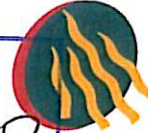




Hon Stephen Robertson MP
Member for Stretton

Min No: C	Link:
Division: HD	Date: 10/1/10
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<input type="checkbox"/> Covering Brief	<input type="checkbox"/> Departmental Reply
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<input type="checkbox"/> CoS/Adviser Reply	<input type="checkbox"/> Campaign
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Queensland
Government

Ref MO/09/0901
CTS 09024/09

Minister for Natural Resources,
Mines and Energy and
Minister for Trade

The Honourable Peter Garrett AM MP
Minister for the Environment, Heritage and the Arts
Parliament House
PO Box 6022
CANBERRA ACT 2601

13 JAN 2010



Dear Minister

Thank you for inviting the Queensland Government to comment on the Australian Government's *Indigenous Heritage Law Reform Discussion Paper*. The Premier has asked me to reply on her behalf.

The Queensland Government is committed to ensuring a strong framework for the protection of Aboriginal and Torres Strait Islander cultural heritage and I support the Australian Government's goal of a better system of protection and management.

It is important to ensure that State/Territory and Commonwealth law do not duplicate each other, while continuing to benefit Aboriginal and Torres Strait Islander people, proponents and government. Accrediting State and Territory legislation has potential to be a method for reducing duplication, given appropriate accreditation criteria. Whether Queensland pursues accreditation, will depend on the flexibility of the accreditation criteria, transition costs, relative ongoing operational costs and Commonwealth financial support.

It is important that the accreditation criteria recognise legislation that protects cultural heritage without providing for the direct assessment and approval of activities by State and Territory governments. For this reason, I have concerns that proposed criteria 3, 4, 10, 11, 12 and 17 are too rigid and would likely discourage Queensland from seeking accreditation. I also have concerns that a requirement for States and Territories to consider the views of the Australian Government before allowing an activity will undermine the key benefits of an accreditation system.

Based on my experience of working towards accreditation under the Commonwealth *Native Title Act 1993*, flexibility and collaboration between governments will be vital if the proposed reforms are to achieve their best possible outcomes.

Queensland's *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* are currently being reviewed, and a *Key Issues and Draft Recommendations* paper has been released for public comment. In light of this consultation, I will be in a better position to comment on possible Commonwealth legislative arrangements and interactions.

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I look forward to working with you towards a better, more coordinated approach to the protection and management of Aboriginal and Torres Strait Islander cultural heritage.

Should you have any further enquiries, please do not hesitate to contact
M: Acting Principal Advisor on telephone (07)

Yours sincerely

A handwritten signature in blue ink, consisting of several overlapping, fluid strokes that form a stylized representation of the name 'Stephen Robertson'.

STEPHEN ROBERTSON MP