DOUGLAS SHIRE COUNCIL

ABORIGINAL CULTURAL HERITAGE GENERAL POLICY

Intent

The intent of this policy is to define procedures and protocols in conducting Council activities while undertaking physical work to ensure that Aboriginal Cultural Heritage is protected within Douglas Shire.

The *Aboriginal Cultural Heritage Act 2003* (Qld) (ACHA) imposes a cultural heritage duty of care on all persons who carry out an activity to take all reasonable and practical measures to ensure the activity does not harm Aboriginal Cultural Heritage.

Fundamental to the main purpose of the ACHA, which is to provide effective recognition, protection and conservation of Aboriginal Cultural Heritage are the following principles—

(a)   Recognition, protection and conservation of Aboriginal Cultural Heritage should be based on respect for Aboriginal knowledge, culture and traditional practices;

(b)   Aboriginal people should be recognised as the primary guardians, keepers and knowledge holders of Aboriginal Cultural Heritage;

(c)   It is important to respect, preserve and maintain knowledge, innovation and practices of Aboriginal communities and to promote understanding of Aboriginal Cultural Heritage;

(d)   Activities involved in recognition, protection and conservation of Aboriginal Cultural Heritage should be assessed for compliance with the ACHA and the Cultural Heritage Duty of Care Guidelines (Duty of Care Guidelines) because they allow Aboriginal people to reaffirm their obligation to 'law and country'.

Douglas Shire Council (Council) recognises the potential impact that some Council activities may cause to Aboriginal Cultural Heritage. Aboriginal Cultural Heritage is protected under Commonwealth and State legislation.

Consultation Notice

Depending on the nature of the activity, the likelihood of it causing harm to Aboriginal Cultural Heritage and the nature of the Aboriginal Cultural Heritage likely to be harmed by the activity, Council may publish a consultation notice prior commencing work on the activity; inviting comments on any cultural heritage which may exist which the Duty of Care Guidelines apply.

Scope

Council works may be subject to the Duty of Care Guidelines and should be assessed for compliance with the ACHA and the Duty of Care Guidelines.

This policy applies to Council activities where cultural heritage finds may be encountered during works.

Reference

Legislation: *Aboriginal Cultural Heritage Act 2003*

Responsibilities

General Manager has the responsibility of implementing the policy and ensuring that any Cultural Heritage Finds are dealt with in accordance with this policy.

Council will ensure that any contractor it engages for a project is familiar with the policy and has agreed to abide by the policy prior to recommencing any works.

Definitions

Aboriginal Cultural Heritage means anything that is—

- A significant Aboriginal area in Queensland;
- A significant Aboriginal object; or
- Evidence, of archaeological or historic significance, of Aboriginal occupation of an area.

Aboriginal Party means the relevant traditional owner group or their representatives.

ACHA means the Aboriginal Cultural Heritage Act 2003.

Council means Douglas Shire Council and includes all employees, agents and contractors of Council.

Cultural Heritage Unit means the unit within the Department of Aboriginal and Torres Strait Island Partnerships responsible for administering the ACHA.

Harm has the same meaning as given in the ACHA.

Works means any activity undertaken by or on behalf of Council that has the potential to Harm Aboriginal Cultural Heritage.

Related Documents
This policy is to be used in conjunction with:
- *Aboriginal Cultural Heritage Act 2003* - Duty of Care Guidelines 2004
- Aboriginal Cultural Heritage Duty of Care and Finds Procedure

This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review: Manager Infrastructure Services

ORIGINALLY ADOPTED: 1 August 2017
DUE FOR REVISION: 1 August 2021