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Heritage Bill is both modern and robust

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OPINION ROB CARRUTHERS

The Aboriginal Cultural Heritage Bill that was introduced into WA Parliament last week promises to be one of the most important pieces of State legislation in recent memory.

It's been a long time coming — in part because its predecessor, the Aboriginal Heritage Act, dates back to 1972 and also because it isn't the first attempt to modernise this legislation.

Previous governments have attempted reform without getting this far.

Indeed, the current Bill as introduced is the result of a process that has lasted almost four years, with three rounds of consultation with stakeholders.

The WA mining and resources industry welcomes the introduction of new modernised heritage legislation. The existing Act is 50 years old and well beyond its use-by date.

As a sector, we believe we can work with the new Aboriginal Cultural Heritage Bill.

The 2021 Bill will give WA the most modern and robust framework for Aboriginal

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cultural heritage management in Australia — one other States are sure to take learnings from their own legislation.

At its heart, the new legislation has been designed to give Aboriginal people the primary say in identifying what is of cultural significance and then how it is best managed.

There are a range of safeguards to protect cultural heritage that simply weren't available under the previous 1972 Act, including a requirement to report any new heritage information that comes to light and the ability to amend plans or conditions accordingly.

The new legislation also enshrines agreement-making between industry and Aboriginal people that has already become embedded practice for many Chamber of Minerals and Energy member companies around the State.

Such agreements reflect

the importance mining resources companies place in developing and maintaining strong relationships with traditional owners and custodians, with an aim to deliver beneficial outcomes for all parties involved.

We also support the focus on clear demonstrations of consultation and informed consent from traditional custodians being a prerequisite of approval for Aboriginal cultural heritage management plans.

But the passing of the legislation through Parliament is, to some extent, only the start of the process to put this new regime into practice.

The real test will come in implementation, and there will be many months of collaborative work ahead as important details are resolved, the co-design process regarding regulations unfolds, and new bodies created by the Bill

start to take shape. In short, there will need to be a significant adjustment for all stakeholders to deliver on the potential set out under the new legislation.

It's incumbent on our sector to acknowledge we haven't always got things right in the past with relationships with Aboriginal people, at times with deeply regrettable consequences.

But it's equally crucial that we commit to doing the right thing — which is a sentiment shared by all CME member companies.

Traditional owners and custodians make an invaluable contribution to the economic prosperity of all Australians by enabling development on their lands, not just through mining and resources operations but by a range of industries and, indeed, government.

The Aboriginal Cultural Heritage Bill will help ensure Indigenous people have an active and enshrined role in shaping that development for the benefit of their communities and the nation at large.

Rob Carruthers is the Chamber of Minerals and Energy WA's policy and advocacy director