

Aboriginal Cultural Heritage Act 2021 Implementation Group Meeting 1 Communiqué

The State Government has convened an Implementation Group comprised of Aboriginal representatives and key industry and government stakeholders. The Group will share information on common and emerging issues and solutions in the first six months of operation of the new *Aboriginal Cultural Heritage Act 2021* and supporting Regulations and guidelines.

Aboriginal Affairs Minister, Hon Dr Tony Buti MLA, attended part of the first meeting on 14 July 2023 to welcome members and thank them for their willingness to collaborate. Minister Buti also took the opportunity to notify members of the appointment of the first three [Local Aboriginal Cultural Heritage Services](#) (LACHS).

The Aboriginal Cultural Heritage Council has designated Yindjibarndi Ngurra Aboriginal Corporation as a LACHS for Aboriginal cultural heritage that falls within their Native Title determination area in the Pilbara region. Karajarri Traditional Lands Association will provide a LACHS role for their Country, which includes some 32,000kms of land and waterways from Eighty Mile Beach to just south of Broome's Roebuck Bay. The third LACHS is also Pilbara based and will be announced later this month, at the conclusion of their Sorry Business.

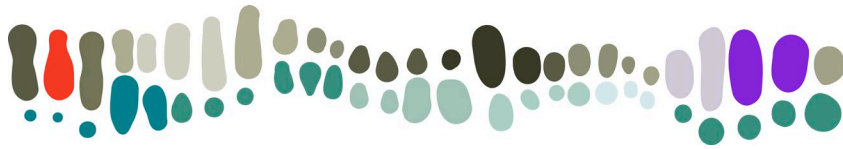
A further 31 Aboriginal organisations have commenced the process to become a LACHS and the Department has disbursed a total of \$2.3 million to date in initial grant funding to assist with their applications to the Council.

In the first two weeks of the new Act being operational, the Department of Planning, Lands and Heritage has received a daily average of around 25 calls and 50 emails, and an increase in website traffic as people familiarise themselves with the new tiered system. Many enquiries relate to individual circumstances such as land users seeking clarification about activities.

The [Aboriginal Cultural Heritage Inquiry System](#) (ACHIS) has drawn a highest peak of 220 users at any one time searching for Aboriginal cultural heritage. Some members reported delays in the layers of information loading for users. Responsiveness of the system will vary for a number of reasons and a note will be added to the website to advise users.

The purpose-built ACHknowledge portal has drawn 395 registered users since 1 July 2023 with most users familiarising themselves with the application process for permits and management plans. Five permit notices have been lodged and are currently under review. No outages of the system have been reported and the Department continues to look for avenues to enhance the system, in accordance with its commitment to continuous improvement.

The Department has continued its commitment to holding more education sessions with recent sessions held in Gidgegannup, attended by approximately 70 local residents, and in Perth with over 175 attendees. A [recording of the Perth session](#) is available online as is a full program of [upcoming workshops](#) scheduled around the State. A dedicated session will be held for Aboriginal organisations and the Department continues to present and meet with industry organisations, businesses, government agencies and Aboriginal community groups.



Members were then invited to share their observations from the first two weeks of operations of the new Act. Key issues raised included:

- greater clarity required on the identification of knowledge holders,
- interactions with other legislation, such as the *Environmental Protection Act 1986* and the *Planning & Development Act 2005*;
- a high level of confusion amongst pastoralists and agriculturalists over interpretation of the guidelines;
- requests for Frequently Asked Questions with all members and the Department receiving repeat enquiries;
- clarification on the validity of approvals provided under the *Aboriginal Heritage Act 1972*;
- concern about the capacity of the surveying sector to meet demand;
- compliance of existing Standard Heritage Agreements under Indigenous Land Use Agreements;
- liability for due diligence assessments in a multi-contractor arrangements; and
- clarification on interpretation of Survey Guidelines.

It was agreed that a workshop would be held in the coming weeks allowing for greater representation of all member organisations, broader discussion and clarification or identification of solutions on some of these common matters. The Department has also committed to responding directly to issues raised by members wherever possible, working with the Pastoralists and Graziers Association and WA Farmers Federation on more targeted communications for the farming industry and developing Frequently Asked Questions for publishing on the website.

The first meeting of the Implementation Group went extremely well and was a good start to the process with all members welcoming their involvement and confirming their commitment and contribution to support the first six months of operation of the new laws. Members endorsed a Terms of Reference and agreed to monthly meetings, with potential to meet more frequently in the early months of implementation if required.

The Department of Planning, Lands and Heritage will continue to work collaboratively with individual industry groups and organisations to support the needs of their members and stakeholders, and looks forward to positive, collaborative discussions on common issues and successes.



Anthony Kannis
Director General