



**AHAA ADDRESSES UN ABOUT CONTENTIOUS HERITAGE BILL**

International attention was brought to bear on the highly contentious proposed *Aboriginal Cultural Heritage Bill (WA)* this week (on 13 July 2021).

Addressing the United Nations' Expert Mechanism on the Rights of Indigenous Peoples, Ngalia Elder Mr Kado Muir spoke of how the proposed legislation provides no better protections and "subjects traditional rights to those of the proponents of industry".

The *Bill*, Mr Muir said, also "ensures all 'consent' provisions remain with the Minister". This over-riding right of Ministerial power in all decision-making under the *Bill* runs contrary to the principles of self-determination, the subject of the Expert Mechanism (being the *Draft Report on efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: Indigenous Peoples and the Right to Self-Determination*).

Mr Muir also advised that the proposed *Bill* excludes Traditional Owners from exercise of their right to free, prior and informed consent as mandated by the *United Nations Declaration on the Rights of Indigenous Peoples*, and to which Australia is a signatory.

Traditional Owners from across Western Australia have raised their deep concerns about the low level of protection the proposed *Bill* affords their cultural heritage places, including their sacred sites. The purported intention of replacing the current and out-dated *Aboriginal Heritage Act (WA), 1972* with new legislation was to prevent catastrophic destruction of sites such as *Juukan Gorge*. The proposed replacement *Bill* provides no such security to Traditional Owners.

In the year since the destruction of *Juukan*, dozens of sacred sites have been lawfully destroyed in WA by mining companies alone. Traditional Owners request legislation which properly protects significant places and guides proponents on how to work around them.

***AHAA is an alliance of senior Traditional Owners and supporting professional heritage organisations formed in response to the Bill. AHAA's objectives are to co-design legislation which appropriately protects Indigenous Cultural Heritage in WA and nationally.***

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