



Australian Government

Department of the Environment, Water, Heritage and the Arts

Submission form

**Possible reforms to the legislative arrangements
for protecting traditional areas and objects**

The Australian Government is seeking feedback on proposals for more effective laws to protect Indigenous traditional areas and objects across Australia. The government has published a discussion paper that describes 15 proposals to achieve this aim by developing new legislation to replace the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*. The discussion paper is available at:

www.heritage.gov.au/indigenous/lawreform

The government is interested in hearing your views about the best way to reform the legislation. To encourage people to make submissions we're holding information sessions based on the government's network of Indigenous Coordination Centres across Australia. We will also meet with key representative groups such as native title representative bodies and land councils, state and territory governments, organisations involved in protecting Indigenous heritage and peak industry bodies.

How can I have my say?

This form is designed to make it easy to respond to the proposals and questions in the discussion paper. There is additional space for comments on the back page.

To make a submission please complete this form and email it to atsihpa@environment.gov.au, or post it to:

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

Alternatively you may wish to make your submission in a different format and send it to one of the addresses listed above.

The deadline for submissions is Friday, 6 November 2009.

What should I put in my submission?

It is up to you what you put in your submission.

Your submission is more likely to have influence if you include brief recommendations about whether and how to improve the legislation, such as whether to use the proposals in the discussion paper. To assist you we have included questions with each proposal. However we encourage you to raise any issues that are important to you to ensure the information provided to government is as robust as possible.

You are welcome to add your own proposals for reforming the legislation if you wish.

Who will be able to read my submission?

We will not regard your submission as confidential. In general we intend to publish all the submissions we receive on our website. That way everyone who has an interest in the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* will be able to see what other people think about reforming this legislation. However we reserve the right not to publish a submission or any part of a submission, at our discretion. For example we will not to publish any part of a submission that:

- promotes a product or a service
- contains defamatory or offensive language
- expresses sentiments that are likely to vilify sections of the community
- contains personal information that could be used to identify third parties.

Anyone who visits our website will be able to view your submission. This means that other people will be able to view your personal information, such as your name and address or any other information that could be used to identify you, if you include it in your submission. *If you prefer we can conceal your address when we post your submission on our website. Please let us know if you want us to do this by ticking the box on page 4 or by including a similar statement if you make your submission in a different format.*

We will use your submission to prepare advice for the Australian Government about options for reforming the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*. As is normally the case with this type of advice, we will advise the government about the views of individuals or groups who have an interest in the legislation. This could mean that we provide some of your personal information, such as your name, to government ministers and other departments, for example the Minister for the Environment, Heritage and the Arts.

What if I need help?

If you need more information about making a submission please contact: **1800 003 1644**

Your details

Name: **Robert G. Bednarik**
Postal address: **P.O. Box 216, CAULFIELD SOUTH, VIC, 3162**

Other contact details (optional): **auraweb@hotmail.com**
Tel./Fax No 03-9523 0549

Tick if applicable:

Please tick this box if you do not want your address and other contact details included when your submission is posted on the department's website.

Web site (if applicable): **<http://mc2.vicnet.net.au/home/aura/web/index.html>**

Are you making this submission on behalf of other people or an organisation?

yes - please specify no

The Australian Rock Art Research Association Inc. (AURA) and the International Federation of rock art Organisations (IFRAO)

What is your interest in making a submission about this legislation? (optional)

Both AURA and IFRAO, the latter representing the world's rock art researchers, have long been greatly concerned about the internationally unacceptable state of protection in Australia, for the country's immovable cultural heritage, notably rock art and stone arrangements. This submission is made in my role as the elected Permanent Convener and Editor of IFRAO, which comprises forty-eight organisations around the world and represents 9000 researchers, and also as the elected Secretary and Editor of AURA.

Your overall comments

The Australian Government is proposing to reform the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* to improve Indigenous heritage protection laws nationally. The Act could be substantially amended or replaced. Details are in the discussion paper.

- ★ **Question 1: Overall, what do you think are the main problems with the current situation, and what improvements are needed?**

The main problem with the current situation is unlikely to be addressed by the proposed reforms, because they are structural and fundamental: any developed nation's cultural heritage is that nation's cultural heritage. In Australia it is not, as we have a two-tiered concept of cultural heritage: ours and "theirs". Therefore the construct of cultural heritage in this country helps perpetuate the us-versus-them mentality of the frontiers times, and we distinguish sharply between European and non-European (Aboriginal, Macassan, Afghan) heritage. This differs fundamentally from the way mature nations regard their cultural heritage: all their citizens regard all of the heritage of those countries as their own. This state is not likely to be achieved here in the short term, but perhaps this proposed reform can help us to move forward.

