



**Traditional Owners continue to be ignored by WA State Government on ACH Bill;
Still left wondering ‘what’s the rush?’**

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Photo: Traditional Owners and other supporters on the ‘Protect Aboriginal Cultural Heritage Walk’ (held Saturday, 23 October 2021), united in protest against the *Aboriginal Cultural Heritage Bill 2021*

With the passing of the WA State Government’s *Aboriginal Cultural Heritage Bill 2021* (ACH Bill) through the Legislative Assembly this week, and given Labor’s majority in both houses, Traditional Owners fear it is only a matter of time before the problematic bill will become law. And one question Traditional Owners are demanding an answer to remains: *What’s the rush?*

Despite the ongoing calls for the McGowan Government to allow WA Traditional Owners and the organisations that support them sufficient time to comprehensively review the proposed ACH Bill making its way through Parliament, it is becoming more and more clear that the State is determined to ignore these pleas and pass the legislation by year’s end: a strong display of complete indifference from a government that has championed itself on supposedly wanting to empower Aboriginal people, and comes so soon after the launch of its whole-of-government strategy that committed to doing so¹.

As YMAC’s Co-Chairperson, Yamatji Region, Mr Peter Windie, shared: “So many Traditional Owner groups from across the state have been asking the government to give us some time to look at this bill, so we can understand what it means for us and our cultural heritage. They talk and write policies about how they want to ‘empower Aboriginal people’, ‘walk together’ with us, ‘promote respect’ for us, ‘support Aboriginal-led solutions’, but they aren’t doing any of that themselves. It’s all just talk and not worth the paper any of it is written on. They sprung this latest version of the bill on us at the last minute, and we’re already starting to see there are changes in there that were never discussed with us before. You can’t help but feel like there’s going to be more changes in there that they don’t want us to find until it’s too late and it becomes the law that we are stuck with. Otherwise, what is the harm in giving us some more time so we can thoroughly go over it?”

¹ [Aboriginal Empowerment Strategy – Western Australia 2021-2029 \(www.wa.gov.au\)](http://www.wa.gov.au)



Such concerns are supported by the discovery of both overly vague and overtly troubling sections in the current bill. For example, the resourcing requirements of Prescribed Bodies Corporate (PBCs) to enable them to be recognised as providers of ‘Local Aboriginal Cultural Heritage Services’ are unclear (and which are feared might inhibit smaller PBCs from being able to manage their own heritage); while the redrafting of clauses pertaining to Protected Areas have also raised alarm.

The blatant disregard of their requests is understandably resulting in Traditional Owners feeling like their voice, as well as those of other stakeholder groups², are being silenced in favour of those who are in agreement with government³. “It’s really disheartening and frustrating that the Premier and the Minister for Aboriginal Affairs are out there telling people how good this bill is, but they’re not acknowledging all the people and groups who are trying to speak out against it. We get that this bill is better than the existing act, but of course it is, the current law was made almost 50 years ago. It doesn’t take a whole lot to improve on it. What it does feel like though, is that government are happier to make sure the interests of mining companies and industry are looked after, over the concerns of Aboriginal people,” YMAC’s Co-Chairperson, Pilbara Region, Miss Natalie Parker.

While YMAC accepts that the existing *Aboriginal Heritage Act 1972 (WA)* is in need of replacing, it is our view that a massive opportunity is being missed in terms of government indicating a genuine willingness to work with Traditional Owners and industry in partnership to co-create a bill that all parties can agree upon.

“Traditional Owners have continuously demonstrated their pragmatism when it comes to balancing cultural heritage protection and development, and they have continually stated that they want to co-design legislation where different interests can coexist. They actually got so tired of being ignored by government when asking for the opportunity to sit down with them and industry to go over the bill together, that YMAC and other representative organisations were asked to organise a forum for that express purpose. So, we did just that, and made arrangements for the ‘Aboriginal Cultural Heritage Act Workshop’ to be held in January. However, almost immediately after we made the announcement to confirm the details of the workshop, the State announced their intention to introduce the ACH Bill to Parliament. So, even when Traditional Owners are prepared to do the government’s job for them, the State still simply dismisses them and the goodwill they keep extending,” YMAC CEO, Simon Hawkins.

Similar thoughts to those of Miss Parker and Mr Hawkins were again shared by Mr Windie, “It seems obvious to us Traditional Owners that while we’re trying to be considerate of other people’s interests, and are willing to figure out ways to balance these with our own, those in government are more worried about keeping the industry sector onside, and maybe they’re even thinking about what opportunities could await them in their lives after politics. But, like we said in our open letter to the McGowan Government⁴, ‘This isn’t about politics for us, this is about us protecting our cultural heritage... they can replace an act, but we can’t replace our cultural heritage.’”

² For example, see: [Perpetual and other investors call for pause on WA Aboriginal heritage laws \(afr.com\)](#); and [PGA slams ‘rushed’ Aboriginal Cultural Heritage Bill | Countryman](#).

³ See, [Mining sector can work with new heritage bill: CME - Australian Mining](#).

⁴ See, [20211118-Open-ltr-to-Govt-re-ACHB-online.pdf \(ymac.org.au\)](#)



YMAC and the Traditional Owners it represents call for the McGowan Government to hold off progressing the ACH Bill any further; at least until such time it can be sufficiently reviewed, understood and critiqued, and following the occurrence of the 'Aboriginal Cultural Heritage Act Workshop' (18-19 January 2022).

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.

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.

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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