

# ABORIGINAL CULTURAL HERITAGE ON PRIVATE LAND

## A Landholder Guide 2022



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Surface scatter showing flaked stone artefacts and stone tools



## Aboriginal cultural heritage

Traditional Owners have lived in Australia for more than 65,000 years, making them the world's oldest continuous living culture on the planet. The land for many Traditional Owners remains fundamental to their identity and way of life. Over these past 65,000 years, Traditional Owners have left physical evidence of their activities which now survive as cultural heritage sites or places.

## What is Cultural Heritage?

Aboriginal cultural heritage is anything that is:

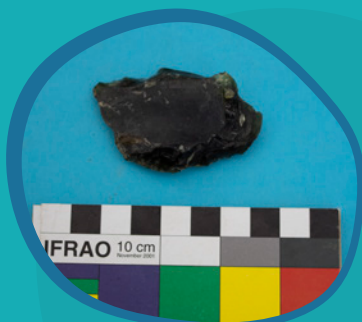
- A significant Aboriginal area
- A significant Aboriginal object, or
- Evidence of archaeological or historical significance of Aboriginal occupation of an area

**FACT:**

It is against the law to disturb or destroy any Aboriginal cultural heritage site.

## Types of artifacts/sites etc.

- Scarred trees
- Rock art
- Oven mounds
- Flaked stone tools
- Burial sites
- Surface scatters
- Grinding stones
- Freshwater middens and coastal shell middens
- Stone arrangements and quarries



## Culturalheritagesitesonmyproperty

Some cultural heritage sites are recorded on an online database. Landholders can obtain a short description of any cultural heritage recorded on their property via the cultural heritage database or register, along with contact details of the relevant Traditional Owner group for that area. There are no fees when requesting a search of an area.

The link to the online cultural heritage search facility is:  
<https://culturalheritage.datsip.qld.gov.au/achris/public/home>

or, you are able to request a search of your property via:  
<https://culturalheritage.datsip.qld.gov.au/achris/public/application-for-advice/enter>

It is advised that you always engage with the relevant Traditional Owner group, as it is an important part of their history. Traditional Owners can also relocate some cultural heritage artifacts off your property if necessary. Please note, some cultural heritage sites are not recorded on the database for privacy and to reduce the chance of damage to these sites. Sites (recorded or not) are all protected under the terms of the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Act 2003* even if the department has no records relating to the sites.

# Having a cultural heritage site on your property DOES NOT:

- Change ownership of your property OR that site
- Prevent ongoing maintenance and repairs of your property
- Put a stop to development on your property
- Give the public or Traditional Owners permission to access your property
- Allow native title to be recognised or reinvigorated on your property

## What it means for you as a landholder

The *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Act 2003* require anyone who carries out a land-use activity to exercise a duty of care. Land-use activities are those that change the use, appearance, or structure of the land. Typical land-use activities include (among many others) fencing, revegetation, earthworks, weed control and construction of structures such as dwellings and roads.

This 'duty of care' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage even on freehold land.



Stop orders and penalties (\$) may be issued if you do not take reasonable steps to protect the cultural heritage of an area or for breaching the duty of care, so it is in your best interest to complete it.

## How do you as a landholder meet the cultural heritage duty of care?

- Comply with gazetted cultural heritage duty of care guidelines (see link below to find them)
- Act under an approved Cultural Heritage Management Plan (CHMP) developed under Part 7 of the Cultural Heritage Acts
- Act under a native title agreement or another agreement with an Aboriginal or Torres Strait Islander party that addresses cultural heritage
- Act in compliance with native title protection conditions (for low-impact mineral exploration) but only if the conditions address cultural heritage

Find further information here: <https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care>

## Why is identifying cultural heritage on your property important for the environment?

Understanding our region's cultural heritage and history can help us to protect endangered ecosystems which are at risk of extinction. The reality of landscape heritage is that much of the current biodiversity relates to long-term, predictable, sustainable, traditional uses. Therefore, by recording cultural heritage on your property, and engaging with the relevant Traditional Owner group, we can help to better understand our past. By understanding our past better, we can get an insight into the most successful management practices which in turn enables the better management of these at-risk ecosystems and the threats they currently face.

## What landholders can do to help manage cultural heritage

- If you would like assistance or advice on managing cultural heritage on your property:
- Check your property for cultural heritage sites ([culturalheritage.datsip.qld.gov.au](http://culturalheritage.datsip.qld.gov.au))
- Contact the Cultural Heritage Unit for advice (1300 378 401)
- Consult the Duty of Care Guidelines which can help you assess the risk to cultural heritage from your management activity (see link above)



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