

## **WA Aboriginal Heritage Act needs to be scrapped**

The Kimberley Land Council says the State Government needs to scrap the WA Aboriginal Heritage Act and start again.

Nolan Hunter, CEO of the Aboriginal organisation, says the State Government has failed in its attempt to fix the Aboriginal Heritage Act because proposed new legislation completely disregards Aboriginal people and their right to care for their heritage.

“Proposed State Government changes will make the Aboriginal Heritage Act even worse by further entrenching a flawed approach and detrimentally affecting Aboriginal cultural heritage,” he says.

“The Act should protect and preserve cultural heritage for Aboriginal people. Instead, it denies Aboriginal people of any involvement and gives supreme decision-making power to a single government bureaucrat.

“It is outrageous that one person and a government bureaucrat at that will have ultimate responsibility to make all decisions about our Aboriginal cultural heritage. Aboriginal involvement needs to be built into the law because that’s the only way we can make sure the State Government includes us.”

Mr Hunter says the KLC has met with State Government representatives since the proposed legislative changes were released two months ago and has written a submission on the changes, for which the cut-off date was in early August.

“The State keeps trying to reassure us that our concerns will be addressed in the regulations that enforce the legislation. Our cultural heritage is too important for us to take that leap of faith; we want our concerns addressed in the law,” he says.

The KLC’s main concerns include:

- The ultimate decision-making powers of the Department of Aboriginal Affairs CEO in regard to the importance and protection of Aboriginal cultural heritage, subject only to regulations which are being kept secret;
- Failing to report information about cultural heritage places will become a criminal offence, putting staff at organisations like the KLC at risk for maintaining client confidentiality;
- No formal engagement or consultation of Aboriginal people about their own cultural heritage, and no process independent from Government;
- Inadequate and biased appeals processes that enable mining companies to seek a review of decisions but not Aboriginal people;
- Forcing Traditional Owners to publicly list all cultural heritage sites on the Aboriginal Sites and Objects Register, under the threat of lesser protection and enforcement.

Mr Hunter says the WA State Government needs to go back to the drawing board and rethink its position on Aboriginal Cultural Heritage.

“I call on the State Government to not proceed with the draft bill. The KLC strongly supports reform of the Aboriginal Heritage Act but it’s got to be done right and in a way that actually protects cultural heritage,” he says.

“The State Government has missed a great opportunity to bring WA Aboriginal heritage protection in line with the rest of the country. In Queensland, Victoria and the Northern Territory, Aboriginal heritage protection is integrated with the Native Title Act and starts with Traditional Owner involvement.”