

## Response ID ANON-8EBD-41MH-W

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

Submitted on **2018-04-27 15:35:18**

### About You

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

Organisation

### Organisation details

**What is the name of your organisation?**

**Organisation Name:**

Western Power

**Name of submitting officer and position.**

**Submitting officer and position:**

James Widenbar SEQT Network Team Leader

**Do you have authorisation to make a submission on behalf of your organisation?**

Yes

**In which field is your business?**

Industry

**If "other" please specify your field of business:**

### Purpose of the Act

#### Question 1

No opinion

**If not, what changes should be made?:**

### Roles under the Act

#### Question 2

No opinion

**2 - who should be consulted?:**

#### Question 3

Ineffective

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

Have a transparent selection and appointment assessment process that is to be completed within a set timeframe.

#### Question 4

No

**Role and functions - Minister:**

The Minister should be the only person who can provide consent for any proposal that may affect a State significant site, declare a Protected Area and issue 'stop-work' orders.

No opinion

**Role and functions - Registrar:**

No

**Role and functions - Committee:**

The membership criteria of the ACMC is outdated. The ACMC needs to have a more diverse range of professional opinions on information presented. ACMC meetings should be open to parties that are potentially affected by its recommendations on a proposal. Minutes of ACMC deliberations should also be available to these parties as soon as practicable.

No opinion

**Role and functions - DPLH:****What is Protected?****Question 5**

No

**5. How can section 5 be improved?:**

All sub sections are extremely broad and there is a risk they can be interpreted differently overtime. Some of the terms could be better defined in the Act or at least include examples of places or objects (eg artefact scatters, rock art ect) that would give certainty around what is considered under the Act.

**Question 6**

No

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

This is very broad and could be improved by listing out the typical or main types of objects that should be protected.

**Question 7**

No

**Additional comments:**

Its a good start but land tenure change is the best way for future certainty in protecting and future management of the site.

**Question 8**

Yes

**8. what needs to be considered?:**

Specify steps required to undertake if you come across remains, I note this is pretty much standardised for industry but should be covered by this Act.

**Protection and Enforcement****Question 9****9. Activities that should require consent or authorisation:**

The Due Diligence Guidelines outlines types of activities such as negligible and minimal that would unlikely require interaction with the AHA. However, the moderate, significant and major activities would likely need consent. These guidelines could become enshrined in regulations to provide better protection.

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

The extent, method and type of activity and level of existing ground disturbance where the proposed activity is to occur need to be considered in the evaluation.

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

Ensure that these sites have a boundary set to assist in determining impacts.

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

The Minister

**Question 13**

Ineffective

**13. How s18 can be improved?:**

There is a need to clearly document administrative procedures, timeframes and appropriately resource the area with qualified staff. A register of approved consultants would also make it easier to ensure surveys are done by certified person. S18 should be transferable.

#### Question 14

No opinion

#### 14. provisions for long-term protection of sites:

#### Question 15

No

#### 15. How can enforcement provisions be improved?:

It may not be the Act that is the problem but the resourcing and planning of monitoring compliance and will to prosecute appears to be limited.

#### Question 16

No

#### 16. How can penalties be improved?:

The penalties should not be time bound to the date of the offence, maybe bind to 24mths after Department administering the Act becomes aware of the offence. There should be a provision for the minister or department to give a modified penalty where person who caused the offence reports themselves and does the best to rectify the damage and put in place measures to prevent from happening again. The penalties could be increased, especially for corporations and a tier level of offence could be considered based on significance of site or wilfulness of offence. The penalties need to be adjusted annually for CPI.

### Site Assessment and Registration

#### Question 17

No

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

If it is not reported how can it be protected adequately. The boundary at least should be required to be provided and made public.

#### Question 18

No

#### 18. What should the criteria be?:

Clear definition of the terms is required (aesthetic values, significance ect).

#### Question 19

#### 19. Steps to report place or object:

There should be a standardised online form to be completed. Boundaries should be included (GIS shapefile)

#### 19. Steps to nominate a place or object:

There should be a standardised online form to be completed. Boundaries should be included (GIS shapefile)

#### 19. Steps to assess a place or object:

Steps should be transparent, documented and appealable.

No opinion

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

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

Steps should be transparent, documented and appealable.

#### 19. Steps to remove place or object from Register:

Steps should be transparent, documented and appealable.

### Other Parts of the Act

#### Question 20

#### 20. What's missing from the Act?:

Clear definitions for many of the terms used within the Act.

#### Question 21

No opinion

21. Sections to be removed from Act?:

Any other comments

Any other comments: