

Saturday, 27 June 2020

**Committee Secretariat contact:**

PO Box 6021  
Parliament House  
CANBERRA  
Canberra ACT 2600

Phone: [+61 2 6277 4162](tel:+61262774162)

Fax: 02 6277 4427

[jscna@aph.gov.au](mailto:jscna@aph.gov.au)

Re: The destruction of 46,000-year-old caves at the Juukan Gorge

Dear Secretariat & Committee,

I write to make a submission to your inquiry into the above matter. Below are the terms of reference and I offer my concerns below those stated.

- (a) the operation of the Aboriginal Heritage Act 1972 (WA) and approvals provided under the Act;

Upon first investigation into the Aboriginal Heritage Act 1972 (WA) it quickly highlights the following paragraph:

The **Aboriginal Heritage Act 1972** (the Act) makes provision for the preservation of places and objects customarily used by, or traditional to, the original inhabitants of Australia or their descendants. The Minister for Aboriginal Affairs is responsible for the administration of the Act and is assisted in that respect by the Department of Aboriginal Affairs (DAA) and the Aboriginal Cultural Material Committee (ACMC) which is a specialist advisory body established by the Act.

Quite clearly the enforcement of this Act has let all Australians down and beyond that, shames us on the world stage as us still being seen as colonial rulers over the First Nations people in showing complete and contemptuous disregard for their ownership and care of Land.

My comment may be easy to write in hindsight as I am unaware of the steps Rio Tinto took to evaluate the site prior to its destruction. This committee will uncover that I presume.

- (b) the consultation that Rio Tinto engaged in prior to the destruction of the caves with Indigenous peoples;
- (c) the sequence of events and decision-making process undertaken by Rio Tinto that led to the destruction;
- (d) the loss or damage to the Traditional Owners, Puutu, Kunti Kurrama and Pinikura people, from the destruction of the site;
- (e) the heritage and preservation work that has been conducted at the site;
- (f) the interaction, of state indigenous heritage regulations with Commonwealth laws;
- (g) the effectiveness and adequacy of state and federal laws in relation to Aboriginal and Torres Strait Islander cultural heritage in each of the Australian jurisdictions;

(h) how Aboriginal and Torres Strait Islander cultural heritage laws might be improved to guarantee the protection of culturally and historically significant sites;

(i) opportunities to improve indigenous heritage protection through the Environment Protection and Biodiversity Conservation Act 1999; and

(j) any other related matters.

Points (b) through (j) will need to be explored and vigorously investigated, including the committee's ability to subpoena witnesses from the relevant organisations.

The frustration levels I feel personally, and have witnessed in the general population regarding Aboriginal Heritage and rights, are at a high level and only the most positive outcomes for the Puutu, Kunti Kurrama and Pinikura people will assist Australians and our reputation on the world stage to redeem ourselves.

The issues are not isolated to this case however. Traditional owners being locked out of country for the Adani mine is yet another blight to this Nation and further serves to demonstrate how big business and their facilitating politicians have all the say.

A consideration not identified in the terms of reference is penalty. What penalty should be considered for forever destroying a cultural and significant site? Only hitting corporations in the hip pocket will act as a deterrent.

Additionally, whistle-blower protections. If the live sheep exports to the Middle East had not been exposed by a whistle-blower, the general public would still be ignorant of the suffering of animals (Sheep). Freedom of concerned people reporting incidents of this type should be incorporated into findings to strengthen the prevention of future acts of vandalism.

Again, addressing Points (b) through (j), I would offer this as a possible solution to preventing this outrage occurring again. That is: that on any Traditional owned land, crown land or anywhere else First Nations people express ownership or concern, that via the Elder council of that land, they elect a (paid - via the tax payer) representative to sit on any decision-making body and have their input genuinely considered. This can apply to all levels of government, local state and federal.

This would allow that Elder representative to report back to the impacted community for further considerations. Genuine consultation forms part of any Agreement and First Nations peoples should not be exempt from this attitudinal approach.

No longer can First Nations People be excluded from decision making in this land. Only by listening to them and considering their voice will we get reconciliation back to a satisfactory course.

Yours Sincerely,

Chris Thompson