



**Aboriginal Heritage Act (AHA) Review Consultation Meeting**

**My Heritage My Voice**

**Busselton**

**22 May 2018**

## **1. ATTENDANCE**

There were 9 attendees at the My Heritage My Voice meeting in Busselton.

## **2. MEETING PROCESS**

- Welcome by the facilitator
- Welcome to Country by Wayne Webb
- Introduction of Facilitator and Staff
- Powerpoint presentation provided to the meeting
- Attendees worked through the five topics of discussion

## **3. FACILITATOR AND STAFF**

Facilitator: Graham Castledine

Staff: Jeremy Elliott, Glenn Shaw

## **4. DISCUSSIONS**

Graham progressed discussion with a focus on getting responses to the 5 topics for discussion.

## **5. KEY ISSUES RAISED**

There were a number of issues of importance to the attendees raised during discussions, with particulars being set out in the response to the respective topics.

### **Topic 1: WHAT NEEDS LEGISLATION TO PROTECT IT?**

- Burial grounds need to be protected where they are found.
- Previous disturbance does not mean it is not a site
- Protection of ancestral remains – including repatriation in caves
- Less focus on 'Descent'
- Cultural values to prevail over financial
- Focus on respect and caring for country past, present and future
- Include 'Intangible' cultural heritage, trails, stories etc.
- Places to be protected for their inherent value and life sustaining qualities
- Cultural heritage cannot be disconnected from the environment
- Focus should be social policy and connection of humanity with country

### **TOPIC 2: WHAT ROLES AND RESPONSIBILITIES ARE NEEDED?**

- Cultural Rangers funded through cave tourism – to be independent
- Young Aboriginal people need to be trained/instructed and employed in positions where they can help protect heritage – e.g. Shires, NGO's
- South West Groups need more recognition and funding
- Assessment of cultural values to be by independent body and placed on a Register
- APMC must have Aboriginal members

- Aboriginal members must be able to be involved in decisions affecting their country and should not be required to speak for other peoples country
- Affected people to make the call and advice Minister directly
- Minister should not have the final say
- Minister should have to demonstrate why development should proceed – change the burden of proof
- Minister must prioritise Aboriginal heritage values in decision making process
- Aboriginal people should have the say not Anthropologists/Archaeologists
- Minister should not have the power to override local community view

TOPIC 3: **WHO SHOULD BE CONSULTED AND HOW?**

- Consult Aboriginal people early – especially for excavation and development works – including revegetation
- Heritage professions to be chosen by Traditional Owners
- Culturally appropriate decision making process and timelines
- People with cultural knowledge not just descent and not dictated by Land Council groups
- Free, Prior and Informed consent – ability to say ‘No’ (intimidations)
- People with cultural knowledge to be included on database

TOPIC 4: **WHAT ACTIONS REQUIRE APPROVAL?**

- People should check database before impacting land
- Tourism should get approval before accessing sites
  - Protective regime to be established

TOPIC 5: **WHAT PENALTIES ARE NEEDED?**

- Signage identifying a site is there – and penalties apply
- Tourism operators should be required to identify people about sites (e.g. WAITOC)
- Needs to be more prosecutions
- Penalties need to be paid towards rehabilitation and protection of area damaged
- No retrospective approval for damage (s18)
- Remove limitation on time to prosecute
- Departmental staff to be free from political influence
- Resource more compliance officers
- AHA to include Rangers with due authority same as CALM Act and Local Government
- Rangers and Authorised Officers should have linked authority (after appropriate training)
- Increase penalties to \$2M for corporations and \$200, 000 for individual
- Remove s62 – Ignorance should not be a defence

## 1. WHAT NEEDS LEGISLATION TO PROTECT IT?

- BURIAL GROUNDS - NEED TO BE PROTECTED WHERE THEY ARE FOUND.
- PREVIOUS DISTURBANCE DOES NOT MEAN IT IS NOT A SITE.
- PROTECTION OF ANCESTRAL REMAINS - INCLUDING REPATRIATION IN CASES.
- LESS FOCUS ON 'DESCENT'
- CULTURAL VALUES TO PREVAIL OVER FINANCIAL
- FOCUS ON RESPECT + CARING FOR COUNTRY.  
past, present, emerging, and future

## 1. CONT.

- INCLUDE INTANGIBLE CULTURAL HERITAGE, TRAILS, STORIES etc.
- PLACES TO BE PROTECTED FOR THEIR INHERENT VALUE & LIFE SUSTAINING QUALITIES
- CULTURAL HERITAGE CANNOT BE DISCONNECTED FROM THE ENVIRONMENT.
- FOCUS SHOULD BE ON SOCIAL POLICY & CONNECTION OF HUMANITY WITH COUNTRY.