The issue is well illustrated by example: in Tasmania, the maximum penalty for damaging non-Indigenous cultural heritage is 500 times greater than that applying to Indigenous heritage (\$500,000 vs \$1000). This is a fair indication of our state of cultural apartheid. There is no European country that discriminates in such way towards ancient heritage, and yet no European nation can rightfully claim to descend from any prehistoric ethnic group. But Australia will experience a time when the nation's majority will be of Indigenous descent, and even now a small part of our nation descends directly from the makers of our rock art and stone arrangements. Yet we discriminate against this heritage systematically, in ways unacceptable in any developed nation.

Since we are a nation that practices cultural apartheid, any tinkering with legislation as proposed presently does not address the underlying fundamental issues. Reconciliation is conditional upon the elimination of cultural apartheid, and the acceptance that the sacrifices of tens of thousands of Australians repelling the British invasion were in defence of Australian soil, something that can be said by few European-descent warriors of this country. We celebrate Gallipoli, but not one of the hundreds of Australian sites where brave Australians fell in defence of their land. That is a fair indication of how far we as a nation need to travel before we reach maturity and reconciliation.

It would be naive to expect that this present proposed reform could make any major inroads into this underlying malaise, but it may be able to make a small contribution. To do so it needs to slow down the destruction of Indigenous heritage sites, which are irreplaceable and non-renewable, and which are rapidly being destroyed through inadequate consultation and shoddy impact assessments. These sites need to be treated in the same way as endangered species.

Proposal 1: Purposes of the legislation

The new legislation could set out its overall aims. This could be done using the points set out on page 11 of the discussion paper.

- ★ **Question 1.1: Do these points adequately express the purposes of the legislation?**

yes

no - please explain why not

1. In addition to Indigenous Australians there are many others who may request the protection of immovable cultural heritage, including, for example, archaeologists, anthropologists and various other researchers, as well as land owners and others. As key stakeholders they seem to be completely ignored in this discussion paper (except for a brief mention in 15b-ii), which is its major flaw.

2. This should not be a matter of “encouraging developers and Indigenous Australians to agree” concerning protection of sites. The legislation must firmly place the onus on the developer, of conducting comprehensive impact studies by locating all sites of immovable cultural heritage. History shows that the greatest mistakes in this have been made because impact studies were severely inadequate, leading to unnecessary destruction, sometimes on a massive scale. The legislation needs to nominate fines when sites become destroyed because of poor impact assessments, to ensure that such work is done properly and to impress upon the developer the issue of liability (see Question 14.1).

Proposal 2: Terminology – new definitions

New definitions could be put in the legislation. The definitions clarify the basis on which areas and objects can be protected under the legislation. The new definitions could use the concept of ‘traditional laws and customs’. This would match the *Evidence Act 1995*. The definitions would no longer need to rely on the concept of ‘particular significance’, which is vague. Possible definitions appear on page 14 of the discussion paper.

- ★ **Question 2.1: Overall, what do you think about this proposal?**

To be welcomed.

- ★ **Question 2.2: Would the proposed definitions leave out any areas and objects that are covered by the current legislation because they are ‘of particular significance to Aboriginals in accordance with Aboriginal tradition’?**

yes – please explain why

no

★ **Question 2.3: Would the proposed definitions apply to additional areas or objects that are not covered by the current legislation?**

yes - please explain why no

Proposal 3: Accreditation

Accreditation is a method for promoting national standards for Indigenous heritage protection laws in the states and territories. The new legislation could allow the Australian Government to accredit individual states and territories if their laws are effective. Accreditation would mean the Australian Government would not intervene in a decision of an accredited state or territory. This would give the states and territories an incentive to meet the standards and have effective legislation. Details of how this could work are set out on page 15 of the discussion paper.

Note that the content of possible national standards is covered separately under Proposal 4.

