



Lodge a written submission

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Q.1 Please upload your document.

A.

Q.2 Do you have any comments you wish to add?

A. 30/3/2022

Aboriginal Cultural Heritage Act 2003 (Qld) and Torres Strait Islander Cultural Heritage Act 2003 (Qld)
I support the Wangan and Jagalingou Nagana Yarrbayn Cultural Custodians submission to seek reform to allow the management and protection of traditional owners' cultural heritage in Queensland, including but not limited to:

- 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, to protect their 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.

Administrative powers must be based upon unbiased, relevant information, allowing decision making to be a function of the 'real world'. There is a claim in the submission that natural justice and procedural fairness are no longer being served by the current laws, due to the native title reliance for relevance. The people must be able to notify the Queensland Government when its administration laws have ceased to allow its government officials to adequately exercise their decision making powers through the statutory framework.

<https://www.fedcourt.gov.au/digital-law-library/judges-speeches/chief-justice-allsoop/allsoop-cj-20190404>

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"The societal foundational feature is that there is the need for the law to operate and manifest itself as a **human** expression of values that sustain a pluralist, democratic society, not as a desiccated and soul-less structure of abstract and abstractedly expressed rules, rights and duties, but as the decent, human and fair control of necessary power, giving appropriate trust to those elected to govern. This social or human foundation is more apparent in some exercises of power than it may be in others. The more directly the subject matter in respect of which, or the context in which, the power is exercised, affects people, the more likely that these human and social values will be expressed in the control of that power.

The time has come to review the basis of the decision making powers, so that the rights of the people cannot cede to larger governmental and commercial powers. The native title system was not put in place in order to stymie other systems of law, and the interested parties have now submitted that the rights of the people are no longer being represented in the democratic system of law inherent in the administration of law for the people by government.

Yours sincerely

Laurel Kanost

