

WA Government continues to disregard Traditional Owners' pleas, as well as recent advice from United Nations, passing controversial ACH Bill through parliament

MEDIA RELEASE: 15 December 2021



Photo: Traditional Owners and supporters at Protect Aboriginal Heritage Walk 23 October 2021

In yet another display of its cavalier attitude, the McGowan Government has passed the contentious *Aboriginal Cultural Heritage Bill 2021* (ACH Bill) despite ongoing concerns raised by WA Traditional Owners and, more recently, issues highlighted by the United Nations' Committee on the Elimination of Racial Discrimination (UNCERD). WA Traditional Owners remain determined to have their voices heard on how this will impact their cultural heritage going forward.

Though not unexpected, it was a disappointing outcome that the controversial ACH Bill was enacted, given the McGowan Government holding majority seats in both houses of parliament. It was hoped that WA Traditional Owners would finally be listened to – especially with the [support of advice sent from the UNCERD late last week](#) – and that the ACH Bill's passage through parliament would be paused. Many are unsurprised by the State's demonstration of continued indifference.

As YMAC's Co-Chairperson, Yamatji Region, Mr Peter Windie, explained: "You'd think by now we, as Aboriginal people, would be used to the government ignoring us and doing what they want – that this shouldn't come as a shock. However, we trusted both the former and current Labor Ministers for Aboriginal Affairs when they said they wanted to work *with* us. We believed them when they said we could create one of the best Aboriginal cultural heritage protection laws *together*. But, sadly, once again, government just talked *at* us, they didn't listen to us when we said we needed time to consider things more, and they went on to introduce this new legislation that serves their and industry's interests – certainly not ours."

Not to be deterred by this setback, Traditional Owners remain determined to go ahead with the co-design workshop they had already planned for 18 and 19 January 2022.

“We asked the State Government not to rush this bill through. We asked them to let us have enough time so we could review and understand it properly. We asked them for the chance for us to co-create a new law that all stakeholders could work with. They didn’t provide us with any meaningful opportunities to do any of that, so we’re forced to adapt again. And, even though we feel very disrespected by them, we *still* want to invite people from the government, as well as others who have an interest in this very important issue, to join us in developing an approach for how we can make sure this new law is implemented in the best way possible”, Mr Windie said.

YMAC CEO, Simon Hawkins, affirmed: “As I have said before, WA Traditional Owners got so fed-up being dismissed by the State Government when asking to meet with them *and* other interested parties to go over the proposed bill together, that YMAC and other representative organisations were told to organise a forum for that express purpose. So, we did just that, and arranged for an ‘Aboriginal Cultural Heritage Protection Workshop’. Then, almost immediately after we made the announcement of the workshop, the State announced their intention to introduce the ACH Bill to parliament. Now that the bill has been passed, Traditional Owners’ focus has had to shift from what they can do to craft a bill that supports what they need, to now living with legislation that they did not support as it was last presented to them. Nevertheless, they are still determined to do whatever they can to ensure their cultural heritage is looked after. This includes continuing on with hosting this important workshop in January that will focus on identifying a framework for real, genuine co-design.”

The McGowan Government is already on record committing to a co-design process in relation to the development of key supporting documents associated with the ACHB. In response, WA Traditional Owners still wish to lead the process of establishing a co-design framework and its implementation. This framework, in turn, should inform how the associated statutory guidelines and regulations, as well as how the mandated five-year review process regarding the operation and effectiveness of the ACHB (per section 309) should be undertaken.

A key aspect of the workshop will be to first establish an agreed upon understanding of what “co-design” is (and what it is not). Drawing from best practice approaches undertaken elsewhere globally, however, we already know that “consultation” does not equate to ‘co-design’, and that legitimate co-design processes require continual collaboration and improvement and ensuring the right stakeholders are involved.

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

Please attribute any quotes you may use to the individuals as they are cited herein.

All other statements contained in this media release can be attributed to YMAC CEO, Simon Hawkins.

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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