



# Aboriginal Heritage Action Alliance

**MEDIA RELEASE**

Wednesday 17th November 10.30am

The Western Australian Minister for Aboriginal Affairs is set to table the Aboriginal Cultural Heritage Bill this afternoon in Perth. This is despite repeated requests from Indigenous groups to see the Bill in advance and their requests for him to delay it until further discussion has been had. The Minister's office had agreed to a roundtable with Elders and has tabled the Bill regardless.

The Bill has not been shared with any Indigenous group for comment.

The Bill was made available online by DPLH late yesterday afternoon and contains some surprises, such as an amended definition of cultural heritage, not approved by Indigenous groups. As with the current Aboriginal Heritage Act (WA) - which the Bill is set to replace - the Minister maintains over-riding control of all decisions in respect of protection, agreement-making and appointments, leaving no right of decision-making with Traditional Owners.

From our current appraisal of the proposed new Bill, AHAA believes the Bill is noticeably worse than the September 2020 draft. The State taking greater control to manage its heritage sector, reducing Traditional Owner rights and Native Title rights to processes devised and endorsed by a State Committee. AHAA believes there is no legal protection for Aboriginal places such as Law grounds, the habitation place of the Rain Serpent and Women's (story) sites. These are just a few examples of intangible heritage.

AHAA believes the Bill is racism enshrined in legislation.

Overall, the lack of protections in the Bill leaves Aboriginal cultural heritage vulnerable to destruction and the Minister in a position to continue to allow for the lawful destruction of sacred sites like Juukan Gorge.

The tabling of the Bill in this way is a shocking betrayal of Indigenous Western Australians. The WA Government's mishandling of process in regard to this Bill clearly shows their on-going disrespect of Indigenous rights. The State's patronising approach to making laws on behalf of Indigenous Western Australians without their collaboration or knowledge is a breach of Australia's commitments under the UNDRIP and further entrenches systemic racism in WA.

In September AHAA filed an Early Warning and Urgent Request to the United Nations Committee for the Elimination of All Forms of Racial Discrimination outlining the structural inequities in the Bill, which is weighted in favour of the proponent. The UN is now considering reviewing the Bill for its lack of adherence to International Indigenous rights and racial equity standards.

In the face of overwhelming opposition, WA Premier, Mark McGowan, stated today that the Bill is the most "progressive" in the country. This is far from true. The 'Way Forward Report into the Juukan Inquiry' clearly recommended the Northern Territory Sacred Sites Act as the most effective law in Australia to protect places of Indigenous significance.