

Reform Aboriginal and Torres Strait Islander Cultural Heritage Acts

Lamentably, there has been no protection of the cultural heritage of Wangan and Jagalingou people in regard to the Carmichael Coal Mine Site. To address this there needs to be

- Amendment of the definition of “Aboriginal Party” so that traditional owners with connection to Country are always part of consultation and negotiation processes, regardless of their status as a native title party.
- Greater enforcement powers for First Nations so that reliance on the State to protect cultural heritage is removed when there is imminent danger of harm or destruction,
- Establishment of an independent First Nations-led decision making body responsible for dispute resolution and mediation and assessing who the people to speak for Country should be.

As is known, The Carmichael Coal Mine is sited on Wangan and Jagalingou Country where artifacts have been found that record the occupation of the area for thousands of years.

In their negotiations Bravus Mining had to consult with the “Aboriginal Party” and form a Cultural Heritage Management Plan (CHMP) with them. Protection of the cultural heritage of Wangan and Jagalingou people was ignored because Bravus relied on native title to determine “Aboriginal Party”.

It is clear that the definition of “Aboriginal Party” in Cultural Heritage Acts needs to be changed.

In October 2021, because of concern that cultural heritage on the Carmichael site was being destroyed, the Wangan and Jagalingou people wrote to the Minister for Aboriginal & Torres Strait Islander Partnerships, requesting a stop order on harmful excavation works. This was ignored.

Queensland's Cultural Heritage Acts have failed the Wangan and Jagalingou people. Developers have found it easy to gain approvals without meaningful consultation with the traditional owners of Country. To base decisions on native title only is to ignore other groups with strong connections to Country.

It is not good enough that non-indigenous bureaucrats or Ministers protect the cultural heritage of Aboriginal and Torres Strait islanders. They have made decisions on who should speak for Country without themselves having cultural competency or adequate knowledge of culture.

It is time to reform the Queensland Cultural Heritage Acts.

Ursula Nixon Ph d

30 March 2022