

**SUBMISSION TO SENATE STANDING COMMITTEE ON  
ENVIRONMENT, COMMUNICATIONS, INFORMATION  
TECHNOLOGY AND THE ARTS (ECITA)  
REGARDING THE FEDERAL  
'ENVIRONMENT AND HERITAGE AMENDMENT BILL'**

*Submission on behalf of*

Australian Archaeological Association Ltd

&

Australasian Society for Historical Archaeology

*Executive contacts*

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### ***Background to submitters***

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1. The **Australian Archaeological Association Inc. (AAA)** is one of the largest archaeological organisations in Australia, representing a diverse membership of professionals, students and others with an interest in archaeology. It aims to promote the advancement of archaeology; to provide an organisation for the discussion and dissemination of archaeological information and ideas; to convene meetings at regular intervals; to publicise the need for the study and conservation of archaeological sites and collections; and, to publicise the work of the Association.

2. The **Australian Society for Historical Archaeology (ASHA)** was founded in 1970 to promote the study of historical archaeology in Australia. In 1991 the Society was extended to include New Zealand and the Asia-Pacific region generally, and its name was changed to the Australasian Society for Historical Archaeology. The Society's activities include public lectures, and an annual conference with papers presented by national and international speakers. It promotes the exchange of information and reference material relating to historical archaeology both in Australia and overseas. It publishes the ASHA *Newsletter* and the journal *Australasian Historical Archaeology*.

### ***Submission***

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We, the Executives of the Australian Archaeological Association Inc. (AAA) and the Australian Society for Historical Archaeology humbly make this submission to the Senate Standing Committee on Environment, Communications, Information Technology and the Arts (ECITA) regarding the Federal 'Environment and Heritage Amendment Bill'.

1. We begin by noting that the time provided for thoughtful feedback on this legislation is far too short: there is too little time to consider the Bill, which requires reading of more than 400 pages. This makes it difficult to get comprehensive feedback from our diverse membership to provide thorough comments. This rapidity is concerning, and does not befit lawmaking about Australia's environmental and cultural heritage. We offer here some further points for the Committee's consideration.

2. Overall, we urge the Committee to ensure that the powers of the Australian Heritage Council, and current protection of listed sites, is not diminished though this Bill. Additionally, we are concerned that by reports that the Bill curtails third party appeal rights, undermines public consultation and further politicises decision-making about Australia's heritage.

3. Of great concern to ASHA and AAA is the proposal to end the Register of the National Estate (RNE) as a statutory list within 5 years. We bring to your attention that many of the sites on the RNE are historical archaeological sites, and historical archaeological places, in particular, are not adequately provided for in

the heritage legislation of several states and territories. Similar problems could be faced by Indigenous heritage sites currently listed on the RNE. The time-frame and rationale for the abolition of the RNE assumes that over this period state and territory governments will work to redress statutory deficiencies in their legislation regarding the capacity to protect and manage all aspects of heritage. However, it is by no means certain that this will take place, or that archaeological sites and relics in particular will be included in this process. For this reason we strongly urge the Parliament to consider retaining the RNE as a valuable part of the process of managing heritage across all levels of government.

4. We are also concerned about the process for determining priority lists for assessment for inclusion on the National Heritage List and Commonwealth Heritage List. The criteria on which nominations are to be given priority are not clearly set out in the amendments, and appear to rely to a large degree on the discretion and personal views of the Minister and the members of the Australian Heritage Council. If one of the purposes of the proposed amendments is to provide greater transparency in the listing process, then we recommend that the criteria to be used must be fully articulated and made available to the public.

5. The Burrup Peninsula and Dampier Archipelago are significant archaeological sites of national and global significance. AAA are very concerned that the changes may make development of areas with archaeological resources—such as rock engravings, stone alignments, and archaeological deposits—more likely to occur. This is deeply troubling. AAA has expressed their concern previously to the Western Australian Government and the Federal Minister for Environment and Heritage on the Burrup Peninsula and Dampier Archipelago issue. We continue to urge both State and Federal governments that all proper processes are undertaken to best preserve the important archaeological sites. Needless to say, if the proposed Bill has negative effects on the cultural resources in these places, it will have the same effects on other similarly significant resources in the future.