

OBJECTION TO MINING SUBMISSION

James Hill

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██████████ Qld ██████████

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As per the Queensland Law reform Commission and current review of processes for objecting to contested mining lease applications, associated environmental authorities and review of particular defences and excuses in the criminal Code.

An important part of Yirendali value systems is to ensure that current and future generation have a permanent inheritance of title and possession, and to procure recognised cultural authority to address our Human and Cultural Right that is to be secured in perpetuity as a legacy of our inherent and inalienable rights.

On behalf of my cultural construct and alignment to Yirendali, Ngawun and Waluwarra Traditional Owners I have prescribed core principle of “Objections to Mining” submission and the review which must consider a holistic cultural perspective which include the tabled matters, which is Not an exhaustive table.

The disposition of law such as the Native Title Act and its detrimental cause of destructive force upon Aboriginal Rights and vested interest is unacceptable, especially in the nature of impairment and loss of cultural rights and assets.

Regarding proposal of engagement applications and processes related to exploration and mining development there has been poor regard to the exponential full inclusiveness of Aboriginal cultural rights.

1. Mining Proponent’s and their Technical experts, Lawyers including government etc expect that the Native Title Act controls, restricts, excludes, isolate and overrides all other principles of law.
 - This in its self is evident, and as an end-recipient, I have experienced the effect of equivocation and the constant void of uncertainty in law that are administered and applied in “Isolation” without no consideration of our cultural rights.
 - This process is unethically and morally wrong as it can and has been applied to enforce what is seen as unlawful restraints upon our Human and Cultural rights.
 - This process is cause for unilateral violence, and dysfunctional applications with no real benefit as government authority/regulations shovel broken systems into a mixer bowl, tossed around with no real solutions and the only bi-product is commercial and cultural exploitation.

2. Within these Mining and exploration engagements and agreements (early works applications) there is no just terms and lawful recognition of cultural asset.
 - There is no recourse and or aspects of environmental off sets / financial settlement offset for the impairment and or loss of cultural assets.
 - There are no environmental offset /financial settlement offsets for cultural impact, impairment and or loss of environmental and cultural water rights.
 - However, mining will provide financial settlement offset for access and use of landholder's property right including leasehold land.
3. Regarding property and leaseholders wanting to apply for freehold title:
 - there is grave concern as the underlying concern is to extinguish native title, to have unobstructed right to negotiate with government, and developers, including harvesting of biodiversity, soil and water.
 - This construct is also threatening as other neighbouring traditional owners (who have determination) seek to capitalise by asserting cultural rights over traditional neighbours who have not yet procured cultural rights in the legal system.
 - e.g. pastoral lease holder wants to procure an ILUA, and the neighbouring traditional owner wants to exploit this offer and split with our traditional owner.
 - we object to this proposal of an ILUA and compensation of monies to be split between primary TO and neighbouring TO.
4. This proposal driven by unethical lawyers to manipulate the Native Title Act with no lawful consideration of relevant laws, that is critical to protection of our Human Rights and Cultural Rights.
5. This proposal will create another precedent process of exclusion and denial, which can be populated as flow on proposal for landholders to capitalise/exploit the process of acquiring free hold title.
 - How is this fair to the primary traditional owner, who will have their cultural right and assets quashed forever within Australia's legal framework of forced exclusion, isolation and denial of Human Rights and Cultural Rights.
6. I believe this is a flow on effect from the mining perspective announced of green energy projects and critical minerals projects within the western region.

- Regarding mining companies, who apply for mining lease over lands where there is no NT Determination – Company land managers of mining industry come with attitude of coercion and no consideration of due diligence to Cultural Right.
 - They engage traditional owners with expectation of money as a bribe to procure access and cultural heritage authority from the Aboriginal Party.
 - We have experienced coercive applications whereby company like [REDACTED] have engaged external parties like neighbouring Native Title Parties and PBC groups in order to meet their procedural requirements and settle before expiration of tenement agreements, so as not to be breached by government.
7. The same principle applies when proponents apply terms of conditions within the delivery of the Aboriginal Cultural Heritage Act.
- These terms are pushed as early works application within mining exploration and development and ignore the impairment and or loss of cultural rights and cultural assets.
8. Some companies try to deny cultural right to engage technical advisors or archaeologist to record CH matters and concerns.
- This process must include technical advisors to manage cultural assets that is intrinsic to cultural ethnobotany, cultural soils and cultural water rights.
 - once these applications are actioned and then the project is completed from mining perspective, there is no environmental and or financial settlement offset benefits negated for impairment or loss of cultural assets.
9. Regards to Cultural heritage management, there is concern of technical advisors who have nil to limited competency within the field of cultural heritage and this is concerning when it comes to protecting cultural assets and cultural right
- They are not culturally competent to make that judgment of what is culturally significant and or to quantify cultural asset which is damaged and or lost.
10. These processes and applications are an incredibly discriminatory disposition causing past and current pressures that has cause for transgenerational gap and denial of generational lifestyle, economy. wealth and prosperity.

