

**Department of Local Government, Sport and Cultural Industries response to the
Consultation Paper for the review of the *Aboriginal Heritage Act 1972***

Consultation Paper Question	Identified Gaps/issues	Response
<p>1. Is the long title an adequate description of what the amended Act should set out to do? If not, what changes should be made?</p> <p>Long title: <i>An Act to make provision for the preservation on behalf of the community of places and objects customarily used by or traditional to the original inhabitants of Australia or their descendants, or associated therewith, and for other purposes incidental thereto.</i></p>	<p>WA Museum: Lack of clear legal requirement for Aboriginal involvement in issues; The “glossary” can spell out what the equivalent of section 4 spells, i.e. the definitions of those things that more broadly constitute Aboriginal Cultural Heritage. Cp Victorian <i>Aboriginal Heritage Act 2006</i>, and their list of objectives.</p>	<p>WA Museum: Shorten the title to read ‘...to make provision for the protection, preservation, and management of Aboriginal Cultural Heritage on behalf of the community.’</p>
	<p>Aboriginal History (WA) (AHWA): Shorter title in plain language that is more easily understood by all; Objectives, Purpose and Application should be defined within the Act rather than the title.</p>	<p>AHWA: ‘...to provide for the protection, preservation, safekeeping and management of places, objects, and records recognised as significant to and by the Aboriginal community.’</p>
	<p>Local Government: Concur with the responses for this question.</p>	<p>Local Government: Concur with the responses for this question.</p>
<p>2. What do you think are the best ways to ensure the appropriate people are consulted about what Aboriginal heritage places should be protected, and how a proposal may impact those places?</p>	<p>WA Museum: Difficult to embed in legislation since the “right” people is not necessarily static. In practice wide, and culturally sustainable inclusivity should be effective.</p>	<p>WA Museum: It is the duty of the office that administers the Act to ensure that Native Title claimants, Prescribed Body Corporate members, and others who have staked a claim are given an opportunity to comment on protection of places/areas/values.</p>
	<p>AHWA: This is a complex issue with no straight forward answer. Requirement</p>	<p>AHWA: Aboriginal people and communities are the primary stakeholders to be consulted in the protection, safekeeping,</p>

	<p>for Chair of ACMC to be an Aboriginal person with significant cultural heritage knowledge.</p>	<p>preservation and management of their cultural heritage, and this should be recognised in the Act. Legislation should not be confined to the four listed groups in Review paper. Adoption of a process involving recognised agencies, such as Prescribed Body Corporates (PBC) in conjunction with government agencies in validation activities.</p>
	<p>Local Government: Adoption of principles to provide guidance and good practice. Local Government is supportive of conserving and protecting the State's Aboriginal heritage.</p>	<p>Local Government: There needs to be greater clarity that Local Governments and Aboriginal communities' need to ensure that Heritage surveys are carried out appropriately, and to an adequate standard; implementing a fee structure for surveys; including provisions to allow Aboriginal people to appeal decisions made by the Minister, limiting the need to appeal to the Commonwealth; and clarifying the relationship between the Act and the <i>Native Title Act 1996</i>.</p>
<p>3. To what extent has the provision to appoint honorary wardens been effective and how can it be improved?</p>	<p>WA Museum: Very few wardens have been appointed since 1972, and when they are appointed they are not necessarily funded, nor is the wider public aware of their "powers"</p>	<p>WA Museum: This has potential to aid protection of cultural heritage 'in country'. It is arguable that the exact nature of wardens needs to spell out in the Act, it is perhaps better to ensure that in practice the administrative body can award wardenships, publicise the 'office' and its powers, and link with programs such as rangers.</p>

