



Department of Planning, Lands and Heritage

Activities which may be reportable as a breach of the *Aboriginal Heritage Act 1972* include:

17. Offences relating to Aboriginal sites

A person who —

(a) excavates, destroys, damages, conceals or in any way alters any Aboriginal site; or

(b) in any way alters, damages, removes, destroys, conceals, or who deals with in a manner not sanctioned by relevant custom, or assumes the possession, custody or control of, any object on or under an Aboriginal site,

commits an offence unless he is acting with the authorisation of the Registrar under section 16 or the consent of the Minister under section 18.

55. Breach of conditions

A person who, having consent or authorisation to do anything which would otherwise constitute an offence against this Act, is in breach of any condition to which the giving of the consent or authorisation was made subject, commits an offence.

57. Penalties

(1) A person who commits an offence against this Act for which no penalty is specifically provided is liable, on summary conviction —

(a) in the case of an individual, to —

(i) for a first offence, \$20 000 and imprisonment for 9 months; and

(ii) for a second or subsequent offence, \$40 000 and imprisonment for 2 years,

and in any case, to a daily penalty of \$400; and

(b) in the case of a body corporate, to -

(i) for a first offence, \$50 000; and

(ii) for a second or subsequent offence, \$100 000,

and in any case, to a daily penalty of \$1 000.

Section 5 (a) any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;

Provide detailed information in relation to the following:

- (i) the object(s) left at this place;
- (ii) who you believe left the object(s);
- (iii) how the object(s) were used for, or made and adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present; and
- (iv) the relationship between the object(s) and the place.

Provide detailed information in relation to the following:

- (i) names of the person, group of persons, or section of the Aboriginal or general community to whom the place is of importance and significance;
- (ii) their relationship to the place; and
- (iii) why this place is of importance and significance to them.

Section 5 (b) any sacred, ritual or ceremonial site which is of importance and special significance to persons of Aboriginal descent;

Provide detailed information in relation to the following:

- (i) why the place is a sacred, ceremonial or ritual site; and
- (ii) the sacred beliefs, or the ritual usage, or the ceremonial usage associated with the place.

Provide detailed information in relation to the following:

- (i) names of the person(s) of Aboriginal descent to whom the place is of importance and special significance;
- (ii) their relationship to the place;
- (iii) why this place is of importance and special significance to them; and
- (iv) in what ways this place is set apart and distinct from the general surroundings.



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Section 5 (c) any place which, in the opinion of the Committee, is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the State;

Provide detailed information in relation to the following:

- (i) why this place should be considered of historical, anthropological, archaeological or ethnographic interest;
- (ii) the Aboriginal people with which the place is, or was, associated; and
- (iii) how the place is associated with Aboriginal people.

Provide detailed information in relation to the following:

- (i) why this place is of importance and significance to the cultural heritage of the State of Western Australia and why it should be preserved; and
- (ii) how this place is of such a high level of importance that it is of significance to the cultural heritage of the State.

Section 5 (d) any place where objects to which this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed.

Provide detailed information in relation to the following:

- (i) the Aboriginal object or objects that are traditionally stored in the place; or
- (ii) the Aboriginal object or objects taken or removed to the place under the provisions of the Act.

Provide detailed information in relation to the following:

- (i) how are or were the object or objects of sacred, ritual or ceremonial significance to persons of Aboriginal descent;
- (ii) how are or were the object or objects used, made or adapted for use for any purpose connected with the traditional

cultural life of Aboriginal people past or present;

- (iii) the Aboriginal people or group storing the objects;
- (iv) from where, when, how and by whom were the objects removed;
- (v) when, how and by whom was the place used as a traditional storage site; and
- (vi) if there is any other evidence of use of the place.