


From: 
To: [CHA Review](#)
Subject: Subject: Cultural Heritage Acts Review
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Dear Sir/Madam,

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

Greater powers are needed for Aboriginal and Torres Strait Islander people to prevent, or seek redress for, illegal impacts, or damage, to their cultural heritage without high risks of adverse costs orders. Where cultural heritage is ignored, or cultural heritage sites destroyed/damaged, the Queensland government should provide financial assistance to Traditional Owners seeking redress to protect their cultural heritage under the law.

The Cultural Heritage Acts in Queensland have failed the Wangan and Jagalingou People, and many other Aboriginal and Torres Strait Islander people, by allowing developers to gain their approvals without meaningful consultation with the Traditional Owners for Country and cultural heritage/sites, and without sufficient accountability when acting illegally.

The management and protection of cultural heritage should be in traditional owners hands, and not in the hands of the State, or developers. I call for the Queensland government to initiate 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 Cultural Heritage Management Plan (CHMP) Cultural Heritage Committee to protect their cultural heritage if it is in imminent danger of harm or destruction
- establish an independent First Nations led decision making body responsible for dispute resolution and mediation, and for assessing who the right people are to speak for Country.

It would be hoped that the Cultural Heritage Acts reforms, and the continuity of "existing arrangements and agreements", do not preclude the necessity for the human rights of the Wangan and Jagalingou people to enjoy, maintain, control, protect, and develop their identity and cultural heritage.

For the oldest living culture in the world, to not do so would be a tragedy, and a perpetuation of the injustices they have suffered since the British arrived in this country to the present day, e.g., the destruction of the 46,000 year old caves at the Juukan Gorge in the Pilbara region of WA.

Yours faithfully,

Helen Willis-Smith