

From: Derek Gray [REDACTED]
Sent: Thursday, 31 March 2022 5:46 PM
To: CHA_Review
Subject: Submission to Cultural Heritage Act review

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Hi there

Just letting you know first off that I've been trying to register on the website to make a submission for two days, however once I've entered my details I can't log in because it says I'm not authorised, and then when I tried to re-register the system told me the email was already taken.

Anyway, here's my submission

We commend the urgent need for strong and effective legislation to prevent further destruction of Aboriginal and Torres Strait Islander Cultural Heritage.

Management of Cultural Heritage in Queensland not only ensures the continuity of history and cultural knowledge and learning, it is vital to preserving and nurturing the living connection and wellbeing of our First Nations people with their land.

SECTION 3

Proposal 1 Replace the current Duty of Care Guidelines with a new framework that requires greater engagement, consultation and agreement making with the Aboriginal party or Torres Strait Islander party to protect cultural heritage.

Response: We support the importance of ensuring First Nations people with connections to country have a strong voice in carrying out the wishes of the ancestors and future generations.

Proposal 2 Integrate cultural heritage protection and mapping into land planning to enable identification of cultural heritage at an early stage and consideration of its protection.

Response: Cohesion with this legislation and those government departments with responsibility for planning and economic development / productivity must align. Developing a mapping system that prioritises Cultural Heritage sites, and supports all functions of government.

Where a land user proposes development the very first step should be to check for Cultural Heritage sites. If the site is listed negotiations with the First Nations parties must preempt all other stages in seeking development approval.

Proposal 3 Amend the Cultural Heritage Acts to expressly recognise intangible elements of cultural heritage.

Response: Tangible and Intangible Cultural Heritage are equally vital to pay respect to the First Nations people. The continuous spirit of land is part of Australia's First Nations culture, and must be respected and understood from the heart of the First Nations people.

Proposal 4 Provide a mechanism to resolve and deal with issues arising under the Cultural Heritage Acts.

Response: We also are aware that conflict resolution within First Nations, and between all the various parties must be accessible and fair. The suggestion of using Restorative Justice so that the impact of harm to cultural

heritage is understood by all parties will help to develop stronger values in Queensland to protect Cultural Heritage in the future.

Proposal 5 Require mandatory reporting of compliance to capture data and support auditing of the system.

Response: We support greater cohesion between the different levels of government and building capacity in local government to maintain compliance, data and auditing are essential systems to provide more comprehensive protection of Cultural Heritage.

Proposal 6 Provide for greater capacity to monitor and enforce compliance.

Response: Without effective systems to ensure compliance, land users are free to do as they wish. The present penalties are so low that they can simply be counted as a cost of development by land users seeking to profit from the land.

SECTION 4

Proposal: Reframe the definitions of 'Aboriginal party' and 'Torres Strait Islander party' so that people who have a connection to an area under Aboriginal tradition or Ailan Kastom have an opportunity to be involved in cultural heritage management and protection.

Response: We support Option 1 and recognise that within every community there are differing views. Some sites such as 'women's sites' require women within the community to influence determinations. Hearing all voices is essential to authentic protection fo Cultural Heritage sites.

SECTION 5

Proposal 1 Establish a First Nations-led entity with responsibilities for managing and protecting cultural heritage in Queensland. The entity could work with existing and future local Aboriginal and Torres Strait Islander groups who manage cultural heritage matters within their respective areas.

Response: Everything that empowers First Nations people to advise on the management of Cultural Heritage must be enabled.

Conclusion

We urge the Queensland Government to provide funding in line with the community's expectations that more than 60,000 years of culture be effectively protected. We know that the current legislation has, due to under-resourcing enabled the destruction of significant Cultural Heritage and we support all measures to maintain extensive cultural heritage management.

We must recognise the rights of First Nations people to say: 'leave this area alone'. They may have knowledge and reasons that cannot be exposed in a public forum, and enabling the right to veto a land use should be included in the legislation.

Effective legislation is the responsibility of the Queensland Government to honour the role of all Queenslanders as custodians for the oldest living culture on earth.

Yours sincerely

Claire Thorstensen and Derek Gray