

From: [REDACTED]
To: Monday, 22 July 2019 4:20 PM
Subject: CHA_Review
Review of the Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003 (the Cultural Heritage Acts).

Categories: Submission

Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP)
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CITY EAST QLD 4002

22 July 2019

Dear Madam or Sir

Thank you for the opportunity to provide comments on these Acts.

Through working with Aboriginal people I have come to appreciate their landscape view of culture and heritage, relating ancestors and stories through the land, vegetation, fauna and the seaside if they are on the coast. Our western way of separately analysing all these elements loses the connections and weakens the significance of the individual parts – divide to conquer!

Although these Acts are specific to Aboriginal and Torres Strait Islander cultural heritage, we have a shared heritage and the landscape is part of the whole story. Perhaps the Acts could consider landscapes as well as individual features. This might inconvenience developers but in the long term it would enrich our appreciation of this country and enhance conservation of natural as well as cultural entities.

The area of self-assessment following Duty of Care guidelines is potentially detrimental for cultural heritage if the proponent has insufficient knowledge of the deep past and historic culture of the area. Any kind of proposed activity that impacts more than a few square metres of the ground surface or waterways should incur the need for a cultural heritage survey and involvement of appropriate Aboriginal and Torres Strait Islander parties and bodies. If this is not feasible, then the oversight mechanisms should be increased so the Department reviews all draft assessments and voluntary agreements.

Leading from this point, the suggestions below are excellent and should be adopted:

- 'government should provide a greater regulatory presence and be adequately resourced to do so, including auditing of developers and being more active in prosecuting non-compliance, and
- penalties paid for breaches should go to the communities whose cultural heritage was destroyed'.

I was a public servant from the early 1990s until 2012 and saw the erosion of staff at the professionally trained levels leaving managers who may not understand or be trained in the areas they were leading. This was thought to be progressive. What has happened is an erosion of knowledge and skills in governments so that they are unable to craft a contract to receive the services they require and then unable to assess the product the contractor submits, requiring another contractor to assess the results. Naturally they find omissions and recommend another contract, to themselves, to fix the issues.


The same holds true for assessing methodologies and compliance in self-assessment and voluntary agreements. Indigenous and non-Indigenous government officers are required in sufficient numbers to not only vet draft reports and agreements but to visit local community groups to promote good practice and offer assistance with planning projects.

Maintenance and promotion of the database of recorded sites would also be enhanced if sufficient officers were available to advise that a lack of recorded sites does not indicate an absence of cultural heritage features in the area, and that prior ground disturbance does not necessarily remove all cultural heritage values. This educational role should extend to local Councils and encourage improvement of their web resources advising on the Duty of Care provisions and the need to consult with Aboriginal and Torres Strait Islander parties.

DATSIP's reports on the state of Aboriginal and Torres Strait Islander cultural heritage to the annual State of the Environment report should include data on the number of recorded sites and their status as protected, disturbed or destroyed.

Yours sincerely

Helen Cooke


I acknowledge the Traditional Custodians of this land, especially the Gubbi Gubbi/Kabi Kabi nation upon whose land I live, and I pay my respects to their Elders past, present and emerging.