

10 July 2025

Australian Law Reform Commission

Dear Attorney General

I am a Aboriginal elder 88 years of age who has been conducting Aboriginal Heritage Surveys since 1972 in Western Australia. I am also a Justice of the Peace .

I want to make it clear that I am speaking up on this issue and no doubt will receive abuse from other Aboriginal People and lawyers simply for speaking the truth which I find appalling

With all my lifetime experience and knowledge I want to point out lots of things that the Australian People and government need to critically understand what is happening hence my submission which I wish to be made public

I was a former member of the West Australian ACHC (Aboriginal Cultural Heritage Committee) established under the Aboriginal Heritage Act 1972 and along with all my lifetime experience I am personally aware of dodgy Aboriginal sites and sites claims with Heritage which have no real foundation. The problem is also many of our politicians who have very little experience in this area do not realize Aboriginal people are making up these dodgy sites up along with dodgy claims and are supporting the abuse of the administration.

I am also aware of a specific example of where statements made by Aboriginal people in the Native Title tribunal were clearly false for some Aboriginal Mythological sites. When I spoke with the Aboriginal person with witnesses he told me the lawyers just wrote up the statement of facts and he signed it going along with purported false information. If any body else did this outside of the Native Title Future Acts process with objections you would risk going to jail, but the current system of submitting statements of facts without no Affidavits signed under oath simply means Lawyers and Aboriginal people can just keep making false statements and claims to the Native Title Tribunal. Its no wonder the system is being seriously abused as if you could do the same in in any other court you would eventually find a break down of law and order.

This Native Title decision referred to above is now quoted by many Native Title Tribunal members yet I know it and many others who have the correct knowledge that it is false and fundamentally flawed. In effect it sets a precedent for the extortion of money to take place. The Law is supposed to be about the truth, not made up rubbish by lawyers who have an agenda to stifle and kill the mining Industry or responsible development.

This example all started because a witness statement was signed, not a affidavit or a statutory declaration covering normal evidence provisions and the lawyers just use this as a tactic to exploit the WA Future acts regime with objections. Its time both the Federal Government and state government woke up that Native title and heritage is seriously being abused by lawyers not to empower Aboriginal people, but rather empower Lawyers not acting and respecting Traditional owners views as these lawyers have a interest in causing as much financial pain and delay to all West Australians. These lawyers also manipulate many Aboriginal people who have no real understanding of what they are doing when signing written statements which are not even under oath.

It is really frightening to see how all this is happening under the current Native title Act and WA state based heritage. The WA government has all sorts of stuff out about elder abuse with elderly people. In my view all this native title and heritage stuff under the Native Title Act including the future acts regime is systematic abuse of the system to try to cripple the West Australian economy. Its not about being fair and equitable as the Native title lawyers see this as just another way of extorting money from mining companies and developers.

The native title Lawyers are often funded by government grants of some of sort funding, yet many small farmers, prospectors and ASX listed companies are not funded by the government and are left to defend themselves against a war of legalized lawyers trying to exploit them under the future acts regime.

With all my experience and knowledge I want to point out lots of things that the Australian People and government need to critically understand what is happening

Make no mistake about it Native title and heritage is being used as weapon against developers, the Mining Industry. The lawyers along with environmental activists just love the government supporting what I regard as legalized extortion being perpetrated on hard working Australian people.

In my view and experience the lawyers have taken over exploiting mining companies in the expedited procedure process where they object to the exploration licences and prospecting licences in the state of WA. These lawyers do this forewell knowing the objections **have no chance of any success** but with the real intent of delaying and slowing down the processes of tenure grant to extract money in a way I view as being almost fraudulent and highly unethical.

If the lawyers cant delay and slow down the expedited procedure process they have now turned to other creative tactics which increase the level and cost to tenement holders. which is very unfair. Not only is it unfair it causes enormous harm to good working relationships developed with developers and mining companies, In my experience the Native Title lawyers are not interested in finding fair and equitable solutions but rather causing maximum grief and hurt to individuals seeking to get mining tenements granted.

I have seen this first hand and have documentation which shows this and it is a massive rort being pushed on West Australians. It has become a process of manipulation by lawyers acting for the native title parties to try and essentially legally extort money from people within the WA economy.

I see and constantly hear lawyers calling for rights of veto and more powers under the Native Title Act and also the state based heritage legislation, when the system is currently seriously being exploited and abused by lawyers and stupid purported anthropologist consultants to extract money undermining the whole mining Industry and wider WA economy. That is why I do not support any more rights being given to Aboriginal People under the Native Title Act and heritage legislation as the system is being seriously abused and will continue to be abused.

