

ABORIGINAL HERITAGE ACT — RESTORATION

**447. Ms L. DALTON to the Premier:**

I refer to the government's decision to repeal the Aboriginal cultural heritage laws and restore the original Aboriginal Heritage Act 1972 with simple amendments. Can the Premier outline to the house how the government's decision to revert to the original laws, which have been in place for 50 years, will deliver a commonsense approach and help prevent another incident like the Juukan Gorge tragedy?

**Mr R.H. COOK replied:**

I thank the member for her question and her tireless advocacy for the people of her community, not least on this issue. I thank her and other regional members for the great work they do on behalf of their communities, as well as all government members who have tirelessly represented their communities' views and concerns in recent weeks.

The Minister for Aboriginal Affairs and I this morning announced that the 2021 Aboriginal cultural heritage laws should be repealed. After serious consideration and consultation, it was clear that the 2021 laws were unworkable. They were too prescriptive and too complicated to understand. The burden on landowners, alongside the full rollout and complicated regulations, was too much.

The original intent of the legislative reforms of 2021 was to prevent the occurrence of another tragedy such as the Juukan Gorge incident, and the government's commitment to delivering on that commitment is the same. We will repeal the 2021 laws and restore the former 1972 act, but we will do so with simple and effective amendments to ensure that it does not allow another Juukan Gorge situation to occur. By reverting to the original 1972 act, we can reset, end the confusion and strike the right balance. Returning to the 1972 laws will remove unworkable exemptions introduced as part of the 2021 laws to ensure every landowner is equal. These changes will remove the onerous burden placed on landowners. The state government will develop a long-term plan over the next decade to conduct heritage surveys across our great state to understand, for the benefit of the community, areas with Aboriginal cultural heritage sites, and in particular we will utilise the resources available to support Aboriginal groups so that they can interact and engage with government and industry in the context of these laws.

In place of the cost-recovery model will be a fairer and simpler model that will be established with industry in the coming weeks. Over the coming months, we will transition away from the local Aboriginal cultural heritage services model that people are familiar with and continue to work with Aboriginal groups, as I said, to assist them to engage with industry and government. The important work of the implementation group that we have set up will continue to ensure that we can transition back to the modified 1972 laws in a seamless way.

I want to be clear: the return to the 1972 laws means that there will be no requirement on everyday property owners to conduct Aboriginal cultural heritage surveys. All WA property owners will continue to operate and manage their property just like they have in the past 50 years without any fear of unknowingly disrupting cultural heritage sites.

As Premier, I will always lead a government that listens, consults, acts and delivers with the interests of all Western Australians at front of mind. These changes are a way forward that acknowledges the privilege and responsibility we all have to protect and preserve the oldest known living culture on earth, whilst ensuring that all Western Australians can continue to live their lives and reach their full potential.