

Procedural guide

Community and other relations

Managing Indigenous Cultural Heritage

Procedural guides seek to define complex decision-making processes or requirements of the Queensland Parks and Wildlife Service (QPWS), and provide guidance and information to assist staff in the completion of specific tasks or in making certain judgements. Procedural guides are for internal use only.

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1.0 Purpose

The purpose of this Queensland Parks and Wildlife Service (QPWS) Procedural Guide is to provide a consistent approach to managing risk to indigenous cultural heritage in undertaking works. The method of 'Find stop notify and manage' also applies to non-indigenous cultural heritage.

2.0 Definitions and Examples

- Cultural Heritage Find – an object or area in, or around, the work area that is suspected to constitute Aboriginal Cultural Heritage or Historical Cultural Heritage.
- ACHA - Aboriginal Cultural Heritage Act
- DATSIP – Department of Aboriginal and Torres Strait Islander Partnerships.
- Exclusion Zone – an area that has been cordoned off and has restricted access arrangements in place.
- NPSR – Department of National Parks, Sport and Racing.

Aboriginal cultural heritage examples:

- Stone artefacts (e.g. flints, blades, axe heads)
- Old camp fires and hearths
- Middens
- Rock Art
- Scarred and carved trees
- Remains of rock quarries and axe grinding grooves
- Human remains
- Ceremonial and ritual areas.

Non Indigenous cultural heritage examples:

- Historical dwellings and buildings
- Abandoned town sites/settlements
- Evidence of historic settlement
- Industrial & mining sites
- Cemeteries and graves
- Historical roads and streetscapes
- Survey Marks, pegs or blazed trees
- Places of historical interest.

3.0 Planning Procedures

3.1 Concept Design Phase

All operational works undertaken by QPWS are to incorporate an assessment of whether the activity has the potential to affect cultural heritage, both indigenous and non-indigenous.

3.2 Conduct a Cultural Heritage Risk Assessment for the proposed activity

The *Cultural Heritage Risk Assessment template (CH Form1)* has been developed to assess whether a proposed activity has a low or high risk in terms of potential to harm cultural heritage. The QPWS project manager or officer should conduct a search of the DATSIP Aboriginal Cultural Heritage Register and Aboriginal Cultural Heritage Database to establish whether there are any recorded cultural heritage sites in the vicinity of the proposed activity. To complete a cultural heritage search request, use the [DATSIP form](#).

The DATSIP Cultural Heritage Database search is not to be relied upon as conclusive evidence of the presence or absence of aboriginal cultural heritage.

3.3 Notify the Aboriginal Party of the proposed activity

The Aboriginal Cultural Heritage Act (ACHA) recognises that the views of the Aboriginal party for a particular area are a key component in assessing and managing any activity that is likely to impact on Aboriginal cultural heritage.

A template letter has been created to assist with notifying the relevant Aboriginal Party of proposed QPWS activities. The letter may be modified to suit the specific situation and sent with relevant copies of the proposed works map, the cultural heritage database search results, the QPWS cultural heritage risk assessment and *Recompense to Traditional Owners participating in protected area activities or services*.

A guide to respecting Indigenous heritage places and values is available at [Ask First](#). This document provides a practical reference guide in relation to consultation and negotiation with indigenous stakeholders.

3.4 Joint Field Inspection

QPWS must comply with the ACHA. An onsite meeting to discuss the project should be undertaken. It is important to confirm that the person involved in the field assessment is recognised as being able to speak on behalf of the Aboriginal party. *CH Form 2 – Cultural Heritage Field Assessment Form* has been developed to capture any unrecorded sites of cultural significance detected during the field assessment.

Options for the protection of items of cultural significance that may be found include possible modification of the proposed route or works area, changes to the design or proposed work techniques, the relocation of artefacts or the removal of artefacts to a keeping place. Another option that may be discussed and agreed for the long term protection of significant cultural values is the establishment of a Restricted Access Area (RAA) to restrict the general public from entering these areas. Any agreed actions for the management and protection of cultural heritage values will need to be captured in a cultural heritage management agreement. *CH Form 3 – Cultural Heritage Management Agreement* has been designed to detail cultural heritage arrangements and serve as an endorsement of the cultural heritage agreement. Copies need to be distributed to serve as a record of agreed actions.

3.5 Conduct a cultural heritage induction

All QPWS staff and contractors that will be involved in the delivery of the project need to be aware of cultural values that might be encountered during the works implementation phase of a project. A cultural heritage induction conducted by a representative of the traditional owner party may assist in conveying this understanding and be integrated into the project induction.

3.6 Failure to reach agreement with the Aboriginal Party

Where an agreement cannot be reached with the Aboriginal party for the proposed works area on how cultural heritage is to be managed, QPWS employees continue to have a duty of care obligation under section 23 of the Act and must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. For high risk or potentially significant development in culturally sensitive areas, the

development of a Cultural Heritage Management Plan (CHMP) under Part 7 of the ACHA might be considered appropriate.

3.7 Find Stop Notify Manage

Comprehensive planning as described should mitigate against predicted impacts, however there may still be a risk of encountering aboriginal cultural heritage. The following actions are to be undertaken:

1. **FIND:** A potential Cultural Heritage item or object is found.
2. **STOP:** STOP WORK IMMEDIATELY and install an exclusion zone around the area.
3. **NOTIFY:** Notify a responsible person (e.g. Site Supervisor, Project Manager).
4. **MANAGE:** Report the discovery to the project manager for advice on management. Liaise with the relevant Aboriginal Part and see their advice. Refer to Partnerships Branch for advice if unsure at NPSRQPWSPartnerships.Corro@npsr.qld.gov.au.

4.0 References

Aboriginal Cultural Heritage Act 2003

Operational Policy – Management of Indigenous Cultural Heritage on the QPWS Estate

QLD DTMR Cultural Heritage Process Manual, June 2012

ACHA 2003 Duty of Care Guidelines (DATSIP), April 2004

Department of Transport and Main Roads 'Find – Stop – Notify – Manage Work instruction', 29 June 2012

Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of National Parks, Sport and Racing should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved By

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Signature

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Date

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