	<p>AHWA: The Act should make provision for the employment of Cultural Maintenance Rangers rather than Wardens.</p> <p>This provision has had minimal impact, with few honorary Cultural Maintenance Rangers appointed and poorly resourced. It could be a useful mechanism for ongoing management of remote or vulnerable cultural heritage places.</p>	<p>AHWA: The Act should make provision for the employment of Cultural Maintenance Rangers rather than Wardens. The existing system should be re-introduced to provide for 'on country' management of cultural heritage. There needs to be clearly defined objectives and a mandate, along with their statutory powers outlined within the Act. The positions should no longer be honorary, and should be equitably funded to enable them to fulfill their duties. These powers should be extended to existing ranger programs (eg Department of Parks and Wildlife's Rangers, Department of Planning Lands and Heritage and State Heritage Officers).</p>
<p>4. Are the roles and functions assigned under the Act sufficiently clear and comprehensive to fulfil the objectives of the legislation to preserve Aboriginal Heritage places and objects? If not, what changes in roles and functions would you suggest?</p>	<p>WA Museum:</p> <p>Preservation of heritage places and objects is a complex issue that links with other legislation [eg Museum Act] and other collecting bodies.</p> <p>How should objects be protected under the revised AHA?</p> <p>The manager of the Act should be able to call on the expertise of any body/agency they require – that doesn't have to be encoded in the Act. But how do we integrate management of existing collections held by state and other organisations [WAM, AGWA, SLWA, UWA, Curtin]; especially in the light of legislation such as the Federal Protection of Movable Cultural Heritage. Should there be some form of assistance for communities to manage newly identified and/or newly created objects in country?</p>	<p>WA Museum:</p> <p>Objects and collections of objects and where they sit under the Aboriginal Heritage Act needs to be scrutinized and reformulated.</p> <p>Secret sacred objects are the prime class currently the focus of the AHA.</p> <p>While not objects, how can Ancestral Remains be protected and managed?</p>

	<p>AHWA: Imprecise and narrow. Due to its comprehensive nature, implementation and administration of all parts of the Act has been uneven. The focus of various administrators of the Act has primarily been heritage sites rather than objects. Greater clarity is fundamental.</p>	<p>AHWA: The intent of the Act should be pro-active rather than reactive, and should be focused upon protection, safekeeping and ongoing management strategies that maintain, interpret and preserve the integrity of Aboriginal Cultural Heritage. Provision needs to be made for the establishment of regional authorities (including the Cultural Maintenance Rangers program) to fulfill the objectives accordingly.</p>
<p>5. Does section 5 adequately describe the sorts of places or sites that should be protected under the amended Act? If not, how can it be improved?</p>	<p>WA Museum: An essential problem with the current Act is that Part II, Section 5 is focussed specifically on individual places - there is no framework for considering them in the context of cultural landscape, relationships with the Land e.g. Dreaming tracks; ecological knowledge and importance of natural places, there is no notion of cultural precincts.</p>	<p>WA Museum: Broaden the classes of places of significance, to include more than individual sites, and to increase the idea of significance beyond ceremonial or ritual, the hierarchy of places that are valued by Aboriginal people should inform legislative hierarchy.</p>
	<p>AHWA: Section 5 is very prescriptive and does not reflect current heritage philosophy and best practice. There is an emphasis upon individual small locations, pre-modern and tangible heritage sites rather than cultural landscapes and living heritage.</p>	<p>AHWA: Section 5 should incorporate principles and criteria outlined in the ICOMOS <i>Burra Charter</i> and accompanying <i>Practice Note for Indigenous Cultural Heritage Management</i> in regard to the assessment, protection and management of sites, as well as UNESCO Conventions for World Heritage and safekeeping of Intangible Cultural Heritage. The current criteria do not adequately support modern cultural heritage sites, and thus inadequately protected, or in some instances have been registered under the <i>Heritage of Western Australia Act 1990</i>.</p>
	<p>Local Government: There is a need for clear definitions to promote consistency and transparency. Also keep the</p>	<p>Local Government: Look at ways to strength and improve education about the Register to improve the application of register to local Government decision making.</p>

