



# Planned WA heritage changes condemned



THE Western Australian Greens have joined forces with peak Aboriginal representative bodies in condemning proposed changes to

the *Aboriginal Heritage Act*, which sets out the way in which sacred places and objects in the state should be preserved.

Mining and Pastoral Region Greens MLC Robin Chapple called on WA Aboriginal Affairs Minister Peter Collier to withdraw the draft *Aboriginal Heritage Amendment Bill*.

And the Yamatji Marlpa Aboriginal Corporation (YMAC), the native title body representing claimants in the Pilbara, Murchison and Gascoyne, says the WA Government has "wasted a unique opportunity to address the deep inequities embedded in the Aboriginal heritage protection regime".

YMAC chief executive Simon Hawkins said the current Act was more a licence to destroy heritage than a mechanism to protect it, and the proposed amendments only reinforced this view.

"YMAC supports changes that can increase efficiency in the

approvals process, however not at the cost of quality," he said.

"These amendments focus squarely on approvals for industry and will do little to improve processes for effective consultation and long-term protection and management of Aboriginal heritage."

Mr Chapple said there had been enough community backlash for the Minister to see people were "vehemently opposed" to the Bill.

"The Minister needs to scrap this outrageous piece of legislation and enter into proper negotiations to ensure there is community involvement in the protection of Aboriginal heritage sites," he said.

The amendments were released for comment on June 11, with Mr Collier saying they offer "a balanced suite of reforms that will satisfy the needs of those who work within the boundaries of the Act, and that they will deliver an environment of certainty,

fairness and consistency".

The Kimberley Land Council (KLC) is hopeful that increased penalties and prosecution procedures will encourage industry to work with Aboriginal people to ensure there is no damage to heritage sites from the very start.

"We hope that these new laws will work in practice as they are intended on paper; that means if companies and the Government genuinely engage with Aboriginal

people from the start they will be rewarded with a speedier process, but if they don't they will be penalised," deputy CEO Frank Parriman said.

Another controversial change sees control of major decisions handed from a committee to a single chief executive.

Greens MLC Lynn MacLaren said the amendments made significant and disturbing changes to the function and power of the Aboriginal Cultural Materials

Committee (ACMC), which used to assess all Aboriginal heritage site reports.

"Every instance of the word 'committee' in the old legislation, in reference to the ACMC, has been replaced with the word CEO. They

have also removed the requirement for at least one member to have anthropological expertise in the area of Aboriginal heritage," she said.

Ms MacLaren said the ACMC

would now exist only on a consultative basis at the whim of the CEO.

YMAC has echoed concerns about overarching powers being given to one person who "not necessarily with any relevant expertise or experience in cultural heritage management, will have the discretion to protect or destroy Aboriginal heritage sites and objects".

YMAC says the draft reforms provide no clear requirement

for consultation with relevant Aboriginal people when assessing the importance or significance of sites, or when deciding whether to issue permits to industry to carry out development activity.

The appeals process is also inadequate, YMAC says, with parties aggrieved by decisions to protect Aboriginal heritage sites able to appeal to the State Administrative Tribunal, while Aboriginal people continue to be

denied any avenue to appeal a decision.

"These reforms fall well short of the protection afforded to non-Aboriginal built heritage in WA," Mr Hawkins said. "The State Government needs to actively involve traditional owners in the reform

process and take advantage of the collaborative approach they have developed with industry over the last decade."

Another aspect to come under fire is the eight-week consultation



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period for the proposed amendments, which Mr Chapple and the KLC say is too short. Mr Chapple is urging people to write submissions before the August 6 deadline on what he called an "appalling piece of legislation".

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