



Australian Government



The Hon Sussan Ley MP
Minister for the Environment

Minister Ley press conference - First Nations Heritage Protections Alliance

29 November 2021

SUSSAN LEY: Well, thank you for joining us, on a very busy Canberra Monday morning. May I firstly invite Dr Matilda House to give the official Welcome to Country?

MATILDA HOUSE: Thank you Minister. First of all, I'd like to say a big thank you to the Government for having us here today, and to thank the Minister Ley and Minister Wyatt for giving this opportunity to express our views on some of the disgraceful things that's been happening around Australia in destroying our sites. And I'd like to also thank every state and territory that are here today, representing their organisations, and bringing with them today all their aspirations to make sure that this partnership agreement with our First Nations and Government will be well and truly let us have our say. So thank you all very much for having me today, to do this

welcome. And I do hope that the- what we'll get out of this today, it will be something that Minister Ley and Minister Wyatt can be very proud, as well, to make sure that we are being First Nations people first. So thank you very much for having us here today. Thank you. Thank you, darling. No, I've got to kiss Ken.

SUSSAN LEY: May I also pay my respects to the traditional owners of the land on which we meet, the Ngunnawal people, the elders past, present and emerging, and thank Dr Matilda for her Welcome to Country. I'm delighted to join my colleague and friend Ken Wyatt on what is an important day. Today is about partnership and about agreement in the modernisation of Indigenous cultural heritage protection. Can I thank the First Nations Heritage Protection Alliance, represented by Anne Dennis and Kado Muir, who joins us from Western Australia, I think, Kado? And who will speak shortly after myself and Ken. Can I particularly acknowledge you, Ken? We've always worked well together. Most recently in the formal handover of the Kakadu Township of Jabiru to the traditional owners, the Mirrar people. And your input has been so valuable in incorporating Indigenous knowledge in recovery after bushfires. Knowledge of landscape, which is so critical in shaping that regional recovery. Today is about trying to build a better way forward when it comes to recognising and respecting Indigenous heritage. Juukan Gorge was indeed a call to action. A call to action nationally and indeed internationally, and it highlighted gaps. Gaps in Indigenous cultural heritage protection. Gaps across Government, gaps across industry, the mining sector and the community. And the partnership that we're announcing today is representing a new way of doing things.

Through the First Nations Heritage Protection Alliance, Aboriginal and Torres Strait Islander Australians are brought into the process. This will ensure that the reforms that strengthen Indigenous cultural heritage truly reflect the aspirations of traditional owners. This partnership establishes a joint working group of government and alliance representatives, the majority of whom will be Indigenous. The group will consult widely with industry, with the community, with the states and territories, and importantly, with Indigenous Australians to develop options on the reforms that are

required.

The Indigenous culture is the longest surviving culture on Earth. This partnership will ensure that Indigenous Australians have a strong role and are heard in developing and guiding policy outcomes. So Minister Wyatt and I look forward to working with the Alliance, with state and territory colleagues, with industry and the community, as we take steps to improve our Indigenous heritage protection. A lot of work has gone into the background of today. We met jointly online with state environment ministers and Indigenous ministers for the first time ever close to a year ago. And directly after this meeting, we're taking another important step with a round table here in this building to really kick off this work. It won't be easy, and it won't necessarily be quick, and there are challenges, but we know that by working together, we can develop solutions. There's a lot of work to do, but the starting point by having those Indigenous voices at the table, not as invited guests or stakeholders, but as partners in designing the outcome.

Thank you, Ken.

KEN WYATT: Thank you very much, Sussan. Dr Matilda House, thank you for your welcome. I'm- can't call you auntie anymore. I need to give you your respectful title for the things that you have done. To the co-chairs Anne Dennis and Kado Muir, to Rachael(*), who has been working in this area for a long time, today is significant. It is about a partnership with our people. It is about the way in which we work very closely with you to look at those matters that are absolutely critical to our heritage and our culture. That many of the sites that exist across this nation are known, but there are many others, too, that are not known. And in working with Minister Ley, we have given strong support to what has come back from the Alliance membership, and that has informed the way in which we are responding and reacting. That response is on a constructive basis of protecting a unique heritage that has existed in some places for more than 60000 years. It is about the environment that is part of our essence of who we are. We have totems, we have country that is sacred. And this approach means that we are able to address those matters that are important to

our people, with government jointly agreeing on a position that protects the unique heritage of this nation. And in working with my colleague, I have enjoyed an incredible opportunity and privilege of working with someone who has a similar mind set to protect it.