The sheer amount of money that has been paid out by mining companies and also money paid by the government into Aboriginal Affairs is highly questionable as it affects all Australians. The government needs to govern for all Australians not for minority groups (which is what is happening) who wish to exert unrealistic financial demands on hard working Australian people. For that reason I support a Royal Commission into all this stuff because it is disgrace to all of us in Australia.

When the Federal Native title Act was introduced into Parliament I remember the member of parliament saying that It will never affect granted freehold property in Australia. The problem we have now is that lawyers are now trying every mechanism possible to attack local government for rates money and state government with a view to getting money from freehold property so people in the whole of Australia including the politicians need to wake up the system is being abused on a massive scale. In fact the lawyers are now using every possible procedure to attack farmers, pastoralists, local government on anything which makes money. Its no longer about Native Title and heritage.

What I find amazing is both sides of politics say we live in a democracy. I will say this I now really question whether we live a democracy as when any person including Aboriginal people express a view which does not fit in with ideologists in the media who have no idea of real life experience they make excuses to suppress the truth which is why all this Native Title and Heritage continues to be exploited by lawyers in a highly inequitable manner.

As a example I also wish to say I was once on a heritage survey with other Aboriginal people for a mining company. One particular aboriginal person commented to other Aboriginal People on the survey that we all should just make up a story line and just tell the Anthropologist a made up story(not necessarily the truth that nothing exists) and expressed the view that the anthropologist and lawyer will just support what us elders tell him. It is that bad as this type of thing is being exploited across the mining industry and the lawyers just go along with it as it's a way of making money from the process.

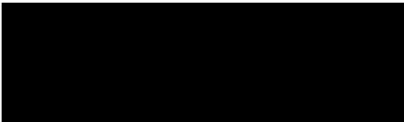
Even if people disagree with a persons view Native title lawyers or the media should not call non Aboriginal people racist simply because they have a different view of things. I recently last year put out media release (see attached 1 page) concerning a

mythological site.in Kalgoorlie Boulder in which the City of Kalgoorlie Boulder was prosecuted. I was expressing my views as a Aboriginal Elder and the truth, yet the media outlet told us they had checked with Perth and it was too "controversial" to do a news Story. I have never heard so much rubbish in my life that something is far too controversial to do a news story about and at 88 years of age I have seen lots of things

Next I anticipate I will be told its too controversial to make this submission

I also request another 21 working days to lodge further information which I want made publicly available .

Regards



Aubrey Lynch

Senior Elder

Media Release 19 September 2024

Respected Aboriginal Elder, spokesman for the Wongatha people and local identity Aubrey Lynch today escalated the discussion about Mythological sacred sites by casting doubt on the validity of the alleged mythological water hole that caused the Kalgoorlie Boulder City Council to be prosecuted and fined in the Kalgoorlie Magistrates Court recently

Mr Lynch stated in his opinion as an initiated lawman, and that of many of his authentic local Aboriginal Colleagues, the claim that the old quarry filled with domestic and other waste, long neglected by everyone, including those now claiming responsibility was a mythological water hole of special significance to local Aboriginal people was simply artificial/fabrication creation by people with no genuine association with this district

"Those that have been making all the noise about this are not from authentic Aboriginal peoples representative of this area. In my view, as a initiated lawmen they have no rights or justification in making false claims about mythological sites and are merely trying to jump onto the gravy train. By doing this they are putting in jeopardy other genuine Aboriginal claims and causing unnecessary conflict between Aboriginals and the wider Australian community including residents, the mining and other companies and the governments state/local and Federal" he said

"I told the Premier way back in July 2023 in writing before the governments change in tack with the Aboriginal Heritage legislation that I know through all my experience that some Aboriginal people(not all) can be prone to making up mythological sites without any real foundation and this will totally kill and destroy hard working people in WA . As a former government member of the ACHC(Aboriginal Cultural Heritage Committee) established under the Aboriginal Heritage Act 1972 with 87 years of lifetime experience I am personally aware of hundreds of dodgy sites and dodgy claims of heritage which have no real foundation" he said.

"I call upon the WA government to change the legislation so events such as what as happened to the City of Kalgoorlie Boulder are not repeated over stupidity covering mythological sites. If the Government can't understand how ridiculous this is then once again just like the Federal government with the voice referendum it will continue to divide this country to the detriment of all parties. It will also do irreparable harm to good people whom actually respect Aboriginal Culture and Heritage"

The majority of all West Australian people respect true Aboriginal Sites, not mythological rubbish dreamed up by people and being used as a weapon against responsible development.

For further discussion or comment please contact Aubrey Lynch on 0428 919 124

