



Kimberley Land Council



South West Aboriginal Land
and Sea Council

2 July 2021

The Honourable Stephen Dawson MLC
Minister for Mental Health; Aboriginal Affairs; Industrial Relations
12th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005
Email: Minister.Dawson@dpc.wa.gov.au

Dear Minister

Draft Aboriginal Cultural Heritage Bill 2020 (WA)

Thank you for your correspondence dated 24 June 2021, responding to our concerns and suggested improvements about the draft *Aboriginal Cultural Heritage Bill* (the Bill) circulated in 2020.

The Alliance of Native Title Representative Bodies and Service Providers (the Alliance) is pleased that Government has taken on some of our feedback and thanks you for proposing that Department of Premier and Cabinet hold a stakeholder briefing session on the latest amendments.

All Alliance members want to dispel the myth that legislation containing strong heritage protections and economic outcomes cannot co-exist. To this end, we are committed to meet with Government and other stakeholders to discuss the current draft, with a view to achieving an outcome that benefits all parties.

We request further detail on the intended briefing, as we hope to engage in an open dialogue in finalising the Bill and have some concerns the stakeholder briefing make take the form of an information session with limited capacity for us – or the broader Aboriginal community – to provide comment on the amendments. Specifically, we seek clarification of which stakeholders would be participating in the briefing, how long the briefing is proposed to take and what opportunities will be provided during and after the briefing to engage with the amendments to the Bill.

Given your letter detailed only 8 of the 100 amendments that have been made to the 2020 draft, we believe it is critical the current draft be circulated prior to the meeting, to allow us time to understand which of our submissions has been incorporated.

For the briefing to result in worthwhile and genuine engagement for all stakeholders we request:


1. the current draft Bill be shared in its entirety with all stakeholders participating at least one week prior to the meeting and with an accompanying memorandum (or similar) highlighting the amendments that have been made for ease of comparison. This would allow for proper review and discussion by the Alliance ahead of the stakeholder session, to ensure it is as productive as possible, and
2. for the briefing to be a full day consultation, involving both Traditional Owners and other stakeholders such as the Chamber of Minerals and Energy.

You will appreciate that each of our organisations have invested significant time and resources over several years advocating for stronger protections and fairer and more balanced heritage laws in Western Australia. Our feedback to government on the Bill is based on many years of working closely with Traditional Owners in a variety of circumstances in support of protecting their heritage, and we are naturally eager to get this right.

Finally, thank you for confirming your commitment to co-design in developing regulations, codes and so forth. We agree that they are a critical component of legislative reform, and trust there will be Alliance representation within the taskforce referred to in your letter.

We look forward to meeting with you to discuss the current draft.

Yours sincerely



Anthony Watson
Chairman
Kimberley Land Council



Jo Lanagan
Chief Executive Officer Central
Desert Native Title Services



Simon Hawkins
Chief Executive Officer
Yamatji Marlpa Aboriginal Corporation



David Lanagan
Chief Executive Officer
Native Title Services Goldfields



Ed Armstrong
Chief Executive Officer
South West Aboriginal Land and Sea
Council