And I can say the Minister's department has been working very closely and the work we did for Jabiru, and ultimately Kakadu in the near future, and this work form the bedrock basis of the way in which we will encourage Australia to give due attention to those things that are very critical to us. We've achieved that through closing the gap, and we've worked together to identify the outcomes, to identify the way in which we would make a difference for the lives of Indigenous Australians. This is no different in the way that we will work together, or as I say co-design, the ultimate outcome that protects everything that is of significant importance to us. But to also shape the policy that will provide the framework for governments to make decisions from. [Indistinct] that is critical.

So I want to thank all of you for what you've achieved thus far, that the partnership will be enriched by your input and involvement. And, let me say, it's a great pleasure when you work with a colleague who has similar views and similar passions about not only the environment but about culture, about Aboriginal people, and about this country. So I want to acknowledge, Sussan, your contribution as well.

SUSSAN LEY: Thank you, Ken. Kado Muir, one of the co-chairs of the First Nations Heritage Protection Alliance, over to you. I'm not sure if you're on mute or if the blue room's on mute.

KADO MUIR: ... is the perennial problem of people on these TV screens. Yeah, no, I'd like acknowledge all the members present, particular Auntie Matilda or Dr Matilda. I'm coming from Leonora in Western Australia, my hometown. So acknowledging the Wongutha(*)people of the Goldfields. What we'd like to do is acknowledge that Australia's Aboriginal and Torres Strait Islander cultural heritage has global significance, not just importance within Australia. This was demonstrated through the shock waves generated by the destruction of Juukan Gorge, and was loudly

expressed around the world. So with a collective voice through this partnership, we want to promote the importance of action in real reform. A reform that protects cultural heritage treasures, in order to create a lasting legacy on state, national and global levels. Through this partnership, the alliance will consider. The following policy transformation, law reform, administrative improvement, and the review and restructure of process, procedure and protocols, and a response to the design and development of cultural heritage protection standards.

So the First Nations Heritage Protection Alliance acknowledges the context for cultural heritage protection is different within the state to state legislation. And regardless of what the law looks like in each state, the cultural heritage needs to be protected to a consistent standard. That's one of the key messages from this partnership. The partnership understands the importance of reform and the rise above political partisanship, as shown with the work through the Tugun enquiry and working with government to move beyond our divisive debates of the past for reform to be written in a bipartisan way. So we acknowledge the alliance is driving the government partnership. However, this alliance is not exclusive for government consultation. As the Alliance, we will reach out to Aboriginal and Torres Strait Islander cultural heritage leaders nationally to create a collective voice.

And today, we are this generations of custodians for our unique and significant cultural heritage. We inherited this from our ancient ancestors. We share it today with all Australians. And we're launching today a course or a journey together to protect and pass it on for our future generations. And on that, I thank the members present and everyone for indulging me on the TV screen.

SUSSAN LEY: Thank you very much, Kato. Anne, over to you for some words.

ANNE DENNIS: [Speaks in Kamilaroi(*) language]. And I acknowledge all Aboriginal people in the room today, and I acknowledge all non-Aboriginal people who walk with us. [Speaks in Kamilaroi language], I acknowledge the Honourable Sussan Ley, Minister for the Environment. I acknowledge the Honourable Ken Wyatt, Minister for Indigenous Affairs, and I acknowledge the Honourable Warren Entsch, Chair Joint

Standing Committee, Northern Australia, and acknowledge the Australian Government for their commitment to partner with the Alliance.

The First Nations Heritage Protection Alliance is the beginning of an extraordinary process with the Australian Federal Government. We acknowledge the extensive partnership, the hard work that will be required to achieve real reforms in culture and heritage protection. Through a genuine partnership between the Australian Government and the First Nations Heritage Protection Alliance, we will lift up the standard of Aboriginal and Torres Strait Islander culture and heritage protection through this partnership. Through this partnership, we the Alliance, will promote stakeholder consultations on all final Alliance proposals. We will link First Nation participation at all times. Through this partnership, the Alliance will work with the Government in how to engage Aboriginal and Torres Strait Islanders peoples more respectfully and effectively. We will work to support heritage protection that holds up the human rights of Australia's Aboriginal and Torres Strait Islanders' peoples to self-determination free, prior and informed consent.

