

Our ref:

7 March 2025

The Principal Legal Officer
Australian Law Reform Commission

By Email: [REDACTED]
nativetitle@alrc.gov.au

Dear Sir

Issues Paper: Review of the Future Acts Regime

We refer to your email of 28 February 2025 and thank you for agreeing to an extension of time to 7 March for lodging this submission. We also refer to our telephone conversation with Jane Hall yesterday.

We confirm that we act for the PKKP Aboriginal Corporation (**PKKP AC**). PKKP AC is the prescribed body corporate under the *Native Title Act 1983* (Cth) which holds native title rights and interests on trust for the Puutu Kunti Kurrama and Pinikura People.

The Puutu Kunti Kurrama People and the Pinikura People comprise two unique socio-territorial language groups that have maintained a common spiritual affiliation with, and share primary spiritual responsibility for, their ancestral country in the West Pilbara region of Western Australia (commonly referred to as the 'Ashburton Plains' and the 'Hamersley Plateau', with the western boundary being approximately 120 kilometres east of the town of Onslow and the eastern boundary being approximately 90 kilometres North West of Paraburdoo).

The native title rights and interests of the Puutu Kunti Kurrama and Pinikura peoples to these lands and waters were recognised in the determination of the Federal Court in Chubby on behalf of the Puutu Kunti Kurrama People and the Pinikura People #1 and #2 [2015] FCA 940 on 2 September 2015.

As is now well known the destruction of the rock shelters at Juukan Gorge has had a devastating impact on the Puutu Kunti Kurrama People, the Pinikura People and the wider indigenous community, with those impacts still being felt today.

On 11 June 2020 the Senate referred the Inquiry into the destruction of the rock shelters and asked the Joint Standing Committee on Northern Australia to consider what lead to their destruction including by virtue of the relevant legislative framework. We refer you to the [submissions made by PKKP AC to this Parliamentary Inquiry](#).

Those submissions reflect PKKP AC's position at that time and at this stage PKKP AC does not wish to add to those submissions. PKKP AC notes that since that time (as intimated in those submissions) there have been continuing satisfactory negotiations towards co management of

mining and heritage including for the removal of 'gag' clauses from relevant agreements. In this regard we also note the enactment of section 18(5A) of the *Aboriginal Heritage Act 1972 (WA)* which makes void any contractual term prohibiting a native title party from objecting to an application to damage, destroy or interfere with their cultural heritage.

The Inquiry resulted in Recommendations being made in respect of the review of the Native Title Act 1993 and the Future Acts Regime. Those Recommendations are supported by PKKP AC.

We look forward to a further opportunity to make submissions upon the release of the Commission's Discussion Paper in the future.

Yours sincerely

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