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Indigenous Heritage Law Reform
Heritage Division
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Indigenous Heritage Law Reform

Members of the Ngambri Local Aboriginal Land Council submit the following for consideration in the Indigenous Heritage Law Reform (ATSI protection Act 1984).

Accreditation systems simply will not work, once the Federal government cedes rights to the States and Territories, Indigenous Heritage and Culture is exposed to exploitation by lobby groups and corrupt property developers, mining interests. Federal Government cannot give assurance this will not occur.

Once a site is discovered or covertly obscured the State or Territory government can circumvent Indigenous interests other than those Indigenous groups initiated by Local, State and Territory governments. Far too many sites have been lost to history, this legislation does not need to abrogate Federal protection capacities or responsibilities to State or Territory governments.

History with Local, State and Territory government's ability to circumvent overarching Federal legislation in all facets of Indigenous Affairs is well documented, this legislation is not exempted from that harsh reality.

Processes for Local, State and Territory governments to manufacture traditional custodians over Incorporated community based organizations limits traditional custodians from validating authenticity over those manufactured by Local to please State governments is simply a "means to an end" and generates history wars, ceding more powers to Local, State, Territory governments supports divisiveness in the community.

More detail would need to reveal the purpose of why new criteria is needed and how it substantially protect Indigenous heritage. New timeframes for emergency declarations assumes that there will be lack of consultation and planning prior to any event that may endanger Indigenous Heritage, more detail would need to be provided.

Applicable only if Native Title laws are not revoked, abolished, it is unlikely Federal governments would commit to revocation guarantees.



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It would need to be recognized that the preservation of Artifacts recovered from surveys prior to developments in dedicated Indigenous owned land with assurances that attempts are not made to develop in the area, nature reserves that are off limits to the public would be acceptable. Definitions "defined by whom".

What the submission documents fail to highlight is who have the Federal government lost too in the Federal Courts, has it been Local, State and Territory governments or mining and land development groups that have prompted this need to appease, and sacrifice Indigenous heritage.

Australia growing at such a rapid expansion rate means short cuts to achieve outcomes, whether by governments, mining groups or property developers. Introduction of new offences in conjunction with increasing harsher penalties for such acts, without appeal, is long overdue and the only deterrent.

Federal powers to override Local State and Territory, legislations should be the mainstay of this reform given this proposed rapid growth.

Yours sincerely

Colin Williams

CEO

On behalf of Ngambri Local Aboriginal Land Council
members