

# Cultural heritage studies

A cultural heritage study (CHS) is a comprehensive study of Aboriginal or Torres Strait Islander cultural heritage conducted under Part 6 of the *Aboriginal Cultural Heritage Act 2003* or *Torres Strait Islander Cultural Heritage Act 2003* (the Acts).

The findings of the CHS are recorded on the Aboriginal and Torres Strait Islander cultural heritage register administered by the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP).

Before commencing a study under Part 6 of the Acts, notification must be provided to:

- the Aboriginal or Torres Strait Islander party for the area
- owners or occupiers of the area
- the relevant local authority
- DATSIP.

It is also necessary to obtain consent to access the land within the study area.

There is no time limit for undertaking a study.

The Aboriginal or Torres Strait Islander party for the area must be given the opportunity to be involved in the study. They are responsible for assessing the cultural heritage significance of an area under Aboriginal and Torres Strait Islander tradition, custom or history.

Each of the areas indicated has been recorded on the cultural heritage register.

## Ban Ban Springs Aboriginal Cultural Heritage Area

Area description: Lot 13 on Plan MZ547 and attached map.

**Story Place:** A recognised Dreaming Place formed by Creator-Spirits who brought the water to the springs and the home to the Rainbow Serpent.

**Ceremonial Site:** A sacred place tied closely with ceremonial activities that relate to birth, rites of passage and initiation that are

conducted in the waters of the springs and at nearby bora grounds.

(Report on the Cultural Significance of Ban Ban Springs November 2004 - John Richter, Senior Cultural Heritage Officer - Cultural Heritage Coordination Unit, NRW).

## Mount Mulligan Aboriginal Cultural Heritage Area

Area description: Part Lot 5112 on HG843453

Ngarrabullgan contains the oldest known archaeological site in Queensland, one of the oldest in Australia (Ngarrabullgan Cave), and one of the densest known concentrations of Pleistocene and early Holocene rock-shelters with cultural materials in Queensland and Australia. It is to date the only example of a landscape whereby the history of Aboriginal spirituality has been archaeologically tracked back in time. It is today at the heart of Djungan country and cultural identity. Refer pp 13 - 39, Review of Scientific Research at Ngarrabullgan (Mt. Mulligan) and Statement of Significance.

(View of Scientific Research at Ngarrabullgan (Mt. Mulligan) and Statement of Significance, August 2004 - Dr Bruno David, Programme for Australian Indigenous Archaeology - School of Geography and Environmental Science, Monash University, Clayton, Victoria, 3800 and Dr Glen Ingram, Dr Mike Olsen and Gaven Renfrey - Biodiversity Assessment and Management Pty Ltd).

## Palm Island Aboriginal Cultural Heritage Area

Area description: Part Lot 38 on CWL 3324

The study area contains cultural and natural resources that are significant to the Manbarra Traditional Owners as a definite and tangible link to traditional and more recent aspects of their heritage. The area contains artefact scatters, shell middens, scarred trees and a

dugout canoe. The sites all indicate a high degree of intactness and interconnectedness.

(Assessment of the Cultural Heritage values of a section of South Eastern Great Palm Island 2009 - Elizabeth Hatte, Northern Archaeology Consultancies Pty Ltd).

### Further information

For further information on cultural heritage studies, contact the Cultural Heritage Unit on telephone (07) 3247 6212 or email [cultural.heritage@datsip.qld.gov.au](mailto:cultural.heritage@datsip.qld.gov.au)

Visit the DATSIP website to view maps of these areas [www.datsip.qld.gov.au/ch](http://www.datsip.qld.gov.au/ch)

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## CULTURAL HERITAGE STUDY

### Checklist for assessing if a study/report satisfies the requirements of Part 6 (*Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003*)

Name of Study:

Sponsor:

Endorsed Party:

Assessor/author:

Notice date:

Study date:

Submission date:

#### **Part 5 Division 2 s48 [see Part 6 s73(1)(c)]**

A description of the cultural heritage study adequate to distinguish it from other cultural heritage studies [s48 (2) (a)]

A description of the study area, including, if necessary for accurately locating the study area, a plan of the area and a detailed description of its boundaries [s48 (2) (b)]

A description of all Aboriginal cultural heritage that has been identified in the study area and a description of its location [s48 (2) (c)]

In general terms, the reasons anything identified as Aboriginal cultural heritage has been so identified, including, if appropriate, whether it relates to men's or women's business [s48 (2) (d)]

If the study makes recommendations for the management of Aboriginal cultural heritage identified in the study-the recommendations [s48 (2) (e)]

For each area or object assessed as a significant Aboriginal area or significant Aboriginal object-the name of each Aboriginal party that assessed the area or object as a significant Aboriginal or significant Aboriginal object [s48 (2) (f)]

The name and contact details of each endorsed party for the study [s48 (2) (g)]

The name of each endorsed party for the study who did not take part in the carrying out of the study [s48 (2) (h)]

The name and contact details of each Aboriginal cultural heritage body for the study area [s 48 (2) (i)]

The name and contact details of each cultural heritage assessor for the study [s48 (2) (j)]

When the study was completed [s48 (2) (k)]

**Part 6 s56 Giving of written notice-written notice must be given to:**

The chief executive [s56 (1) (a)]



Each person who is an owner or occupier of a part of the study area [s56 (1) (b)]

If for a part of the study area, there is no Aboriginal cultural heritage body-each Aboriginal party that is a native title party for the part of the study [s56 (1) (c)]

Each entity that is an Aboriginal cultural heritage body for a part of the study area [s56 (1) (d)]

If, for a part off the study area, there is no Aboriginal cultural heritage body and there is also no Aboriginal party that is a native title party-each entity that is a representative body for the part of the study area [s56 (1) (e)]

Each local government whose local government area includes a part of the study area [s56 (1) (f)]

### **Part 6 s61 No cultural heritage body and no native title party**

If there is no Aboriginal cultural heritage body and no Aboriginal party that is a native title party was a public notice published in a newspaper circulating generally in the relevant part (s61)?

### **Part 6 s66 Role of Endorsed party**

Has the endorsed party assessed the level of significance of areas and objects included in the study area (s66)?

**Part 6 s67 Role of Sponsor**

Has the sponsor carried out the study in consultation with endorsed parties and in a way directed at maximising the quality and authority of the study (s67)?

**Part 6 s68 Cultural Heritage Assessor**

Is the person/(s) engaged as cultural heritage assessors an Aboriginal person for the study area OR an appropriately qualified person in a discipline directly relevant to the study (s68)?

**Part 6 Division 4 (s72) Consideration of cultural heritage study before recording-**

Must have regard to the results and nature of consultation that has happened for the purposes of the study between the sponsor and endorsed parties [s72 (1) (a)].

May seek expert advice from any appropriate source [s72 (1) (b)].

May consult with any of the following about the study [s72 (1) (c)]

Endorsed parties

Cultural heritage assessors for the study

Owners and occupiers of land in the study area

Land users of land in the study area

Relevant Local Government Authority

**Part 6 Division 4 (s73) To record the findings of the cultural heritage study in the register, the chief executive must be satisfied that-**

The sponsor has complied with the procedures and other requirements stated in this part for the carrying out of the cultural heritage study [s73 (1) (a)]

The findings and other information included in the cultural heritage study, including the study's recommendations, are consistent with authoritative anthropological, biogeographical, historical and archaeological information about the study area [s73 (1) (b)]

The cultural heritage study includes the information and other material needed for recording the study's findings under part 5 division 2 [s73 (1) (c)] – see checklist above

An explanation of how lawful access to the study area was achieved for carrying out the study, including details of any law, or of any oral or written authority given by an owner or occupier of land in the study area, authorising access to the land [s 73 (d) (i)]

A summarising statement about the existence of Aboriginal cultural heritage in the study area [s73 (d) (ii)]

Documented evidence about whether recommendations included in the study for future management of Aboriginal cultural heritage have been agreed with affected land owners and occupiers [s73 (d) (iii)]

A description of assessment activities carried out for the study [s73 (d) (iv)]

The signature of each endorsed party for the study, or the party's nominee, who is stated in the study to be in support of information and other matters in the study, and of the recording of some or all of the study's findings in the register [s73 (d) (v)]

The extent to which any endorsed party for the study does not agree with the recording of the study's findings in the register [s73 (d) (vi)]

Details of each endorsed party for the study who did not in fact take part in the study [s73 (d) (vii)]

**Recommendation to register/not register the study**

**Additional comments**

**Section 74 If the chief executive records or refuses to record the study the chief executive must give written notice to:**

The Sponsor –

Each person who is an owner or occupier of a part of the study area –

Each local government whose local government area includes a part of the study area -

Each endorsed party for the study -

Each Aboriginal Cultural Heritage Body for a part of the study area -

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## Cultural Heritage Studies Guidelines

Sections 54 Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003

### PART 1 - INTRODUCTION

#### 1.0 WHAT IS A CULTURAL HERITAGE STUDY?

A Cultural Heritage Study is a comprehensive study of Aboriginal [or Torres Strait Islander] cultural heritage in an area conducted under Part 6 of the relevant Act for the purpose of recording the findings of the study on the Aboriginal Cultural Heritage Register' ("the Register").

Therefore as outlined below the legislation requires that a number of procedural issues be addressed in undertaking a cultural heritage study.

There is also a range of internationally and nationally recognized guidelines and procedures that can assist in the undertaking of cultural heritage surveys and these are referred to in the development of these guidelines.

A study includes field investigation of a parcel of land to determine:

- The presence or absence of cultural heritage values (including objects and areas);

- The evaluation of the cultural heritage significance of any cultural heritage values (including objects and areas) located;
- Development of management strategies for any cultural heritage values (including objects and areas) located, and
- Information to be listed on the Register

A Study is initiated by a Sponsor who must notify the relevant Aboriginal/ Torres Strait Islander party. The party may seek to be involved in the Study and, if so, will become the endorsed party. A written notice must also be given to the chief executive (NRM), each person who is an owner or occupier of a part of the study area and each local government whose local government area includes a part of the study area.

## 1.1 GUIDELINES

### Preamble

Pursuant to sections 54 of the *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* ('the Acts') the Minister may by gazette notice notify guidelines to help people in choosing suitable methodologies for the carrying out of cultural heritage studies.

A failure to conform to the guidelines is not however grounds for refusing to record a cultural heritage study's findings in the register.

Nevertheless, under Part 5 and part 6 of the Acts certain information is required before the chief executive can record the findings in the register.

The guidelines that form this document are the result of consultation with Aboriginal and industry groups, local governments and other persons (s54 (3). [the legislation indicates we may consult, are we going to]

## **1.2 WHEN IS IT APPROPRIATE TO UNDERTAKE A CULTURAL HERITAGE STUDY?**

A cultural heritage study is necessary when:

- assessing the cultural heritage significance of an area, and
- seeking to have the assessment listed on the register.

Where a land use is proposed that could harm Aboriginal Cultural Heritage it is preferable to undertake a Cultural Heritage Management Plan under Part 7 of the Aboriginal Cultural Heritage Act.

It is important to note that significant Aboriginal objects and areas exist across Queensland and may still retain significance even when an area has been disturbed.

Reasonable costs associated with undertaking cultural heritage studies are the responsibility of the Sponsor.

## **1.3 PROCESS FOR UNDERTAKING A CULTURAL HERITAGE STUDY**



The process of undertaking a cultural heritage study will vary on a project-by-project basis. An ideal model is outlined in Appendix 1. All studies, should consider the following key stages:

### ***Background research***

Background research on the history and development of an area should provide as a minimum enough background information to help formulate a methodology for undertaking an initial assessment of the study site or area.

### ***Consultation***

All studies should involve the identification of appropriate spokespersons for the study area; discussion on the study and its potential impact; discussion of the cultural heritage management objectives of the study and obligations and requirements under the legislation; discussion and agreement on fieldwork procedures; and discussion of questions covering the confidentiality of information.

### ***Physical evaluation of the study area***

The study may involve survey work, excavation, artefact collections, monitoring activities, or fieldwork associated with the development and/or implementation of *in situ* conservation initiatives.

### ***Significance assessment***

For details of significance assessments see below.

### ***Recommendations***

Recommendations should be based on a fair and reasonable assessment of the cultural heritage values of an area. Sponsors, Aboriginal parties and heritage assessors should be aware that recommendations may not be binding on the Department of Natural Resources and Mines.

#### 1.4 BASIC INFORMATION

The structure suggested for studies is based on the requirements of the legislation.

This structure is designed to assist in providing:

- some standardization of studies;
- facilitation of the study review process; and
- the comparative use of studies for ongoing cultural heritage management planning and research.

##### 1 A description/identification of the study (Part 5 division 2 s48 (2)(a))

The study should therefore contain a **Title Page**

Essential information on this title page should include:

- The name of the study which should include reference to its location;
- Name and address of the sponsor for whom the study was prepared (including the name of a contact person and contact details);
- Assessor's name, address and telephone number and other contact details;
- Date the study was completed

The study should also contain a **Table of Contents**

A table of contents should include at least the following information:

An **Executive Summary**: a brief overview of overall content, findings and recommendations.

**Acknowledgements**: include the names and affiliations of all assistants and people who supplied information or assisted in any way.

Introduction

Reason for the Study

Background Information

Biophysical Background

Anthropological and Cultural Background

Proposed Development or Reason for Study

Survey methodology

Site Recording

Results and Discussion

Community Consultation

Conclusion

Cultural Heritage Values and Significance

Recommendations

**2 A description of the area. (Part 5 division 2 s48 (2)(b))**

Maps, figures and tables are very important and should be used wherever possible to summarise data. Where necessary, titles, names, scale, bearings and the like should

be included on all maps, drawings and plans. The following should be included regardless of the study type:

- a map of Queensland showing location of study area;
- regional map/s;
- areas surveyed, excavated, collected etc;
- cadastral information; and
- locations of any objects/areas/places located during the study.
- Cultural heritage study reports can also form part of a larger EIS report that becomes a public document. Cultural heritage assessors should therefore take this into account in writing the report, and consider putting any restricted information into an appendix that is to be withheld from inclusion in the final EIS.

**3 A description of all identified cultural heritage including location (Part 5 division 2 s48 (2)(c))**

The Cultural Heritage Coordination Unit (CHCU) has designed a comprehensive *Site Inventory Notification Form*. An electronic version of the recording form is also available. (Appendix 2). These should be completed for all archaeological objects and areas located and presented to the CHCU with the study. The sponsor may use other forms in addition to or instead of the CHCU forms.

There are many ways to describe objects and areas. A range of features can be described and some variation in recording is to be expected. Do not fill out separate

notification forms for different components of the same complex or locality. All studies require some basic quantification and should include information on:

*(1) Area*

Location (map datum used, map co-ordinates, GPS readings, directions for re-location);

Size (length, width, breadth, depth);

Boundaries;

Ground cover - %;

Main features;

Identifiable geomorphic processes;

Features of unmodified cultural landscapes.

*(2) Artefacts and other remains*

Number of artefacts per square metre;

Artefact types (including %'s);

Size ranges,

Intactness, integrity etc;

Numbers, size and relationships of any structures or features.

All techniques and terms should be clearly defined. Use numbers and percentages where appropriate.

**4 A description of why an object/area is identified as cultural heritage (Part 5 division 2 s48 (2)(d))**

This should include, in general terms, why a thing has been identified including if appropriate, whether it relates to men's or women's business.

These issues should be covered in the methodology section.

**5 Study Recommendations (Part 5 division 2 s48 (2)(e)) -**

See discussion below.

**6 The name of each party that assessed an area or object as significant.  
(Part 5 division 2 s48 (2)(f))**

These details should be included in an Appendix

**7 The name and contact details of each endorsed party (Part 5 division 2  
s48 (2)(g))-**

These details should be included in an Appendix

**8 The name of each endorsed party who did not take part in the study.  
(Part 5 division 2 s48 (2)(h))-**

These details should be included in an Appendix

**9 The name and contact details of each Aboriginal cultural heritage body for the area. (Part 5 division 2 s48 (2)(i))**

These details should be included in an Appendix

**10 The name and contact details of each cultural heritage assessor (Part 5 division 2 s48 (2)(j)) -**

These details should be provided on the Title Page.

**11 The date the study was completed (Part 5 division 2 s48 (2)(k))-**

These details should be provided on the Title Page

**12 Record of how lawful access to the study area was achieved**

Include report/copy of any oral or written authority given by an owner or occupier of land authorising access.

**13 Evidence supporting that future management recommendations included in the study have been agreed with affected land owners and occupiers.**

**14 The signature of each endorsed party or nominee, which is stated in the study to be in support of:**

- Information and other matters in the study, and
- The recording of all or some of the findings in the register

**15 The extent to which any endorsed party does not agree with the recordings of the study's findings in the register.**

These details should be included in an Appendix.

**1.5 FINDINGS AND OTHER INFORMATION**

**The findings and other information included in the study must be consistent with authoritative anthropological, biogeographical, historical and archaeological information about the study area.**

The following should assist in developing a structure:

***(i) Introduction***

Nature of the development or research proposal;

Objectives and general scope of the study;

Personnel conducting the work and professional expertise involved;

Dates and duration of the work;

Organizational format of the report;

Outline legal provisions under which the report is produced;

Describe agreements, conditions and restrictions on information or constraints imposed by community groups, government agencies or the sponsor.



***(ii) Background Information***

A *brief* background should be provided in each report. All sections must be relevant.

This may include:

***Biogeographical Information***

- A description of the natural environment. For example drainage, fauna and flora, geology;
- Past and present ecological factors that bear on human settlement and past and present land use;
- The current condition of the land and the environment, and geomorphic processes affecting the study area.

***(iii) Historical and Cultural Background***

- Previous research as appropriate;
  - Outline history of the study area, including past land use practices and historical geography;
  - References to all reports and publications related to the area;
  - An indication of the proposed long-term land use;
- Details of previously recorded objects or areas within or near to the study area;
- Reference to other heritage places, objects or areas registered or listed with other organisations, (e.g. Commonwealth Heritage List, the Register of the National Estate, or the Local Government Authority heritage lists or heritage registers).

***(iv) Proposed Development***

If the study has been initiated in response to development activity, relevant information may include:

The nature of the proposed development;

The proposal's design features;

Boundaries of development and all ancillary facilities and activities;

Types of impacts to be expected;

Project development timetable;

The type and extent of possible terrain modification and disturbance.

## **1.6 CULTURAL HERITAGE SIGNIFICANCE**

### **1.6.1 Cultural heritage significance**

Cultural heritage significance is:

- A significant Aboriginal/Torres Strait area in Queensland; or
- A significant Aboriginal/Torres Strait object; or
- Evidence, of archaeological or historic significance, of Aboriginal/Torres Strait occupation of an area of Queensland (s8)

A significant area or object will be significant because of either or both of the following:

(a) Aboriginal/Torres Strait Islander tradition;

(b) The history, including contemporary history, of any Aboriginal/Torres Strait Islander party for the area.

## 1.6.2 Other significance

The archaeological or historic significance of objects and areas (sites or places) are traditionally made against a set of THEMATIC criteria which will determine the NATURE of the object's/area's significance, and assessment can also be made against a set of COMPARATIVE criteria to determine the DEGREE of significance. When assessment against these criteria has been made a clear statement of significance can be formulated.

### (i) Thematic Criteria

#### *Aesthetic significance*

An object may be significant for its particular style, craftsmanship, quality, design or beauty. Aesthetic significance may not always be relevant to the cultural heritage significance of archaeological remains. However, it may be relevant for archaeological objects and areas that may also feature above ground remains, or other associated structures. Consideration of how an object or area is situated within the wider landscape may be relevant to this type of significance.

#### *Historical significance*

An object or area may be significant for its associations with important people, an historical place, events and historical processes. The historical significance of archaeological objects and areas relates to the importance of particular periods of occupation of an area and includes the historical links that the object or area has. An

object or area may be important in providing tangible evidence of a particular phase in the Aboriginal or Torres Strait Islander/European contact period in Queensland.

