



**Yamatji Marlpa**  
ABORIGINAL CORPORATION



Our Ref: Aboriginal Cultural Heritage Act – delay request  
Office: Perth  
Date: 26 March 2020

To: Honourable Ben Wyatt MLA  
Treasurer; Minister for Finance; Aboriginal Affairs; Lands  
11<sup>th</sup> Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Dear Ben,

**REF: The impact of COVID 19 on the delivery of the new *Aboriginal Cultural Heritage Act***

The Yamatji Marlpa Aboriginal Corporation (YMAC) is a registered native title representative body representing a range of groups in the Gascoyne, Mid-West and Pilbara regions of Western Australia in Native Title, post-determination support, and related services. We have been consulting with our groups throughout the revision process of the *Aboriginal Heritage Act 1972 (AHA)*.

Whilst we applaud the Government's decision to repeal and replace the AHA we have repeatedly expressed our concerns to the Department of Planning, Lands, and Heritage (DPLH) regarding the timeline for phase three of the process, even before the impact of COVID 19.

Our understanding is that the draft Green Bill was expected to be ready in late May / early June to go before Cabinet. There would then be a four week consultation and revision phase before the bill would be voted upon. When we queried the DPLH on this they advised that the presentations they were making regarding the new legislation were designed to minimise the need for any revisions to meet the truncated time period. Over the last two months YMAC staff have attended multiple DPLH presentations given in a variety of forums and have received very different messaging concerning key aspects of the new legislation at each. The presentations, whilst informative and generally positive, were extremely light on detail concerning to operation of Local Aboriginal Heritage Services, the role of representative bodies, funding, and implementation of the new legislation.

The impact of COVID 19 in Western Australia has already has already resulted in:

1. The National Indigenous Australians Agency (NIAA) cancelling all non-essential travel for staff across Australia;
2. Your own announcement closing access in and out of remote communities in Western Australia.
3. Numerous government agencies and corporations (including mining company offices) in Perth closing their offices with staff working remotely where possible.
4. The Federal Court advising that it will be vacating all listings and other Court events until the end of June 2020.

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is a Native Title  
Representative Body  
ICN 2001  
ABN 14 011 921 883

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5. The majority of Prescribed Bodies Corporate closing their offices and working from home – and urgently working to keep their communities safe.

Under these circumstances we believe that it is impossible to provide fair consultation to Aboriginal stakeholders, the majority of whom do not have access to the technology necessary for remote consultation. Additionally, face-to-face interaction is the preferred and most culturally appropriate method of consulting on matters of such significance with our First Nations people.

YMAC's members and clients support 'in-principle' new legislation better recognising and protecting their cultural heritage but they are also very concerned about the detail and operation of the new act. I am sure we can agree that we all want to take this once-in-a-generation opportunity to get this new legislation right.

Given the above, I respectfully request on behalf YMAC that you delay the new legislation to allow for a proper consultation period after the COVID 19 crisis ends. YMAC would suggest deferring the tabling of the Green Bill until the end of the sitting year (if COVID-19 under control by this time), allowing an extended consultation period into the New Year and with an eventual vote of the new legislation in mid-2021.

Thank you for your consideration and I look forward to liaising with you regarding a solution that suits all stakeholders.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Simon Hawkins'.

Simon Hawkins

**Chief Executive Officer**

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