	<p>definition broad to ensure that sites that have heritage value are not excluded and to ensure greater inclusion and protection of Aboriginal heritage sites. For example, the South Australian Aboriginal Heritage Act 1988 has broadened the definition of Aboriginal traditions, acknowledging that “traditions, observances, customs and beliefs” have evolved, and continue to do so (s. 3).</p> <p>Key issues for Local Government is the need for greater support and education on the role of the register and how to maximise the value of the register to for the business decisions of local government to ensure best outcomes.</p>	<p>There is an opportunity to consider how to improve the current processes through a demonstration project as part of the South West Native Title Settlement process which impacts on 103 local Governments. DPC, DPLH and SWALSC have been working for several years collaboratively on ways to improve this process including the development of a suitable Local Government-specific Noongar Heritage Agreement template to align with Local Government regulations and policies. Local Government Authorities are not a party to the Indigenous Land Use Agreements (ILUAs) and therefore are not bound to follow the NSHA.</p> <p>It could be a project to build on as part of a broader whole of government approach to improve Cultural Due Diligence.</p> <p>The development and management an electronic/online register. Suggest the development of a GIS system that could be incorporated into Local Government GIS systems, to ensure certainty around the locality of registered Aboriginal heritage sites, would be a welcome. Need to ensure no sensitive material will be required to be made publicly available, and that this sensitive material will continue to have full heritage protection.</p> <p>Would also need to be a clear risk framework in place to ensure that the updates do not inadvertently removed sites from the register.</p> <p>Perhaps there is also an opportunity for the Auditor General to consider Local Government performance and compliance with section 18 with the Aboriginal Heritage Act.</p>
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<p>6. Do section 6 and Part VI adequately describe the sorts of objects that should be protected under the amended Act? If not, how can they be improved?</p>	<p>WA Museum: The current Act privileges objects deemed to be secret – sacred and does not adequately capture the heritage values of other cultural material, including some items that will have been made for sale. But given the intersecting interests of State collecting institutions, how explicit should the AHA be?</p>	<p>WA Museum: Perhaps Section VI could be informed by the classifications in place under the Federal Protection of Movable Cultural Heritage Act.</p>
	<p>AHWA: Assessment, registration and custody of objects has been problematic since the administration of the Act was transferred from the WA Museum. The focus of successive administrations has been upon tangible sites. Objects salvaged from sites as a result of Section 16 or 18 have not been placed in the custody of the Act’s administrative body, nor lodged with the WA Museum.</p>	<p>AHWA: The definition of what constitutes an object needs to be revised and extended to incorporate written, audio and visual material and should be in reference to objects associated with sites in Section 5(d) rather than all objects. Protection of objects should align with the Commonwealth <i>Protection of Moveable Cultural Heritage Act 1984</i>. The responsibility for the assessment, registration and management of objects should lie with relevant custodians, eg museums, art galleries, public collections, keeping places, and Communities rather than the Minister and/or Registrar. The Act could define the minimum standards of care of objects in accordance with UNESCO guiding principles. Incorporate repatriation of objects to Country, with the Minister or Registrar the lead agent for a WA object repatriation program, that aligns with the national repatriation program.</p>
<p>7. Is the declaration of a Protected area under the Act the best way to deal with Aboriginal sites of outstanding importance?</p>	<p>WA Museum: The declaration in and of itself can be an ideal way of managing outstandingly significant places. However, some Protected Areas may be historically</p>	<p>WA Museum: The current listing of Protected Areas should be reviewed to consider their significance in the light of more recently discovered places; and whether Protected Areas status hinders Traditional Custodians in their management of</p>

	<p>anachronistic, they reflect the lack of awareness of comparable culturally outstanding places at the time the process was instituted. More thought needs to be given to implementing a pro-active regime aimed at both validating existing places whilst incorporating others.</p>	<p>country; consider that it is also appropriate to include community in the management of PAs</p>
	<p>AHWA: Protected Areas should remain within the Act. There is no definition as to what a Protected Area entails. Failing to acknowledge the overall importance of sites and heritage.</p>	<p>AHWA: Requires urgent re-evaluation and an adoption of a broader model to better reflect the values of the Aboriginal community. Section 19 should be retained; however, it does need to be aligned with instruments such as UNESCO World Heritage Convention, Burra Charter for assessing high level significance. Conservation Management Plans should also be prepared and implemented for Protected Areas. 19.1 & 19.2 should be removed from the process of declaring a protected area. The Act/Regulations should also provide for ongoing funding for the safekeeping, interpretation and management of Protected Areas.</p>
<p>8. Should the Act provide for the management of Aboriginal Ancestral (Skeletal) Remains? If so, what needs to be considered?</p>	<p>WA Museum: The lack of a clear process for management of Ancestral Remains is a glaring omission from the Act. Whatever is embedded in legislation needs to be cognisant of colonial issues. Once Ancestral Remains are listed as being of significance the actual processes of management can be part of management process rather than legislatively bound.</p>	<p>WA Museum: The AHA should include reference to the importance and significance of Ancestral Remains to both Aboriginal community and the State. The managing body of the AHA may need to ensure funding for community to participate in or control physical management and monitoring of Remains in country.</p>