★ **Question 3.1: Overall, what do you think about this proposal?**

It is correct that there are significant differences, in the practices and levels of protection, between the various states and territories. Therefore a system of accreditation offers the possibility of identifying the problem states. Indeed, this proposal seems to offer a useful strategy to influence those two states who are by far the poorest performers in the area of protection and impact assessments of immovable cultural heritage.

★ **Question 3.2: Could the proposed method of accreditation be improved?**

yes - please explain why no

This is a key strategy in the presently proposed reforms, in the sense that it will facilitate public pressure on “non-complying” states. It may be useful to include in the legislation a process of public review of the performance of the states, and some mechanism to effectively inform and educate the public about its role in demanding best practice in cultural heritage management of their states where these are under-performing.

- ★ **Question 3.3: If the Australian Government Minister could provide advice for ministers of accredited state or territories to consider when making decisions, could this help make accreditation work effectively?**

yes

no - please explain why not

- ★ **Question 3.4: Do you think that periodic reviews would help make accreditation work effectively, especially if the Minister can add to the standards for accreditation?**

yes

no - please explain why not

Proposal 4: Standards

The new legislation could specify standards for the states and territories to meet before they could be accredited. Possible standards are set out on pages 18–22 of the discussion paper. The proposed standards aim to identify the positive outcomes that good legislation can achieve, including strong protection for traditional areas and objects, a central role for traditional custodians in decision-making, and efficient, fair and transparent decision-making processes.

- ★ **Question 4.1: Would these standards, if adopted, help to improve the ways that Indigenous traditional areas or objects are protected in your state or territory?**

yes

no - please explain why not

Certainly, especially in those two states that lag behind the most.

★ **Question 4.2: Do the standards need to be specified differently, or in more detail?**

yes - please suggest changes no

1) Protecting all traditional areas and objects: **it needs to be understood that ‘government records’ of sites of immovable cultural heritage are notoriously incomplete. Members of organisations such as the Australian Rock Art Research Association Inc. have far better records, but in many cases will not make these available to state government agencies precisely because of their poor record of accomplishment.**

2) Enabling activities to proceed: **if this is to be implemented as stated, then the approval process needs to be considerably improved. The present process, e.g. in Western Australia, is severely flawed: 99.7% of applications to destroy sites have been approved so far. Clearly, then, the 1972 Act is ineffective and worthless, in that it offers no protection whatsoever. In that case, the proponent bears the brunt of the attack by activists, because there is no other way of recourse, and this does not help the proponent, the economy, or the nation. As a result, dozens of billions of dollars of investment were in one case driven away precisely because the ‘protecting legislation’ is itself worthless. If it is not improved, there will be many more campaigns attacking innocent proponents, and this will help nobody.**

Items 3) and 4) are so self-evident they require no comment.

6) Promoting compliance: **again, this provision is obviously essential, and already part of best practice.**

12) Independent assessment of impacts: **history shows that the linchpin of these standards is in the need for comprehensive and competent assessment. The greatest problems in the management and protection of Australian immovable Indigenous cultural heritage have arisen from flawed impact assessments, which in one case have led directly to the destruction of 95,000 petroglyphs and thousands of stone arrangements, impacting severely on the integrity of the world’s largest concentration of rock art and Australia’s largest cultural monument of any description.**

15) Requirement to consider other matters: **in the case of Australian rock art sites, the following stakeholders need to be considered, and any legislation failing to do that does not resolve the issue:**

1. The Indigenous owners; 2. The state government; 3. The federal government; 4. The appointed land managers or the private landowners; 5. The developers or proponents; 6. The scholars, researchers and scientists; 7. The cultural heritage management agencies; 8. The tourism industry and tourists. Understandably, each stakeholder group may have perspectives that differ considerably from those of others, but in an equitable system they all need to be accounted for.

Proposal 5: Traditional custodians

The new legislation could recognise that many traditional custodians have achieved legal entitlements to their heritage, for example native title rights. Other people should not be able to apply to protect that heritage. Details of how this could work are set out on page 23 of the discussion paper.

- ★ *Question 5.1: Overall, what do you think about this proposal?*

This makes good sense only on paper. The reality is that there are great differences in the access to resources, including legal resources, between different Indigenous groups, and also in their competence in employing such resources. Any rash legislation could discriminate against many groups, in favour of the well-informed, well-resourced groups. As a rough rule, the latter are often those least in need of protection for heritage sites.

