



Yamatji Marlpa
ABORIGINAL CORPORATION



Advocating for Aboriginal Heritage

MEDIA RELEASE: 27 May 2020

Recent media commentary about the events at Juukan Gorge in Western Australia's Pilbara, has highlighted the crucial need to improve current legislation around Aboriginal heritage. It is unfortunate that presently and historically, Aboriginal heritage is not treated the same as colonial heritage. In this context, if an act can deliver an economic outcome, then development activity appears to override any other interests every time.

The work to advocate for change has been a long process. It was triggered by the Yule River On-Country Bush meetings facilitated by YMAC, recommencing in September 2014 as a response to concerns over amendments to the legislation.

A significant outcome of the 2014 meeting was the decision to send a delegation to State Parliament, to meet with then Minister for Aboriginal Affairs, Hon Peter Collier MLC, Hon Brendon Grylls MLA, and now current Minister for Aboriginal Affairs Ben Wyatt MLA. The delegation raised their concerns about the proposed amendments and presented a petition signed by over 1600 concerned community members.

Fortunately, we are now seeing a brand-new act being drafted to replace the outdated *Aboriginal Heritage Act 1972 (AHA)*.

Both State sanctioned and illegal destruction of sites significant to Aboriginal people is a regular occurrence throughout WA. In relation to State sanctioned destruction, the current legislation allows proponents to appeal decisions they are dissatisfied with. There is no such right for Aboriginal people or the broader community.

YMAC believes the new DRAFT *Aboriginal Cultural Heritage Act* presents a once-in-a-lifetime opportunity to address the fundamental imbalance of power inherent in the existing legislation.

More importantly, it can give a powerful message to the Western Australian community of the significance of Aboriginal heritage as the original and irreplaceable part of Western Australia's collective cultural heritage.

YMAC has been active in trying to ensure this opportunity to improve Western Australian cultural heritage is not lost. YMAC has met with Department of Planning, Lands and Heritage multiple times to discuss how the new Aboriginal Cultural Heritage Act will be implemented, and to provide feedback on the proposed implementation of the new Act to promote greater balance.

Based on YMAC's most recent conversations the status quo in terms of developers being able to receive permission to destroy sites of significance remains the same in the proposed new Act, as what is in the current AHA.

The current process is proposed to be replaced by an agreement regarding the management of heritage values between the parties to be developed at the start of the project. Ultimately, if the Traditional Owner group does not agree to the destruction of a site, the proponent will be able to appeal to the Minister who will still have the power to override the agreement.

Under the proposed new legislation, the Minister will have to publish the reasoning for their decision. Currently no such mechanism exists and the increased transparency in the decision-making process is a step in the right direction.

YMAC looks forward to future collaboration with Minister Wyatt's office, DPLH, and other organisations and individuals within the Aboriginal community to ensure robust processes are in place to honour the heritage of our country and enable reasonable economic development.

All quotes to be attributed to Mr Simon Hawkins, CEO Yamatji Marlpa Aboriginal Corporation.

About Yamatji Marlpa Aboriginal Corporation

Yamatji Marlpa Aboriginal Corporation (YMAC) is the native title representative body for the Pilbara, Mid West and Gascoyne regions of Western Australia. YMAC has a representative area of over one-third of WA and represents several Traditional Owner groups - all with their own language, culture and traditions. YMAC is a not-for-profit organisation run by an Aboriginal Board of Directors and provides a range of services to its members including claim and future-act representation, heritage protection services, community and economic development and natural resource management.

For all media enquiries relating to this release, please contact YMAC Communications Manager, Jane Mitchell (jmitchell@ymac.org.au or 0427 463 796), or editor@ymac.org.au .