	<p>AHWA: There is no reference in the Act to management of Ancestral Remains. Remains are an integral part of heritage.</p>	<p>AHWA: The Act to include provision for the management of Ancestral Remains, such as procedures when Ancestral Remains are uncovered or disturbed, repatriated from collections, protected and appropriately managed on country using best practice archival protection. Any management needs to aligns with the national repatriation program in accordance with Aboriginal tradition. Administrators of the Act should also make provision to ensure adequate funding for resourcing to allow for the fulfillment of objectives for repatriation and protection.</p>
	<p>Local Government: Concur with the responses for this question.</p>	<p>Local Government: Concur with the responses for this question.</p>
<p>9. What sort of activities that may affect an Aboriginal site should require consent or authorisation?</p>	<p>AHWA: Current Act is very specific regarding activities that may affect a site. This issue may vary geographically.</p>	<p>AHWA: Any activities that have an adverse impact upon the integrity of the tangible and intangible values of the site. Requires a regulated system managed on a regional basis in conjunction with specialist agencies and expertise.</p>
	<p>Local Government: Provisions within the <i>Aboriginal Heritage Act 1972</i> (the Act) impact on Local Government in several ways, including:</p> <ul style="list-style-type: none"> • As a landowner, Local Governments are required to consult with Aboriginal communities and conduct heritage surveys when proposing development, in compliance with the Act; and • As a planning body, Local Governments are contacted by developers and owners 	<p>Local Government:</p> <ul style="list-style-type: none"> • Need to consider what successful Heritage Management looks like and develop a framework to support this. Identification of the key drivers of success including • Principle of do no harm or try to minimise impact to heritage • Sound awareness of heritage across LG municipalities (requires a robust register and access to this see comment Q5) • Opportunities to embrace and celebrate heritage, what support could be provided and align to broader

	<p>for advice regarding the position of heritage sites. For Local Government to do this well they need to understand the process well and have access to support and opportunities to build local capacity and knowledge.</p>	<p>government objectives (tourism, employment, improved place making and digitalisation)</p> <ul style="list-style-type: none"> • Programs to preserve heritage (opportunities through community hubs, libraries, community museums, naming of local places, local histories)
<p>10. What should be the criteria against which to evaluation of an activity that may affect a site (e.g. a proposal to use or develop land)?</p>	<p>AHWA: Current criteria is ill-defined and subject to interpretation.</p>	<p>AHWA: Assessment criteria in the ICOMOS Burra Charter and UNESCO World Heritage Convention and consultation with Aboriginal people who have strong associations with the site, should be implemented to evaluate whether a proposed activity will affect the integrity of a site. Provision should be made for the adoption of a regional approach reflecting regional values.</p>
	<p>Local Government:</p>	<p>Local Government: Suggest further work needs to be undertaken with Local Government directly through peak body WA Local Government Association, as already work is underway in relation to the South West Native Title Settlement and the process within that framework. May be opportunities to leverage current work.</p>
<p>11. How can ‘impact’ arising from proposals for land use on sacred sites that do not have physical cultural heritage elements be assessed?</p>	<p>WA Museum: Consider also that many Aboriginal people are reluctant to divulge sensitive cultural information to a government agency that has a history of providing information on a public platform, or to a proponent who wants to use the land.</p>	<p>WA Museum: This complex notion, requires recognition of the wide range of parameters of both impact, AND of intangible heritage. The UN convention for the safeguarding of intangible cultural heritage may inform AHA implementation http://www.unesco.org/new/en/santiago/culture/intangible-heritage/convention-intangible-cultural-heritage/</p>

