

REVIEW OF THE ABORIGINAL HERITAGE ACT 1972 (WA)

INVITATION FOR FEEDBACK



In brief

- Review of the Aboriginal Heritage Act 1972 (WA) is currently underway.
- As part of the review process, a Discussion Paper has been developed identifying the 7 key proposals for reform.
- The Department of Indigenous Affairs invites submissions by 5 June 2012.

As part of its Review of the Aboriginal Heritage Act 1972 (WA) (the Act), the Department of Indigenous Affairs of Western Australia has issued a Discussion Paper outlining 7 key proposals for amendment of the Act.

The proposed amendments have been developed with a view to achieving improved clarity, compliance, effectiveness, efficiency and certainty under the Act.

Views are sought on a range of reforms, including:

1. Regulations

It is proposed to create Regulations which would prescribe a set of standardised forms, administrative processes for dealing with information on the Register, and security and confidentiality procedures.

2. Additional criteria for assessment by the APMC

It is proposed that a set of criteria be put in place to assist a determination as to whether a place or object is of anthropological, archaeological or ethnographical interest. The proposed criteria include prescribed heritage criteria in line with broader State heritage considerations.



3. Penalties for offences against the Act

It is proposed to amend the Act so that this onus only falls upon an accused person if the places or objects were registered. In relation to penalties, it is proposed to amend the Act to include additional penalty options such as court orders of remediation and other civil penalties.

4. Site Impact Avoidance Certificates

It is proposed to create a new category of approval that could be issued by the Department in the form of a certificate certifying that the proposed activities would not result in significant impact upon sites potentially protected by the Act.

5. New fees

It is proposed to introduce fees to cover the costs of services such as applications, certificates, surveys, consultations, production of information and related services.

6. "Owner of the land"

It is proposed to amend the terminology in s.18 of the Act to clarify that any person proposing to enter land and carry out lawful activities is required to observe the requirements of the Act.

7. Streamline applications with EPA

To prevent duplication of process, it is proposed to investigate options to remove this requirement under the EPA in order that considerations of Aboriginal heritage are referred exclusively to the ACMC.

For more information, please contact **Cheryl Edwardes**, Partner, on +61 (0)8 9422 4793 or cheryl.edwardes@hfw.com, or your usual HFW contact.

Have your say

The Minister for Indigenous Affairs has invited comment in writing in relation to the proposed amendments by 5 June 2012.

Submissions can be made in writing and emailed to aha@dia.wa.gov.au or posted to:

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