



# MINERS MAY COP FINES UP TO \$10M

## Bid to protect Aboriginal sites from destruction

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2/9/20

Mining companies or land users who destroy ancient Aboriginal sites without permission face fines of up to \$10 million and five years in jail under new laws being canvassed by the WA Government.

The Aboriginal Cultural Heritage Bill 2020, put out for community consultation today, comes in the wake of the legal destruction of two ancient rock shelters at Jutukan Gorge in the Pilbara by Rio Tinto, which was allowed under controversial Section 18 provisions in the current laws.

As previously flagged by the Government, the new draft legislation has removed the Section 18 exemption which allows mining companies to carry out operations on Aboriginal heritage sites.

Currently, traditional owners cannot appeal Section 18 approvals and the Government cannot legally intervene. Key changes include the introduction of measures to address "unauthorised impacts" on sites and creating new offences and penalties of up to \$10 million.

This represents a hundred-fold increase on the current maximum penalty, which is up to \$100,000 and/or nine months for a first offence and up to two years for a second offence.

The proposed new offences are "serious harm" and "harm" to Aboriginal cultural heritage sites.

It comes as a Kimberley-

month cut the bonuses of chief executive Jean-Sebastien Jacques and two senior executives as punishment for the destruction of the Jutukan rock shelters in May.

The aim of the new Bill is to give Aboriginal people a voice and greater ownership of their land, via a tiered approvals system that considers the proposed land use and the

- KEY POINTS OF PROPOSED LEGISLATION**
- Increased fine for destroying ancient Aboriginal sites
  - Aboriginal people given greater ownership of their land
  - Establishment of an Aboriginal Cultural Heritage Council



owned company is under investigation after allegedly destroying ancient Dreamtime Aboriginal sites near Halls Creek in June.

The company was denied a Section 18 approval by Aboriginal Affairs Minister Ben Wyatt because of the area's cultural significance.

Mining giant Rio Tinto last

level of potential heritage impact.

Mr Wyatt said the legislation would better protect Aboriginal heritage in WA and place Aboriginal people at the centre of the State's heritage protection regime.

"We have seen recently how grossly inadequate the current legislation is to protect

Aboriginal heritage and the appeals by traditional owners and land users to modernise our system," he said.

The Government is hoping to establish a new Aboriginal Cultural Heritage Council to facilitate agreements between Aboriginal people and proponents.

It is also seeking to create local Aboriginal Cultural Heritage Services to help traditional owners understand their cultural sites and apply for protection.

As part of the new legislation, the outcomes of decisions made for cultural heritage sites would be published in order to "improve transparency" and the same rights of appeals would be available to Aboriginal people and land users.

Mr Wyatt said the drafted laws — which are more than two-and-a-half years in the making and involved consultation with Aboriginal people and miners — would "protect and respect" one of the world's oldest continuous living cultures.

The McGowan Government hopes to introduce the Bill to WA Parliament by the end of the year.