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Dear Sir/ Madam

I am writing today to express my opinion on the matter of the review of the Aboriginal Heritage Act. This review is causing myself and a number of fellow Australians concern. The current act provides insufficient protection for our Indigenous heritage and the proposals in the discussion paper appear to weaken what is already inadequate protection. Please find below a number of changes to the Act which is causing me to worry.

In the 1972 Act it is clearly stated .473 that “ 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 is stored.” The legislation reduces the level of protection for these sites by applying only to those which are listed on ‘Register of Sites’. This does not include areas subject to heritage surveys. A process needs to be put in place which can efficiently add **all** areas of Aboriginal heritage to the Register, to ensure the continuing protection for these important sites. Also in relation to the Register of Sites, it has been proposed that sites which have no current use or continuing use will be taken off the list. These sites help to record Australia’s history and it is important ensure permanent protection for these areas. The protection of all Indigenous sites should have upmost importance, to preserve our cultural heritage.

As proposed in section 4, regarding site impact avoidance certificates, it is mentioned that “new provisions enables the Minister and Departmental delegates to certify that activities on, or in the vicinity of, Aboriginal sites will not result in significant impact on the importance and significance of any Aboriginal sites.” There is no clear definition of what constitutes significant harm. The current legislation clearly states that any person whom “excavates, destroys, damages, conceals or in any way alters and Aboriginal site” commits an offence. The proposed changes to the legislation will reduce the protection of Aboriginal site.

Also proposed in section 4 are changes to the traditional land owner’s rights to consent to proposed development. As stated “ensure appropriate consultation and fair decision-making and to enable the Department to promote agreement between applicants and traditional custodians to enable certificates are issued” The act of consulting traditional custodians differs from their right of veto any development they think will cause significant harm. They should have to final right to agree or dis agree. The actual family of traditional custodian(s) whom are identified when the site was registered must be consulted and have the right to veto, not a representative body, unless the traditional owner give the representative body the right. Giving departmental delegates powers to certify site impact certificates is a high risk proposal, which must be carefully managed if it is implemented. There needs to be a transparent system which ensures public officials are not unduly influenced by developers or government ministers.

I object to the proposal made in section 7, which plans to make adjustments to the Aboriginal Heritage Act 1972 and the Environmental Protection Act to streamline decisions made about Aboriginal heritage. This request plans to remove the requirement of the Environmental Protection Authority to consider Aboriginal heritage in their environmental impact assessments, as these matters are “properly addressed in another process of Government” There is no clarity about what these other processes of Government are. Neither the Department of Indigenous Affairs nor the Aboriginal Heritage Act has any capacity or expertise to judge the long term environmental impacts of a development project. Immediate or short term disturbance is uncomplicated to predict, but assessment by the Environmental Protection Act can envisage how activity can impact on the long term survival of a heritage site. For example; if the water level is changed and causes a jilla to go

dry or if the wind or currents are changed causing a midden to be scoured or removed. This information needs to be provided to ensure all the details of effects to a site is presented before any further planning is approved.

In addition the Environmental Protection Act contains a provision for the public to refer development proposals for assessment. The Environmental Protection Act also includes the right to seek public submissions and expert opinion. There are no such recommendations for the Aboriginal Heritage Act to have similar provisions until such time that a breach of the Act occurs. Denying the people of Australia the right to voice an opinion regarding proposed development is disgraceful.

All over the world various nations celebrate and preserve their heritage. Australia's Aboriginal heritage is one of the oldest in the world, yet our Government allows these sites to be destroyed. Any changes to the Aboriginal Heritage Act should be to create further protection, and guard against mining companies who destroy these sites simply for monetary gain. Please don't wait until we are about to lose all our precious assets before we decide it is time to protect them. Together, let's make this Australia, one we can all be proud and happy to call our home.

Yours Faithfully

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