### ***Scientific significance***

The scientific significance of objects and areas relates to their scientific research value. Scientific significance concerns the contribution that the conservation, research, excavation or analysis of archaeological remains have for our understanding of those remains, the study area, and to a general understanding of Queensland's past. Archaeological excavation and artefact analysis can facilitate a greater understanding of the scientific significance of a place or area. Scientific significance can be determined through careful analysis of the archaeological material recovered through excavation or collection, or predicted to be present based upon extensive documentary research, visual assessment and other non-invasive assessment methods. This criterion relates to the potential that an object or area has to enhance our understanding of historical processes.

### ***Social significance***

This type of significance relates to the importance of an object or area to the community. It may be difficult to determine if many archaeological remains feature social significance, as their existence is often unknown in the wider community. However, areas which feature the physical remains of activities can often elicit a strong feeling of significance to particular people in the community.

### ***Technological significance***

An object or area may demonstrate a degree of technological accomplishment or technical excellence through the presence of particular features, remains, or objects. Artefacts located within archaeological deposits may yield information on the use of particular technologies, providing evidence of technological achievement at a particular period.

(ii) **Comparative Criteria**

***Representativeness***

The object and or area is an outstanding example of a particular class or category of object and or area, is representative of a particular activity, way of life, or theme.

***Rarity***

An object or area may be significant through the presence of rare, unusual or particularly good examples of a specific type of object or feature.

***Intactness, Condition, Integrity***

The intactness, condition, or integrity of objects or an area may influence levels of significance.

***Archaeological Potential***

Applies to objects or areas with the potential to yield additional information through archaeological investigation, which would not be readily available through other research techniques.

***Interpretive/Educational Value***

The significance of *in situ* remains may be enhanced through their capacity to demonstrate a particular function, event, way of life, or use. Areas with undisturbed, *in situ* objects or remains do have a higher interpretive potential than those that have undergone disturbance.

### (iii) Grading Significance

When making an assessment of values against the criteria, it is possible to make a judgment or grading of the level of significance. Different aspects of an object or different elements of an area make different contributions to the assessment of cultural heritage significance. The condition of the object, the integrity of the area, the intactness of the remains are things that may result in a diminished significance and therefore a lower assessment of its cultural heritage significance. Appendix 2 provides a guide to assessing the levels of cultural heritage significance.

### (iv) Statements of Significance

After assessment has been made against the criteria, then a statement of significance can be formulated based upon the results. The statement may be short and only consist of a few lines, or may be several pages in length. The amount of detail will depend on the results of the assessment process as detailed above.

It is not sufficient to state that objects and areas **are** or **are not** significant. A detailed assessment of the cultural heritage significance should be undertaken using the criteria as outlined above. The statement of significance should be clear, concise and define and state the values. It is important to consider the significance of the object or area in the context of the broader area, other associated cultural heritage places, other

research in the area, types of landscapes represented and so on. All recommendations should be precise, positive and practical. There should be no ambivalence in the report or in the recommendations. The report should not tell the CHCU what it should do, nor should it require the CHCU to decide what to do.

#### **(v) Recommendations**

The cultural heritage assessor is employed to assess values and the significance of objects or places and the extent to which they should be conserved or managed.

A clear and concise statement of significance should be followed by a positive recommendation.

Making a recommendation should involve a careful, step by- step process involving:

- a statement of the values of the place
- a statement of significance
- a statement of probable impact on the place
- a recommendation on how this can be avoided or managed to conserve the identified significance of the place

If it is indicated that some objects or areas will be destroyed or damaged by a development then the report should contain recommended mitigation procedures aimed at salvaging as much information or data as is necessary, rational and appropriate. If the information can be gathered at the time of the assessment, this should be done rather than put the client to the expense of an additional study.

Cultural heritage assessors and developers should be aware that recommendations made are not binding on NRM or the proponent. Following assessment of the report and a review of local, regional and national cultural heritage management objectives and priorities, the Agency may choose to accept the recommendations, or choose to make alternative recommendations or management options in a formal response to the proponent.

**(vi) A description of assessment activities carried out for the study. (S73(1)(d)(iv))**

***Survey/Collection/Excavation Methodology***

Detail survey/excavation/collection strategies and the methods and equipment used to implement them, including but not limited to the following:

- Conditions of ground surface exposure;
- Type of ground cover present;
- Percentage visibility;
- Sampling design and sources consulted;
- Sample size and selection;

Rationale for sample selection;

Number of surveyors/excavators/collectors;

- Quantify areas surveyed (% of total);

Location of areas exempt surveys;

Excavation methods;

Stratigraphic profiles/drawings/descriptions;

- Details of each excavation unit;



Extrapolation of sample to whole development;

Map of areas surveyed;

Methods of undertaking survey;

Details of subsurface testing/excavation;

Effects of current geomorphic processes and implications for the future;

Maps and tables.

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## PUBLICATIONS AND OTHER SOURCES OF INFORMATION

Australian Heritage Commission. 2002 *Ask First. A Guide to Respecting Indigenous Heritage Places and Values*, Australian Heritage Commission, Canberra. Also at [www.ahc.gov.au/inores/publications/indigenousheriatge/index.html](http://www.ahc.gov.au/inores/publications/indigenousheriatge/index.html).

Australia ICOMOS, 1988. *The Australia ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance: The Burra Charter and its associated Guidelines*.

Burke, Heather and Claire Smith 2004 *The Archaeologist's Field Handbook*. Allen and Unwin, Crows Nest, New South Wales.

du Cros, Hilary 2002 *Much More than Stones and Bones. Australian Archaeology in the Late Twentieth Century*. University Press, Melbourne.

Marquis-Kyle Peter and Meredith Walker 2004 *The Illustrated Burra Charter: Good Practice for Heritage Places*. Australian ICOMOS Inc., Sydney:

Pearson, Michael. and Sharon. Sullivan 1995 *Looking After Heritage Places. The Basics of Heritage Planning for Managers, Landowners and Administrators*. Melbourne University Press, Melbourne.

## WEB SITES

Australian Heritage Commission [www.heritage.gov.au](http://www.heritage.gov.au)

Australian Institute of Aboriginal and Torres Strait Islander Studies  
[www.aiatsis.gov.au](http://www.aiatsis.gov.au)

Australian Archaeological Association

<http://www.australianarchaeologicalassociation.com.au/index.php>

Australian Association of Consulting Archaeologist

<http://www.aacai.com.au/join.html>

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## APPENDICES

### Appendix 1: Stages in the cultural heritage study.

#### Project Initiation

Sponsor initiates study

Aboriginal parties involved

Consultant/researcher/ heritage assessor engaged

#### Review of Existing Information

Background research

Review of existing studies

Search existing databases and registers

Formulation of field methodology

#### Field Assessment

Survey, excavations, surface collections, monitoring, *in situ* conservation

Collation of all data collected

#### Significance Assessment

Review of existing information

Field assessment

Using established criteria (see below)

#### Identifying Issues

Client needs

Legislative obligations and requirements

Condition and significance of objects and areas located

#### Recommendations

Follow-up work

Potential protected objects or areas

#### Final Report Production

Produced in line with requirements of legislation

**Appendix 2 : Assessing significance**

**EXCEPTIONAL**

☐ The object is a rare and outstanding item. The area features objects or a place of rare and outstanding cultural heritage value to Queensland.

☐ The object is intact. The integrity of the area is assessed as being very high with no signs of damage, disturbance, modification or alterations that would detract from its cultural heritage significance.

☐ Can be interpreted relatively easily. Fulfils criteria for declaration as a protected object and/or area.

**HIGH**

The object/area features a high degree of intactness, with minimal modification, disturbance, damage or alteration. Any alterations, modifications, or damage evident does not detract from its significance.

This criterion is a key element of the object's/area's significance. Fulfils criteria for declaration as a protected object and/or area.

**MODERATE**

☐ Object/area features disturbed, altered, modified or damaged elements with moderate integrity or intactness. This detracts from the object's/area's cultural heritage significance.

☐ Individually objects have limited heritage value, but individual objects contribute to the significance of the area.

☐ This criterion is important to but is not the key element of the object's/area's cultural heritage significance. May fulfill criteria for declaration as a protected object and/or area.

**LOW**

☐ Disturbance, modifications, alterations or damage to the object(s)/area severely detract from overall significance.

☐ Individual objects have limited or no heritage value, but considered together may have limited heritage value.

Object/area is difficult to interpret. Unlikely to fulfill criteria for declaration as a protected object and/or area.

### Appendix 3

#### Entering of a cultural heritage study on the register

If the findings of a cultural heritage study are to be included in the register, the study must be carried out, and its findings put in written form as required by Part 6 (s54) (2) (b). These requirements include:

#### **GIVING OF APPROPRIATE NOTICES**

s56 1 (a) The sponsor for a cultural heritage study must give written notice to the chief executive

**Include a copy of this written notice in an Appendix.**

s56 1 (b) The sponsor must give written notice to each entity that is an Aboriginal cultural heritage body for part of the study area.

**Include a copy of this written notice in an Appendix.**

s56 1 (c) The sponsor must give written notice if, for a part of the study area, there is no Aboriginal cultural heritage body – each Aboriginal party that is a native title party for the part of the study area

**Include a copy of this written notice in an Appendix.**

s56 1 (d) The sponsor must give written notice to each entity that is an Aboriginal cultural heritage body for a part of the study area

**Include a copy of this written notice in an Appendix.**

s56 1 (e) The sponsor must give written notice if, for a part of the study area, there is no Aboriginal cultural heritage body and there is no Aboriginal party that is a native title party – each entity that is a representative body for the part of the study area

**Include a copy of this written notice in an Appendix.**

s56 1 (f) The sponsor must give written notice to each local government whose local government area includes a part of the study area.

**Include a copy of this written notice in an Appendix.**

s61) The sponsor must if there is no Aboriginal cultural heritage body or no Aboriginal party that is a native title party give a written notice of the proposed study.

**Include a copy of this Public Notice in an Appendix.**

s62-64) If an Aboriginal cultural heritage body or Aboriginal party responds to the sponsor within the appropriate time frames the sponsor must endorse these bodies to take part in the study.

**Include copies of any letters of response or endorsement in an Appendix.**

s65) The sponsor may endorse an Aboriginal party for the study even though the sponsor may not be required to endorse the party.

**Include any documentation of such arrangements in an Appendix.**

RTI RELEASE

## APPENDIX 4

### REQUIREMENTS FOR RECORDING THE CULTURAL HERITAGE STUDY

To record the findings of the cultural heritage study in the register, the chief executive must be satisfied that:

The sponsor has complied with the procedures and other requirements stated in this part for the carrying out of the cultural heritage study (s73 (1) (a).

