

14 April 2022

Cultural Heritage Acts Review
Department of Seniors, Disability Services and Aboriginal and Torres Strait
Islander Partnerships
PO Box 15397
CITY EAST Qld 4002

Email: CHA_Review@datsip.qld.gov.au

Dear Sir/Madam

Re: Finalisation of Queensland Cultural Heritage Acts Review

Healthy Land and Water thank you for the opportunity to provide this submission on the *Options paper* for Finalising the review of Queensland's Cultural Heritage Acts. We also acknowledge the extension provided for our submission of the review and appreciate the provision being granted by the Review Team.

Healthy Land and Water has had a long-standing appreciation for the role of Traditional Owners in managing Country, and we are committed to progressing increased Aboriginal and Torres Strait Islander leadership in managing the region's cultural landscapes. As a facilitator and supporter, our organisation has been involved in the development of the South East Queensland Traditional Owner Land and Sea Management Alliance and the subsequent creation of the SEQ Cultural Resource Management Plan and saw the documentation of the collective goals for First Nations of SEQ around Cultural Heritage values conservation.

Proposals to improve cultural heritage protection

Proposal 1

Healthy Land and Water does not believe the proposed new framework for protecting cultural heritage in its current form is appropriately suitable. Issues identified include:

- The size of an activity may not substantially reduce the risk to cultural heritage while the proposed activities in this proposal are not currently clearly defined.
- It is not clear in the proposal as to how an informed decision on appropriateness is to be made.
- Third party mapping of high-risk cultural heritage is not considered likely to be suitable without proper First Nation's oversight.
- The classification of high-risk areas should only be defined by First Nations groups and would need to be constantly revised and updateable.
- Aspects of this proposal do not appear to effectively align with promoting leadership by First Nations peoples and the best practice standards outlined in *Dhawura Ngilan*¹.
- This proposed framework does not appear to effectively address the underlying issue of uptake and abidance to the Cultural Heritage Act by sectors off the community likely to cause impact.

Proposal 2

Healthy Land and Water supports the increased incorporation of the Cultural Heritage Act into Land planning however as stated above the proposed high-risk mapping in its current form does not appear to be an appropriate mechanism for this to occur.

¹ See: www.environment.gov.au/heritage/publications/dhawura-ngilan-vision-atsi-heritage

Proposal 3

Healthy Land and Water supports the further inclusion of intangible cultural heritage but also recommends the recognition and protection of culturally significant landscapes.

Proposal 4

Healthy Land and Water notes that mediation needs to be undertaken by specialised persons who are both culturally competent and skilled at mediation. This is currently not well defined or detailed within the proposal.

Proposal 5

Healthy Land and Water are supportive of this proposal.

Proposal 6

Healthy Land and Water believe that for true empowerment and self determination to occur First Nations need to be given statutory recognition and resourcing to enable effective compliance for their Cultural Heritage in addition to authorised officers within the State.

Proposal to reframe definitions

Healthy Land and Water are not currently supportive of either option for reframing definitions. The proposed options are complex and appear unsuitable for delegating powers and decision making. We understand the complexity with current definitions but do not believe the provided options are effectively defined alternatives.

Proposals to promote leadership by First Nations peoples

Healthy Land and Water do not currently believe the options proposed for promoting First Nations leadership are suitable in their current form. True self determination and empowerment occurs when involvement and decision making occurs from the beginning of the process. The current review process and proposed options provided in the *Options Paper* do not appear to adequately support leadership by First Nations.

We wish to note the insufficient recognition of relevant international policies that provide appropriate benchmarks and guiding principles for the recognition and protection of Cultural Heritage, this includes the United Nations Declaration of Rights for Indigenous Peoples (UNDRIP). Alignment to international standards and policies is integral to reviewing the Cultural Heritage Act and ensuring it appropriately protects Aboriginal and Torres Strait Islanders rights and interests and is at an international standard as recommended in the *Juukun Gorge Final Report – A Way Forward* ².

Healthy Land and Water acknowledges that Cultural Heritage Management is complex and multi-dimensional. We also acknowledge that the place we now live in has been nurtured by Australia's First Peoples for tens of thousands of years and the spiritual, cultural and physical consciousness gained through this custodianship is vital to maintaining the future of our region.

Healthy Land and Water encourages the Review Team to revisit First Nations led planning for Cultural resource management including the SEQ Cultural Resource Management Plan which provides key examples of issues and actions that are important to Aboriginal Traditional Owners in South East Queensland.

Thank you for your time in this matter and should you wish to discuss anything in this submission please do not hesitate to contact Joel Bolzenius, Strategic Partnerships Manager (Joel.b@hlw.org.au; 0457 104 997).

² See:

https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/024757/toc_pdf/AWayForward.pdf;fileType=application%2Fpdf

Yours sincerely



Julie McLellan
Chief Executive Officer
Healthy Land and Water