- ★ *Question 5.2: Does it make sense to rely on existing legal processes like native title processes to identify traditional custodians?*

yes

no - please explain why not

Native title processes are intensely political and the validity of outcomes is often debatable. Reinforcing protective laws by linking them to this complex and not entirely satisfactory domain is likely to lead to undesirable outcomes, and is unnecessary. It will merely consolidate power in some of the politically most adept groups. Those who do not understand the system or their supposed role in it are likely to have the strongest traditional connection, but are the most unlikely to benefit from this proposal.

- ★ *Question 5.3: Is it fair to allow only recognised traditional custodians, using their representative bodies and processes, to apply to protect traditional areas and objects, if there are recognised traditional custodians?*

yes

no - please explain why not

See response to Question 5.2.

★ **Question 6.2: Is it fair to stop applications to protect traditional areas and objects from an activity if the activity is allowed under a registered ILUA?**

yes

no - please explain why not

Unless I misconstrue the purpose, it appears that this proposal seeks to reinforce the bias against other stakeholders.

★ **Question 6.3: If not, is some other reform needed to prevent applications from impacting on ILUAs?**

yes - please suggest reform

no

★ **Question 6.4: Would this proposal complicate ILUA negotiations by encouraging people who are not native title parties to become involved in negotiations?**

yes - please explain impacts

no

This proposal seems to complicate not only ILUA negotiations, but a great deal of other issues. How is it compatible with the *Burra Charter*, for instance?

- ★ **Question 6.5: (a) Would ILUA negotiations be more difficult if native title parties could not ask the Minister to protect traditional areas and objects from activities permitted under an ILUA?**

yes - please explain why no

This sounds like a prelude to more tortuous legal action, and like complicating unnecessarily what should be a process of streamlining or simplifying and rendering uniform the disparate present conditions.

- ★ **(b) Or would the ILUA be a stronger agreement as a result?**

yes no - please explain why not

Proposal 7: Discovered remains

To reduce duplication of state and territory laws, the requirement to report all discoveries of Indigenous personal remains to the Australian Government could be removed, except for discoveries on land that is managed by the Australian Government. Details are set out on page 26 of the discussion paper.

- ★ **Question 7.1: Overall, what do you think about this proposal?**

This seems entirely sensible.

- ★ **Question 7.2: Do the states and territories have adequate processes for reporting discovered human remains that are suspected to be those of Indigenous people, and to ensure that discovered Indigenous personal remains are treated in a culturally sensitive manner?**

yes

no - please explain why not

Such processes appear to be adequate in some states and both territories, but are perhaps still problematic in others.

- ★ **Question 7.3: If not, how could Commonwealth legislation be used to encourage improvements without always overlapping state and territory responsibilities?**

Clearly, this should be uniform across all states and territories.

Proposal 8: Secret sacred objects and remains

The new legislation could address key Indigenous concerns about some traditional objects by making it an offence to display these objects in public. Probably this would require new definitions such as 'secret sacred object' and 'Indigenous personal remains'. Details are set out on page 27 of the discussion paper, including examples of situations where it might be necessary to prohibit or allow display.

- ★ **Question 8.1: Overall, what do you think about this proposal?**

Again, this is entirely reasonable, and the only problem with it is that there are discrepancies between states. Surely if there were differences between regions, they would need to be based on Indigenous practice and custom, not on an arbitrarily imposed white bureaucratic structure, such as the states are.

★ **Question 8.2: Are there other situations where it might be necessary to prohibit or allow display?**

yes - please describe no

★ **Question 8.3: How would prohibiting the public display of these objects affect your business?**

The question should not need to be asked: certain aspects of Indigenous culture are restricted, this is not new and is well known by the public.

★ **Question 8.4: Would the proposed definitions exclude any objects that might need to be protected from public display because they have a special meaning in Indigenous traditions?**

yes - please explain why no

Proposal 9: Applications

In states and territories that are not accredited Indigenous Australians could apply to the Australian Government to protect traditional areas and objects from activities that are not already dealt with in a registered ILUA. The new legislation could set out what information to include in applications and say when applications could not be accepted. Details are on pages 30 of the discussion paper.

★ **Question 9.1: Overall, what do you think about this proposal?**

Applications need to be on a prescribed form and the proposed content seems comprehensive. There needs to be some provision for applicants who have difficulty completing such forms and furnishing the required information, such as a map.