**See above**

The findings and other information included in the cultural heritage study, including the study's recommendations, are consistent with authoritative anthropological, biogeographical, historical and archaeological information about the study area (s73 (1) (b).

**This will comprise the body of the report (see above)**

The cultural heritage study includes the information and other material needed for recording the study's findings under part 5, division 2. (s73 (1).c.

An explanation of how lawful access to the study was achieved for carrying out the study, including details of any law, or of any oral or written authority given by an owner or occupier of land in the study area, authorising access to the lands (s73 1 (d) (i).

**Provide letters of approval or signed explanation in an Appendix**

A summarising statement about the existence of Aboriginal cultural heritage in the study area (s73 1 (d) (ii).

**As a minimum this should be provided in the Executive Summary but should also comprise part of the Discussion/Summary or Conclusion**

Documented evidence about whether recommendations included in the study for future management of Aboriginal cultural heritage have been agreed with affected land owners and occupiers (s73 1 (d) (iii).

**As a minimum this issue should be summarised in the Executive Summary but should be more fully developed in the context in the body of the report. Written agreements should be included in an Appendix.**

A description of assessment activities carried out for the study.(s73 1 (d) (iv)

**This covers issues of methodology and should be included in the body of the report.**



The signature of each endorsed party for the study, or the party's nominee, who is stated in the study to be in support of information and others matters in the study, and of the recording of some or all of the study's findings in the register. (s73 1 (d) (v))

**Include a letter signed by the nominees in an Appendix. Make sure that it is clearly identified what information is to be registered and which is not.**

The extent to which any endorsed party for the study does not agree with the recording of the study's findings in the register. (s73 1 (d) (vi)).

**Include this in the written and signed statement in an Appendix**

Details of each endorsed party for the study who did not take part in the study. (s73 1 (d) (vii))

**Provided a description and reasons in an Appendix.**

RTI RELEASE

**APPENDIX 5**

**REQUIREMENTS UNDER PART 5 DIVISION 2**

The following information is to be recorded on the register s48 (2) (a)-(k):

A description of the cultural heritage study adequate to distinguish it from other cultural heritage studies (a).

**Include Title, Author and all other relevant information on a title page**

A description of the study area, including, if necessary for accurately locating the study area, a plan of the area and a detailed description of its boundaries (b).

**Include....**

A description of all Aboriginal cultural heritage that has been identified in the study area and a description of its location ©.

In general terms, the reasons anything identified as Aboriginal cultural heritage has been identified, including, if appropriate, whether it relates to men's or women's business (d).

If the study makes recommendations for the management of Aboriginal cultural heritage identified in the study-the recommendations (e)

For each area or object assessed as a significant Aboriginal area or significant Aboriginal object- the name of each Aboriginal party that assessed the area or object as a significant Aboriginal area or significant Aboriginal object (f)

The name and contact details of each endorsed party for the study (g).

The name of each endorsed party for the study who did not take part in the carrying out of the study (h).

The name and contact details of each Aboriginal cultural heritage body for the study area (i).

The name and contact details of each cultural heritage assessor for the study area (j).

When the study was completed (k).

**Appendix 6 Format for entry in the register**

**Aboriginal Cultural Heritage Act 2003 Register**

**Entry no**

**Name of Place**

**Former/or alternative names**

**Aboriginal Party**

**Site Significance**

**Location**

**Site Boundaries**

**Local Government**

**AMG Map Sheet**

**Listing boundary**

**CHCU file Reference**

**Statement of Cultural Heritage Significance**

**History**

**Description**

**Site Condition**

**Heritage Register Boundary [Map]**

**References**

**Signature(s) of Endorsed Party (ies)**

**Date**

**Print Name(s)**

**Supporting inclusion of the above information in the Aboriginal Heritage Register (part 5 Division 2) of the *Aboriginal Cultural Heritage Act 2003*.**

APPENDIX 8

CULTURAL HERITAGE COORDINATION UNIT, DEPARTMENT OF  
NATURAL RESOURCES MINES

DEPOSITION FORM. FOR UNPUBLISHED MATERIALS (INCLUDING  
SITE CARDS, REPORTS, FIELD NOTES ETC)

Name  
Depositor.....  
.....

Address(Unless you indicate otherwise this address may be given to people seeking  
your permission for reading and/or copying  
material).....  
.....  
.....

Phone Number(s) (BH).....(AH).....FAX  
No.....

E-Mail  
Address.....

Title and/ or description of  
material.....  
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READING

OPEN  Material can be read but not copied

RESTRICTED  Please spell out in detail why it is restricted, if it is all  
restricted, how the information should be managed etc. Please set whatever  
conditions you wish but provide some explanation for the  
restriction.....  
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**COPYING AND USE**

Whole item may be copied for private study and published with acknowledgments

Reasonable portion (in accordance with the Copyright Act) may be copied for private study and published with acknowledgments

Whole item may be copied/published for return to the appropriate Indigenous individuals or communities

Part or whole of item may be copied/published only with the Depositor's permission

Indicate any other restrictions on copying

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**OTHER RIGHTS IN MATERIAL**

**If any other institution/group/individual has rights in this material please negotiate their consent to deposit material under the conditions nominated above. However you will be the person contacted in relation to this material.**



I,.....hereby deposit the material described above with the Department of Natural resources Mines and Energy under the terms and conditions set out above.

.....  
Signature of Depositor

.....  
Date

NB If there are restrictions on the use of the material you will be contacted after two years to determine if different conditions then apply.

RTI RELEASES



## IS IT A CULTURAL HERITAGE STUDY?

### Has Notice been provided pursuant to Part 6? (written or public)

*[File should include a copy of the Notice provided to the chief executive. Sponsor to confirm or evidence that all relevant parties were provided with notice.]*

### Does the Notice contain the “basic information requirements”?

- the sponsor’s name and contact details, including address for service,
- advice that the sponsor intends to carry out the cultural heritage study;
- a description of the study area and identify its location,
- state the notice day (proposed study) for the study, and advise the Aboriginal party of the time by which the sponsor must be given the written notice identifying an Aboriginal party to take part in the cultural heritage study (at least 30 days after the notice day (proposed study)), and
- advise the Aboriginal party might not be endorsed to take part in the study if the body does not give the sponsor the written notice within the required time.

### Can the Study be recorded? (*Basis for guidelines/template Study*)

Does it contain:

- the name of each Aboriginal party that assessed the area or object as significant,
- the name and contact details of each endorsed party for the study,
- the name of each endorsed party for the study who did not take part in the study,
- the name and contact details of each Aboriginal cultural heritage body for the study area,
- the name and contact details of each cultural heritage assessor for the study;
- a statement that the endorsed party is in support of the study, and of recording the study’s findings in the register;
- a summarising statement about Aboriginal cultural heritage in the study area,
- the extent to which any endorsed party for the study does not agree with the recording of the study’s findings in the register;

- a description and location of the study area,
- a description and location of all identified Aboriginal cultural heritage,
- in general terms, the reasons anything identified as Aboriginal cultural heritage has been so identified, including, if appropriate, whether it relates to men's or women's business,
- where identified, the recommendations for the management of Aboriginal cultural heritage,
- evidence about whether recommendations in the study for future management of Aboriginal cultural heritage have been agreed with affected land owners and occupiers,
- when the study was completed,
- an explanation of how lawful access to the study area was achieved,
- a description of assessment activities carried out for the study;
- the signature of each endorsed party for the study,

**Are the findings and other information included in the cultural heritage study, including the study's recommendations, are consistent with authoritative anthropological, biogeographical, historical and archaeological information about the study area? (Basis for guidelines)**

If Yes to the above, the Study can be registered:

**If No: - Are you going to record or refuse to record the findings in the Register?  
Or:- To record or not to record?**

Must have regard to the results and nature of consultation that has happened for the purposes of the study between the sponsor and endorsed party.

May seek expert advice about the study from any appropriate source, including soundness and viability of recommendations included in the cultural heritage study.

May consult with any of the following about the study:

- (i) endorsed parties for the study;
- (ii) cultural heritage assessors for the study;
- (iii) owners and occupiers of land included in the study area;
- (iv) land users of land included in the study area;
- (v) local governments whose local government areas include a part of the study area.



**DRAFT ONLY**

H/Part 6 Cultural Heritage Studies/Part 6 Guidelines/Guidelines for cultural heritage studies ver5

## **Cultural Heritage Studies Guidelines**

**Section 54 Aboriginal Cultural Heritage Act 2003**

### **PART 1 - INTRODUCTION**

#### **1.0 WHAT IS A CULTURAL HERITAGE STUDY?**

A Cultural Heritage Study (CHS) is a comprehensive study of Aboriginal cultural heritage conducted in an area under provisions of Part 6 of the *Aboriginal Cultural Heritage Act 2003* ("the Act"). The purpose of a CHS is to record the findings of the study on the register defined in Part 5 Division 2.

The Act requires that a number of procedural issues be addressed in undertaking a CHS.

There are a range of internationally and nationally recognized guidelines and procedures that can also be used to assist in the undertaking of CHS's and reference has been made to these in the development of the guidelines.

A CHS is initiated by a sponsor who must notify the relevant Aboriginal Party in the form of a "written notice (proposed study)". The Aboriginal Party may seek to be

involved in the CHS and, if so, will become the endorsed party. A written notice must also be given to the chief executive (Natural Resources Mines & Water), each person who is an owner or occupier of a part of the CHS area and each local government whose local government area includes a part of the CHS area.

A CHS includes field investigation of a parcel of land to determine:

- The presence or absence of cultural heritage values (including objects and areas);
- The evaluation of the cultural heritage significance of any cultural heritage values (including objects and areas) identified;
- Management strategies for any cultural heritage values (including objects and areas) identified, and
- Information to be listed on the register

## 1.1 GUIDELINES

### Preamble

Pursuant to sections 54 of the Act the Minister may by gazette notice notify guidelines to help people in choosing suitable methodologies for the carrying out of CHS's. While failure to conform to the guidelines will not be grounds for refusing to record a CHS's findings in the register, under Part 5 and 6 of the Act certain information is required before the chief executive can record the findings in the register.

