



# Indigenous allowed no say on their own heritage

**Ben Wyatt**



There are very few areas of public policy more important to Aboriginal people than the protection of heritage. Aboriginal people also know that, in the end, heritage locations are always sacrificed for the progress of industry.

Between January 2008 and June 2013, the Department of Aboriginal Affairs received 646 applications pursuant to section 18 of the Aboriginal Heritage Act (applications for ministerial consent to “excavate, destroy, damage, conceal or some way alter” an Aboriginal heritage site). Of these, only one was rejected.

Clearly, the presence of Aboriginal heritage sites cannot be the excuse for lack of economic development.

As a result, Aboriginal people have become adept at trying to ensure that if sites of cultural significance are going to be sacrificed (as they always are) an outcome needs to be negotiated to the benefit of those Aboriginal people. This is one area where Aboriginal people have shown extraordinary entrepreneurialism. It is, sadly, often the case that where Aboriginal people are required to show the most adept entrepreneurialism is in the face of government-designed processes.

In the final week of Parliament last year, the Barnett Government introduced the Aboriginal Heritage Amendment Act.

It is accepted across the political spectrum that the current Act, passed through Parliament two years before I was born, and 20 years before the Mabo decision, is in need of a thorough overhaul. The

Government’s proposed changes take no consideration of

Aboriginal people’s aspirations in respect of heritage.

The Act amendments were led by a discussion paper from John Avery in April 2012. This paper had seven proposals for consideration. The Bill introduced into Parliament by Deputy Premier Kim Hames has no connection to the points of discussion pursued by Avery.

Aboriginal Affairs Minister Peter Collier, in a media statement on August 11, said: “Aboriginal stakeholders need to be across the detail of how the proposed reforms will be implemented and, in particular, how the State Government intends to ensure that the

Aboriginal voice is included in decision-making.”

With the Barnett Government’s amendments to the Act, the Aboriginal voice is almost absent. There is no recognition of ownership of heritage, no recognition of native title, no recognition of anything beyond the overriding control and decision-making of the chief of the Department of Aboriginal Affairs.

The chief executive is to be the sole arbiter of what places are to be preserved and how they are to be preserved. Incredibly, the chief executive has the sole authority to declare there is no Aboriginal site on any land.

Not one Aboriginal person need be spoken to. Every decision is to be made by the chief executive. There is no mandated involvement for Aboriginal people.

Before his death, my father, a former chief executive of the department, was aghast at the reduction of the status of Aboriginal people to passive bystanders in the management of their heritage.

Aboriginal people never

expected to be given some overriding power over industry, but we did expect, at the very least, the right to be spoken to. Consulted, engaged, informed.

The Government has missed a huge opportunity. An old piece of legislation, which all agree was in dire need of review, is now presented as nothing more than removing Aboriginal people from the process of recognising and protecting their heritage.

Late last year, a respected group of Aboriginal leaders came to Parliament. They presented a petition to Brendon Grylls and myself. They met with Mr Collier, who advised the group there would be more consultation and negotiation around the wording of the draft Bill before it was introduced this year. But one week later the Bill was introduced into Parliament, unchanged.

It will pass the Parliament because the Government has the numbers. But the trashing of goodwill and lack of any support or acceptance from Aboriginal people means that the protection and management of Aboriginal heritage sites will be a political issue for years to come.

Ultimately the biggest losers will be Aboriginal people, again preoccupied with protecting and preserving their own culture and unable to do what we all want to be done: directing energies into creating and pursuing opportunities.

**Ben Wyatt is the WA shadow minister for Aboriginal affairs**



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**Ancient art: New legislation changes decision-making on Aboriginal sites.**