



# **CME Submission on Draft Strategy for Australia's Heritage**

**Australian Government Department of the Environment**

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## About CME

The Chamber of Minerals and Energy of Western Australia (CME) is the peak resources sector representative body in Western Australia funded by its member companies, which generate 95 per cent of the value of all mineral and energy production and employ 80 per cent of the resources sector workforce in the state.

The Western Australian resources sector is diverse and complex, covering exploration, processing, downstream value adding and refining of over 50 different types of mineral and energy resources.

In 2013-14, the estimated value of Western Australia's mineral and petroleum production is \$113.8 billion, accounting for 91 per cent of the state's total merchandise exports and thus representing the majority of Western Australia's 43 per cent contribution to Australian merchandise exports. Furthermore, royalty payments to the state government totalled \$6.2 billion in 2013-14.

## Recommendations

### Industry Partnerships and Coexistence

- The draft Australian Heritage Strategy is amended to include analysis of the economic and social factors between heritage and other industry sectors, such as resources, and how to build upon these existing synergies to deliver sustainable outcomes for regional areas.
- The draft Australian Heritage Strategy is amended to consider the Multiple Land Use Framework as a mechanism for promoting coexistence between heritage and other industry sectors.

### Heritage Management and Regulation

#### *Jurisdiction Roles*

- The draft Australian Heritage Strategy is amended to include a clear articulation of the jurisdictional roles and boundaries between State and Federal Levels on heritage matters.
- The 'one-stop-shop' approach to heritage regulation is progressed in close consultation with state jurisdictions and stakeholders, including the resources sector.

### Aboriginal Heritage

- Existing jurisdictional responsibilities and boundaries continue to be applied to Aboriginal heritage management.

### Implementation

- The Australian Government provide additional clarity regarding how the strategy will be implemented, potential legislative amendments and indicative timeframes.

## Context

### Industry Partnerships and Coexistence

Broader economic and social factors need to be considered when assessing Australia's heritage. While CME acknowledges the importance of collaboration between heritage and tourism sectors, there are equally important economic and social factors which exist between heritage and other industry sectors, such as resources.

To ensure the realisation of tangible and sustainable economic opportunities, consideration must be given to the complementarity of heritage and the development of the resources sector. This approach would promote coexistence, build upon existing partnerships and heritage activities, and provide important business and employment opportunities in regional areas.

**CME recommends the draft Australian Heritage Strategy is amended to include analysis of the economic and social factors between heritage and other industry sectors, such as resources, and how to build upon these existing synergies to deliver sustainable outcomes for regional areas.**

Member companies expend considerable resources understanding impact and subsequently managing the protection of heritage potentially affected by resource operations. The contribution of the resources sector to the body of knowledge about heritage and the archaeological record of the State is significant. To ensure a high degree of understanding and the protection of Western Australia's heritage is achieved, it is imperative efficient and effective frameworks are in place.

Transparent land use planning decision making is an essential enabler for effective relationships and confidence in government land use decisions. CME considers there are enhanced opportunities for integrated land use arrangements. In particular, the Multiple Land Use Framework (MLUF) is one such mechanism which, if implemented at a State and Federal level with appropriate resources sector consultation, may have the potential to assist in developing a further understanding of the range of ways which different land users can coexist.

**CME recommends the draft Australian Heritage Strategy is amended to consider the Multiple Land Use Framework as a mechanism for promoting coexistence between heritage and other industry sectors.**

### Heritage Management and Regulation

#### *Jurisdiction Roles*

CME agrees with the assertion in the draft Australian Heritage Strategy regarding the inconsistency and complexity of Australia's legislative environment for heritage places. The existence of parallel or overlapping legislation leads to confusion and inconsistencies within jurisdictions.

CME considers there a need for clearer articulation of the boundaries between the regulation of heritage matters at the State and Federal levels, and an overview of the relevant legislation involved. A clearer explanation of policy and regulatory demarcations between jurisdictions would provide greater context and inform stakeholders' considerations of the draft Australian Heritage Strategy and its proposed actions. In particular, the articulation of responsibilities would inform consideration of the proposed national standards on heritage.

**CME recommends the draft Australian Heritage Strategy is amended to include a clear articulation of the jurisdictional roles and boundaries between State and Federal levels on heritage matters.**

While CME supports in principle a 'one-stop-shop' approach to heritage regulation, the effectiveness of this approach would be predicated upon the following factors:

- recognition and usage of State jurisdictional practices, rather than implementing an additional or alternate level of compliance;
- recognition of unique jurisdictional contexts and operating environments;
- inclusion of analysis of the economic and social factors between heritage and other industry sectors, and the identification of synergies;
- administration and processes are structured to ensure an efficient, timely and cost effective process;
- agencies involved have clearly defined roles and responsibilities; and,
- transparent processes which provide clear lines of communication to the relevant office.

As expanded upon in the section below, CME cautions against the inclusion of Aboriginal heritage into a 'one-stop-shop' system at this stage.

**CME recommends the 'one-stop-shop' approach to heritage regulation is progressed in close consultation with state jurisdictions and stakeholders, including the resources sector.**

## Aboriginal Heritage

CME considers Aboriginal heritage issues should not be incorporated into broader heritage legislation. Similar to the Western Australia's *Aboriginal Heritage Act 1972* (WA), which includes the process for listing and removing sites on the Register of Places and Objects and the definition of Aboriginal heritage sites, Federal legislation such as the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) is the appropriate legislation for considering Aboriginal heritage matters.

Aboriginal heritage legislation contains unique management practices, designed to protect and manage places and objects of significance to Aboriginal Australians. It also recognises the strong ties between Traditional Owners and their heritage. Any amalgamation of these issues with broader heritage legislation would result in regulatory confusion. For example, due to differences in legislative definitions, site identification and management practices.

**CME recommends existing jurisdictional responsibilities and boundaries continue to be applied to Aboriginal heritage management.**


## Implementation

CME welcomes the Australian Government's articulation of its approach to Australian heritage matters. There is, however, limited information regarding how the draft Australian Heritage Strategy will be implemented and process by which it will inform, or be integrated into, the existing policy and legislative framework. This information is required to enable stakeholders to understand the potential changes to the system, the overall impact of the document upon the existing heritage system and the anticipated timeframes for reform.

**CME recommends the Australian Government provide additional clarity regarding how the strategy will be implemented, potential legislative amendments and indicative timeframes.**

## Conclusion

CME would welcome further opportunity to provide additional input in the consultation period and drafting of the Strategy for Australia's Heritage. If you have any further queries regarding the above matters, please contact Kane Moyle, Manager Land Access and Environment on [REDACTED]

Authorised by	Position	Date	Signed
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