## 1.2 WHEN IS IT APPROPRIATE TO UNDERTAKE A CULTURAL HERITAGE STUDY (CHS)?

A CHS is undertaken when seeking to have an object or area listed on the register.

Where a land use is proposed that could harm Aboriginal Cultural Heritage it is preferable to undertake a Cultural Heritage Management Plan (CHMP) under Part 7 of the Act. CHMP guidelines were gazette on the 22<sup>nd</sup> April 2005.

## 1.3 PROCESS FOR UNDERTAKING A CULTURAL HERITAGE STUDY (CHS)

The process of undertaking a CHS will vary on a case by case basis. A recommended process is outlined in **Appendix 1**. All CHS's, should consider the following key stages:

### *Background research*

Background research on the history and development of an area should provide as a minimum, sufficient background information to help formulate a methodology for undertaking an initial assessment of the CHS site or area.

### *Consultation*

All CHS's should involve:

- the identification of the relevant Aboriginal party or nominated spokespersons for the CHS area;
- discussion on the nature of the CHS;
- discussion of the cultural heritage management objectives of the CHS

- discussion of obligations and requirements under the legislation;
- discussion and agreement on fieldwork procedures; and
- discussion of questions covering the confidentiality of information.

### ***Significance assessment***

For details of significance assessments see below.

### ***Recommendations***

Recommendations should be based on a fair and reasonable assessment of the cultural heritage values of an area. Sponsors, Aboriginal parties and heritage assessors (see § 68) should be aware that recommendations may not be binding on the Natural Resources Mines & Water.

Costs associated with undertaking CHS's are the responsibility of the Sponsor.

## **1.4 BASIC INFORMATION**

The structure of a CHS should be based on the requirements of the legislation. This structure is designed to assist in providing:

- some standardization of CHS's;
- facilitation of the CHS review process; and
- the comparative use of CHS's for ongoing cultural heritage management planning and research.

The following information is required for the Minister to record a CHS on the register:

**1 A description of the CHS adequate to distinguish it from other cultural heritage studies (Part 5 division 2 s48 (2)(a)).**

The CHS should contain a **Title Page**

Essential information on this title page should include:

- The name of the CHS which should include reference to its location;
- Name and address of the sponsor for whom the CHS was prepared (including the name of a contact person and contact details);
- Assessor's name (s), address and telephone number and other contact details;
- Date the CHS was completed

The CHS should also contain a **Table of Contents**

- A table of contents should include at least the following information:
- An Executive Summary: a brief overview of overall content, findings and recommendations.
- Acknowledgements: include the names and affiliations of all assistants and people who supplied information or assisted in any way.
- Introduction
- Reason for the CHS
- Background Information
- Biophysical Background
- Anthropological and Cultural Background
- Proposed Development or Reason for the CHS
- Survey methodology
- Site Recording
- Results and Discussion
- Community Consultation
- Conclusion
- Cultural Heritage Values and Significance
- Recommendations

**2 A description of the CHS area, including, if necessary for accurately locating the CHS area, a plan of the area and detailed description of its boundaries (Part 5 division 2 s48 (2)(b)).**

Maps, figures and tables are very important and should be used wherever possible to summarise data. Where necessary, titles, names, scale, bearings and the like should be included on all maps, drawings and plans. The following should be included regardless of the CHS type:

- a map of Queensland showing location of the CHS area;
  - regional map/s;
  - areas surveyed, excavated, collected etc;
  - cadastral information; and
  - locations of any objects/areas/places located during the CHS.
- CHS's also become a public document. Cultural heritage assessors should therefore take this into account in writing the report, and consider putting any restricted information into an appendix that is to be withheld from inclusion in the final CHS.

**3 A description of all Aboriginal cultural heritage that has been identified in the CHS area and a description of its location (Part 5 division 2 s48 (2)(c)).**

The Cultural Heritage Coordination Unit (CHCU) has hard copy site cards that can be forwarded by mail and a database site entry forms that can be forwarded by email. Site cards or the database entry form should be completed for all objects and areas located and presented to the CHCU with the CHS.

The sponsor may use other forms in addition to or instead of the CHCU forms.

Objects and areas can be described in a number of ways. A range of features or characteristics can be described and some variation in recording is to be expected. However some standardization is desirable and the following basic information should be provided:

*(1)Area*

Location (provide the area's geographical co-ordinates, or digital data in MapInfo, or ERSI shape file format, each in GDA.94 latitude and longitude);

Size (length, width, breadth, depth);

Boundaries;

Ground cover - %;

Main features;

Identifiable geomorphic processes (erosion);

Features of unmodified cultural landscapes.

*(2)Objects and other remains*

Number of artefacts per square metre;

Artefact types (including %'s);

Size ranges;

Intactness, integrity etc;

Numbers, size and relationships of any structures or features.

All techniques and terms should be clearly defined. Use numbers and percentages where appropriate.

Separate notification forms for different components of the same complex or locality are not required.

**4 The reasons anything identified as aboriginal cultural heritage has been identified, including, if appropriate, whether it relates to men's or women's business (Part 5 division 2 s48 (2)(d)).**

Criteria for classifying objects or areas should be addressed in the Survey Methodology section of the CHS.

**5 If the CHS makes recommendations for the management of Aboriginal cultural heritage identified in the CHS- the recommendations (Part 5 division 2 s48 (2)(e)).**

See discussion below.

**6 For each area or object assessed as a significant Aboriginal area or significant Aboriginal object-the name of each Aboriginal party that assessed the area or object as a significant Aboriginal area or significant Aboriginal object The (Part 5 division 2 s48 (2)(f)).**

These details should be included in an Appendix.

**7 The name and contact details of each endorsed party for the CHS (Part 5 division 2 s48 (2)(g)).**

These details should be included in an Appendix.

**8 The name of each endorsed party for the CHS who did not take part in the carrying out of the CHS. (Part 5 division 2 s48 (2)(h)).**

These details should be included in an Appendix.

**9 The name and contact details of each Aboriginal cultural heritage body for the CHS area (Part 5 division 2 s48 (2)(i)).**



These details should be included in an Appendix.

**10 The name and contact details of each cultural heritage assessor for the CHS (Part 5 division 2 s48 (2)(j)).**

These details should be provided on the Title Page.

**11 When the CHS was completed (Part 5 division 2 s48 (2)(k)).**

These details should be provided on the Title Page.

**OTHER REQUIREMENTS FOR INCLUDING A CHS UNDER PART 6 INCLUDE:**

To record the findings of a CHS in the register under Part 6 the following information is also require:

**12 An explanation of how lawful access to the CHS area was achieved (Part 6 division 4 s73(1)(d)(i)).**

Include report/copy of any oral or written authority given by an owner or occupier of land authorising access. If access is permitted under other legislation or an agreement, indicate the legislation or agreement.

**13 A summarising statement about the existence of Aboriginal cultural heritage in the CHS area (Part 6 division 4 s73(1)(d)(ii)).**

This may be included in the Executive Summary.

**14 Documented evidence about whether recommendations included in the CHS for future management of Aboriginal cultural heritage have been agreed with affected land owners and occupiers (Part 6 division 4 s73(1)(d)(iii).**

This should be discussed in the management recommendations.

**15 A description of assessment activities carried out for the CHS (Part 6 division 4 s73(1)(d)(iv).**

This might include but not be limited to the following:

- Conditions of ground surface exposure;
- Type of ground cover present;
- Percentage visibility;
- Sampling design and sources consulted;
- Sample size and selection;
- Rationale for sample selection;
- Number of surveyors/excavators/collectors;
- Quantify areas surveyed (% of total);
- Location of areas exempt from surveys;
- Excavation methods;
- Stratigraphic profiles/drawings/descriptions;
- Details of each excavation unit;
- Extrapolation of sample to whole development;
- Map of areas surveyed;
- Methods of undertaking survey;

- Details of subsurface testing/excavation;
- Effects of current geomorphic processes and implications for the future;
- Maps and tables.

**16 The signature of each endorsed party for the CHS, or the party's nominee, who is stated in the CHS to be in support of information and other matters in the CHS, and of the recording of some or all of the CHS's findings in the register (Part 6 division 4 s73(1)(d)(v)).**

These details should be included in an Appendix.

**17 The extent to which any endorsed party for the CHS does not agree with recording of the CHS's findings in the register (Part 6.division 4 s73(1)(d)(vi)).**

These details should be included in an Appendix.

**18 Details of each endorsed party for the CHS who did not in fact take part in the CHS (Part 6 division 4 s73(1)(d)(vii)).**

These details should be included in an Appendix.

## **1.5 FINDINGS AND OTHER INFORMATION**

**The findings and other information included in the CHS including the CHS's recommendations, must be consistent with authoritative anthropological,**

**biogeographical, historical and archaeological information about the CHS area  
(Part 6 division 4 S73(1)(b)).**

The following should assist in developing a structure to address the above issues:

***(i) Introduction***

Nature of the development or research proposal;

Objectives and general scope of the CHS;

Personnel conducting the work and professional expertise involved;

Dates and duration of the work;

Organizational format of the report;

Outline legal provisions under which the report is produced;

Describe agreements, conditions and restrictions on information or constraints imposed by community groups, government agencies or the sponsor.

***(ii) Background Information***

A *brief* background should be provided in each report. All sections must be relevant. This may include:

***Biogeographical Information***

A description of the natural environment. For example drainage, fauna and flora, geology;

Past and present ecological factors that bear on human settlement and past and present land use;

The current condition of the land and the environment, and geomorphic processes affecting the CHS area.

***(iii) Historical and Cultural Background***

Previous research as appropriate;

Outline the history of the CHS area, including past land use practices and historical geography;

References to all reports and publications related to the area;

An indication of the proposed long-term land use;

Details of previously recorded objects or areas within or near to the CHS area;

Reference to other heritage places, objects or areas registered or listed with other organisations (e.g. Commonwealth Heritage List, the Register of the National Estate, or the Local Government Authority heritage lists or heritage registers).

*(iv) Proposed Development*

If the CHS has been initiated in response to development activity, relevant information may include:

The nature of the proposed development;

The proposal's design features;

Boundaries of development and all ancillary facilities and activities;

Types of impacts to be expected;

Project development timetable;

The type and extent of possible terrain modification and disturbance.

