

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

FACILITATOR REPORT

WORKSHOP:	<i>My Heritage, My Voice</i>	<input checked="" type="checkbox"/>	<i>Working with Our Aboriginal Heritage</i>	<input type="checkbox"/>
DATE:	23 May 2018			
TOWN/VENUE:	Bunbury/Entertainment Centre			
FACILITATOR:	Graham Castledine			

Number of attendees:	7
Any logistical/venue related issues?:	No

1. SUMMARY OF KEY ISSUES RAISED

- Regional corporations set up under the Noongar settlement should be more involved in decision making processes and even have delegated powers (eg ACMC).
- If ACMC is to continue it should be set up on a regional basis so that Noongar people evaluate Noongar places.
- If consents are given to impact sites for the economic benefit of the general community then a percentage of those financial benefits should be directed to the affected Aboriginal group particularly to assist with heritage protections and restoration.
- The Department needs to be better resourced for evaluating sites and monitoring compliance, and should have offices in the regions working side by side with regional corporations.

2. SUMMARY OF KEY IDEAS FOR AMENDED LEGISLATION

What needs protection

- Skeletal remains
- Repatriation sites
- Places associated with songlines
- Ethnographic aspects should continue to be affected
- Places currently protected should stay protected
- Places of traditional food sources/gathering
- Focus needs to be on landscapes not just 'sites'
- Previously impacted sites, esp if they have been restored and/or retain ethnographic value

Who is to be consulted and how

- People who are able to contribute knowledge of a site
- Only those with knowledge should be allowed to go on surveys
- Any research conducted on a site under section 16 should be made available to the relevant Aboriginal group

Roles and responsibilities

- Honorary warden concept should be retained and strengthened
- Minister's obligations under section 10 should be mandatory (with the Dept being given more resources to identify and protect sites)

- ACMC should be broken down into regional committees and they need to be adequately resourced to assess sites
- Minister's decision should be based on heritage values affected, not the general interests of the community
- ACMC recommendation should be made public before going to the Minister (like the EPA's recommendations)
- Aboriginal people should have a right of review against section 18 consents
- The Department should have an office in Bunbury with officers working hand in hand with regional corporation set up under SW settlement
- Monitors should be required for all major land development projects
- Aboriginal custodians should be given access to private land where important sites are located
- The Act should be administered by the DBCA and have more Aboriginal participation in staff etc
- Some powers, eg ACMC could be delegated to the regional corporations set up under the SW settlement
- There needs to be more consistency in the way sites are evaluated

Actions requiring approval

- Proposed developments should be required to produce an Aboriginal Heritage Impact Statement (similar to environmental impact statements)
- Any proposal which might impact a water way (eg altering flows to rivers, estuaries etc)
- Developers should be required to salvage and store (and later repatriate) cultural material
- If consent is given to impact a site for economic reasons, a percentage of the economic benefits should be paid to the affected Aboriginal group

Enforcement and compliance

- Penalties need to increase
- More resources needed for compliance and prosecutions
- Compliance reports should be made available to groups on a regional basis
- Penalties should be paid to Aboriginal groups affected for ongoing protection
- Companies found in breach should be publicly disclosed and have their ability to trade restricted in some way
- Rangers/authorised officers should have 'stop work' powers where breaches are occurring and be able to issue on the spot fines
- Needs to be protective fencing and surveillance for significant places
- Provide for memorials on titles of land to notify of the existence of sites on private land

3. POINTS OF CONTENTION

NA

4. OVERALL EFFECTIVENESS OF WORKSHOP

The workshop provided a good opportunity to hear the views of local people (with considerable knowledge and experience) about Aboriginal heritage protection in the south-west.

5. ANY OTHER OBSERVATIONS?
<p>This group raised some interesting ideas about using the regional corporations set up under the south west settlement to be more involved in consultations and decisions made under the Act.</p>

6. ANY SUGGESTIONS FOR NEXT PHASE OF CONSULTATION?