



HERITAGE  
COUNCIL  
OF WESTERN AUSTRALIA

23 September 2009

DEWHA  
06 OCT 2009  
Heritage Division

Indigenous Heritage Law Reform  
Heritage Division  
Department of Environment, Water,  
Heritage and the Arts  
GPO Box 787  
CANBERRA ACT 2601

Dear Sir/Madame

## INDIGENOUS HERITAGE LAW REFORM

The Heritage Council of Western Australia (the Council) thanks the Department for the invitation to make a submission on possible reforms to the legislative arrangements for protecting traditional areas and objects.

The Council is created by Section 5 of the *Heritage of Western Australia Act 1990* (the Heritage Act), and is charged with identifying, conserving and, where appropriate, enhancing places of significance to the cultural heritage of Western Australia. The Council, with the assistance of the Office of Heritage, maintains the State Register of Heritage Places (SRHP), a list of places that have been identified as having cultural heritage significance and for which the protection afforded by the Heritage Act is deemed appropriate. Places are entered in the SRHP at the direction of the Minister for Heritage.

By its own terms, the Heritage Act could be applied to protect places of indigenous heritage significance. However, the Council rarely seeks to include places of purely indigenous heritage significance in the SRHP, in deference to the expertise and jurisdiction of Western Australia's Department of Indigenous Affairs (DIA), which administers the *Aboriginal Heritage Act 1972*. That Act includes provisions for protecting indigenous heritage places and objects. DIA has the necessary expertise to identify and protect indigenous heritage in a culturally-sensitive manner.

The Council fully supports the aims of the reform, being to ensure that Indigenous Australian will have the best opportunities to protect their heritage and to cut duplication and red tape by establishing a nationally consistent approach to protecting Indigenous heritage based on best practice standards. The Council applauds the Australian Government's commitment to working with the states and territories to ensure that there is effective protection of Indigenous heritage nationwide.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Marion Fulker', with a long, sweeping flourish extending to the right.

Marion Fulker

**CHAIRPERSON**