

Queensland police regret making Indigenous leader leave Adani mine site during protest

Police recognise incident was traumatic for Adrian Burragubba, who was pressured to leave at the request of Adani



The Indigenous leader Adrian Burragubba brought a complaint to the Queensland human rights commission after police broke up a protest against Adani's coalmine in August last year.

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The Queensland police service has made a “public statement of regret” to Wangan and Jagalingou man Adrian Burragubba, in relation to an incident where he was pressured by officers to leave traditional lands at the request of the coalminer Adani.

The cultural leader brought a complaint to the Queensland human rights commission after police broke up a protest camp opposing Adani's Carmichael coalmine in August last year.

At the time Burragubba said Wangan and Jagalingou (W&J) traditional owners had sought to “re-establish tribal control” of their lands and were blocking road access to the under-construction coalmine.

Before launching the protest, lawyers acting for Burragubba wrote to senior police officers outlining their legal rights under native title legislation to establish a “cultural camp” on the land, over which Adani holds a pastoral lease.

“Prior to our occupation we sought legal advice as to the exercise of our co-existent common law native title rights,” the legal letter said.

“We therefore refuse to leave while ever we are peacefully and lawfully exercising our native title rights.”

Police told Burragubba they had obtained different advice – that he required permission from Adani to occupy the land, and that he could be charged with trespass if he did not leave voluntarily. He and others later left the site.

It is understood Burragubba is the first Indigenous person to assert his cultural rights against a state agency since the introduction of the Queensland human rights act was passed in 2019.

In the statement of regret sent last month, assistant commissioner Kev Guteridge said police recognise that Burragubba represents a group of W&J traditional owners “aggrieved by Adani’s occupation of the land”.

“We acknowledge that the incident on 28 August, 2020, was traumatic for Mr Burragubba and his extended family, and caused embarrassment, hurt and humiliation.

“We recognise that there are complex legal issues and cultural sensitivities relating to this matter. We recognise the complexity of these matters and will commit to take into account the issues raised in this complaint in future responses.”

The statement did not contain any direct admission or statement that police or Adani were ultimately wrong in asserting that W&J traditional owners were trespassing on the pastoral lease site. Those rights remain in dispute.

However the police statement raises the prospect that, if traditional owners now sought to re-establish a camp blocking road access to the mine, Adani or the police may have to seek a complex legal ruling on whether they can be forcibly removed.

Burragubba said he was not sure at this stage whether he and others would resume the camp, but that W&J people were “free to come and go unhindered”.

“We have notified the state, we’ve notified the government, we’ve notified Adani, we’ve notified the police [that W&J people will occupy the land]. At this point I can’t say whether we’re going to take action again to stop the mine.

“The police refused to listen to our legal advice and that was the problem, they took it up for Adani. We have a legal right to be on pastoral leases. We have a legal right to coexist with pastoral leases. Essentially Adani doesn’t have a right to [make accusations of trespass].

“We are not happy that Adani keeps using the police and the government and the laws to prosecute us and persecute us and cause harm to us.”

The Queensland police have previously been accused of acting to “shield” Adani’s corporate interests after a crew of French journalists were arrested and given restrictive bail conditions while making a documentary about the controversial coalmine.

When the documentary was released, the journalist Hugo Clément detailed how police had them “under surveillance” and sought to repeatedly block filming near Adani’s Abbot Point coal terminal.

Police were contacted for comment.

Adani said in a statement that Burragubba’s son, Coedie McAvoy, had undertaken cultural practices on the company’s pastoral lease twice since September last year.

“We have corresponded with him in writing to advise he was able to access the pastoral lease for this reason,” the company said.

“We are very supportive of traditional owners undertaking cultural activities and as a responsible landholder we will continue to ensure that when people do wish to access our site, they are able to do so in a planned, safe, and respectful manner that ensures both [Adani] and anyone on the property are compliant with the law.”