

4 June, 2012

Chief Heritage Officer
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Government of Western Australia
Department of Indigenous Affairs
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**Submission on proposals for regulations and amendments to the
*Aboriginal Heritage Act 1972***

I want to make it very clear that I object most strenuously to the (seven) proposed changes as outlined in your Discussion Paper of April, 2012.

The recommended changes to the *Aboriginal Heritage Act 1972* (the Act) is a cynical and mean-spirited move to steal the rest of the First Peoples' Land and to stamp out their Traditional Spirit and Law.

Naively, I believed that our governments had learned something from the history of the maltreatment of the First People. Instead, what I find is another governmental attempt to complete the theft from the original Owners of their Land and the completion of colonisation that began two hundred years ago.

The reality is one of ongoing displacement, desecration and contempt of the Knowledge, Law, Spirit and Sacredness of the Oldest Living Culture on the planet in order to pander to the vested interests of mining and development.

White law is consistently being used in an attempt to assimilate the First People into a white culture that, quite frankly, deliberately has no understanding of the Culture and Law of a People who could impart great wisdom to your neophyte culture. However, just like a spoiled two-year-old, your culture cannot see beyond the fact that you want it all and you want it now! Your Eurocentric position has resulted in the destruction of the ecosystem and no future for Seven Generations hence.

If there was any intent of honouring the Knowledge, Culture and Religion of the First People, then the very first thing that would have been done would have been to change the title of the Act to the *Aboriginal Heritage PROTECTION Act*. Instead,

mining and development interests have taken precedence over the Sacredness of the First People.

Firstly, I wish to object to the amount of time given for public submission. You advertised for submissions in the *West Australian* on 20 May, 2012. I then note that we were given just three weeks to answer the propositions put forward, even though the Minister's letter claims we have five weeks. This time line has made it impossible to do a comparative analysis, provide information and study all of the adjunct laws (State, Federal and International) to reply in depth to your recommendations.

I therefore will continue to state that I do not like the direction of your recommendations at all. They fly in the face of Native Title, natural justice and the rights of religious freedom.

Before I am accused of being negative and having no positive input I make the following recommendations:

Throw out this 'discussion' paper and the proposals contained therein and start over.

Start over with a **vision** founded on the importance of the Sacredness of the First People.

Start over by **honouring** the proven ongoing Links, Ties and Connections of the Aboriginal People to their Land.

Start over by forming an Act that **protects** the Sacredness of the First People.

Start over by **fully and properly consulting** with the First People. **Under Black Law**, only People **of** Country can speak **for** Country **on** Country. This is currently not happening and it definitely will not happen under your recommendations.

Start over by taking away your Eurocentric definitions of Black Culture and **gain some depth of understanding of Black Law** (which precedes your white law by at least 40,000 years or, as voiced by the First People, '*since the Beginning of Time*').

Start over by **understanding** that Indigenous Cultures do not separate the material from the Spiritual.

Start over by understanding that the **preservation of Sacred Sites and Sites of Significance benefits all Australians.**

Start over by gaining some humility and actually at **least attempt to learn** instead of constantly prescribing and stealing.

Start over by realising **you do not know best.**

Start over by **fully and properly consulting with Aboriginal People** (this is not, and has never, happened).

Start over by **acting honourably** on the results of full and proper consultations and not just using supposed consultations (many times with People who are not even of Country) as a box to be ticked to gain a *Section 18*.

Start over by considering **procedural fairness and natural justice for the First People** instead of falsely claiming that miners and developers are being denied natural justice and procedural fairness.

Start over by **stopping** the constant use of stealth to wrest the First Peoples' Land away from them.

Start over **by recognising Indigenous ownership of their Land** and not allow faceless men to gain rights of **desecration over Land they do not own.**

Start over by **telling the truth** to the general Australian public and stop scapegoating the First People who continually work to honour their Traditions, Spirit, Laws and Customs.

Start over by **respecting** the Laws, Traditions, Religion and Customs of the First People.

Start over by actually taking positive steps to **protect** the Laws, Customs, Traditions and Sacredness of the First People.

In conclusion, I repeat that your discussion paper and its seven proposals are an insult, show a complete lack of will to protect the Laws, Customs and Traditions of the First People and, quite frankly, spits on their Sacredness.

I recommend that these seven proposals be discarded and a new look at The Act be commenced in full and proper consultation with the First People and with the view to honouring the Sacredness of the Traditional Peoples.

Yours for justice,

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4 June, 2012

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**Subject: Submission of proposals for regulations and amendments to the
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