



31 April 2022

RE: Cultural Heritage Acts Review Submission

To Whom It May Concern,

Review Scope:

The review is examining whether the legislation:

- ***is still operating as intended***
- ***is achieving intended outcomes for Aboriginal and Torres Strait Islander peoples and other stakeholders in Queensland***
- ***aligns with the Queensland Government's broader objective to reframe the relationship with Aboriginal and Torres Strait Islander peoples***
- ***is consistent the current native title landscape***
- ***complies with contemporary drafting standards.***

1. is still operating as intended

Yes, absolutely the legislation is operating and achieving its intended outcome – to legitimise the destruction of cultural heritage without consequence, and to assist with lining the pockets unethical archaeology companies and native title lawyers.

Before it is all gone, the department and this legislation needs to place more prominence on Aboriginal traditional law and custom and cultural way by putting traditional custodian's and primary Knowledge holders (who have a cultural right and obligation to protect and maintain these areas) back in the legislation as an Aboriginal Party alongside

cultural heritage bodies and native title claim groups. As part of this the department should maintain a register of these people for areas they represent.

The legislation also needs to place more prominence on Intangible cultural heritage and its intrinsic values and relationship with the broader landscape.

And the legislation needs to have a more defined definition of a disturbed landscape. Even if an area has been developed, there are different scales of disturbance before cultural heritage can no longer be qualified and quantified. So, a new highway or open cut mine as opposed to somewhere that has been ploughed, ripped or cleared. In the later case there is still a chance of both tangible and intangible cultural heritage values being on/or associated with the site.

2. is achieving intended outcomes for Aboriginal and Torres Strait Islander peoples and other stakeholders in Queensland

Well, yes in the fact that it provides a mechanism of triggers an ability to stop work or an opportunity for further investigation to take place. However, the legislation is a toothless tiger in regard to providing to ability to prosecute for destruction of cultural heritage. And a lot of time the provision for a cultural heritage walks done by Traditional Owners is no more than a box ticking exercise and has become a tokenistic ploy for archaeologist to exploit.

3. aligns with the Queensland Government's broader objective to reframe the relationship with Aboriginal and Torres Strait Islander peoples

No, not at all! If there is one thing it or the department does not do or does not do very well is relationship building between us all. If this is a priority for the department than I would suggest that cultural competency training should be mandatory for all government agencies, corporates and education facilitates across the state and your department would re evaluate its purpose for First Nations peoples. DSDSATSIP should be leading innovative

empowerment of the State Aboriginal and Torres Strait Islander communities, not continuing the archaic smoothing the dying pillow philosophy.

4. is consistent the current native title landscape

Well, it appears that the native title is indeed a large part of the problem with the administration of the state-run Cultural Heritage Act. This is for a few reasons, but primarily the native title process does not place any value on precontact traditional knowledge or the use of the landscape and/or the holders of this knowledge and this, through the Aboriginal Party, has inadvertently altered the primary purpose of this clause on the legislation. Cultural heritage is not native title and native title is most definitely not cultural heritage, and the legislation needs to stay true to its intended purpose to protect above all else the cultural heritage values Aboriginal and Torres Strait Islander communities.

- ***complies with contemporary drafting standards.***

Yours Truly

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