	<p>AHWA: The Act does not address concepts of intangible cultural heritage nor secret/sacred cultural knowledge, as these concepts were not generally acknowledged when the Act was first implemented.</p>	<p>AHWA: Act should incorporate management and protocols of intangible Cultural Heritage, as per UNESCO Convention, and ensure that secret or sacred knowledge does not have to be revealed. Best addressed on a regional basis in conjunction with specialist services and expertise.</p>
<p>12. Who should provide consent or authorisation for proposals that will affect Aboriginal sites?</p>	<p>WA Museum: It is implausible that any government would resilie from being the final decision maker, however any assessing body must be able to make an informed recommendation which can only be done if sufficient information is provided. The attitudes and wishes of Aboriginal community and their reasons are of paramount importance in informing recommendations.</p>	<p>WA Museum: Government may always have the unenviable task of balancing widest community needs against specific issues.</p>
	<p>AHWA: The current system fails to meet the expectations of those most affected. Greater impartiality and transparency is needed to protect the integrity of assessment processes undertaken by government officers.</p>	<p>AHWA: Final consent should remain with the Minister, acting on advice obtained through a regionally based approach which includes evidence of comprehensive consultation with Aboriginal people and communities with associations to the site.</p>
	<p>Local Government: Principles for assessment need to be clearly defined and the decision-making process transparent and reflective of the Aboriginal Community. It needs to be a collaborative process that is easily understood.</p>	<p>Local Government: Concur with the Museum comments and offer that whatever process is determined for authorisation it needs to reflect a stepped-out approach be scalable. Suggest as a starting point review the Heritage Risk matrix and audit the sections 18s to determine which sites were being considered and what the outcomes were.</p>

	<p>More resources to improve its appeals, monitoring and enforcement processes. The Site Recording Forms need to again be amended so that they are simpler to use, and no longer inhibit the registering of Aboriginal sites.</p> <p>Culture and Arts: There needs to be greater rigour in the due diligence of the administrative and assessment processes associated with Section 18 applications, to withstand inevitable external pressure from developers. This is particularly strong during periods of economic expansion.</p>	<p>Further consideration of the Land Administration Act a tool and further development of land use agreements to place to streamline decision-making processes at the front end and mechanisms to ensure compliance and monitoring of individual activities for such agreements to be effective.</p> <p>It is also important that the creation of efficiencies is not achieved through weakening agreements /arrangements that are negotiated.</p> <p>Culture and Arts: Advice to the Minister should be provided jointly by a Director General and the Chair of the assessment entity (currently the ACMC), with the latter role designated as being held by an Aboriginal person.</p>
<p>13. To what extent is the current section 18 application process effective and how can it be improved?</p>	<p>AHWA: Section 18 is process is overused, and currently seems to be the core business activity in administrating the Act.</p> <p>Local Government: The process needs to be streamlined. Observation that issues occur with this process because of a lack of awareness of the importance of the process.</p>	<p>AHWA: This section should be only used in extreme exceptions, rather than the norm. Section 18 process should be much more stringent and be outlined in the AHA Regulations. The purpose of the Act should be to safeguard and manage Aboriginal cultural heritage, rather than enabling disturbance or destruction of sites.</p> <p>Local Government: Improved educative processes.</p> <p>The Aboriginal Heritage Act's Due Diligence Guidelines should be more widely distributed and promoted.</p>

