

David Silcock
52 Stewart St
Brunswick VIC 3056

HERITAGE OFFICER
HERITAGE AND CULTURAL BRANCH
DEPARTMENT OF INDIGENOUS AFFAIRS
P.O. BOX 7770
Cloisters Square, Perth
WA, 6850

SUBMISSION – REVIEW OF ABORIGINAL HERITAGE ACT

I am sending you this submission to tell you my concerns regarding pending changes to the State of Western Australia's Aboriginal Heritage Act (the Act). Whilst I believe the current act does not provide enough protection the proposed amendments to the Act I believe will further weaken it.

My main concerns are listed below.:

1. Unlike the 1972 Aboriginal Heritage Act, the proposed changes will make null and void the following, see Hansard WA Legislative Council on 11th April 1972 (473), "The Act will apply to any place connected with the traditional cultural life of the Aboriginal people – past and present – and any place including any sacred, ritual or ceremonial site, which is of special significance to persons of Aboriginal descent; any place which in the opinion of the trustees is or was associated with Aboriginal people and which may be of historical, anthropological, archaeological, or ethnographical interest; and any place where objects of sacred, ceremonial, or ceremonial significance are stored."
2. The legislation does not take into account and provide protection for sacred Aboriginal Heritage Sites, sacred in a way that myself, a 'whitefella', still have difficulty understanding which are yet to be officially identified and registered. The act needs to be ready for new sites being discovered immediately granting protection on notification to the appropriate authorities.
3. The consultation period is woefully too short and it is wrong to legislate a time period. How can we know what may be discovered, what area it may cover. Sufficient time must be allowed for cultural and scientific investigation.
4. Again similar to wrongly allotting a fixed time period trying to stipulate where items of heritage may be found fails to understand that there is over 40,000 years where heritage sites could be established. The threat to remove Heritage from existing sites should be immediately scrapped.
5. The current act can be used to stop anything or one who damages any listed Aboriginal site. The 4th proposal should be struck out as does not clarify the existing act, in fact it reduces clarity.

Again the proposal to only grant those Australians who have the closest association with these sites should be re-worded to recognise the deep cultural significance these sites have for their traditional owners.

6. The 7th proposal, aimed at streamlining decisions concerning Indigenous Heritage, by amending both the Aboriginal Heritage Act 1972 and the Environmental Protection Act 1986, needs re-assessing. It states that the Environmental Protection Authority shall not be required to consider

Aboriginal Heritage in their environmental impact assessments because these are “properly addressed in another process of Government”, this seems far from adequate and requires further clarification. Environmental factors must be considered with regard to preserving these sacred sites with protection guarantees as a pre-requisite requirement prior to any operations that give commercial benefit from the concerned site.

7. Whereas the Environmental Protection Act contains provisions for developmental proposals to be made by the public, there are no such provisions made within the Aboriginal Heritage Act. The Environmental Protection Act allows for third parties to seek submissions and expert opinions and yet the Aboriginal Heritage Act has no such similar provisions which can veto or prevent intended or unintended breaches to the Act.

This is entirely discriminatory in respect of Tribal peoples cultural heritage and spirituality.

Given that Australia contains some of the most ancient heritage sites in Human history, some dating back to at least 40,000 years. It is therefore important for the state, country and the whole of humanity that these sites are protected and preserved. Only this can guarantee our children and our childrens' childrens ability to learn and celebrate our human history held within these sites.

I trust that you accept my submission and that we can maintain the appropriate protections for these wonderful sites.

Sincerely,
David Silcock