

**ABORIGINAL HERITAGE ACT 1972 (AHA) REVIEW
PHASE 1 CONSULTATION WORKSHOPS
APRIL TO MAY 2018**

FACILITATOR REPORT

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| WORKSHOP: | <i>My Heritage, My Voice</i> | <input type="checkbox"/> | <i>Working with Our Aboriginal Heritage</i> | <input checked="" type="checkbox"/> |
| DATE: | 24 May 2018 | | | |
| TOWN/VENUE: | Bunbury/Entertainment Centre | | | |
| FACILITATOR: | Graham Castledine | | | |

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| Number of attendees: | 25 |
| Any logistical/venue related issues?: | Not with the venue but there was a problem with the notification of the event which led to some people turning up at 9 am and others at 10 am. |

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| 1. SUMMARY OF KEY ISSUES RAISED |
| <ul style="list-style-type: none"> • The Act needs to be able to protect intangible spiritual values, and not focus so much on evidence based requirements or site specific details. • Planning processes and development proponents need to be encouraged to engage with Aboriginal heritage issues at the earliest possible stage so that land use conflicts can be avoided if possible. • Due diligence requires consulting with the right people before impacting land – this should be mandated by the Act and supported by information accessible on the Department's database. • Land councils etc need to be required to provide processes to ensure the right people are consulted without that process being compromised by pecuniary or political influences. |

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| 2. SUMMARY OF KEY IDEAS FOR AMENDED LEGISLATION |
| <p><i>What should be protected</i></p> <ul style="list-style-type: none"> • The Act should continue to ensure that protected places are not limited to those places on the register • 'bush baby' sites • Broader natural landscape values need protection • The spiritual values associated with places <p><i>Consultation processes</i></p> <ul style="list-style-type: none"> • Government policy needs to give more guidance on who and how to consult • Proponents need to be encouraged to place more importance on Aboriginal heritage • Direct contact with the elders is required – not always possible through land council processes • The Act should mandate consultation with the knowledge holders and land councils should be required to identify and facilitate this • All previous heritage reports should be required to be provided to the Dept and made available • Proponents should be required to do due diligence for their projects and be supported by an up to date and searchable database on the Dept website |

Roles and responsibilities

- The right local people (for a region) should make up the ACMC for a particular proposal
- Aboriginal people should have a right of review of s 18 decisions
- More resources should be made available for evaluation of sites
- Might be better to separate the functions of evaluating sites and considering proposals affecting sites
- One view – the State should pay for surveys to identify cultural heritage areas as it is a State asset; alternative view – user needs to pay but results should go on the State database
- DMIRS processes need to have more regard to and be more linked with Aboriginal heritage issues
- Planning authorities should engage earlier with Aboriginal heritage matters – eg in strategic land use planning (this could be reflected in State Planning Policies) so that future conflicts between major developments and significant sites might be avoided

Approvals

- Any proposal that might impact a site – even if it is outside the mapped boundary of a site – should be assessed

Enforcement

- Consider having incentives as well as penalties (as with other heritage protection regimes)
- Penalties should be increased
- Should also be penalties introduced for false or misleading representations concerning the existence of sites (alternative view – this is not appropriate or feasible)

3. POINTS OF CONTENTION

See references to alternative views set out above

4. OVERALL EFFECTIVENESS OF WORKSHOP

The workshop proved effective in allowing opinions and concerns to be conveyed and worked through. As there were a lot of people from different backgrounds and interest groups in the room, much of the time was spent in cross engagement (including in relation to the philosophical elements underpinning the legislation) which was respectful and honest, but did not necessarily lead to concrete ideas for reform.

5. ANY OTHER OBSERVATIONS?

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| 6. ANY SUGGESTIONS FOR NEXT PHASE OF CONSULTATION? |
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