	<p>Local Government need more support on consultation and engagement strategies:</p> <ul style="list-style-type: none"> • when is consultation necessary, mitigation strategies; • existing relationships and community engagement sentiment towards a project; • timing of Consultation; • cultural Protocols which may exist (i.e. group decision making process, timing); and • include Community Engagement Charter. Like the principles reflected in the South Australian Planning framework. <p>Any proposed changes to section 18 will include an amendment to allow Aboriginal people with an interest in the land to appeal.</p> <p>Decisions regarding Section 18 applications need to involve the whole of government and be made after detailed consultations with the relevant groups of people have been sought and carried out.</p>	<p>Review the guidelines (most recent 2013) and develop an education programme on key considerations:</p> <ul style="list-style-type: none"> • location of Aboriginal heritage sites or areas where it is likely sites to which section 5 of the AHA will apply; • understanding the level of impact of proposed works; • improve the understanding of the 'Heritage Risk Matrix' framework; • understanding the register in context of place - going beyond Local Government boundaries and understanding what the heritage values associated with a site are and where they are located, this will inform decision making process for section 18 considerations. <p>Requirement to maintain a local inventory of Aboriginal heritage like the Municipal Inventory in the <i>Heritage Act 1990</i>. (refer to comment in Q18)</p>
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<p>14. What provisions could be included in an amended Act to ensure the long-term protection of aboriginal sites where alternative statutory arrangements do not apply?</p>	<p>AHWA: The Act was intended to protect all Aboriginal cultural heritage within the State, however this has not always been implemented.</p>	<p>AHWA: The Act should be worded as to provide for the assessment, management, preservation and safekeeping of all Aboriginal Cultural Heritage (refer Question 1) within WA, and ensure appropriate funding to do so.</p>
<p>15. Are the enforcement provisions under the Act adequate to protect sites? If not, how can they be improved?</p>	<p>WA Museum:</p>	<p>WA Museum: The rights of local community to protect, manage and enforce appropriate behaviour in places under their jurisdiction needs to be in force under legislation, or practice in AHA management.</p>
	<p>AHWA: No, given the exceedingly low number of (unprosecuted) infringements since the implementation of the Act.</p>	<p>AHWA: Provisions need to be clearly spelt out and enforced through a statutory process.</p>
<p>16. Are the current penalties under the Act adequate? If not, how can they be improved?</p>	<p>WA Museum: Current penalties seem remarkably trivial. Claims of ignorance of the law may need to be more strenuously fought.</p>	<p>WA Museum: The time frame for prosecution, application of penalties, appears to be inadequate given the time necessary for evidence gathering.</p>
	<p>AHWA: Current penalties do not appear to be an effective deterrent.</p>	<p>AHWA: Section 62 should be removed. Proactive enforcement of more severe penalties.</p>

	<p>Local Government:</p> <p>Penalties under the Act should be increased to match those of comparable legislation. For example, penalties under the <i>Heritage Act 1990</i> were strengthened in 2010 to include an increase in fines for illegally damaging or demolishing a heritage site of up to \$1 million. The Heritage Council is now also able to place a development moratorium on a property of up to 10 years.</p> <p>Objective 15 of the Act is robust and improved penalties would strengthen the objectives of the Act notably section 15 which states:</p> <p>Any person who has knowledge of the existence of anything in nature of Aboriginal burial grounds, symbols or objects of sacred, ritual or ceremonial significance, cave or rock painting or engravings, stone structures or arranged stones, carved trees, or of any other place or thing to which this Act applies or to which this Act might reasonably be expected to apply shall report its existence to the Register, or to a police officer, unless he has reasonable cause to believe the existence of the thing or place in question to be already known to the Registrar.</p>	<p>Local Government:</p> <p>Review the <i>Heritage Act 1990</i> for applicability of similar penalties.</p>
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	Higher penalties would be an incentive and improve the effectiveness of the Act to protect heritage sites and objects.	
17. Should a defence continue to be provided where the disclosure of information (section 15) is against customary laws/protocols?	AHWA: Refer to AHWA's response to Q11.	AHWA: A clear case exists for the continued adoption of this provision.
18. Are the criteria for assessing the significance of sites under section 39(2) and (3) adequate to evaluation whether a site should be added to the Register? If not, what should the criteria be to assess the significance of a site?	WA Museum:	WA Museum: Criteria are limited, and both sections 5 and 39 should be applied equally. The over emphasis on sites of religious or ceremonial significance in the AHA at the expense of other types of places should be addressed.
	AHWA: current criteria do not align with ICOMOS & UNESCO instruments.	AHWA: Act should incorporate criteria outlined in the ICOMOS <i>Burra Charter</i> and accompanying <i>Practice Note for Indigenous Cultural Heritage Management</i> in regard to the assessment, protection and management of sites, as well as UNESCO Conventions for World Heritage and safekeeping of Intangible Cultural Heritage. The current criteria do not adequately support the value placed on historical heritage sites, and thus inadequately protected, or in some instances have been registered under the <i>Heritage of Western Australia Act 1990</i> .
	Local Government: Suggest this section would benefit from principles which have been referred to throughout the response. This would assist with guiding a broader conversation about what	Local Government: Suggest looking at <i>Heritage Act 1990</i> and concept of Local 'Municipal Inventories'. Local governments are required to compile them, by provisions in the <i>Heritage of Western Australia Act 1990</i> . In

