIRECTORY OF HERITAGE PROFESSIONALS

- * COMPLAINTS PROCESS REQUIRED
- * IF NOT MEETING STANDARDS SHOULD BE REMOVED FROM REGISTER

4.

LAND USE AGREEMENTS

ABORIGINAL HERITAGE REGISTER

- * KNOWLEDGE HOLDERS DO NOT WANT ALL THEIR SITES ON THE REGISTER
- * LAHS TO MAINTAIN REGISTER FOR ITS AREA

MEETING NOTES – FITZROY CROSSING (9 MAY 2019)

- * WHO IS RESPONSIBLE FOR REPATRIATIONS NEED TO BE CLARIFIED.
- * MASSACRE SITES NEED TO BE RECOGNIZED AS SITES.
- * REGISTER OF MASSACRE SITES
- * ACKNOWLEDGING THAT MASSACRES HAPPENED + FRONTIER WARS
- * RECOGNITION THAT ABORIGINAL PEOPLE HAVE CULTURAL ASSETS
- * ACKNOWLEDGEMENT IN NEW ACT OF ~~PAST~~ HARM THAT HAS BEEN DONE TO ABORIGINAL PEOPLE THROUGH DAMAGING OF SITES AND REMOVAL OF ANCESTRAL REMAINS.
- * REMOVAL OF REMAINS CAUSES TRAUMA.

- MINISTER'S ROLE
- * ~~AGREE~~ WITH PROPOSAL THAT MINISTER HAS TO CONSIDER THE VIEWS OF ABORIGINAL PEOPLE AS THE ~~MAIN~~ PRIMARY CONSIDERATION
 - * ^{STATE} GOVERNMENT TO PLAY AN ACTIVE ROLE IN REPATRIATING TO COMMUNITY ANCESTRAL REMAINS + OBJECTS.
 - * ESTABLISH A MEMORIAL SITE FOR UNPROVANCED REMAINS + OBJECTS.

MEETING NOTES – FITZROY CROSSING (9 MAY 2019)

AGREEMENTS 11.

- * ONLY HERITAGE PROTECTION ASPECTS REQUIRED TO BE VIEWED BY AHC.
- * NEED CLARITY ABOUT THE STATUS OF EXISTING AGREEMENTS.

TRANSPARENCY + APPEALS 12.

- * PRIOR TO LODGING A SAT APPLICATION, ABORIGINAL PEOPLE SHOULD BE REQUIRED TO CONSULT WITH LAHS.
- * THAT THE MINISTER SHOULD TAKE INTO ACCOUNT THE VIEWS OF ABORIGINAL PEOPLE AS HIS/HER PRIMARY CONSIDERATION.

MEETING NOTES – FITZROY CROSSING (9 MAY 2019)

PROTECTED AREAS. 14.

- * ENSURE ACCESS FOR KNOWLEDGE HOLDERS
- * SHOULD BE VESTED WITH LAHS, NOT MINISTER

ENFORCEMENT 13

- * RANGERS TO REPLACE HONORARY WARDENS → JOINT MANAGEMENT WITH RANGERS UNDER OTHER LEGISLATION.
- * PREVIOUS ROLE PLAYED BY HONORARY WARDENS CAN BE COMPLETED BY RANGERS.

MEETING NOTES – FITZROY CROSSING (9 MAY 2019)

10-

- * MECHANISMS IN ACT TO FUND MANAGEMENT OF HERITAGE INCLUDING MANAGEMENT OF ANCESTRAL REMAINS
- * FUNDING FOR REPATRIATIONS

WHAT'S BEING PROPOSED in terms of LAHS, AHC, ... WILL NEED SIGNIFICANT FUNDING TO DO THINGS PROPERLY.

* NEW LEGISLATION IS SUPPORTED HOWEVER TO MEET OBJECTIVES WILL NEED TO RESOURCE PROPERLY.

~~ANCESTRAL REMAINS~~ 7.

ANCESTRAL REMAINS

- * UNDER THE NEW ACT ANCESTRAL REMAINS REQUIRE PROTECTION.
- * SHOULD BE AN OFFENCE TO REMOVE REMAINS FROM THEIR LOCATION.
- * REQUIREMENT TO LEAVE IN SITU AND NOTIFY DEPARTMENT.
- * FUNDING TO FACILITATE AND REPATRIATE/MANAGE REMAINS