

**From:** [REDACTED]  
**Sent:** Wednesday, 30 March 2022 8:22 PM  
**To:** CHA\_Review  
**Cc:** wanganandjagalingousog@gmail.com  
**Subject:** Review of the Aboriginal Cultural Heritage Act 2003 (Qld) and Torres Strait Islander Cultural Heritage Act 2003 (Qld)(Cultural Heritage Acts),

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**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.

To: The CHA Review, Queensland Government

**Re: Review of the *Aboriginal Cultural Heritage Act 2003 (Qld)* and *Torres Strait Islander Cultural Heritage Act 2003 (Qld)*(Cultural Heritage Acts),**

I am a deeply concerned constituent writing to urge review and amendment of the Queensland Aboriginal Cultural Act 2003 (Qld) and Torres Strait Islander Cultural Heritage Act (2003) to ensure that traditional owners of the land have the human right to enjoy, maintain, control, protect and develop their identity and cultural heritage.

Currently the Act only requires limited consultation with traditional owners, which sees decisions about cultural heritage being made by select individuals without consultation. What's more, traditional owners have no enforcement powers to protect their cultural heritage. This was seen in October last year, when the government ignored a request by the Wangan and Jaglingou people to issue a stop order to Adani to prevent excavation on the basis of protection of cultural heritage.

In support of ensuring the Act is meaningful and plays more than lip-service to Indigenous human rights and self-determination regarding cultural heritage, I call for the following reforms:

1. Amend the definition of 'Aboriginal party' so that Traditional Owners with cultural connection to Country are always involved in consultation and negotiation processes, regardless of their status as a native title party.
2. Create greater enforcement powers for First Nations, so that traditional owners aren't reliant on the State to protect their cultural heritage if it is in imminent danger of harm or destruction.
3. 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.

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.

Sincerely,

Lucy Foley

[REDACTED]  
[REDACTED]