



Kimberley Land Council

MEDIA STATEMENT

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FOR IMMEDIATE RELEASE

**Kimberley Aboriginal leaders say “NO” to proposed
Aboriginal Cultural Heritage Bill**

Native title groups from across the Kimberley have come together in Broome to review the new *Aboriginal Cultural Heritage Bill 2020 (WA)* and they say it should not be introduced into Parliament later this year. The unequivocal message from native title groups in the Kimberley is that the Bill must be scrapped.

The consultation, facilitated by the Kimberley Land Council (KLC), brought together representatives from Prescribed Bodies Corporate (PBCs) and native title groups from across the Kimberley to consider the proposed new law which will replace the current outdated *Aboriginal Heritage Act 1972*.

The PBCs, who are responsible for representing the rights and interests of native title holders, are demanding that Minister for Aboriginal Affairs Ben Wyatt not introduce the Bill into Parliament until there has been proper engagement with Aboriginal people about how the proposed new law will impact their cultural heritage.

The Department of Planning, Lands and Heritage released a consultation draft of the Bill on September 2 and is allowing one month for public review of the complex and hefty new legislation. The proposed new law will impact all native title holders and PBCs in the Kimberley, and across the state.

The most concerning element of the Bill is the authority it gives to proponents to make decisions about Aboriginal cultural heritage without first consulting the native title holders. Proponents will have the authority to decide if there is Aboriginal cultural heritage in the area they wish to operate in and what procedural rights Aboriginal people should have in relation to the damage to or destruction of their cultural heritage.

The Bill is a significant backwards step even from the current *Aboriginal Heritage Act 1972*, which is universally acknowledged as outdated and unfairly favours industry.

Whilst the Department has met with Aboriginal people on a number of occasions, consultations should involve taking on board the perspectives of the people being consulted with. The wishes, concerns and opinions of native title holders are not included in the current bill, nor is it inline with their rights under the *Native Title Act 1993*.

Therefore, the Kimberley Land Council and PBCs are demanding that Minister Ben Wyatt respond to their concerns in the following ways:

- The bill **not** be introduced to Parliament.
- There be proper consultations with Aboriginal people and the development of a law which recognises Aboriginal people as the only authoritative decision makers of their cultural heritage.
- The considered development of a law to replace the Aboriginal Heritage Act consistent with the *Native Title Act 1993*. The process of having native title recognised is traumatic, drawn-out, and oppressive to Aboriginal people. It is frustrating when, at the conclusion of that process, they are confronted with a parallel law which is not consistent with the *Native Title Act* and requires them to “consult with” people categorised as “knowledge holders” under the Bill who are not even native title holders.
- The considered development of a law to replace the *Aboriginal Heritage Act 1972* consistent with the *United Nations Declaration on the Rights of Indigenous People* and the *Best Practice Standards in Indigenous Cultural Heritage Management and Legislation*. The Best Practice Standards were confirmed by Commonwealth Minister for Indigenous Australians Ken Wyatt and Minister Ben Wyatt, and other Ministers from around Australia, as recently as last week, and are relevant and valuable to the process of modernising Aboriginal heritage protection laws.

An analysis of the Bill against the Best Practice Standards will be submitted to the Commonwealth Joint Standing Committee on Northern Australia inquiry into the destruction of Juukan Gorge this week. That analysis is expected to confirm that the Bill falls short of the Best Practice Standards in many important areas.

The KLC, and native title groups from across the Kimberley endorse the Best Practice Standards and call on Minister Ben Wyatt to reject the backwards steps in protection of Aboriginal cultural heritage represented by ongoing support for the Bill.

ENDS

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