Australia's Aboriginal and Torres Strait Islander culture and heritage is an important treasure – not only to Australia, but to the rest of the world. It is part of Australia's national identity, yet despite this, our culture and heritage is frequently being damaged, disturbed, displaced and destroyed. Through this partnership, the Alliance will work with the Government to promote connecting culture and heritage to all Australians and the world, and it is our national treasures we are all protecting. The First Nations Heritage Protection Alliance and its Government partnership will introduce and maintain a new national narrative on the importance of protecting Aboriginal and Torres Strait Islander culture and heritage. The Alliance will work with the Government to support and realise our goals of bringing Australia heritage protection regime to a world's-best standard.

Thank you.

SUSSAN LEY: Thank you, Anne, the other of our co-chairs of the First Nations Heritage Protection Alliance. Questions of any of us?

QUESTION: Maybe a question for both ministers. Minister Ley, you mentioned that this won't be a quick process, but you also identified existing gaps in the state and federal regulatory and legal protections. Will you commit to interim measures for enhanced protection at any level of government? And if not, can you guarantee there won't be any, you know, a repeat of future disasters like Juukan Gorge?

SUSSAN LEY: Whatever this group in its early discussions can put forward that allows protection where there isn't protection, we should, of course, seriously consider. So remember, this is not about the Government deciding what to do. This is for the first time about the Government in partnership with 30 representatives, I think, of the First Nations Heritage Protection Alliance, working on those steps forward. But obviously we can't step into the shoes of state governments - sometimes I wish we could on many fronts. There's legislation now going through the West Australian Parliament that deals with Indigenous heritage, and every state government has a different approach, with different designs, different listings, different opt in or opt out. And so part of this is to bring that consistency, which is why when Ken and I met with the state environment and Indigenous heritage ministers close to a year ago, we said, will you participate in this with us? And they said, yes, so that's critical, that work has been done.

QUESTION: From the Samuel review down low, the gaps are fairly well known. Is there a case, Minister Wyatt, to act now with interim protections or just the constant cycle of consultation to get any action? How long will it take?

KEN WYATT: I see. I think there's a couple of things we've got to consider in the context of your question. One is the mining sector are very conscious now of the implications for them, not just from legislation but from societal reaction. And Rio Tinto had significant global and international attention focussed on it. In all of my discussions with mining companies I've made it very clear that they have to consult with traditional owners that sometimes third parties are not the way to gain the advice that you need. And I'm starting to see that, but Minister Ley and I will continue

to work with state and territory governments and ministers, but more importantly with our Alliance, because our Alliance will provide us with that refinement that sometimes governments don't get right at any level, and that includes local government.

QUESTION: When you talk about the consistent approach, how does that work with what's happening in WA, but also in South Australia with its own enquiry into Aboriginal heritage matters? How do you achieve that national approach when there's so many different things going around the country?

SUSSAN LEY: Well, the Alliance is going to write, if they haven't already, to all the state ministers remind them of their responsibilities, their commitment to work together, to close the gaps that we will identify. And only when they step up to that task, as we are stepping up to our task, will we get this right. So the Commonwealth has been asked to lead on this. That was, I think, the very strong theme that we received coming out of the Juukan Gorge disaster. We were asked to show leadership. Today is about that leadership, but it's also about bringing a strong agreement making principle with First Nations people.

QUESTION: Mining companies - can they expect to receive harsher fines, for example, if there is a similar tragedy like Juukan Gorge that happens elsewhere?

KEN WYATT: Look, one of the things is, you can have harsher fines - and certainly legislation has penalties within them. But it is better to have an approach in which there is common discussion and informed consent occurring between the parties. Because our traditional owners are the knowledge-keepers for a region and for a location, and they have to be consulted - not the prescribed body corporates, but the traditional owners of the land. As we would do with any other Australian who owns land, we would negotiate for the use of a portion of their land. The same needs to apply for Native title holders.