

Response ID ANON-8EBD-41M1-6

Submitted to **Review of the Aboriginal Heritage Act 1972**

Submitted on **2018-04-09 08:54:19**

About You

Are you submitting a response as an individual, or on behalf of your organisation?

Individual

Individual details

Are you of Aboriginal or Torres Strait Islander descent?

No

What is your name?

Optional:

Lindsay Stockdale

Do you give permission for your name to be published with your feedback?

Yes

Purpose of the Act

Question 1

No

If not, what changes should be made?:

It should follow on to include something like: in co-existence with other interested land users/stakeholders.

European settlement has existed now for many generations and should be respected for their Heritage and Land use as well.

Roles under the Act

Question 2

2 - who should be consulted?:

Any Act or process that has an impact on the use of land should have a consultation process that includes all Stakeholders. I believe this is necessary as Australia has been settled by others now since 1788 and have earn't their right to be all inclusive in all matters affecting their existence and livelihood. The protection of any site should be limited to the actual site and not to include the large buffer zones around those sites, which restricts the use of large areas of land quite unnecessarily.

Question 3

No opinion

How can the provision to appoint honorary wardens be improved?:

Anyone who makes decisions on any matter should have top grade experience in that field and should be fully informed in each case.

Question 4

No opinion

Role and functions - Minister:

No opinion

Role and functions - Registrar:

No opinion

Role and functions - Committee:

No opinion

Role and functions - DPLH:

What is Protected?

Question 5

No

5. How can section 5 be improved?:

In Section 5 (a); at the end "past or present" leaves it wide open to include any native born Australian of any colour or race.

In Section 5 (c) ; needs to be of significant criteria so that minor cases aren't included.

Question 6

Yes

6. How can section 6 / Part VI be improved?:

Question 7

No opinion

Additional comments:

I am not sure of what site is of "Outstanding Importance" but what ever is should have it's declared area restricted to only the specific area.

Question 8

No opinion

8. what needs to be considered?:

I am not sure with this as to how important burial sites are.?

My confusion arises from the fact of how some Cemeteries only have limited life times on an actual graves, maybe 50 years. then that site can be used for someone else. I personally feel any grave is sacred. Yet it appears Australian Law doesn't see it that way.

Protection and Enforcement

Question 9

9. Activities that should require consent or authorisation:

Any activity, if it is a genuine significant site.

Question 10

10. Criteria to evaluate activities that may affect a site:

The economic and social importance.

Question 11

11. What is an impact in relation to sacred sites?:

Case by case as to what the actual impact may have.

Question 12

12. consent / authorisation for proposals that will affect sites:

Aboriginal Heritage Act.

Question 13

No opinion

No opinion

13. How s18 can be improved?:

Question 14

No opinion

14. provisions for long-term protection of sites:

Question 15

No opinion

15. How can enforcement provisions be improved?:

Question 16

No opinion

16. How can penalties be improved?:

Site Assessment and Registration

Question 17

No opinion

17. Why shouldn't a defence be provided?:

Question 18

No

18. What should the criteria be?:

Section 39 (2) (b) ; "or Aboriginal sentiment" is far too open and should be deleted or tightened up.

Section 39 (3) ; is similar in that I don't believe it is specific enough and therefore too open.

Question 19

No opinion

19. Steps to report place or object:

19. Steps to nominate a place or object:

Actual on ground evidence not just here say.

No opinion

19. Steps to assess a place or object:

No opinion

19. Steps to enter a place or object on the Register:

No opinion

19. Steps to amend a place or object on Register:

No opinion

19. Steps to remove place or object from Register:

Other Parts of the Act

Question 20

20. What's missing from the Act?:

Maybe more consideration for other genuine land users/holders.

Question 21

No opinion

21. Sections to be removed from Act?:

Any other comments

Any other comments:

Later covered in my submission.

Department of Planning, Lands and Heritage.

Review of Aboriginal Heritage Act 1972.

Contribution by Lindsay Stockdale.

I would first of all like to advise that I have not read the Aboriginal Heritage Act 1972 but through my Prospecting activities I have come across some sections that I believe in this modern society, do need to be reviewed and some adjustments made.

