



## **AACAI and AAA support WA Traditional Owners seeking to manage their own heritage**

The **Australian Association of Consulting Archaeologists Inc. (AACAI)** is the peak professional body representing consulting archaeologists in Australia. The **Australian Archaeological Association (AAA)** is Australia's largest archaeological organisation, representing professionals, researchers, students, and others with an interest in archaeology.

As experts in Australia's precious archaeological heritage, members of AACAI and AAA advise and work with Traditional Owners across the nation. In Western Australia, both organisations made detailed submissions for the current reform of the out-dated WA Aboriginal Heritage Act, including the Aboriginal Cultural Heritage Bill presented in September 2020. Having engaged in more than two years of consultation, we were deeply disappointed in the draft Bill that has been shared, which was found wanting by respondents in all sectors, and to find that our carefully researched submissions were effectively ignored.

The fundamental goal for all practitioners in Indigenous heritage is to acknowledge and respect Traditional Owners' rights to manage their heritage, especially when considering impacts to heritage from development. The Bill failed to achieve this goal in several ways:

- (1) It failed to protect Traditional Owner *rights* to manage their own heritage.
- (2) It failed to provide on-going *support* for Traditional Owner-led Local Heritage Services.
- (3) It failed to require critical stages of *evaluation and consultation* necessary for free and informed decisions.
- (4) It used confusing and vague terminology that, if enacted, would have *undermined confidence and created conflict*.

The Bill seems to have watered down the already limited heritage protections in Western Australia under a façade of modernisation. It would practically guarantee the kinds of situations that led to the tragic destruction of Juukan Gorge in 2020. It appears to be a native title agreement-making platform without recourse to national or international human rights and heritage standards.

Unfortunately, nine months later, the WA government is yet to publicise any revisions to the Bill and continues to maintain that the original Bill is broadly acceptable. As a result, we welcome the interventions by the **Aboriginal Heritage Action Alliance** and the **WA Alliance of Native Title Representative Bodies and Service Providers**. In the last month, these groups have each called for a halt to the presentation of the Bill and for the WA government to co-design a new Bill with Western Australian Traditional Owners that is fit for purpose and protects cultural heritage in all its forms. We support these interventions at this time.

AACAI and AAA respect and recognise the cultural authority and diversity of both alliances, representing Aboriginal peoples and representative organisations from across WA. On the grounds of protecting our disciplinary standards, including respect for Indigenous authority on heritage, we endorse the rejection of the 2020 Bill. AACAI and AAA ask the WA Government to work with all WA Traditional Owners on co-designing legislation that genuinely protects and promotes Aboriginal heritage.

A handwritten signature in black ink that reads 'Martin Lawler'.

Martin Lawler  
AACAI President  
Date: 12 July 2021

A handwritten signature in black ink that reads 'Tiina Manne'.

Tiina Manne  
AAA President  
Date: 12 July 2021

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