

## Response to WA State Government's introduction of ACH Bill to Parliament

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Photo: YMAC's Deputy Co-Chairperson, Pilbara Region – Board of Directors, Mrs Doris Eaton, addressing this morning's press conference at Parliament House (Courtesy of: Carolyn Betts)

**The WA State Government has introduced the *Aboriginal Cultural Heritage Bill 2021 (ACH Bill)* to Parliament today, without first sharing it with Aboriginal people for proper review. This is another demonstration of their failure to deliver on their commitment to place Aboriginal people at the front and centre of the state's Aboriginal cultural heritage protection regime.**

People gathered for a press conference held this morning, called by Australian Greens Senator for Western Australia Dorinda Cox late-yesterday in response to learning the ACH Bill would be tabled in Parliament this afternoon. Taking place on the steps of Parliament, those in attendance heard from several speakers – all Traditional Owners from across various parts of the state – sharing their reactions to the State Government's decision to introduce the bill without any real warning. All spoke of their opposition to the bill, as well as their disbelief that the Minister for Aboriginal Affairs would think it acceptable to introduce the ACH Bill after having only made it available in full yesterday afternoon (with emails advising stakeholders about this development not being received until well into the evening).

Aboriginal people have been telling the State Government for some time now that they have not felt heard on key areas of concern to them, and this is yet another example of the government's ongoing disregard for what they have to say. Disappointingly, in a meeting with the Minister for Mines and Petroleum less than one week ago, Traditional Owners were invited to "give him



some words" for inclusion in the draft ACH Bill. However, the Minister omitted to mention that the ACH Bill was already finalised in readiness to be tabled this week.

Aboriginal people have also made repeated requests to the Minister for Aboriginal Affairs to convene a substantive meeting between Traditional Owners and the organisations that support them from across the state, industry stakeholders and government. To-date, those requests have gone unanswered, as have the many requests to see a copy of the proposed ACH Bill in its entirety. The fact that the latest version of the ACH Bill being introduced to Parliament today – a 278-page document – was only made available in full on the government’s website late-yesterday is a clear sign of disrespect to Traditional Owners.

YMAC’s Co-Chairperson, Yamatji Region – Board of Directors, Mr Peter Windie, shared his disappointment at the State Government’s decision to introduce the ACH Bill to Parliament today: “As Traditional Owners, protecting our sacred heritage sites is a fundamental obligation. Our responsibility to Country affects all that we do. But this doesn’t mean we have been unreasonable in our expectations of what the State Government could deliver in this bill. We wanted to work with both government and industry, all together, to come up with a new act that we could all agree on; one that we could all work with. All we’ve been asking for is a legitimate seat at the table. So, for the Minister to introduce this bill without us even seeing what it says now, it just feels like government were never genuine about wanting to hear what we had to say.”

The introduction of the ACH Bill to Parliament comes shortly after the announcement regarding the ‘Aboriginal Cultural Heritage Act Workshop’ (18-19 January 2022): a forum being organised by Traditional Owners and their representative organisations in response to the inaction of the State Government to suitably engage on this once in a lifetime opportunity to *co-create* a new Aboriginal Cultural Heritage Act for WA. The workshop is an invitation from Traditional Owners to both government and industry, for everyone to sit at the negotiating table and co-design a new law that stops the destruction of Western Australia’s Aboriginal cultural heritage without stopping development. However, once again, it appears the voices of Aboriginal people wanting to have an equitable say in the legislation that will impact *their* cultural heritage have been ignored.

Mrs Doris Eaton, YMAC’s Deputy Co-Chairperson, Pilbara Region – Board of Directors, made her frustrations clear in response to the State Government’s apparent reluctance to hold off introducing the bill until all parties involved had adequate time to review it properly and address their concerns together: “It’s very disappointing that the government has decided to put this bill to Parliament today. It feels very disrespectful to us Traditional Owners. For a long time now, we’ve been asking to see the latest copy of the bill. But they wouldn’t give it to us. For a long time now, we’ve been asking them to partner with us and the mining companies to talk about how we could work together to come up with a new act. But they kept us separate in their discussions. When government wouldn’t, we even took it upon ourselves to organise a workshop for January, so that we could all – government, industry and Aboriginal people – talk about what needs to be included in a new act. But they are choosing to push this bill through instead of talking to us all properly. We know there needs to be changes to the current law, and

we want to work with government and industry – as equals players – to create a new one that has the right balance when it comes to approving development and protecting our cultural sites and Country. But it seems clear to me today, government doesn't want that.”

For more information, visit YMAC's [website](#) and/or [www.ProtectAboriginalHeritageWA.org.au](http://www.ProtectAboriginalHeritageWA.org.au)

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## KEY POINTS ABOUT THE ABORIGINAL CULTURAL HERITAGE ACT WORKSHOP:

- Aboriginal Cultural Heritage Act Workshop, 18-19 January 2022.
- Agenda and format to enable the systematic review of all elements of the ACH Bill where the draft falls short of the WA Government's commitment to better protect Aboriginal heritage in Western Australia, place Aboriginal people at the centre of our heritage protection regime, and deliver better decision-making in land use proposals for stakeholders, industry and the community.
- Equitable representation and participation from all key stakeholder groups to ensure informed discussion that leads to negotiated outcomes.
- Key stakeholders will be empowered and enabled to work together in harmony guided by jointly defined and agreed criteria.
- Aboriginal people invite government, industry and cultural heritage professionals to co-design a new law that ensures the right balance between heritage protection and economic benefit.
- Event organisers include Aboriginal people supported by members of the WA Alliance of Native Title Representative Bodies and Service Providers who work with them to protect Aboriginal cultural heritage.

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## About Yamatji Marlpa Aboriginal Corporation

Yamatji Marlpa Aboriginal Corporation (YMAC) is the Native Title Representative Body (NTRB) for what are described as the Pilbara (Marlpa) and Geraldton (Yamatji) regions of Western Australia. YMAC is run by an Aboriginal Board of Directors, representing several native title groups, each of whom has their own language, culture, traditions and protocols. YMAC provides a range of services, including native title claim and future act representation, heritage services, executive office, community, economic development assistance, and natural resource management support.

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