

From: [REDACTED]
To: [CHA_Review](#)
Subject: STOP denying human rights!
Date: Wednesday, 30 March 2022 6:12:27 PM

EXTERNAL SENDER: This email originated from outside the organisation. Please be vigilant with any external email you receive and use caution before responding. Do not click links or open attachments unless you recognise the sender and know the content can be trusted.

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

Last year, when Adani was allowed to destroy their cultural heritage, the law only required that they negotiate with a select group of people appointed to a Cultural Heritage Committee. Wangan and Jagalingou people should have been consulted. Instead, they 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.

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

In October last year, they wrote to the Minister requesting he exercise his power under the Cultural Heritage Act to issue a stop order to protect their cultural heritage. The Minister refused to do so. Now, irreparable damage has potentially been done.

Not only did the State fail to act to protect their cultural heritage from harm, but they were also prevented from seeking an injunction to stop the excavation because of the high costs of legal action.

They have since requested that the Minister investigate whether this activity was in breach of the Cultural Heritage Act. Again, the Minister has refused their request, claiming there is no evidence that Adani (operating as Bravus) breached the Acts, ignoring their evidence as 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.

The management and protection of cultural heritage should be in their hands, and not in the hands of the State or developers.

We are calling for the following reforms, that are needed at a minimum to improve the protection of cultural heritage in Queensland:

- 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 we aren't reliant on the

State to protect our 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 the right people to speak for Country are.

Yours sincerely
Sonja Ritter