



YMAC response to possible repeal of new heritage laws

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The confusion and uncertainty created by the State Government's insistence on implementing the *Aboriginal Cultural Heritage Act 2021* (WA) (ACHA) appears to have finally caught up with what many Traditional Owners had been saying prior to – and ever since – its rushed passing through Parliament in late-2021.

A new, and unique, opportunity to revisit and attempt to resolve major concerns raised throughout both the development and subsequent roll-out of the ACHA would be welcomed. However, prolonging the uncertainty and risks to Aboriginal cultural heritage this would impose in the meantime is of critical concern to YMAC.

Until there is some form of adequate resolution, YMAC would demand a moratorium be put in place on any approvals to damage, disturb or destroy Aboriginal cultural heritage sites. We would also support Federal Government intervention to ensure the safeguarding of sites at-risk in the interim because in Western Australia, and specifically in the regions YMAC's represents, mining projects and the revenue they create for the State Government can and do put Aboriginal cultural heritage sites at additional and greater risk.

Further, a scrapping of the ACHA does not necessarily mean Aboriginal cultural heritage law reforms in Western Australia would be starting from scratch. In the least, it can incorporate consistent requested amendments already provided and/or provide meaningful responses to the comprehensive submissions shared throughout this process. There are also the recommendations contained in *A Way Forward: Final report into the destruction of Indigenous heritage sites at Juukan Gorge*, which should, of course, be implemented. However it is achieved, the State Government must make a more genuine commitment to co-design legislation to the satisfaction of all affected stakeholders.

Quote from Simon Hawkins, YMAC CEO: "It is frustrating that the State Government's poor judgment and mishandling of these reforms come at the expense of Traditional Owners and their cultural heritage. Directly, if the ACHA is repealed, Aboriginal people are once again put in limbo in relation to not knowing what is going on, as well as the threats this will create in terms of protecting their cultural heritage sites. Indirectly, as we have seen play out in the media, they can be viewed as the source of a problem that was actually wholly created by government and its impatience to forge ahead with flawed legislation – despite the warnings not to from multiple stakeholder groups."

All quotes to be attributed to Mr Simon Hawkins, CEO, Yamatji Marlpa Aboriginal Corporation.



Yamatji Marlpa
ABORIGINAL CORPORATION



About Yamatji Marlpa Aboriginal Corporation

Yamatji Marlpa Aboriginal Corporation (YMAC) is the Native Title Representative Body (NTRB), delivering native title and other services across the Pilbara, Mid West, Murchison and Gascoyne regions of Western Australia. YMAC is run by a First Nations board of directors, representing several native title groups, each of whom have their own language, culture, traditions and protocols. YMAC services include native title claim and future act representation; heritage services; executive office, community, and economic development assistance; land administration, and natural resource management support.

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