

From: [REDACTED]
To: [CHA Review](#)
Subject: Reform the Aboriginal and Torres Strait Islander Cultural Heritage Acts to better protect First Nations cultural heritage in Queensland.
Date: Thursday, 31 March 2022 12:41:46 AM

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Traditional Owners of the land, the Wangan and Jagalingou people, have the human right to enjoy, maintain, control, protect and develop their own identity and cultural heritage. However Queensland's laws are denying them their human rights.

Last year Adani was allowed to destroy cultural heritage because the law only required that they negotiate with a select group of people appointed to a Cultural Heritage Committee. It was the Wangan and Jagalingou people who should have been consulted but instead were ignored.

The Cultural Heritage Committee is supposed to represent the interests and knowledge of the Traditional Owners for that Country, including Wangan and Jagalingou people. In practice, decisions about their cultural heritage are being made by a select few individuals without consultation. This is the history of what has happened to Aboriginal communities in Australia. In 2022 things should have moved on.

What's more, as Traditional Owners they have no enforcement powers to protect their cultural heritage. Under the Cultural Heritage Acts they have little to no ability to stop this destruction of their cultural heritage, leaving them reliant on a partisan government to protect their cultural heritage.

Despite their best efforts irreparable damage has potentially been done.

Not only has the State failed to act to protect their cultural heritage from harm, but they were unable to seek an injunction to stop the excavation because of the high costs of legal action.

Since then they have requested that the Minister investigate whether this activity was in breach of the Cultural Heritage Act. However, the Minister has refused this request, claiming there is no evidence that Adani breached the Acts, ignoring the evidence of the Traditional Owners and the evidence of expert archeologists.

The Cultural Heritage Acts in Queensland have failed the Wangan and Jagalingou People, and many other Aboriginal and Torres Strait Islander People. Currently these Acts simply allow mining companies a smooth ride to gain their approvals without meaningful consultation with the Traditional Owners for Country and without sufficient accountability when acting illegally. Australia still operates in the 19th century with our lack of respect for Aboriginal identity and history. All we do is exploit and it's time as a country we showed respect for Aboriginal culture.

The call of the traditional owners for the following reforms should be heeded.

- Amend the definition of 'Aboriginal party' so that Traditional Owners with cultural connection to Country can be involved in consultation and negotiation processes, regardless of their status as a native title party.
- Create greater enforcement powers for First Nations, so that they aren't reliant on the State to protect their cultural heritage if it is in imminent danger of harm or destruction.

- Establish an independent First Nations-led decision-making body that is responsible for dispute resolution and mediation, and for assessing who are the right people to speak for Country .

My hope, is that at last this country might mature to the level of being a true country of the "fair go" which also includes the traditional owners.

Sincerely

Sally and ken Wylie

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Sally Wylie

