
AUSTRALIAN ARCHAEOLOGICAL ASSOCIATION INCORPORATED

ABN 13 110 628 970



September 20, 2019

Re: Discussion Paper on Statutory Review of the *Aboriginal Heritage Act 1975*

Dear Aboriginal Heritage Act Review Team:

The Australian Archaeological Association (AAA) would like to thank the Tasmanian Government and the Department of Primary Industries, Parks, Water and Environment for the opportunity to respond to the Discussion Paper on the Statutory Review of the *Aboriginal Heritage Act 1975* (AHA 1975). Based on the information we have received thus far, we would like to highlight that the AAA would like to be involved in the discussion and consultation opportunities planned throughout the remainder of 2019 and 2020. The AAA agrees that the AHA 1975 requires substantial revision, and we want to contribute to the discussion that would encourage improved heritage protection standards and positive outcomes for Tasmanian Aboriginal groups and the wider community.

Some points of interest that we believe warrant further discussion and consultation during the process include:

1. The Tasmanian Aboriginal archaeological record is unique, and any changes to the heritage protections must recognise and cater for the uniqueness of the state's heritage resources.
2. The AAA opposes a heritage legislation model that enables proponents to make ad-hoc cultural heritage management agreements on a project-by-project basis. The result would create a patchwork of heritage protections and inconsistent management practices across the state. For this reason, the AAA recommends that a State-Level Cultural Heritage Management Plan be implemented for Tasmania.
3. The AAA suggests that the AHA 1975 should contain a revised definition of cultural heritage which should be broadened from 'sites and objects' to also include the 'intangible heritage' definition adopted at the UNESCO convention.
4. Well-consulted provisions for managing the protection, discovery and respectful treatment of Aboriginal human remains should be included under the proposed legislation, as it is our understanding that they are not provided for in other state legislation.

5. The AAA advocates for strict penalties, including increased fines or incarceration in some instances, for actions that destroy or interfere with archaeological sites and objects of Aboriginal heritage.
6. The AAA advises that throughout this process and into the future, Aboriginal Tasmanians should be sufficiently resourced with their efforts in cultural heritage management, and the regulatory authority should also be effectively resourced so that compliance and protection are properly managed.

The AAA feels that there is much value with further discussion of the items highlighted above, as they will improve the management outcomes for Aboriginal cultural heritage across Tasmanian. Please keep the AAA involved during your review of the AHA 1975, and please advise if we can provide any expertise to assist with matters relating to Tasmanian Aboriginal heritage.

Yours sincerely,

Dr Michael Slack
President, Australian Archaeological Association.