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Media Release

ABORIGINAL HERITAGE SITES IN WESTERN AUSTRALIA MUST BE PROTECTED

Proposed changes to Aboriginal heritage laws in Western Australia (WA) will weaken Aboriginal voices and threaten the protection of significant cultural heritage sites across the state, a group of experts have warned.

Ambelin Kwaymullina from the University of Western Australia; Blaze Kwaymullina from Nuntirpa Aboriginal Engagement Services; and Lauren Butterly from the Australian National University analysed the WA Aboriginal Heritage Amendment Bill 2014 for the *Indigenous Law Bulletin (ILB)*, describing it as a “lost opportunity”.

“The changes do nothing to bring the legislation in line with modern cultural heritage law and practice,” they wrote. “It is hard to escape the conclusions drawn by many of the submissions on the Bill: that these changes will weaken or silence, rather than strengthen, Aboriginal voices.”

WA’s plans to water-down the protection of Aboriginal heritage sites; as well as its proposal to close hundreds of remote Aboriginal communities remain deeply concerning to the Indigenous Law Centre, who publishes the *ILB*.

It follows comments made by Prime Minister Tony Abbott this week who described Indigenous people living on their homelands in remote areas as merely a “lifestyle choice”.

“What the authors have found in their analysis of WA’s proposed heritage laws is very worrying, even more so in light of the potential closure of hundreds of remote communities and homelands across WA,” *ILB* Editor Rebecca Gallegos said.

“This analysis on the WA Aboriginal Heritage Amendment Bill shows that the changes give no real provision for Aboriginal involvement, but a lot of power to the CEO of the Aboriginal Affairs Department,” she said. “The authors have also pointed out that there has been little attempt made to align heritage legislation with native title requirements.”

This edition of the *ILB* also features content on the referendum to recognise Indigenous peoples in the Constitution, with articles by upcoming Indigenous lawyers and speeches by the Prime Minister and Opposition Leader on the topic.

However the Indigenous Law Centre is concerned that WA's draft heritage legislation could undermine plans to recognise Indigenous cultures in the Constitution.

"Why are we seeking to recognise and celebrate Indigenous cultures in the Constitution, when WA is essentially seeking to destroy it? What will there be to celebrate if it's gone?" Ms Gallegos said.

"We are calling on the WA Government to reconsider its Draft Bill and to listen to the voice of Aboriginal people. Any changes to heritage laws must empower Aboriginal communities and provide a mechanism for their free, prior and informed consent.

Anything less risks the permanent loss of significant Aboriginal cultural sites that go back thousands of years—this would be a great loss for all Australians."

[Click here to read Ambelin Kwaymullina, Blaze Kwaymullina and Lauren Butterly's article on the WA Aboriginal Heritage Amendment Bill.](#)

[Click here to read Peter Dawson's article on self-determination and constitutional recognition.](#)

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