



Kimberley Land Council

MEDIA RELEASE

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KLC calls for Aboriginal Heritage Act rewrite

The Kimberley Land Council is calling for a complete overhaul of the Aboriginal Heritage Act, following the start of a WA State Government review of the legislation in the Kimberley this month.

KLC Acting CEO Tyrone Garstone says the Act is in dire need of a rewrite and urged the government to start afresh, rather than amending the current Act piecemeal.

“For many years the Kimberley Land Council has been calling on the WA State Government to make real and positive changes to the Aboriginal Heritage Act,” Mr Garstone said.

“The current Act, being from a pre-native title and pre-racial discrimination legislation era, is fundamentally flawed and should be repealed and replaced, rather than amended piecemeal.

“The overriding purpose of the legislation should be the protection of Aboriginal sites for the benefit of Aboriginal people. Currently, the Act is primarily directed at processes that provide for damage to and destruction of Aboriginal sites. Applications to damage or destroy Aboriginal sites are almost never rejected.”

Mr Garstone says the current Act and the way it is administered is unfairly weighted towards proponents, developers and the community at large, rather than Aboriginal people.

“Aboriginal heritage is living, ongoing, and constantly around us,” Mr Garstone said. “Aboriginal people are the experts on their cultural heritage and what is important to us.

“We urge the State Government to work with us to improve the Aboriginal Heritage Act so it benefits the Aboriginal community first and foremost.”

The Kimberley Land Council is calling for key changes, including (cont page 2):

- Any new legislation should require rigorous consultation with and the consent of affected native title holders, consistent with consultation requirements under the *Native Title Act*.
- Legislation should not permit holders of mining tenements to make applications to alter (damage, destroy, conceal or alter) Aboriginal sites. This should be a matter for resolution between the relevant miner and native title holding group. Currently, the Act provides an inadequate and biased appeals process that enables mining companies to seek a review of decisions but arguably not Aboriginal people.

- Legislation should incorporate the principles of the UN Declaration of Rights of Indigenous People.
- All affected native title holders must have the ability to seek a review of decisions under the Act.
- More funding should be committed by the government to enforcement of provisions under the Act and prosecution of offences.

Minister for Aboriginal Affairs Ben Wyatt announced the review into the Aboriginal Heritage Act 1972, in March this year.

According to the government, it aims to have an amended Aboriginal Heritage Act passed by both houses of Parliament by the end of 2020.