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Indigenous Heritage Law Reform
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To whom it may concern

Indigenous Heritage Law Reform

The Heritage Advisory Council (HAC) has an important role in administering the NT *Heritage Conservation Act*, an Act which provides statutory protection to places of natural and cultural significance in the NT. Therefore the HAC is in a good position to comment on possible reforms to legislative arrangements for protecting traditional areas and objects, as outlined in the 'Indigenous heritage law reform' discussion paper dated August 2009.

The HAC has some significant reservations about what is proposed in the discussion paper, including the premise that management of Indigenous heritage in the Northern Territory would be improved at this point through the mechanism of new Commonwealth legislation. It seems to the HAC that the *ATSHIP Act*, which commenced in 1984, may have played a useful role at the time it commenced but that, in the Northern Territory at least, its role has been superceded. This is because since then, a range of legislation and policies have been put in place at the Territory and Federal level which now provide a sound framework for management of Indigenous places and objects in the NT.

Most significantly, the NT *Heritage Conservation Act* commenced in 1991 and provides automatic protection for archaeological places and objects of Aboriginal and Macassan origin throughout the Northern Territory. The Heritage Branch within the NT Department of Natural Resources Environment the Arts and Sport (NRETAS) administers the Act in

conjunction with the HAC. Sacred sites are dealt with by the Aboriginal Areas Protection Authority under the terms of the *Northern Territory Aboriginal Sacred Sites Act*, which commenced in 1989. The HAC believes this system is currently working well for the NT.

The HAC has some significant reservations about the detail of what is proposed in the discussion paper, including the emphasis on involving Traditional Owners in all decision-making. This is an admirable objective, but in reality there has to be a contingency plan for making decisions where such involvement is not achievable. Accordingly the HAC urges the Commonwealth to recognise the robust nature of the current legislative and administrative arrangements in the Northern Territory in any new legislative proposals for Indigenous heritage protection.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'B Reid', written in a cursive style.

Dr Brian Reid
CHAIRMAN

6 October 2009