## **1.6 CULTURAL HERITAGE SIGNIFICANCE**

### **1.6.1 Cultural heritage significance**

Cultural heritage is any:

- Significant Aboriginal area in Queensland; or
- Significant Aboriginal object; or
- Evidence, of archaeological or historic significance, of Aboriginal occupation of an area of Queensland (Part 1 s8)

### **1.6.2 Significant Aboriginal Areas and Objects**

A significant area or object must be of particular significance to Aboriginal people because of either or both of the following:

- (a) Aboriginal tradition;
- (b) The history, including contemporary history, of any Aboriginal party for the area (Part 1 s9 and s10).

The endorsed Aboriginal party (or their nominee) is responsible for assessing the levels of significance to be attached to a significant Aboriginal area or object. This assessment must be consistent with authoritative anthropological, biogeographical, historical and archaeological information. There is an extensive literature on the assessment of archaeological and historic significance and this is outlined in Appendix 2.

- (vi) **A description of assessment activities carried out for the CHS. (S73(1)(d)(iv))**

See above

## **1.7 ADDITIONAL MATERIAL**

**Appendix 3** provides a checklist of the process that must be undertaken prior to commencing a CHS.

**Appendix 4** provides a checklist of information required in a CHS for the Minister to record the findings of the CHS on the register.

**Appendix 5** is a checklist of information required for entry of the CHS on the register.

**Appendix 6** Publications and other sources that may assist in undertaking a CHS.

## APPENDICES

### APPENDIX 1: STAGES IN THE CULTURAL HERITAGE STUDY (CHS).

#### **Project Initiation**

Sponsor initiates CHS

Aboriginal parties involved

Consultant/researcher/ heritage assessor engaged

#### **Review of Existing Information**

Background research

Review of existing studies

Search existing databases and registers

Formulation of field methodology

#### **Field Assessment**

Survey, excavations, surface collections, monitoring, *in situ* conservation

Collation of all data collected

#### **Significance Assessment**

Review of existing information

Field assessment

Using established criteria (see below)

#### **Identifying Issues**

Client needs

Legislative obligations and requirements

Condition and significance of objects and areas located

#### **Recommendations**

Follow up work

Potential protected objects or areas

#### **Final Report Production**

Produced in line with requirements of legislation

## APPENDIX 2 : ASSESSING ARCHAEOLOGICAL AND HISTORIC SIGNIFICANCE

### Archaeological or historic significance

The archaeological or historic significance of objects and areas are traditionally made against a set of **thematic** criteria which will determine the **nature** of the object's/area's significance, and assessment can also be made against a set of **comparative** criteria to determine the **degree** of significance. When assessment against these criteria has been made a clear statement of significance can be formulated.

#### (i) Thematic Criteria

##### *Aesthetic significance*

An object may be significant for its particular style, craftsmanship, quality, design or beauty. Aesthetic significance may not always be relevant to the cultural heritage significance of archaeological remains. However, it may be relevant for archaeological objects and areas that may also feature above ground remains, or other associated structures. Consideration of how an object or area is situated within the wider landscape may be relevant to this type of significance.

##### *Historical significance*

An object or area may be significant for its associations with important people, an historical place, events and historical processes. The historical significance of archaeological objects and areas relates to the importance of particular periods of occupation of an area and includes the historical links that the object or area has. An object or area may be important in providing tangible evidence of a particular phase in the Aboriginal /European contact period in Queensland.

##### *Scientific significance*

The scientific significance of objects and areas relates to their scientific research value. Scientific significance concerns the contribution that the conservation, research, excavation or analysis of



archaeological remains have for our understanding of those remains, the CHS area, and to a general understanding of Queensland's past.

Archaeological excavation and artefact analysis can facilitate a greater understanding of the scientific significance of a place or area. Scientific significance can be determined through careful analysis of the archaeological material recovered through excavation or collection, or predicted to be present based upon extensive documentary research, visual assessment and other non-invasive assessment methods. This criterion relates to the potential that an object or area has to enhance our understanding of historical processes.

***Social significance***

This type of significance relates to the importance of an object or area to the community. It may be difficult to determine if many archaeological remains feature social significance, as their existence is often unknown in the wider community. However, areas which feature the physical remains of activities can often elicit a strong feeling of significance to particular people in the community.

***Technological significance***

An object or area may demonstrate a degree of technological accomplishment or technical excellence through the presence of particular features, remains, or objects. Artefacts located within archaeological deposits may yield information on the use of particular technologies, providing evidence of technological achievement at a particular period.

**(ii) Comparative Criteria**

***Representativeness***

An object and/or area may be an outstanding example of a particular class or category of object and/or area is representative of a particular activity, way of life, or theme.

***Rarity***

An object or area may be significant through the presence of rare, unusual or particularly good examples of a specific type of object or feature.

***Intactness, Condition, Integrity***

The intactness, condition, or integrity of objects or an area may influence levels of significance.

***Archaeological Potential***

Objects or areas may have the potential to yield additional information through archaeological investigation, which would not be readily available through other research techniques.

***Interpretive/Educational Value***

The significance of *in situ* remains may be enhanced through their capacity to demonstrate a particular function, event, way of life, or use. Areas with undisturbed, *in situ* objects or remains do have a higher interpretive potential than those that have undergone disturbance.

**(iii) Grading Significance**

When making an assessment of values against the criteria, it is possible to make a judgment or grading of the level of significance. Different aspects of an object or different elements of an area make different contributions to the assessment of cultural heritage significance. The condition of the object, the integrity of the area, the intactness of the remains are things that may result in a diminished significance and therefore a lower assessment of its cultural heritage significance. **Appendix 2** provides a guide to assessing the levels of cultural heritage significance.

**(iv) Statements of Significance**

After assessment has been made against the criteria, then a statement of significance can be formulated based upon the results. The statement may be short and only consist of a few lines, or may be several pages in length. The amount of detail will depend on the results of the assessment process as detailed above.

It is not sufficient to state that objects and areas **are** or **are not** significant. A detailed assessment of the cultural heritage significance should be undertaken as to why some object or area is significant. The statement of significance should be clear, concise and define and state the values. It is important to consider the significance of the object or area in the context of the broader area, other associated cultural heritage places, other research in the area, types of landscapes represented and so on. All recommendations should be precise, positive and practical. There should be no ambivalence in the report or in the recommendations.

#### EXCEPTIONAL

The object is a rare and outstanding item. The area features objects or a place of rare and outstanding cultural heritage value to Queensland.

The object is intact. The integrity of the area is assessed as being very high with no signs of damage, disturbance, modification or alterations that would detract from its cultural heritage significance.

Can be interpreted relatively easily. Fulfils criteria for declaration as a protected object and/or area.

#### HIGH

The object/area features a high degree of intactness, with minimal modification, disturbance, damage or alteration. Any alterations, modifications, or damage evident does not detract from its significance.

This criterion is a key element of the object's/area's significance. Fulfils criteria for declaration as a protected object and/or area.

#### MODERATE

Object/area features disturbed, altered, modified or damaged elements with moderate integrity or intactness. This detracts from the object's/area's cultural heritage significance.

Individually objects have limited heritage value, but individual objects contribute to the significance of the area.

This criterion is important to but is not the key element of the object's/area's cultural heritage significance. May fulfill criteria for declaration as a protected object and/or area.

#### LOW

Disturbance, modifications, alterations or damage to the object(s)/area severely detract from overall significance.

**(v) Recommendations**

The cultural heritage assessor is employed to assess values and the significance of objects or places and the extent to which they should be conserved or managed.

A clear and concise statement of significance should be followed by a positive recommendation.

Making a recommendation should involve a careful, step by step process involving:

- a statement of the values of the place
- a statement of significance
- a statement of probable impact on the place
- a recommendation on how this can be avoided or managed to conserve the identified significance of the place

If it is indicated that some objects or areas will be destroyed or damaged by a development then the report should contain recommended mitigation procedures aimed at salvaging as much information or data as is necessary, rational and appropriate. If the information can be gathered at the time of the assessment, this should be done rather than put the client to the expense of an additional CHS.

Cultural heritage assessors and developers should be aware that recommendations made are not binding on Natural Resources, Mines & Water. Following assessment of the report and a review of local, regional and national cultural heritage management objectives and priorities, Natural Resources & Mines may choose to accept the recommendations, or choose to make alternative recommendations or management options.

Individual objects have limited or no heritage value, but considered together may have limited heritage value.

Object/area is difficult to interpret. Unlikely to fulfill criteria for declaration as a protected object and/or area.

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### **APPENDIX 3 ENTERING OF A CULTURAL HERITAGE STUDY (CHS) ON THE REGISTER**

If the findings of a CHS are to be included in the register, the CHS must be carried out, and its findings put in written form as required by Part 6 (s54) (2) (b). These requirements include:

#### **GIVING OF APPROPRIATE NOTICES**

s56 1 (a) The sponsor for a CHS must give written notice to the chief executive

**Include a copy of this written notice in an Appendix.**

s56 1 (b) The sponsor must give written notice to each entity that is an Aboriginal cultural heritage body for part of the CHS area.

**Include a copy of this written notice in an Appendix.**

s56 1 (c) The sponsor must give written notice if, for a part of the CHS area, there is no Aboriginal cultural heritage body – each Aboriginal party that is a native title party for the part of the CHS area

**Include a copy of this written notice in an Appendix.**

s56 1 (d) The sponsor must give written notice to each entity that is an Aboriginal cultural heritage body for a part of the CHS area

**Include a copy of this written notice in an Appendix.**

s56 1 (e) The sponsor must give written notice if, for a part of the CHS area, there is no Aboriginal cultural heritage body and there is no Aboriginal party that is a native title party – each entity that is a representative body for the part of the CHS area

**Include a copy of this written notice in an Appendix.**

s56 1 (f) The sponsor must give written notice to each local government whose local government area includes a part of the CHS area.

**Include a copy of this written notice in an Appendix.**

s61) The sponsor must if there is no Aboriginal cultural heritage body or no Aboriginal party that is a native title party give a written notice of the proposed CHS.

