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Kelly Review reveals that cultural heritage framework must change

The Association of Mining and Exploration Companies (AMEC) welcomes the tabling of the Glen Kelly Review into *Native Title and Cultural Heritage Processes* in the Western Australian Parliament today, calling for urgent reform to stop Aboriginal Cultural Heritage (ACH) costs being swallowed by consultants.

AMEC believes the review must mark the start of a fairer, clearer and more accountable system that protects cultural heritage and supports Traditional Owners but also gives explorers and miners the certainty needed to invest.

AMEC Chief Executive Officer Warren Pearce said, “There is no disputing the current system was not delivering the right outcomes for industry or Traditional Owners.

“Protecting and respecting Aboriginal Cultural Heritage is non-negotiable.

“But the current system has become too costly, too slow and too uncertain.

“Too much of the current system is being captured by consultants clipping the ticket, instead of delivering direct benefits to Traditional Owners and communities.”

The Kelly Review, announced by Premier Roger Cook in May 2025 and undertaken by Glen Kelly, follows sustained advocacy from AMEC and extensive engagement across industry, government and the native title sector.

The review contains 25 recommendations across eight focus areas, including the administration of the expedited procedure, heritage protection agreements, heritage surveys and costs, policy and process issues, consultants, government coordination, prescribed body corporate capacity and longer-term arrangements.

The Cook Government’s proposed response includes:
• New Aboriginal cultural heritage standard for exploration and prospecting
• Incentive payment for Native Title parties to support timely approvals
• Clearer guidance to support participation and decision-making
• Stronger standards for heritage consultants through a code of conduct and certification system
• Improved access to information to encourage earlier engagement between industry and Traditional Owners
• Statewide Native Title Party Support Strategy will also be developed to build capacity among Prescribed Bodies Corporate (PBC) and other Native Title organisations, alongside measures to strengthen engagement and dispute resolution
• Additional $3.2 million to implement the recommendations.

The focus on consultants, standards and native title party capability is critical feature of the recommendations.

“Consultants have an important role to play, but they should not be the biggest beneficiaries of the cultural heritage system.

“The system should be designed to protect heritage and deliver better outcomes for Aboriginal people, not create a costly industry of process around them.

“That is why AMEC is calling for stronger standards and greater transparency. Making consultants more accountable and providing better support for Indigenous groups is so important,” Mr Pearce added.

AMEC recently commissioned ACIL Allen to undertake a member survey on the cost of complying with ACH requirements. The survey covered 59 AMEC member organisations.

It found that for every $100 spent by industry complying with ACH legislation and policy, approximately $60 goes to external consultants, including lawyers, anthropologists and archaeologists. Around $36 flows to Aboriginal groups covering representative body costs, and only $4 goes directly to Aboriginal people.

The survey also found it takes an average of 552 days to comply with ACH requirements on a per-activity basis, the cost of an ACH survey is typically more than $23,000 per day, one in two organisations have been asked to re-survey an area, and costs increased by 46.6 per cent from 2018 to 2022.

Mr Pearce noted, “These figures show exactly why reform is needed. We cannot have a system where the majority of compliance costs are being captured before they reach the people the system is meant to support.

“Traditional Owners must be at the centre of cultural heritage protection, not left at the end of a long and expensive process.

“Explorers are not asking for shortcuts. They are asking for a system that is clear, transparent and timely, while focused on outcomes.”

AMEC is noticing that with rising costs and delays it has become harder for explorers and project developers to access land, to raise capital and progress responsible exploration in Western Australia.

“Western Australia is one of the world’s great mining jurisdictions. To stay that way, we need a land access system that protects heritage, respects Traditional Owners and allows responsible exploration to proceed with confidence.”

AMEC will continue to review the Kelly Report and the Government's response in detail and will work with members, government, Traditional Owners and other stakeholders to support practical reform.

A Forum hosted by AMEC next week titled Cultural Heritage to Native Title – Navigating Land Access in WA will detail these findings and discuss what it means for industry in greater detail. It will also include a speech from author of the report, Mr Glen Kelly.

Register here: https://amec.org.au/event/wa-forum-6/

ENDS

FAQs

What is the Glen Kelly Review?
A review into Native Title and Aboriginal Cultural Heritage processes in Western Australia. It was announced by Premier Roger Cook in May 2025 and tabled in WA Parliament on 9 June 2026. The review makes 25 recommendations across eight focus areas, including heritage surveys, consultants, government coordination, Prescribed Body Corporate capacity and longer-term reform.

Why does AMEC believe reform is needed?
The current system has become too costly, too slow and too uncertain. While protecting Aboriginal Cultural Heritage is non-negotiable, the process is not delivering the best outcomes for industry or Traditional Owners. AMEC is calling for a clearer, fairer and more accountable system that protects heritage, supports Traditional Owners and gives explorers and miners the certainty needed to invest.

What role do consultants play in the current system?
Consultants play an important role in cultural heritage processes, but AMEC is concerned that too much of the current system is being captured by consultants rather than flowing directly to Traditional Owners and Aboriginal communities. AMEC's member survey found that for every $100 spent complying with ACH legislation and policy, around $60 goes to external consultants, including lawyers, anthropologists and archaeologists.

What changes has the WA Government proposed in response?
The Government's proposed response includes a new Aboriginal cultural heritage standard for exploration and prospecting, incentive payments for Native Title parties to support timely approvals, clearer guidance for participation and decision-making, stronger standards for heritage consultants through a code of conduct and certification system, improved access to information, a statewide Native Title Party Support Strategy, and $3.2 million to implement the recommendations.

What happens next?
AMEC will continue reviewing the Kelly Report and the Government's response in detail. AMEC will also work with members, government, Traditional Owners and other stakeholders to support practical reform.

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