My wife and I have a single block Exploration Licence E 31/1039 in the Kookynie district that straddles the Pastoral Lease boundaries of Yerilla and Glenorn near Lake Raeside. The block sits within a Registered Mythological Heritage Site, DAA Site ID 2708 WOO519, Site Name; Lake Reyside (Raeside), Access; Closed, Restriction; Male Access Only.

Site Protection.

While I do believe in protecting any site that has Heritage value to any group of people of any race, I feel the "Dithered area" or buffer zone around those registered sites doesn't need to be as far out as that used on the above site.

This could be reviewed to allow just the minimal amount of ground needed for Site protection.

The changing roles women play in our modern society.

The status of Restriction having Male Access Only, I presume means on ground as well, appears to be out of date and needs to be upgraded to meet modern day society.

We have seen huge changes in the acceptance of women moving into Male dominated activities such as; in 1902 the Commonwealth of Australia granted Voting rights and the right to enter Parliament to Women.

Women are playing male dominated sports.

Women are working in normal male work places.

Women are now in leading roles in the Corporate Sector of Business.

Women are working underground now when previously they were not allowed.

Women work in the field for Exploration and Mining work.

Women go to war and the list goes on.

When I lived and worked at the Warburton Ranges Mission in 1963 for a period of time, I learned that Aboriginal women had no say or involvement in their administration or general running of affairs. Where I witnessed they weren't allowed see or be anywhere near a message stick. Where now, we see Aboriginal women taking leading roles in traditional administration and general running of their affairs. Things like, in a lot of cases, it is women who head and lodge Native Title Claims, where back in the 1960's that would never had been considered possible.

The point I am making here I suppose is that while we have witnessed a move away from strict Aboriginal Law/Lore where Aboriginal Women had no say to the point where they are in some cases as we see on TV etc., are the actual Spokesperson for their respective groups and people as a whole.

The conflicting issue I see here is, that under the Heritage Act, Women have no access to any particulars of the Lake Raeside site yet they have the ability to lodge a Native Title Claim over the area that presumably gives them total Native Title control of the whole claimed area.? This conflict raises the question; If women can't access a particular site then they shouldn't be able to place a Native Title Claim over that area.??

Other Sites for Recognition.

So while we see this role of flexibility to mould in with modern society changes, there is also a need to respect other Australian man made sites of Heritage value.

Here I mean, since Australia was settled in 1788, many Australians would be 11th Generation Native Born Australians. Where does that fit in with recognised Aboriginality.

Authenticity and Accuracy of Sites.

Australian History and recognised Heritage sites post 1788, 230 years of inhabitation, are very well documented so should be accepted as being reasonably accurate. Where as Aboriginal historic records are very limited in written form so rely on oral form being passed down through many generations of people, this does give reasons for reasonable doubt of accuracy. If we were to look at the old party game of "Chinese Whisper", a game where a message is silently whispered into the ear of the person sitting next to the whisperer and that person then passes the message to his/her neighbouring participant and the message gradually passed around to numerous participants with the last person expressing out loud a message he/she received being nothing like the message that was first passed on. I therefore approach sites of Mythological nature and similar, in my mind with great caution as to the accuracy and authenticity of its nature and site.

This then brings me to the accuracy of the documentation of records that current Anthropologists are listening to and recording as Historic and actual events.

Site Criteria.

Therefore sites being claimed need tight criteria and need to be scrutinised with the greatest care. For example; I/we or my family camped here one time. That would not be considered as a site.

Being very nomadic and travelled large distances at times, using the same route on a regular basis would be of some importance, not sacred. Where as passage over land only in limited form would have no significance.

Therefore it is hoped that the Heritage Administration do have a strict criteria for determining a Site.

Who Claims a Site.

In the case of the Lake Raeside Mythological Heritage Site, we have a Registered Site. Somewhere, somehow, someone has managed to get that Site Registered, yet there is no Native Title Claimant willing or able to claim the area around it.

Does this relate to the Authenticity of that Site??

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