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31 May 2018

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Via email: AHAreview@dplh.wa.gov.au

AUSTRALIA ICOMOS SUBMISSION ON THE ABORIGINAL HERITAGE ACT 1978 (WA)

Australia ICOMOS (International Council on Monuments and Sites) is a non-government, not-for-profit organisation of cultural heritage professionals formed as a national committee of ICOMOS in 1976. Australia ICOMOS' mission is to lead cultural heritage conservation in Australia by raising standards, encouraging debate and generating innovative ideas.

Australia ICOMOS supports national standards and best practice within the heritage field. This includes legislative and regulatory tools that contribute to the management of Australia's heritage.

The *Aboriginal Heritage Act 1978 (WA)* was a momentous step for its time and represented an acknowledgement of the significance of Aboriginal heritage in Western Australia. However, the Act is well overdue for a review that will respond positively to the concerns of the community and meet current best practice. Previous amendments and attempts at review have not gone far enough with regard to inclusivity, the resolution of issues and in delivering best practice standards. Australia ICOMOS therefore urges the Western Australian Government to develop new legislation and regulations rather than amending the current Act.

Australia ICOMOS offers the following high level recommendations as part of this early stage of consultation (these are in no particular order of priority):


1. The Aboriginal Heritage Act (AHA) currently applies only to sites and objects. But all Aboriginal heritage should be recognised as living and dynamic and definitions of Aboriginal heritage must be widened to incorporate intangible aspects of Aboriginal culture, including language, song lines, ancestral connection, belief systems and aesthetics, as well as cultural landscapes and seascapes.
2. The provision for blanket protection of Aboriginal heritage must be retained.
3. If the Act is constructed so as to recognise different categories of heritage or levels of protection based on significance, then the approach to significance assessment should be undertaken in line with the *Burra Charter* and associated Practice Notes while also having regard for Aboriginal perspectives in regard to significance assessment. Assessments of significance should include tangible and intangible values.
4. Aboriginal custodians and Traditional Owners should be included in all decision-making processes, and consultation with these groups should be an essential part of all practice. The legislation needs to provide for this in a way that is appropriate to the Western Australian context and establishes an equitable and clear approach.

5. The AHA needs to recognise traditional custodial rights and laws in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, and align with the Native Title Act 1993 (the NTA) and any agreements negotiated under the NTA.
6. The AHA should consider the role of professional heritage practitioners in working with and supporting Aboriginal custodians and Traditional Owners.
7. The new Act should be simple to understand, simple to operate and be adequately resourced.

Australia ICOMOS will follow the development of a new Aboriginal Heritage Act in Western Australia closely, and we would be pleased to contribute further through future consultation.

If you have any queries, or require clarification in relation to any of the above, please contact the Australia ICOMOS Secretariat via austicomos@deakin.edu.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Travers', with a long horizontal flourish extending to the right.

IAN TRAVERS
President, Australia ICOMOS