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Media Release

WA GOVERNMENT MUST RECONSIDER DEREGISTRATION OF ABORIGINAL SACRED SITES

The Western Australian (WA) Government must review its decision to deregister 22 Aboriginal sites from its register of protected areas, a leading native title lawyer has argued.

The comments were made in the latest *Indigenous Law Bulletin* in an analysis of the *Robinson v Fielding* case by barrister Greg McIntyre SC. In *Robinson v Fielding*, the WA Supreme Court overturned a decision by the WA Aboriginal Cultural Materials Committee (ACMC) to deregister the Marapikurrinya Yintha, an Aboriginal sacred site in Port Hedland.

Mr McIntyre, who represented Marapikurrinya brother and sister Kerry and Diana Robinson in the case, said the Port Hedland site was one of many significant Aboriginal cultural sites denied protection under the *Aboriginal Heritage Act 1972* (WA) since the ACMC adopted new guidelines in July 2013.

“Sites such as the Burrup Peninsula, the Ashburton, Collie, Murray, Sabina, Hotham and Robe Rivers, sites associated with the highly significant *Wati Kutjarra* (two men) dreaming, as well as a burial site on Burswood Island, have all been deregistered.

“Since the *Robinson* decision was handed down on April 1 2015, it has been confirmed that not only have 22 sites been removed from the register, but a further 1262 of 1776 submitted to the ACMC for assessment have been deemed not to be a site.”

Mr McIntyre said the decision in *Robinson* shows that the guidelines used by the ACMC to determine what an Aboriginal site is have been inconsistent with the *Aboriginal Heritage Act*.

“If the interpretation of the *Aboriginal Heritage Act* adopted by the ACMC and set out in the guidelines had prevailed, substantial numbers and perhaps the most culturally important category of Aboriginal site would have been denied protection by the *Aboriginal Heritage Act*.

Miners and developers would have been free to carry out developments which would have adversely affected such sites without risk of prosecution.”

While 16 new site applications, impacting on 26 local government areas, will be now be reassessed by the APMC, Mr McIntyre said it is important that the 22 sites deregistered by the APMC also be reconsidered.

“The reasoning in the *Robinson* case ought to be applied to those sites deregistered by the APMC, especially considering that such significant Aboriginal sacred sites like the Burrup Peninsula have been deregistered.”

[Click here](#) to access a copy of *Aboriginal Heritage: The Rainbow Serpent – When Guidelines Misguide* by Greg McIntyre SC.

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