



2 November 2009

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

**Comment on the Proposed Changes to the:
Aboriginal and Torres Strait Islander Heritage Protection Act 1984**

We appreciate the opportunity to comment on the proposed changes to the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHP Act).

We agree that laws are required for the protection of traditional areas and objects of importance to Australia's Indigenous peoples. If these laws are effective, our shared culture will be enriched and all Australians will benefit.

It is often the vagaries of which traditional areas and objects are important, which leads to the frustration of developers, indigenous peoples and government officials. It would therefore be useful to clearly state what is protected under the Act. It may be worth establishing a register of all important traditional areas and a list of important indigenous objects to alleviate confusion and to reduce the amount of time and money wasted on proposed activities or projects which are found to have an impact.

A clear process should be established for these activities or projects which need to be reviewed under the Act. Alignment of State and Commonwealth Government approaches would be beneficial to establish a consistent approach to protecting indigenous heritage. We applaud the Australian Government on this commitment which will definitely cut duplication, red tape and cost to all parties.

We agree that an early application and approval process will benefit all parties. Applications for projects should be processed on a conceptual basis. Developers would then have a clear indication at an early stage whether a project is acceptable, possibly acceptable or not acceptable. If the project is then pursued with "possibly acceptable" status, more detail information would need to be provided by the developer.

Our only concern with this process is that in time, more and more information tends to be required and it would therefore be useful to cap the amount of information and consultation required, so that this doesn't creep.

Quick processing of applications by the relevant authority would also be beneficial.

It is important that potential impacts on indigenous heritage are considered on a balanced basis, taking into account the traditional custodians views along with all other social and economic considerations.

We trust that our comments are of some benefit to this positive initiative by the Australian Government.

Yours sincerely,


John Fraser
Managing Director