## 2. WHAT ROLES & RESPONSIBILITIES ARE NEEDED?

- CULTURAL RANGERS - FUNDED THROUGH CAVE TOURISM → TO BE INDEPENDENT.
- YOUNG ABORIGINAL PEOPLE NEED TO BE TRAINED<sup>INSTRUCTED</sup> & EMPLOYED IN POSITIONS WHERE THEY CAN HELP PROTECT HERITAGE.  
→ EG. SHIRES, NGO'S.
- S.N. GROUPS NEED MORE RECOGNITION & FUNDING.
- ASSESSMENT OF CULTURAL VALUES TO BE BY INDEPENDENT BODY & PLACED ON A REGISTER.

## 2. Cont

- ACMC MUST HAVE ABORIGINAL MEMBERS
- ABORIGINAL MEMBERS MUST BE ABLE TO BE INVOLVED IN DECISIONS AFFECTING THEIR COUNTRY & SHOULD NOT BE REQUIRED TO SPEAK FOR OTHER PEOPLES COUNTRY.
- AFFECTED PEOPLE TO MAKE THE CALL & ADVISE MINISTER DIRECTLY
- MINISTER SHOULD NOT HAVE FINAL SAY.
- MINISTER SHOULD HAVE DEMONSTRATE WHY DEVELOPMENT SHOULD PROCEED  
→ CHANGE THE BURDEN OF PROOF.



## 2. Cont

(3)

- MINISTER MUST PRIORITISE ABORIGINAL HERITAGE VALUES IN DECISION MAKING PROCESS
- ABORIGINAL PEOPLE SHOULD HAVE THE SAY NOT ANTHROPOLOGISTS / ARCHAEOLOGISTS.
- MINISTER SHOULD NOT HAVE THE POWER TO OVERRIDE LOCAL COMMUNITY VIEW.

## 3. WHO SHOULD BE CONSULTED & HOW?

- CONSULT ABORIGINAL PEOPLE EARLY - ESPECIALLY FOR EXCAVATION & DEVELOPMENT WORKS - INCL. REVEGETATION
- HERITAGE PROFESSIONALS TO BE CHOSEN BY TRADITIONAL OWNERS.
- CULTURALLY APPROPRIATE DECISION MAKING PROCESS & TIMEFRAMES.
- PEOPLE WITH CULTURAL KNOWLEDGE NOT JUST DESCENT & NOT DICTATED BY LAND COUNCIL WORKING GROUPS.
- FREE, PRIOR & INFORMED CONSENT - ABILITY TO SAY 'NO!' (NO INTIMIDATION)
- PEOPLE WITH CULTURAL KNOWLEDGE TO BE INCLUDED ON DATABASE



#### 4. WHAT ACTIONS REQUIRE APPROVAL?

- PEOPLE SHOULD CHECK DATA-BASE BEFORE IMPACTING LAND.
- TOURISM PROJECTS SHOULD GET APPROVAL BEFORE ACCESSING SITES  
↳ PROTECTIVE REGIME TO BE ESTABLISHED
- 

#### 5. WHAT PENALTIES ARE NEEDED.

- SIGNAGE IDENTIFYING A SITE IS THERE - AND PENALTIES APPLY
- TOURISM OPERATORS SHOULD BE REQUIRED TO NOTIFY PEOPLE ABOUT SITES (EG WAITOC)
- NEEDS TO BE MORE PROSECUTIONS.
- PENALTIES NEED TO BE PAID TOWARDS REHABILITATION & PROTECTION OF AREA DAMAGED.
- NO RETROSPECTIVE APPROVAL FOR DAMAGE (s18)
- REMOVE LIMITATION ON TIME TO PROSECUTE
- DEPARTMENTAL STAFF TO BE FREE FROM POLITICAL INFLUENCE.



SUPERSTICKY EASEL PAD  
TABLEAU À FEUILLES MOBILES SUPERCOLLANTES  
SUPERADHESIVAS BLOC DE HOJAS REPOSICIONABLES



30

25 IN/PO x 30 IN/PO  
63.5 cm x 76.2 cm  
5.2 SQ FT/PP (0.48 m²)

3M

## 5. Cont

②

- RESOURCE MORE COMPLIANCE OFFICERS
- AMA TO INCLUDE RANGERS, WITH DUE AUTHORITY SAME AS C.A.L.M Act & LOCAL GOVERNMENT.
- RANGERS & AUTHORISED OFFICERS SHOULD HAVE LINKED AUTHORITY. (AFTER APPROPRIATE TRAINING)
- INCREASE PENALTIES \$ 2M (corporate)  
\$200K for INDIVIDUAL
- Remove s62 - IGNORANCE SHOULD BE NO DEFENCE.