



State Government's rush to correct its failures comes at the expense of Traditional Owners – once again!

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Members of YMAC's Pilbara Regional Committee have expressed their frustration and exasperation at a meeting being held in Port Hedland today in response to the State Government's sudden decision to scrap the *Aboriginal Cultural Heritage Act 2021 (WA)* (ACHA).

After days of speculation, rumour and uneasy anticipation, the State Government's announcement yesterday to repeal the ACHA and revert back to the *Aboriginal Heritage Act 1972 (WA)* – albeit with a few amendments – conjures a mixed reaction for those of us who have been advocating on this issue for many years.

Long before the devastating destruction of Juukan Gorge in 2020 (and the important recommendations made in the subsequent inquiry report), YMAC has been vocal in its ongoing concerns relating to the protection of Aboriginal cultural heritage sites, and the power imbalance and inequity that exists in agreement making and heritage protection for Traditional Owners in Western Australia.

As part of the current State Government's review of the archaic Aboriginal cultural heritage legislation still in place, which commenced in 2018, YMAC alone has provided close to 200 pages of considered feedback and consistent advice in the form of written submissions¹ – much of which has gone unanswered.

While the addition of rights for Native Title Parties to review and appeal section 18² decisions are encouraging and welcomed, it is frustrating that the State Government considers giving Traditional Owners the same rights that proponents have always held as a solution to the mess it has created with the introduction of the ACHA *and* its reversal.

The State Government purported itself as a leader in this space – touting the ACHA as “the most progressive cultural heritage legislation in the country”³ – how can it simply revert back to slightly modified 50-year-old laws, with no opportunity for further reflection or comment?

Mrs Doris Eaton, Acting YMAC Co-Chairperson – Pilbara Region, shared, “A tweaking of the 1972 act is not sufficient. If it were, why did we just endure several years of debate, frustration, heartbreak and more, to ultimately have a new law we didn't wholly agree with imposed upon us – which has now been overturned within weeks of it coming into effect –

¹ See, www.ymac.org.au/advocacy-and-law-reform/submissions/

² Section 18 of the *Aboriginal Heritage Act 1972 (WA)* outlines the process for an application to received legal consent to disturb, damage, or destroy an Aboriginal cultural heritage site.

³ [New Bill to deliver better protection for Aboriginal cultural heritage | Western Australian Government \(www.wa.gov.au\)](http://www.wa.gov.au)



just to have other changes *told* to us without any further discussion or prospect to revisit?! “Sorry” just isn’t good enough.”

As previously stated⁴, until there is some form of adequate resolution, YMAC calls for a moratorium to be put in place on any approvals to damage, disturb or destroy Aboriginal cultural heritage sites. Further, YMAC calls on the State Government to undertake comprehensive consultations on the proposed changes to the 1972 act; ensuring Traditional Owners are integral to this process, as it is them and their cultural heritage being impacted the greatest.

YMAC CEO, Simon Hawkins, reflected, “On behalf of the Traditional Owners YMAC represents and consulted with to inform our positions, our unwavering recommendations went ignored. So, to us, it feels very disingenuous of the State Government to now be introducing these basic measures to promote procedural fairness – simply levelling the playing field – because it is folding to pressures from other stakeholder groups. Traditional Owners have been clear in their requests from the outset. While the need for clear and uncomplicated laws and processes are objectively shared across all stakeholder groups, the simple fact that this legislation is meant to act to protect Aboriginal cultural heritage is, once again, being overlooked in favour of the needs and protests of industry, pastoralists and others.”

Unless otherwise stated, all quotes to be attributed to Simon Hawkins, CEO, 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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⁴ See, [YMAC media statement](#), 6 August 2023