



Kimberley Land Council

MEDIA STATEMENT

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FOR IMMEDIATE RELEASE

Juukan Gorge report sounds the death knell for WA's proposed Aboriginal heritage laws

The Kimberley Land Council says the interim report into the destruction of Juukan Gorge by Rio Tinto is evidence that WA's proposed *Aboriginal Cultural Heritage Bill (2020)* must not be passed if cultural sites are to be properly protected.

Released on Monday, the report strongly condemned the actions of Rio Tinto and the State and Federal governments, whose weak Aboriginal heritage legislation enabled the destruction of the Juukan caves despite the protests of the PKKP people.

The report confirmed the imbalance of power between industry and Traditional Owners and shows that should WA's new heritage laws be passed next year; the situation will continue and with it the ongoing legalised destruction of sacred sites.

Anthony Watson, Chair of the Kimberley Land Council, said while he welcomed the reports recommendation for restitution of the site, compensation must also be made for the cultural loss and a stop placed on any new heritage legislation that does not fully support native title rights.

"Given the native title compensation precedent from the High Court in the Timber Creek case last year, Rio Tinto must be made to pay for the significant and deeply felt cultural loss experienced by the PKKP," he said.

"Traditional Owners go through a long, often traumatic process, to get native title rights over their land and then with a stroke of a pen a government minister can overrule these rights and destroy their country without consent.

The McGowan government key selling point for the new bill was the removal of Section 18, which allowed for the destruction of sacred sites such as Juukan Gorge. But this is not the case.

"While the changes remove Section 18, government endorsed destruction without the agreement of Traditional Owners would still be possible under a re-badged and rebranded Section 139.

“It’s not the intention of Traditional Owners to hinder industry. We need to know that when we say “no” this will be respected, and there isn’t a loophole for miners or other operators to get what they want.

“We are calling on both state and federal governments to implement strong cultural heritage laws that recognise Traditional Owners as the only true authority over their cultural heritage and for industry to engage with us directly to come up with an approach that balances the needs of industry with those of heritage protection.”

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