

# Protecting Aboriginal and Cultural Heritage



**Mark Gifford**  
**Director Reform and**  
**Compliance**



## Legislative Framework

### Part 6 of the National Parks & Wildlife Act 1974

- Administered by the DECC
- Protection for Aboriginal objects and places
- Offence provisions:
  - Cannot disturb or move Aboriginal objects or destroy, deface or damage Aboriginal objects and places without approval.



## Determining Permits and Consents

**The DECC's policy is that applicants should:**

- consider the significance of an Aboriginal object or place
- seek the views and involvement of Aboriginal people
- avoid or mitigate impacts

The DECC recognises that Aboriginal people are the owners and interpreters of their heritage



## **The challenges**

- **Legislation is out of date**
- **Established to prevent trading of artefacts**
- **Regulatory engagement now principally through the planning system**
- **Dissatisfaction for both Aboriginal communities (loss of culture) and developers (delays and costs)**



## Current initiatives

- A major review of the *Interim Community Consultation Requirements for Applicants*
- Revising standards, guidelines and assessment requirements
- Clarifying operational policies to improve consistency and effectiveness of our regulatory role
- Developing a compliance and enforcement program
- Promoting major legislative reform



## **Interim Community Consultation Requirements for Applicants**

- **Developed in response to legal challenges to:**
  - **clearly state, that the Aboriginal community are the primary determinants of the significance of their heritage;**
  - **clarify roles and responsibilities;**
  - **set requirements for consultation;**
  - **set requirements for engaging Aboriginal communities; and**
  - **ensure a workable system for Aboriginal communities and other stakeholders**



## **Consultation Requirements cont'd**

- **DECC recognises that there are issues**
- **We are committed to consulting broadly on the *Consultation Requirements* through a series of forums around the state**
- **Developing a discussion issues paper**
- **Our objective is that a revised *Consultation Requirements* will be available late 2007**

