2 June 2014

Australian Heritage Strategy Submissions

Heritage Branch

Department of Environment

GPO Box 787

CANBERRA ACT 2601

To Whom It May Concern

**A Strategy for Australia’s Heritage**

This submission is made by the Minerals Council of Australia (MCA) in response to the Minister for Environment’s *Strategy for Australia’s Heritage*. The MCA welcomes the opportunity to respond to the draft strategy which identifies how Australia’s valued natural and cultural heritage is protected for future generations.

The MCA is the peak national industry association representing exploration, mining and minerals processing companies in Australia. MCA members account for more than 85 per cent of annual minerals production in Australia and a slightly higher proportion of mineral exports.

The MCA endorses the need for a clearly articulated Government vision and strategy on how Australia’s extraordinary natural and cultural heritage is protected. We support the proposed definition of heritage and the essential management framework elements being national leadership, partnerships and community engagement.

The MCA submits that the draft strategy could be enhanced be providing further consideration to the following concerns and suggestions:

1. **Clarifying the role of the Commonwealth and state governments in protecting heritage and in particular the heritage listing, assessment and approvals process.**

Under the national leadership element clarification is required about the roles and responsibilities of the Commonwealth and state governments.

The MCA is concerned with the existing overlap between state and Commonwealth heritage processes and relevant environmental regulation. The MCA is hopeful that changes currently underway in establishing the one-stop shop under the *Environmental Protection Biodiversity Conservation (EPBC) Act* will help alleviate costly time delays in assessment and approval processes and provide more certainty for all stakeholders for listed national heritage.

With respect to Indigenous heritage, parallel layers of legislation can encourage ‘forum shopping’ for example, where a group is dissatisfied with the outcome of a state based cultural heritage approval process, it may utilise the *Aboriginal and Torres Strait Islander Heritage Protection Act* to overturn the state decision. Accordingly, the MCA recognises and supports recent

Commonwealth and state government commitments through COAG to streamlining regulation beyond the EPBC Act.

1. **Establishing a consolidated heritage list**

In line with earlier proposed reforms of national environmental law, the MCA considers that significant opportunity exists to reduce the complexity of the heritage processes through the consolidation of heritage listings in a National Heritage Register. A single register would reduce the challenge of identifying the heritage values within a region caused by the need to consult multiple registers. Consistent with the reforms to the EPBC Act, the register could enable heritage matters to be appropriately flagged in accordance with their significance at a state or national level to avoid any perception that all matters have national value and therefore trigger Commonwealth legislation.

Whilst the complexity and resource intensity of compiling such a register retrospectively is acknowledged, the MCA encourages government to consider registering all new heritage listings in a National Heritage Register. The government is also encouraged to consult with Indigenous stakeholders and identify the feasibility of establishing protocols for recording Indigenous heritage into the future.

1. **Establishing an Indigenous heritage study clearinghouse**

MCA members are required to undertake extensive anthropological and archaeological studies in order to identify sites of historical value and develop appropriate mediation and compensation strategies. These studies often involve extensive resourcing and consultation with Traditional Owners. When the studies are completed, the information stays with the company and in some cases governments.

Industry members are aware that the ‘ownership’ of and ‘accessibility’ to this information is an issue of increasing concern because the studies contain valuable and confidential information provided by Traditional Owners. Other companies that have commercial interests in the same site are required to undertake their own studies which require additional consultation with Traditional Owners and further resourcing to undertake studies which are duplicative of work already undertaken.

The MCA recommends government consider developing a clearinghouse strategy for these studies that is both respectful of the confidential nature of the material they contain and the intellectual property of Traditional Owners and the company that initially sourced them, as well as providing appropriate levels of access to information to interested stakeholders.

Whilst the MCA acknowledges the sensitivity of this task and the need for a well-constructed consultation strategy, the benefit would be that Traditional Owners have access to information pertaining to their country and it would potentially decrease costs to minerals industry operators (and other industries/sectors) by removing duplication and regulatory burden.

1. **Supporting ‘tangible’ economic development opportunities**

The MCA supports the recognition of heritage as an important driver of national and regional economies. It considers that the protection of heritage should be complementary to development (where appropriate) and should maximise opportunities for collaborative management.

The minerals industry has in recent years been requested to support the development of Indigenous heritage tourism products. The industry has learned that it is important not to overstate the potential in regional and remote communities where the economies of scale are low and the enterprise development capacity in its early stages. However the MCA would encourage government to develop tourism enterprise partnership models and capacity building structures that Indigenous enterprises could utilise.

The MCA notes that the focus of the strategy is place-based heritage. MCA is of the view that story telling is another extremely valuable means of recording and celebrating heritage and deserving of attention. Where the significance of cultural heritage is of lower value, the recording and telling of stories may be a very valid means of protecting its significance for present and future generations. Building the capacity of this means of preserving heritage could provide more economic development choices to Traditional Owners.

The MCA is grateful for the opportunity to provide input into the development of the *Draft Strategy for Australia’s Heritage* to date, and looks forward to further engagement.

Yours sincerely

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**CHIEF EXECUTIVE**