★ **Question 9.2: Does the legislation need to specify the content of applications?**

yes

no - please explain why not

★ **Question 9.3: What other information might need to be included in an application?**

In the case of rock art and stone arrangement, and no doubt for other types of sites, a condition report might be useful, and most certainly if there is an immediate threat to the place, this must be emphasised as it is of greatest importance to the urgency of the application.

★ **Question 9.4: Are there other reasons why the government might not be able to accept an application?**

yes - please describe no

Proposal 10: Conferences

The new legislation could set out the procedures for responding to applications. The procedures could include specifying which people the government would need to contact, because their legal rights might be affected. Following this contact the government could hold conferences to try to resolve problems. Details are on pages 33 of the discussion paper, including details of the process for setting up and running the conferences.

★ **Question 10.1: Overall, what do you think about this proposal?**

Provided that the various stakeholders have the opportunity of involvement, such conferences would be a very effective way of responding to and processing applications.

★ **Question 10.2: Are there other people whose legal rights and interests could be affected by a decision on the application?**

yes - please describe no

Any of the following: 1. The appointed land managers or the private land owners; 2. The developers or proponents; 3. The scholars, researchers and scientists; 4. The cultural heritage management agencies; 5. The tourism industry. See Question 12.7.

★ **Question 10.3: Are conferences a good way to begin to resolve the issues raised by an application?**

yes

no - please explain why not

★ **Question 10.4: In practice would the process for setting up and running conferences be an efficient and fair way to decide how to respond to the issues raised by an application?**

yes

no - please explain why not

Proposal 11: Sensitive information

To address Indigenous concerns about traditional knowledge, the Australian Government could have a power to direct the people involved in an application to protect culturally sensitive information. This would also apply to commercially sensitive information. Details are on page 36 of the discussion paper.

★ **Question 11.1: Would this new power provide adequate protection for sensitive information?**

yes

no - please explain why not

Proposal 12: Interim protection

There could be more clarity around the rules for providing protection on a short-term basis in an emergency. For example there could be more clarity around the reasons for providing and revoking this form of protection, the timing, and who would need to be informed. Details are on pages 37 of the discussion paper.

- ★ **Question 12.1: Overall, what do you think about this proposal?**

We consider this to be an excellent proposal, allowing the flexibility required in a great variety of circumstances.

- ★ **Question 12.2: Considering proposal 9, is 48 hours sufficient time to lodge an application for protection?**

yes

no - please explain why not

- ★ **Question 12.3: Would having up to 6 days (i.e. 48 + 96 hours) of short-term protection provide a reasonable balance between the need to ensure that heritage can be protected while the application is being lodged and the need for businesses to avoid excessive delays?**

yes

no - please explain why not

★ **Question 12.4: Would the Secretary need to consider other factors before deciding whether to provide short-term protection?**

yes - please describe

no

★ **Question 12.5: Would temporary protection in the form of ministerial orders that last up to 28 days at a time provide a reasonable balance between the need to ensure that heritage can be protected while the application is being processed and the need for businesses to avoid excessive delays?**

yes

no - please explain why not

★ **Question 12.6: Would the Minister need to consider other factors before deciding whether to provide or revoke temporary protection?**

yes - please describe

no

- ★ **Question 12.7: Would any other people need to be consulted before a protection order is made, or notified after the order is made?**

yes - please explain why no

Any of the following stakeholders may need to be involved in major cases (e.g. sites of national or international heritage significance): 1. The appointed land managers or the private landowners; 2. The developers or proponents; 3. The relevant scholars, researchers and scientists, through their representative organisations; 4. The cultural heritage management agencies; 5. The tourism industry.

In the first instance, the local traditional custodians represent the owners of such sites or monuments, but ultimately these may be of such significance that they need to be regarded as forming part of the heritage of all of humanity. In such cases, humanity has the right to be represented. This may involve international agencies (particularly UNESCO) and scholarly societies (particularly AURA and IFRAO, in the case of rock art or stone arrangements), as well as other parties. An example would be a World Heritage Site: its rock art is owned, in Australia, by the local Indigenous group, but in the wider sense all of humanity has a right to its preservation. This is a universal principle and there are no exemptions: Indigenous Australians are part of humanity.

