



Australia ICOMOS Secretariat
Faculty of Arts & Education
Deakin University
221 Burwood Highway
Burwood VIC 3125
ph: +61 3 9251 7131
e: austicomos@deakin.edu.au
w: www.icomos.org/australia

2 December 2021

The Honourable Mark McGowan MLA
Premier of Western Australia
13th Floor, Dumas House
2 Havelock Street
West Perth WA 6005

By email: mark.mcgowan@mp.wa.gov.au / wa-government@dpc.wa.gov.au

Dear Premier

Urgent Request to withdraw the Aboriginal Cultural Heritage Bill 2021

Australia ICOMOS is writing to express its deep concern that the *Aboriginal Cultural Heritage Bill 2021* is being rushed through Parliament and will result in very poor outcomes for Aboriginal peoples and their heritage. The Bill is deeply flawed. We urgently call on you to withdraw the Bill, which we understand has been introduced to both houses of the Western Australian Parliament and is due to be voted on imminently with limited debate. The Bill needs to be substantially revised to address the significant issues it contains. In its current form the Bill does not provide respect for Indigenous Western Australians or good heritage protection.

ICOMOS – the International Council on Monuments and Sites – is a non-government professional organisation that promotes expertise in the conservation of cultural heritage. ICOMOS is also an official Advisory Body to the World Heritage Committee under the World Heritage Convention. Australia ICOMOS, formed in 1976, is one of over 100 national committees throughout the world. Australia ICOMOS has over 750 members in a range of heritage professions. We have expert members on a large number of ICOMOS International Scientific Committees, as well as on expert committees and boards in Australia, which provides us with an exceptional opportunity to see best-practice internationally.

We understand that Indigenous Western Australians have considerable concerns about this Bill—concerns shared by Australian heritage practitioners more broadly. We ask that you take these concerns seriously by withdrawing the Bill. While we understand the Government, rightly, wishes to ensure that the destruction that occurred at Juukan Gorge does not occur again, in our view the Bill will not achieve this, and there are aspects of the Bill that do not meet the requirement of ensuring full, prior and informed consent by Indigenous communities.

Australia ICOMOS has had a long-term interest in the development of the *Aboriginal Cultural Heritage Bill 2021* and has made several earlier submissions about related matters. Our submissions have consistently detailed significant issues with proposed legislation, including issues related to heritage best practice, and rights of review and the decision-making process which are human rights issues (as per the *United Nations Declaration on the Rights of Indigenous Peoples*). These issues are not addressed in the Bill.

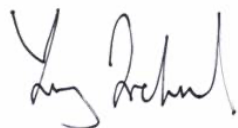
To adequately protect Western Australian Indigenous cultural heritage, the Bill must be substantially revised to address the key issues that have been identified and to meet best practice. Co-design with Aboriginal people is essential to achieving this. We draw your attention to the:

- 2020 *Dhawura Ngilan: A vision for Aboriginal and Torres Strait Islander heritage in Australia* which has been endorsed by the Heritage Chairs of Australia and New Zealand, including by representatives of your Government;
- Australian Senate Inquiry into the destruction of Juukan Gorge report, *A Way Forward*, and its recommendations; and

- the Indigenous consultative approach to improving Indigenous heritage legislation recently adopted by the Australian Government. We note the recent signing of a partnership agreement between the Australian Government and the First Nations Heritage Protection Alliance.

Australia ICOMOS also fully supports the recently published Aboriginal Heritage Action Alliance open letter to you on this matter.

Yours sincerely



**Professor Tracy Ireland ICOMOS, FSA
President**

Copies:

Hon David Templeman MLA, Minister for Heritage, Minister.Templeman@dpc.wa.gov.au

Hon Stephen Dawson MLC, Minister for Aboriginal Affairs, Minister.Dawson@dpc.wa.gov.au

Hon Mia Davies MLA, Leader of the Opposition, Mia.Davies@mp.wa.gov.au

Hon Ken Wyatt AM, Minister for Indigenous Australians, Minister.Wyatt@ia.pm.gov.au

Hon Sussan Ley, Minister for the Environment, Sussan.Ley.MP@aph.gov.au