**Include a copy of this Public Notice in an Appendix.**

s62-64) If an Aboriginal cultural heritage body or Aboriginal party responds to the sponsor within the appropriate time frames the sponsor must endorse these bodies to take part in the CHS.

**Include copies of any letters of response or endorsement in an Appendix.**

s65) The sponsor may endorse an Aboriginal party for the CHS even though the sponsor may not be required to endorse the party.

**Include any documentation of such arrangements in an Appendix.**

**APPENDIX 4 REQUIREMENTS FOR RECORDING THE CULTURAL HERITAGE STUDY  
(CHS)**

To record the findings of the CHS in the register, the chief executive must be satisfied that:

The sponsor has complied with the procedures and other requirements stated in this part for the carrying out of the CHS (s73 (1) (a)).

**See above**

The findings and other information included in the CHS, including the CHS's recommendations, are consistent with authoritative anthropological, biogeographical, historical and archaeological information about the CHS area (s73 (1) (b)).

**This will comprise the body of the report (see above)**

The CHS includes the information and other material needed for recording the CHS's findings under part 5, division 2. (s73 (1) c).

An explanation of how lawful access to the CHS was achieved for carrying out the CHS, including details of any law, or of any oral or written authority given by an owner or occupier of land in the CHS area, authorising access to the lands (s73 1 (d) (i)).

**Provide letters of approval or signed explanation in an Appendix**

A summarising statement about the existence of Aboriginal cultural heritage in the CHS area (s73 1 (d)

(ii).

**As a minimum this should be provided in the Executive Summary but should also comprise part of the Discussion/Summary or Conclusion**



Documented evidence about whether recommendations included in the CHS for future management of Aboriginal cultural heritage have been agreed with affected land owners and occupiers (s73 1 (d) (iii)).

**As a minimum this issue should be summarised in the Executive Summary but should be more fully developed in the context in the body of the report. Written agreements should be included in an Appendix.**

A description of assessment activities carried out for the CHS.(s73 1 (d) (iv))

**This covers issues of methodology and should be included in the body of the report.**

The signature of each endorsed party for the CHS, or the party's nominee, who is stated in the CHS to be in support of information and others matters in the CHS, and of the recording of some or all of the CHS's findings in the register. (s73 1 (d) (v))

**Include a letter signed by the nominees in an Appendix. Make sure that it is clearly identified what information is to be registered and which is not.**

The extent to which any endorsed party for the CHS does not agree with the recording of the CHS's findings in the register. (s73 1 (d) (vi)).

**Include this in the written and signed statement in an Appendix**

Details of each endorsed party for the CHS who did not take part in the CHS. (s73 1 (d) (vii))

**Provided a description and reasons in an Appendix.**

**APPENDIX 5 REQUIREMENTS UNDER PART 5 DIVISION 2**

The following information is to be recorded on the register s48 (2) (a)-(k):

A description of the CHS adequate to distinguish it from other CHS's (a).

A description of the CHS area, including, if necessary for accurately locating the CHS area, a plan of the area and a detailed description of its boundaries (b).

A description of all Aboriginal cultural heritage that has been identified in the CHS area and a description of its location ©.

In general terms, the reasons anything identified as Aboriginal cultural heritage has been identified, including, if appropriate, whether it relates to men's or women's business (d).

If the CHS makes recommendations for the management of Aboriginal cultural heritage identified in the CHS-the recommendations (e)

For each area or object assessed as a significant Aboriginal area or significant Aboriginal object- the name of each Aboriginal party that assessed the area or object as a significant Aboriginal area or significant Aboriginal object (f)

The name and contact details of each endorsed party for the CHS (g).

The name of each endorsed party for the CHS who did not take part in the carrying out of the CHS (h).

The name and contact details of each Aboriginal cultural heritage body for the CHS area (i).

The name and contact details of each cultural heritage assessor for the CHS area (j).

When the CHS was completed (k).

RTI RELEASE



**APPENDIX 6 PUBLICATIONS AND OTHER SOURCES OF INFORMATION**

Australian Heritage Commission 2002 *Ask First. A Guide to Respecting Indigenous Heritage Places and Values*, Australian Heritage Commission, Canberra. Also at [www.ahc.gov.au/inores/publications/indigenousheriatge/index.html](http://www.ahc.gov.au/inores/publications/indigenousheriatge/index.html).

Australia ICOMOS 1988 *The Australia ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance: The Burra Charter and its associated Guidelines*. See also <http://www.icomos.org/australia/>

Burke, Heather and Claire Smith 2004 *The Archaeologist's Field Handbook*. Allen and Unwin, Crows Nest, New South Wales.

du Cros, Hilary 2002 *Much More than Stones and Bones. Australian Archaeology in the Late Twentieth Century*. University Press, Melbourne.

Marquis-Kyle, Peter and Meredith Walker 2004 *The Illustrated Burra Charter: Good Practice for Heritage Places*. Australian ICOMOS Inc., Sydney.

Pearson, Michael and Sharon Sullivan 1995 *Looking After Heritage Places. The Basics of Heritage Planning for Managers, Landowners and Administrators*. Melbourne University Press, Melbourne.

**WEB SITES**

Australian Heritage Commission [www.heritage.gov.au](http://www.heritage.gov.au)

Australian Institute of Aboriginal and Torres Strait Islander Studies [www.aiatsis.gov.au](http://www.aiatsis.gov.au)

Australian Archaeological Association [www.australianarchaeologicalassociation.com.au/index.php](http://www.australianarchaeologicalassociation.com.au/index.php)

Australian Association of Consulting Archaeologist [www.aacai.com.au/join.html](http://www.aacai.com.au/join.html)

Natural Resources Mines and Water [www.nrm.qld.gov.au](http://www.nrm.qld.gov.au)

**NATURAL RESOURCES and MINES  
OFFICE MEMO**

**Your Ref.:**

**Our Ref.:** CLH/000XXX

**Author:** Mike Rowland

**Telephone:** (07) 3238 3836 **Facsimile:** (07) 3238 3842

**DATE:** DD MM YY

**FROM:** Mike Rowland, Principal Archeologist

**TO:** Paul Travers, Director

**SUBJECT: CHS RECORDING:  
NAME OF CHS  
SPONSOR- ENDORSED PARTY  
DATE**

Paul

**SUBJECT:**

THE SPONSOR has submitted the attached Cultural Heritage Study "....." (the "CHMP") for recording on the Cultural Heritage Register under Part 6 of the *Aboriginal Cultural Heritage Act 2003* (the "Act").

**RECOMMENDATION:**

That the attached DRAFT letter is sent advising of the decision to record the findings of the CHS on the Cultural Heritage Register and advise all parties of their rights to object to that decision.

**DETAILS:**

Sponsor:

Endorsed Party:

Study Name:

Area:

**ISSUES:**

1. DD M YY, Sponsor, provided a written notice to .....of its intention to develop the CHS.

**COMPLIANCE:**

**Has the Sponsor complied with the procedures and other requirements stated Part 6?**

**Are the findings, recommendations and other information of the CHS consistent with authoritative anthropological, biogeographical, historical and archaeological information about the study area?**

**Does the CHS include information that satisfies section 48 of the Act?**

Title of Cultural Heritage Study (CHS)

Date CHS undertaken

Name of Sponsor

CHS Area [Current Lot(s) on Plan or geographical coordinates, or digital data in MapInfo, or Esri shape file format, each in GDA.94 latitude /longitude.]

Description and location of all Aboriginal cultural heritage identified in the CHS area

Description of why areas/objects are identified as Aboriginal cultural heritage

Management recommendations. [Including documented evidence about whether recommendations included in the study for future management of Aboriginal cultural heritage have been agreed with affected land owners and occupiers.]

Name of Aboriginal party(ies) that assessed the areas/objects as significant.

Name and contact details of each endorsed party for the CHS.

Name of each endorsed party who did not take part in the CHS.

Name and contact details of Aboriginal cultural heritage body for the CHS area

Name and contact details of each cultural heritage assessor for the CHS.

How lawful access to the study area was achieved

Description of assessment activities carried out for the CHS.

Are the findings, recommendations and other information of the CHS consistent with authoritative anthropological, biogeographical, historical and archaeological information about the study area?

Does the CHS contain the signature of each endorsed party for the study, or the party's nominee, who is stated in the CHS to be in support of information and other matters in the study, and of the recording of some or all of the study's findings in the register?

The extent to which any endorsed party for the CHS does not agree with the recording the CHS findings in the Cultural Heritage Register;

**Is there a need to seek expert advice on the CHS?**

**Is there a need to consult with the**

**endorsed parties  
cultural heritage assessors  
owners and occupiers of the land  
land users of land included in the study area;  
local governments whose local government areas include a part of the  
study area**

**DELEGATION / LEGISLATIVE:**

Pursuant to the *Aboriginal and Torres Strait Islander Cultural Heritage Acts (Chief Executive) Delegation (No.1) 2004*, the Director, CHCU has the delegated authority to exercise the Minister's decision under section 48, 72, 73 and 74 of the Act.

Pursuant to section 72 of the Act, (i) the chief executive must have regard to:  
(i) the results and nature of consultation that has happened for the purposes of the CHS between the sponsor and endorsed parties;  
(ii) may seek expert advice about the study from any appropriate source; and  
(iii) may consult with any of the following about the CHS, (endorsed parties, cultural heritage assessors, owners and occupiers of land included in the CHS area, land users of land included in the CHS area, local governments whose local government areas, include a part of the CHS area)

Pursuant to section 73 of the Act, if satisfied that the section has been complied with the chief executive **must** record the findings of the CHS on the Cultural Heritage Register.

Pursuant to section 74 of the Act, the chief executive **must** give written notice of the decision to record the findings. Sections 75 and 76 of the Act confirm a party's right to object to the decision.

Please contact me if you have any questions or require further information.

Brian McFadyen  
**SENIOR ADVISOR**  
**CULTURAL HERITAGE COORDINATION UNIT**  
**INDIGENOUS SERVICES**

RTI RELEASE



**Stephen J Nichols**

**From:** McFadyen Brian  
**Sent:** Wednesday, 24 August 2005 10:58 AM  
**To:** Rowland Mike  
**Subject:** CH Studies

Mike

I have noted some points for your consideration and comment.