Proposal 13: Longer-term protection

The rules for providing and revoking longer term protection could be clarified to strengthen the basis for the Australian Government Minister's final decision. For example there could be more clarity around the reasons for providing and revoking this form of protection, including the factual basis of the decision. Details are on pages 41 of the discussion paper.

- ★ **Question 13.1: Overall, what do you think about this proposal?**

This proposal seems to be helpful, and the importance of transparency of process is to be emphasised.

- ★ **Question 13.2: Is it important to have a person who is independent from the Minister assess the facts?**

yes

no - please explain why not

★ **Question 13.3: Is the proposed method for preparing the statement of facts a fair way to assess the facts about the situation?**

yes

no - please explain why not

★ **Question 13.4: Would the Minister need to consider other factors before deciding whether to make a final protection order?**

yes - please describe no

In selected cases, the importance of a site or its contents may be such that it is of unusually great significance that extends well beyond the interests of the traditional custodians. This needs to be taken into account in rare cases.

★ **Question 13.5: Would the Minister need to consider any information that could not be included in the statement of facts?**

yes - please explain why no

Not if the statement of facts is well-prepared.

★ **13.6: If so how this could be done fairly and without undue delay?**

★ **Question 13.7: Would the Minister need to consider other factors before deciding whether to revoke a final protection order?**

yes - please describe no

Proposal 14: Penalties and enforcement

The discussion paper includes a range of suggestions for how to ensure that the new legislations enforced adequately. Details are on pages 46 of the discussion paper.

- ★ **Question 14.1: Are there other, better ways to promote compliance and enforce protection?**

yes - please describe

no

The present system of enforcement is highly variable from state to state, and rarely if ever activated. There have been very few convictions under any of the relevant Acts, which date generally from the 1970s. In fact the only such action has been against occasional individuals, for relatively minor breaches, whilst no large corporation has ever been fined, despite the far greater damage caused by companies to prime heritage sites. In specific cases (e.g. in Tasmania) the police has taken no action whatsoever, even though they were well publicised in the press. International conventions, such as the *UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage* (which Australia has been a signatory to since inception in 2003) are greatly superior, in spirit but not in practical effectiveness.

Therefore any improvement in the present state is to be welcomed. The perhaps most effective measure lies in penalties, because those who vandalise sites tend to measure their significance in monetary values. Therefore penalties, clearly, need to express how much we value the cultural heritage. At the very least, penalties for damaging or destroying Indigenous cultural monuments must at least equal those applying to non-Indigenous monuments, otherwise our two-tiered protection regime will be maintained. There is absolutely no excuse for preserving this colonialist feature, and surely it is an affront to civilised society that Indigenous heritage is treated so badly.

In the case of rock art, we have the precedent in Portugal where a nation decided, at the ballot box, to spend about US\$50,000 per petroglyph to preserve one major concentration of rock art in 1995. This translates into perhaps \$A70,000 at today's rates, therefore a concentration such as that of the Dampier Archipelago in Western Australia, numbering in excess of 1 million petroglyphs, represents a monetary value of between 70 and 100 billion dollars. Legally it needs to be treated like any other ancient art: as a very valuable entity. Needless to say, penalties must be tailored accordingly, and a penalty of \$A70,000 per destroyed or damaged ancient petroglyph, which is likely to be many millennia old, seems entirely reasonable. This is the order of magnitude of realistic penalties, which offer by far the most effective protection.

Proposal 15: Reviews

The effectiveness of the legislation, especially the accreditation scheme, could be reviewed at regular intervals to ensure it is achieving its aims. Details are on page 49 of the discussion paper.

★ *Question 15.1: What would be the best intervals for reviewing the legislation?*

Seven years for the first review is too long, five years would be much better because any fine-tuning should occur as soon as possible. After that, subsequent reviews could be made at 10-year intervals.

★ *Question 15.2: What would be the best way to review the effectiveness of accreditation?*

Independent review similar to that of the EPBC Act, with invited comments from the stakeholders, seems to be the best way.

★ *Question 15.3: What specific aspects of accreditation would need to be reviewed?*

Effectiveness of the review process of applications

Level of protection achieved, against a standard set by the Minister

Public transparency of the process

Responses of the relevant stakeholders are the ultimate measure of effectiveness

More information

Additional information is available online at www.heritage.gov.au/indigenous/lawreform

If you need more information about making a submission please contact:

Phone: 1800 003 164

Email: atsihpa@environment.gov.au