



BUTCHULLA ABORIGINAL CORPORATION RNTBC ICN – 8107

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Cultural Heritage Review Submission

The Butchulla Aboriginal Corporation are the authorised representatives of the Butchulla People, the traditional owners and custodians of K'Gari (Fraser Island). We hold determined Native Title over our country.

We are writing in response to a recent call by the Department of Aboriginal and Torres Strait Islander Partnerships ('DATSIP') to review the Aboriginal Cultural Heritage Act (2003) and its Duty of Care Guidelines.

The Butchulla people identify the following key areas that require immediate legislative reform in order to effectively protect, preserve and promote Aboriginal cultural heritage in Queensland:

First and foremost, we must stress to DATSIP the need for urgent legislative reform of the current cultural heritage acts on the grounds that all too often our cultural heritage is destroyed due to sheer ignorance and/or deliberate non-compliance with the Acts and Duty of Care Guidelines.

Self Assessment: As it stands, the current legislation ultimately fails to protect our cultural heritage. Time and time again we have seen self-assessment determine activities as low risk, when our Knowledge shows that these activities are high risk. We believe ignorance is the main destroyer of our heritage - either through ignorance of the acts themselves and/or ignorance of our specific cultural values and self-assessment only contributes to further ignorance. For example, Butchulla law states that the landscape is gendered and divided into three categories: communal spaces, men only spaces and women only spaces. What's stopping a proponent from decimating a women's area that has been cleared of vegetation, but is still of high significance to our people? At the end of the day, it is *our* cultural heritage that suffers from poor statutory law that is not being regulated and enforced across the entirety of the state. Meanwhile, it is the landusers such as the agricultural and development industries that benefit from the poor legislation, resulting in the daily destruction of our cultural heritage. It must be stressed, that we view the right to cultural heritage as a basic human right and therefore, view the current legislation as a violation to our rights.

Identification of Aboriginal Parties: We submit that having Native Title Holders as the Aboriginal party for an area should be retained.

Duty of Care Guidelines: We submit they should be completely abandoned as it simply does not work. Category four particularly fails to protect an area that has potential for high intangible cultural significance. The DATSIP database and register as it does not adequately recognise key areas with significant cultural attachment to landscape either through story, dreaming, knowledge, family lineages, ancestors etc. We should be able to review preliminary



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assessments undertaken by proponents so we can fully contribute to the determination of whether a project is likely to harm our heritage.

Development Process: The fourth change we wish to see is the cultural heritage assessments be linked to the development application process. Land users should have to prove they have met their duty of care for cultural heritage management prior to being given a development approval. The state of Victoria already has such a model in place and it has proved to be effective/efficient.

Mandatory Site Recording: It should be mandatory to notify DATSIP and the Aboriginal party the location of all artefacts. Lodging the location of an artefact would notify the associated Aboriginal party who can then assess its cultural significance. This reform assists the management of information which is in accordance with the acts. The Aboriginal party, however, must retain the rights to register and/or make the site public knowledge. When an artefact(s) is deemed not appropriate for public knowledge, the register must have a function that allows the Aboriginal party to keep the sensitive record secret and access to the record can only be granted by the Aboriginal party themselves.

Funding: Whilst we currently have the obligations to police heritage compliance on our Country, we are not provided with adequate resources or training to meet these obligations. This is unfair and makes a mockery of the intended purpose of the Act. Therefore, it is essential that all Aboriginal parties are given an annual budget to put towards meeting their obligations.

Education: Finally, it is crucial that DATSIP provide greater support to all Aboriginal parties by delivering better educational programs, more proactive enforcements of the legislation, more presence at development sites to oversee compliance is maintained and any breaches to compliance is punished accordingly. One way to implement better standards of compliance across the state is to appoint Indigenous compliance officers.

We would be pleased to discuss any points raised in this submission further if you wish.

Yours sincerely,

Christine Royan
Butchulla Aboriginal Corporation