	<p>criteria matrix would be best to service the intent.</p>	<p>terms of form and substance, Local Government Inventories can best be described as 'local heritage surveys'. As such, they are common practice in WA and throughout Australia, as the foundation of sound local heritage planning. They identify local heritage assets in a systematic fashion, and provide the base information needed for local heritage planning to achieve consistency, strategic direction, and community support.</p> <p>They, are not mandatory, save for a requirement that inventory findings be publicly available (clauses 10 and 12).</p> <p>The Aboriginal Cultural Materials Committee increase its membership to statutorily include at least one Specialist Anthropologist, as the Aboriginal Heritage Act dictates. Site Recording Forms used by the ACMC need to be reviewed to ensure they do not inadvertently inhibit the registration of Aboriginal sites.</p>
<p>19. What should be the steps to report, nominate, assess, enter, amend or remove an entry from the Register?</p>	<p>WA Museum:</p> <p>AHWA: current procedure is not clearly defined in Act nor Regulations</p> <p>Local Government: Principles to underpin the Act.</p>	<p>WA Museum:</p> <p>Community involvement, and transparency are vital at all steps in the process.</p> <p>AHWA: Cultural Heritage should be assessed on level of significance as per Burra Charter and applicable UN Conventions. Suitable processes to consider when developing this for the Regulations include the NSW Heritage Office significance processes, WA State Heritage Office processes, ICOMOS Burra Charter and accompanying practice notes. These should be clearly defined using simple, straight forward language.</p> <p>Local Government:</p>
<p>20. What do you think is missing from the Act?</p>	<p>WA Museum:</p>	<p>WA Museum:</p> <p>Greater emphasis on Aboriginal voice and control.</p>

	<p>AHWA: Appropriate acknowledgement and involvement of Aboriginal people and communities. Limited and outdated notion of heritage. Fails to adequately address the complexities of Aboriginal Heritage. Greater focus on protection of cultural heritage rather than mitigation of impact.</p>	<p>A much broader notion of Heritage places and significance.</p> <p>AHWA: Needs to be worded in a way that is easily digestible (across community) and clearly reflects the voices of the Aboriginal community.</p>
	<p>Culture and Arts: An acknowledgement that site protection should extend beyond physical protection, to the protection of Indigenous intellectual property associated with a site. Arts Law have extensive experience working in this area and could be consulted in relation to this. Arts Law are jointly funded by states, territories and the Commonwealth, including by DLGSC.</p>	<p>Culture and Arts:</p>
<p>21. What sections, if any, do you think should be removed from the amended Act, and why?</p>	<p>WA Museum:</p>	<p>WA Museum: Remove: The Act says the Registrar has a list of all Aboriginal cultural material. This is patently untrue and beyond the scope of what is essentially a land management unit. The State collecting institutions are better placed to maintain lists of materials in their respective collections. Better articulation between the site register, and the materials held in collecting institutions from those places would be ideal</p>

	AHWA:	AHWA: Section 62 and 39 should be redefined as regulatory measures and Section 18 rewritten to curb over usage. The Act should be written in a clear, concise and transparent manner better reflecting the views of those who's heritage it is designed to protect.
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