

SUBMISSION ON THE QUEENSLAND ABORIGINAL HERITAGE ACT currently open for comment 2022.

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1. Consultation with indigenous Australians for mining, agricultural infrastructure and other projects that affects their traditional lands and sacred sites and their use of such lands for traditional purposes must include all indigenous persons who have a connection to that land, regardless of where they live. It is essential to consult with those senior persons in indigenous groups who are able to speak for country and have recognised cultural association with that land. Current laws allow such people to be bypassed under certain circumstances, and that frequently happens in the case of mining companies. It is not sufficient just to consult with Native Title applicants. The law should be changed to correct this anomaly.

2. A representative indigenous body should be set up to find the appropriate persons who have connections as in 1 above and to compel developers of those lands to consult with all of them in a meaningful way which addresses their concerns. The purpose of the Aboriginal and Torres Strait Islander Heritage Act is not to give developers a smooth ride to do as they wish, but to ensure indigenous persons with connections to the land, especially senior law men and women, have their concerns fully addressed and acted upon. Such a body should also ensure consultation is ongoing as development changes.

This body should also have powers of mediation and dispute resolution so as to avoid expensive court cases. Federal or State Governments and Councils must consult with such a body during the development application and process.

The Aboriginal and Torres Strait Islander Heritage Act should be amended to incorporate such a body.

3. Indigenous law men and women who have traditional ties to country who are identified as such by their peers, should have the power to prevent unlawful actions on their land which contravene the Act or threaten sacred sites and cultural activities or threaten sites with destruction or devalue their traditional status.

The Aboriginal and Torres Strait Islander Heritage Act should be amended to give those powers to relevant indigenous persons.

4. The high cost of legal action means that most indigenous law holders and groups or individuals who have connection to country cannot afford legal representation to deal with perceived breaches to the Act or damage to heritage assets or places, nor do they have the funds to combat the state where it itself is the offender. An independent body should be set up to assist indigenous persons with ties to the land to take matters to court where they believe an injustice has been done. That body should consist of mainly indigenous persons.

The Aboriginal and Torres Strait Islander Heritage Act should be amended to set up such a fund and the institution to grant it.