



First Nations Heritage Protection Alliance

Aboriginal Leaders call for action to protect First Nations Cultural Heritage

In an historic meeting held on the 17th June 2020, Aboriginal leaders from across Australia representing Aboriginal Land Councils, Native Title Representative Bodies and Aboriginal and Torres Strait Islander Community Controlled Organisations expressed their outrage at the destruction of the 46,000 year-old heritage site at Juukan Gorge and vowed to pursue national reforms to prevent this from ever happening again.

The appalling conduct of Rio Tinto, one of the richest companies on earth, has created headlines and public outrage. It no longer deserves to be considered the leading miner in building positive relationships with Aboriginal peoples in Australia. However, sadly it is not just Rio Tinto and many similar incidents have been taking place across Australia for decades. Moreover, as immoral as it was, the destruction of Juukan Gorge does not appear to have been illegal and more destruction across Australia is contemplated under the current legislative regimes.

We find ourselves in this situation because governments, of both political persuasions and at all levels, have rarely been prepared to put the protection of Aboriginal heritage ahead of development and in the past 20 years, other than in the rarest of cases. They have let their legislation, supposedly to protect our heritage, to fall into disuse or to focus on regulating destruction, rather than protecting, enhancing and educating about our living cultures unique to this country.

This is no way to protect the oldest living culture on earth. Politicians mention this regularly but when the crunch comes, they have not been prepared to protect it. Meanwhile, they are slow moving or refuse to change archaic and paternalistic laws.

While the Federal Environment Minister has the power to issue emergency declarations under the the *Aboriginal and Torres Strait Islander Heritage Protection Act*, this is rarely ever done. It failed again in respect to Juukan Gorge.

Our leaders agree this cannot continue and intend on fighting back. Not only should the lives of our people matter as much as those of non-Indigenous Australians, but our heritage and culture should also be equally important. We are determined to work together to develop a united national approach to this serious problem and insist all governments at all levels work with us to develop and implement reforms led by Aboriginal and Torres Strait Islander communities. Governments must partner with us to develop best practice standards and implement broader reforms that support self-determination. The National Native Title Council (NNTC) also briefed leaders on their important work to achieve reform to date.

In the meantime, all governments are asked not to make any decisions that will damage our heritage sites. This is particularly important for Western Australia which has a disgraceful



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record of heritage protection and where there are other sites in the Pilbara under immediate threat. Our leaders will work together to support Traditional Owners who are facing threats to their heritage sites and pursue all legal and political avenues should it be necessary.

A network is being put in place to make sure Aboriginal Land Councils, Native Title Representative Bodies and Aboriginal and Torres Strait Islander Community Controlled Organisations are communicating across the nation to make sure that they alert one another to any threats and to allow for national action to be taken.

Importantly, our leaders propose to meet with responsible Ministers from the Commonwealth, States and Territories as soon as possible to discuss a process for reviewing heritage protection legislation across Australia, to engage with our communities and Traditional Owners about what they want to see in these laws, and to jointly design with Ministers a new system that will make sure that an incident like what happened at Juukan Gorge never happens again.

Our communities want laws that are based on the principles of empowerment of Aboriginal and Torres Strait Islander people to make decisions on our own cultural heritage, self-determination, First Nations decision making, greater transparency and free, prior and informed consent

First Nations cultural heritage is 65,000 years of culture and history that must be protected for all future generations, for all Australians. We urge people from all backgrounds and all sections of Australian society to support our call for greater protection of Australia's cultural heritage

The following organisations and individuals support this communique:

- NSW Aboriginal Land Council
- Walalakoo Aboriginal Corporation
- NTSCorp
- Native Title Services Goldfields
- Cape York Land Council
- Central Land Council
- Boonwurrung Land and Sea Council
- First Nations Legal & Research Services
- National Aboriginal Community Controlled Health Organisation (NACCHO)
- The Federation of Victorian Traditional Owner Corporations
- National Native Title Council
- South Australian Native Title Services
- North Queensland Land Council
- Professor Marcia Langton AM
- Dr Val Cooms
- Northern Land Council
- Kimberley Land Council
- Balkanu Cape York Development Corporation
- Dja Dja Wurrung Clans Aboriginal Corporation
- South West Aboriginal Land and Sea Council