



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ECONOMY AND GENDER AND ECONOMIC EQUALITY
Ms Leanne Castley MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),
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Submission Cover sheet

**Inquiry into memorialisation through
public commemoration**

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Committee Secretary
Standing Committee on Economy and Gender and Economic Equality
Via LACommitteeEGEE@parliament.act.gov.au

8 April 2022

Dear Committee Secretary

Inquiry into memorialisation through public commemoration

1. The ACT Human Rights Commission considers that representation of a range of individuals from a variety of backgrounds in the ways we commemorate the cultural heritage of our city and region is important. The right to cultural heritage is recognised in s 27 of the *Human Rights Act 2004* (HR Act). That section provides that “ethnic, religious, or linguistic minorities must not be denied the right to enjoy their culture...or to use their language”.
2. Further s 27(2) of the HR Act recognises that Aboriginal and Torres Strait Islander peoples hold unique and distinct cultural rights, and must not be denied the right to maintain, control, protect and develop their cultural heritage, languages and knowledge and to have their relationships with the land and waters recognised and valued. This reflects articles 25 and 31 of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP).
3. Public commemoration is one way in which our community can acknowledge and celebrate its diversity, and to recognise and value the culture of minority groups and first nations peoples. The Human Rights Commission welcomes the inquiry into public commemoration and supports the intention of the terms of reference that the committee examine ways that our systems of public commemoration can reflect and include diversity.
4. We note that the Public Place Names (Naming of public places) Guidelines 2021 made under the *Public Place Names Act 1989* reflect that article 13 of the UNDRIP is a relevant consideration in naming a place. This article provides that ‘Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons’.
5. However, the broader s 27 HRA rights are also relevant and must be considered as part of the naming of public places by the Minister having regard to the advice of the Public Place names committee. The terms of reference for the committee support the realisation of s 27 rights, by requiring the appointment of defined members including an Indigenous representative and a person with a background in Aboriginal and/or Torres Strait Islander cultures. These terms of reference are not legislative meaning that they could be changed at the discretion of the Minister. This places the right to Aboriginal control of their cultural heritage at some risk of being ignored or denied if the terms of reference were changed by the Minister to remove their representation.
6. We support diversity of representation in the committee. We note that the Committee is a non-statutory committee and has no maximum membership with two or more people being able to be appointed in respect of each of the categories of member representation, meaning that there is room for a diverse

range of members, including women and non-binary people. This may be a way in which greater representation of diverse communities can be achieved.

7. The Guidelines are legislative and set out mechanisms by which Aboriginal place names should be retained or reinstated. The Commission considers these guidelines could be strengthened by explicitly setting out processes for consultation with 'the relevant Aboriginal community' and how places names can be supported by public education and awareness of the cultural heritage that grounds the traditional place name. This might look like interpretative materials, such as signs or public awareness campaigns, developed in consultation with relevant Aboriginal communities, that explain the origin, stories and heritage of Aboriginal names to further maintain and develop the cultural heritage associated with Territory landmarks as required by s 27 (2).
8. The Commission also considers that there should be systems in place that support the greater use of dual place names where there are landmarks or geographical features which have been named, but which have significance to local Aboriginal people, as recognised in section 14 of the Public Place Names Guidelines. The Commission considers that this work to reflect the original names of places be proactively conducted on an ongoing basis by the committee in order that the right to have Aboriginal cultural heritage and language protected is upheld.
9. We note that the Public Place Names Amendment Bill 2021 introduced by Dr Patterson MLA, proposed to remove the ability for place names to be determined in recognition of people who have made contributions to 'colonisation', and replacing that with 'reconciliation'. The Commission supports this proposal and notes that similar changes are being considered by the National Capital Authority.

Yours sincerely



Dr Helen Watchirs OAM
President and Human Rights Commissioner