



Australian Government
Australian Heritage Council

The Hon Peter Garrett AM MP
Minister for the Environment, Heritage and the Arts
Parliament House
Canberra ACT 2600

Dear Minister

I am writing in response to the discussion paper on reforming Indigenous heritage protection laws, which you released in August last year. Thank you for the opportunity to provide a submission.

The Australian Heritage Council supports the aims of the reforms and the government's proposals for achieving those aims. It is important that the government carries out its intention to reform the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*. The proposed reforms will not protect the full scope of Indigenous heritage but they would bring about significant improvements to the current situation. It is the view of the Indigenous members of the Council that any improvements to the current situation in several states would be welcome.

Several of the proposed reforms refer to native title. Heritage laws are needed to complement native title laws in enabling Indigenous Australians to protect their traditional places. The Indigenous members of the council advise that there are many people who do not have native title but who have traditional connections to places. This broader sense of standing should be reflected in any proposals taken forward by Government.

The proposal to accredit states will work as an incentive to improve state laws, although exactly how this would transpire remains to be tested in practice. The quality of state laws varies, and there is a need to build trust in the willingness of some state governments to protect Indigenous heritage, particularly in cases where governments approve their own projects. Specifically:

- It would be important for the Commonwealth process for deciding whether or not to accredit a state to include the traditional custodians of heritage in that state in the process of making such a decision;
- The Council supports the proposed standards, especially those requiring accredited states to obtain independent advice and to consult traditional custodians when assessing the impacts of projects that could affect traditional heritage.

The Council wishes you well on this very important reform process.

Yours sincerely

A handwritten signature in black ink that reads 'Tom Harley'.

Tom Harley
Chairman
24 March 2010