11. These mining regulatory processes cause denial of traditional owners right to exercise cultural authority to procure a prescriptive financial settlement within application of shared benefit agreements associated with use of traditional values and our intrinsic relationship with biodiversity.
12. The following list of identified principles show a list of cultural impact upon our cultural flows which stem from Insufficient regard to Yirendali cultural value, tradition, custom and assets.
13. Indecent exposure that has cause for problems including social destruction effecting cultural isolation, poverty, ill- health, ineffective education, non-productivity, alienation and exclusion.
14. Uncertainty and doubt of law and procedural knowledge that is critical to ensure continued existence, exercise, and enjoyment; and to build quality partnerships of dual power and responsibility for country and community wellbeing.
15. Uncertainty and doubt of law concerning cultural and intellectual property right;
 - especially matters concerning redress of indecent intent; restraint; irreversible loss or illegal means of property ownership.
16. Restraint of cultural risk management practice.
 - cause unfair treatment that isolate, separate or damage cultural construct that is implicit with tenable right of custodianship; traditional law, procedural knowledge and beliefs which form part of a strict order, of cultural risk management.
17. Mining process and procurement of fair dealings with TO's is limited if not nil benefit, however government processes that attract royalties and landholders seem to procure substantial financial settlement through the application of environmental offsets.
18. These environmental offsets are deemed discriminatory as they are used to negate access and benefits for landholders and 'not' for First Nation people.
19. E.g. I asked for copy of CH Agreements when an extraction of sand application was re-granted and I was advised that I need to contact the company to undertake a voluntary CHMP, as the justification for the government approving officer was that they applied an environmental offset determinate that the company is doing a great benefit to clean out the river bed.
 - Even though some leaseholders and their poor land management practices has been documented as major contributors to the destruction of our water systems and cultural landscapes.

- There is still no CH Agreement
 - There is no real scrutinisation process to measure quality and due diligence
20. This approval process with re-granting a quarrying extension permit is disturbing that we were not given due diligence and or procedural fairness to address cultural impact. Causing delay and denial of cultural right and cultural heritage management.
21. Restraint of access to country
- that is important to allow physical enjoyment that enriches our sensory organ's ability to identify and respond accordingly to cultural cues
 - that include energy, sight, smell, sound, touch and emotional stimuli which are all important indicators that align to regulate pattern and use as per customary law and natural law.
22. Loss of knowledge holders (elders and custodians)
- that is important to family and traditional coaching for the practice of continued legacy of existence, and exercise of cultural knowledge and wisdom vital to maintaining productivity of country and family.
23. Insufficient regard of the right to cultural and natural resource assets to sustain life and customary practice that is associated with trade use, care and maintenance.
24. Language of equivocation used as tool to apply uncertainty and doubt of law and poor regard to procedural fairness; effect process of denial of cultural right to ensure cultural legacy of continued existence, sustenance and subsistence.
- There is deep-seated perception and judgment or prejudice that exact decision making on cultural rights as though we are frozen in time.
 - And the living culture is restricted and or denied evolutionary change management as a living structure of cultural society wellness and wellbeing.
25. Imbalance of power and responsibility for country and its community wellbeing,
- including fairness within applications of environmental offsets and financial settlement offsets.
26. Restraint of permanent inherent title and possession; and responsibility to uphold Duty of Care for country.
27. Ill-informed knowledge of procedural right and participation
- No financial support to engage professional / legal advice.

28. Unfairness to equal right in decision making that affect title and possession.

- especially our religious belief that is to maintain a high standard and quality of country that is “handed down” for current and future generations to have, hold and enjoy.

29. Insufficient regard to Yirendali people’s value and pattern of land use;

- including cultural and intellectual property right that goes hand in hand with customary practice to right of essential needs and means of livelihood (economic relations).

30. Uncertainty and doubt of law and procedural knowledge

- that cause restraint of continued existence, exercise and enjoyment; and
- Unfair trade relation that causes restraint of Yirendali people’s socio-economic prosperity; and right to receive equal portions of shared benefit that is commercially gained from the goods and services of ecosystems; especially primary raw material that is cultivated, extracted, or produced from Yirendali country.

31. These matters of cultural impact must consider as a breach of Australia’s obligation as per the international covenant on Economic, Social and Cultural Rights (ICESCR) and the International covenant on the Elimination of all forms of Racial Discrimination (CERD).

YIRENDALI CULTURAL CHARTER

This charter is provided under the Sui Genre nature and an Inalienable right of a fractal culture pattern that has been repeated over thousands of years. Culture and Cultural flows exact Authority of Yirendali value, tradition, and practice to assert possession, property right and vested interest with and within Yirendali traditional country; and

- the intersecting: associated cultural authorities and custodial interest of culture, biodiversity, land, sky, waters, and energy source that intersect within connecting bioregions and ecological processes, and
- the nature of spiritual, natural, and economical subsistence regarding health, wealth, and prosperity of Yirendali Traditional Owner wellbeing

The Charter is recognised in Yirendali law as “an unconditional Duty of Care” for the grant of right and privilege to Yirendali people and includes the nature of.

- a) Ecosystems and their ecological processes; including people, communities; and
- b) All natural and physical resource capital; and
- c) Our living cultural heritage that contributes to biological diversity, and integrity, science, amenity, spirituality, and sense of belonging; and
- d) The social, economic, political, civic, aesthetic, and cultural condition that affect, or are affected by, things mentioned in paragraph (a) to (c)

Yirendali Value of Country is:

- a) A quality of country to provide gifts of life and place.
- b) A quality of country to provide people with the fundamental needs of life.
- c) A quality to provide biodiversity.
- d) A quality to sustain ecological balance.
- e) A quality to provide healthy water.
- f) A quality to provide cultural amenity.
- g) A quality to sustain human and ecological health.
- h) A quality that commands people to live in harmony with the laws of nature in order to be sustained by it.

The nature of this relationship gives rise to special value and genuine reasons that are important to uphold Yirendali traditional control and judgment; to act in way that honour a spiritual institution that effect altruistic applications in the living structure of cultural ecology in the use, take, keep and enjoyment of natural resource within a conservation economy.

The charter is presented in the nature of equity within culture, ecology and economy that recognise the Natural and Economical capital based on traditional control and judgment that warrant fair hearing and consideration for matters of cultural and legal redress; that is to be reconciled in a just and fair manner.