


# WA heritage bill sails in despite crosswinds

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15 December 2021

- **Paul Garvey**

Senior Reporter

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- 6:24PM December 15, 2021
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A bill overhauling Western Australia’s Aboriginal heritage laws has been pushed through the state’s upper house, drawing criticism from Indigenous groups and one of the country’s superannuation giants.

The Aboriginal Cultural Heritage Bill passed without amendment on Tuesday night after Labor again made the most of its dominant parliamentary numbers.

The overhaul of the Aboriginal Heritage Act had been in the works for some time before Rio Tinto’s destruction of the Juukan Gorge rock shelters – which had been approved under the former act – attracted global condemnation last year but the new bill had been criticised by several Aboriginal Land Councils and Indigenous leaders concerned that the new laws did not go far enough in offering extra protection to cultural sites.

The UN had also weighed in on the matter, writing to Australia’s ambassador to the UN to express concern about the bill and asking for an explanation of the changes.

WA Premier Mark McGowan described the new laws as a “historic and significant reform” that supported the self-determination and empowerment of Aboriginal people. “Finding a balance between the protection of that rich cultural heritage and delivering on the economic potential of natural resources to ensure our state’s continuing prosperity is crucial,” he said.

A coalition of Indigenous groups called the Aboriginal Heritage Action Alliance said the new laws would enable continued destruction of sacred sites.

Several Aboriginal leaders fear there is inadequate opportunity for Indigenous groups to block proposed developments, with the final say resting with the WA Aboriginal affairs minister.

Nyikina Warrwa traditional custodian Anne Poelina said the government had squandered the opportunity “to right wrongs and discard racist laws”.

“McGowan has failed us. Mining companies must now show they understand their responsibilities and commit to pausing further destruction until this mess is worked through.

“Our people have responsibility to protect sacred sites. These new laws, which were thrust upon us without proper consultation, do not empower us with the right to say ‘no’ or give rights of appeal.”

The head of impact at the \$56bn health worker superannuation fund HESTA, Mary Delahunty, said passage of the bill was “extremely disappointing”.

“There has been widespread acknowledgment that the bill will fail to stop future destruction of priceless cultural heritage similar to what occurred at Juukan Gorge,” she said.

Opposition Aboriginal affairs spokesman Vince Catania said the passing of the bill was the latest in a line of legislation rushed through parliament without proper process.

“A majority of Aboriginal organisations, traditional owners and even the UN are concerned about the power of approval being held by the minister responsible, who will have the final say over whether certain developments can go ahead,” he said.

“Labor decided to ram this bill through with no amendments, so that power of approval is now law. It is up to the Labor government to ensure that approval process is not abused.”

The mining industry has welcomed the changes.

## **Paul Garvey**

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Senior Reporter

Paul Garvey has been a reporter in Perth and Hong Kong for more than 14 years. He has been a mining and oil and gas reporter for the Australian Financial Review, as well as an editor of the paper's Street Talk ... [Read more](#)



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