

From: [REDACTED]
To: [CHA Review](#)
Subject: Support for Wangan and Jagalingou submission to reform Cultural Heritage Acts
Date: Thursday, 31 March 2022 8:42:08 AM

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I write to support Wangan and Jagalingou peoples submission to reform Queensland's Cultural Heritage Acts to better protect First Nations 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.

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

Last year, when Adani was allowed to destroy our 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, we 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 our cultural heritage are being made by a select few individuals without consultation.

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

In October last year, we wrote to the Minister requesting he exercise his power under the Cultural Heritage Act to issue a stop order to protect our 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 our cultural heritage from harm, but we were

also prevented from seeking an injunction to stop the excavation because of the high costs of legal action.

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