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AUSTRALIAN ASSOCIATION OF CONSULTING ARCHAEOLOGISTS INC.

Mr Glen Kelly
Member of the National Native Title Tribunal
via email: NTCHReview@dpc.wa.gov.au

Cc: Hon. Don Punch
Minister for Aboriginal Affairs; Water; Climate Resilience; South West
via email Minister.Punch@dpc.wa.gov.au

25 July 2025

Dear Mr Kelly,

Native Title and Aboriginal Heritage Process review

On 30 May 2025, the Government of Western Australia (WA) announced a review of the intersection between the Commonwealth *Native Title Act 1993* (NTA) and the WA *Aboriginal Heritage Act 1972* (AHA), with a focus on improving the efficiency, effectiveness, and equity of Aboriginal heritage processes in WA for both native title and industry parties. It is understood that this review will focus primarily on mining and exploration processes.

The Australian Association of Consulting Archaeologists Incorporated (AACAI) is the peak professional body representing consulting and professional archaeologists across Australia. We work under a strong Code of Ethics that outlines principles to govern professional standards in line with international best practice. Our members in Western Australia are engaged in a range of roles within the heritage industry. Many are consulting archaeologists employed on cultural heritage assessments and surveys working alongside and in partnership with First Nations Peoples.

The WA chapter of AACAI (AACAI WA) strives to engage with the WA Government in a productive way. In recent years, we have provided extensive and ongoing professional feedback to the now repealed *Aboriginal Cultural Heritage Act 2021* (ACHA), as well as the various guidelines that were developed by the Department of Planning, Lands and Heritage (DPLH) to assist with the administration of the ACHA. AACAI WA works hard to be responsive to DPLH when they seek advice and professional feedback on heritage matters.

Many of our members have experience working within, or with, organisations across the industry, including mining and resource companies, Aboriginal corporations, Government departments and academic institutions. As a result, we fully understand the significant capacity and

resourcing constraints that can be faced by Prescribed Body Corporates and Representative Bodies in administering, co-ordinating and managing heritage surveys, which are a result of land access requests by proponents not only in mining and exploration but also in other types of land development such as renewables, infrastructure, and property development.

We are also aware of the significant limitations of the AHA in managing Aboriginal heritage, and we note that in many parts of WA heritage agreements triggered through the NTA are often the only mechanism that Native Title Parties have to ensure Aboriginal heritage is identified, managed, and protected.

In the spirit of the recent collaborative and consultative relationship between AACAI and DPLH, we would like to register our interest in being part of the stakeholder engagement and consultation phase of the Native Title and Aboriginal Heritage Process review. Our significant experience and expertise can only help strengthen this review, and we are confident that we can contribute to an improved system for all. Additionally, as heritage consultants have been the subject of targeted criticisms from some organisations within the mining and resources sector, and in the interests of a balanced consultation process, AACAI would appreciate the opportunity to provide the review team with information and feedback based on our collective knowledge and experiences in cultural heritage management in WA.

We note that this review will focus on ‘the financial constraints and administrative burdens associated with native title and Aboriginal cultural heritage processes for all stakeholders, including native title parties, government agencies, land users and industry proponents, and assess their impact on timely and equitable outcomes.’ We are concerned that without proper consultation with AACAI as a key stakeholder with specialist knowledge, this review could fall victim to misinformation previously perpetuated by the Association of Mining and Exploration Companies Incorporated (AMEC) and the Australian Financial Review. For our recent commentary on this, please see: [AACAI Media Release – Response to accusations of ‘price gouging’ by archaeologists and anthropologists from AMEC - AACAI](#).

We look forward to your response and the opportunity to discuss, in further detail, how AACAI can be of assistance during this important review process.

Yours Sincerely

Ian Ryan
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Australian Association of Consulting
Archaeologists Incorporated

Emma Beckett
Chair
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Archaeologists Incorporated – WA Chapter