As discussed (18/08), my thinking at this stage is that:

(a) there is a criteria for a thing to be a Study:- namely the notice that is sent to the CE under section 56 and, once that has been satisfied

(b) there is the assessment of the Study and, in particular a decision n whether to record the findings on the Register.

To record or not to record is based on your consideration and assessment of the factors in both section 73 and section 48.(Section 48 is directly called up by section 73(1)(c).)

Technically, as section 73 requires that the CE **must** be satisfied that *the cultural heritage Study includes the information and other material needed for recording the Study's findings under part 5, division 2*, I suppose that you could refuse to record the findings of a Study of one of the information pieces of section 48 was missing from the report. However, this would not mean that the thing was not a Study. You would simply be refusing to record the study findings as the information available to properly (legislatively) identify and give meaning to the Study was missing. You would need to advise the relevant parties of the decision not to record.

Importantly, unless requested to do so, there is no obligation of the CE to record the findings, note section 72. But if you are requested and if you decide to record you **must** be satisfied as per section 73.

Brian McFadyen  
 Senior Advisor  
 Department of Natural Resources & Mines  
 Cultural Heritage Coordination Unit  
 Level 5, Landcentre  
 Cnr Vulture and Main Streets  
 Woolloongabba Q 4102  
 Locked Bag 40  
 Coorparoo Delivery Centre Q 4151  
 Telephone: (07) 340 62387 mobile:   
 Fax: (07) 3238 3842  
 Email: brian.mcfadyen@nrm.qld.gov.au

**CULTURAL HERITAGE STUDY REGISTER ENTRY**  
Under Part 6 of the *Aboriginal Cultural Heritage Act 2004*

**Entry Number**

(a) Title of Cultural Heritage Study and date study undertaken

Name of Sponsor. \_\_\_\_\_

(b) Location of the study.

(c) Description of all Aboriginal cultural heritage identified in the study area and its location.

(d) Description of why areas/objects are identified as Aboriginal cultural (including whether it relates to men's or women's business)

(e) Management recommendations.

(f) Name of Aboriginal party(ies) that assessed the areas/objects as significant.

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(g) Name and contact details of each endorsed party for the study.

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(h) Name of each endorsed party who did not take part in the Cultural Heritage Study.

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(i) Name and contact details of Aboriginal cultural heritage body for the study area

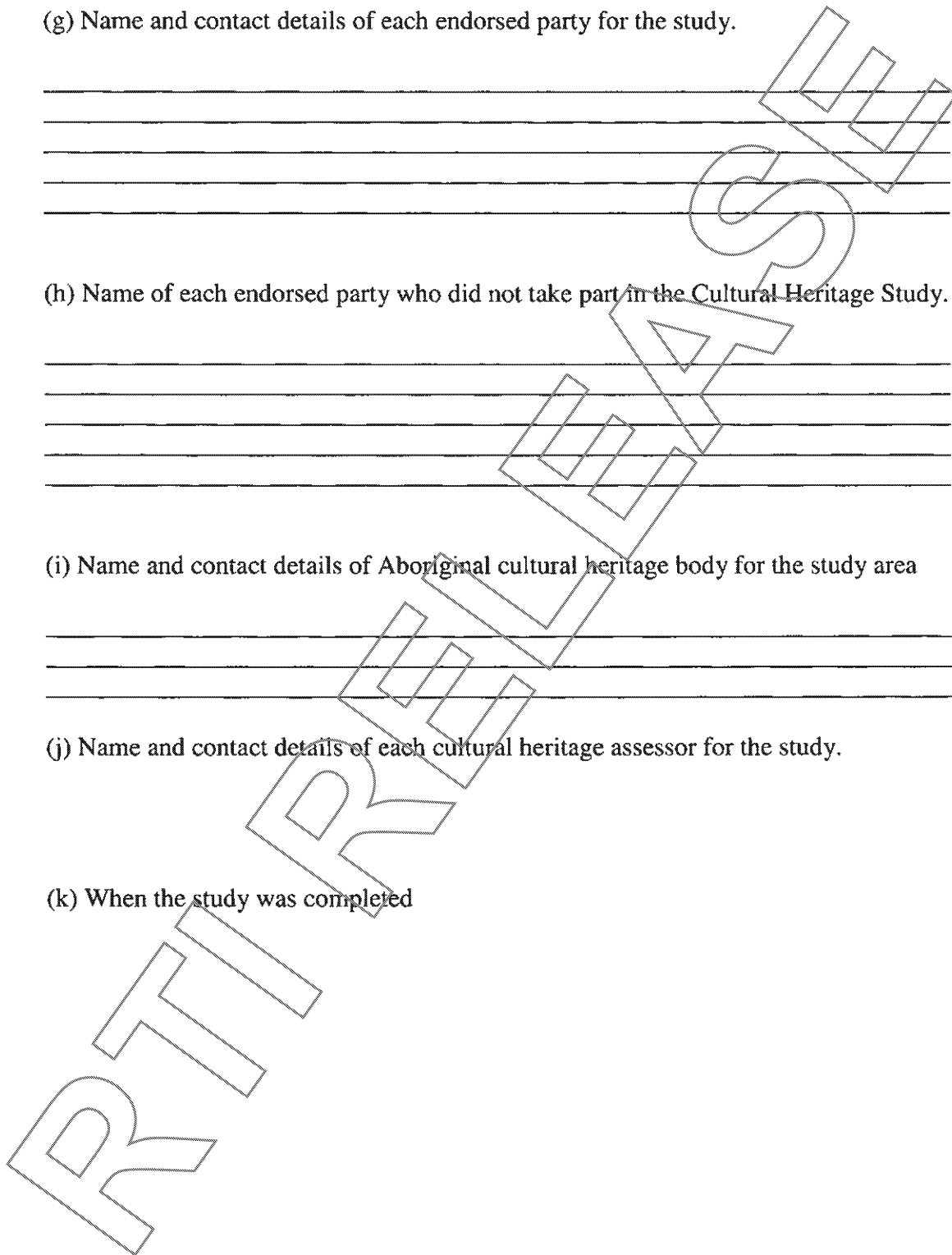
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(j) Name and contact details of each cultural heritage assessor for the study.

(k) When the study was completed



## CULTURAL HERITAGE STUDY

### SUMMARY

Title of Cultural Heritage Study (CHS)

Date CHS undertaken

Name of Sponsor

CHS Area [Current Lot(s) on Plan or geographical coordinates, or digital data in MapInfo, or Esri shape file format, each in GDA.94 latitude /longitude.]

Description and location of all Aboriginal cultural heritage identified in the CHS area

Description of why areas/objects are identified as Aboriginal cultural heritage

Management recommendations. [Including documented evidence about whether recommendations included in the study for future management of Aboriginal cultural heritage have been agreed with affected land owners and occupiers.]

Name of Aboriginal party(ies) that assessed the areas/objects as significant.

Name and contact details of each endorsed party for the CHS.

Name of each endorsed party who did not take part in the CHS.

Name and contact details of Aboriginal cultural heritage body for the CHS area

Name and contact details of each cultural heritage assessor for the CHS.

How lawful access to the study area was achieved

Description of assessment activities carried out for the CHS.

Are the findings, recommendations and other information of the CHS consistent with authoritative anthropological, biogeographical, historical and archaeological information about the study area?

Does the CHS contain the signature of each endorsed party for the study, or the party's nominee, who is stated in the CHS to be in support of information and other matters in the study, and of the recording of some or all of the study's findings in the register?

The extent to which any endorsed party for the CHS does not agree with the recording the CHS findings in the Cultural Heritage Register;

**Stephen J Nichols**

---

**From:** McFadyen Brian  
**Sent:** Thursday, 2 November 2006 8:26 AM  
**To:** Rowland Mike  
**Subject:** CHS  
**Attachments:** CHS Summary Template.doc; CHS MEMO.doc; CHS Register Entry Template.doc

Mike

Paul has asked that we meet to discuss the Template and the process.

I have saved the DRAFT Register entry at  
G:\Cultural\_Heritage\CHCU\CH\_Studies\Policy\Study\_Guidelines\CHS Register Entry Template.doc

As discussed the DRAFT addresses the issues contained in section 48 of the Act.

I have included a DRAFT CHS Summary Sheet which should be completed by the Sponsor/assessor and submitted to your good self. I have attempted to include all the necessary issues as per section 48 and 73.

As a one off special offer I have included a DRAFT Memo, which you could use to advise Paul as to consideration and action for each particular CHS. The letter sent to Zoe Farmer could be used as a base for a template.

Brian

## CHECKLIST TO DETERMINE IF A REPORT SATISFIES THE REQUIREMENTS OF THE ACTS AS A CULTURAL HERITAGE STUDY?

### Has Notice been provided pursuant to Part 6? (written or public)

*[File should include a copy of the Notice provided to the chief executive. Sponsor to confirm or evidence that all relevant parties were provided with notice. These could be included in an Appendices for ease of assessment]*

### Does the Notice contain the “basic information requirements”?

- the sponsor’s name and contact details, including address for service, YES/NO
- advice that the sponsor intends to carry out the cultural heritage study;
- a description of the study area and identify its location,
- state the notice day (proposed study) for the study, and advise the Aboriginal party of the time by which the sponsor must be given the written notice identifying an Aboriginal party to take part in the cultural heritage study (at least 30 days after the notice day (proposed study)); and
- advise the Aboriginal party might not be endorsed to take part in the study if the body does not give the sponsor the written notice within the required time.

### Can the Study be recorded? *(Basis for guidelines/template Study)*

Does it contain:

- the name of each Aboriginal party that assessed the area or object as significant,
- the name and contact details of each endorsed party for the study,
- the name of each endorsed party for the study who did not take part in the study,
- the name and contact details of each Aboriginal cultural heritage body for the study area,
- the name and contact details of each cultural heritage assessor for the study;
- a statement that the endorsed party is in support of the study, and of recording the study’s findings in the register;
- a summarising statement about Aboriginal cultural heritage in the study area,

## DRAFT ONLY

- the extent to which any endorsed party for the study does not agree with the recording of the study's findings in the register;
- a description and location of the study area,
- a description and location of all identified Aboriginal cultural heritage,
- in general terms, the reasons anything identified as Aboriginal cultural heritage has been so identified, including, if appropriate, whether it relates to men's or women's business,
- where identified, the recommendations for the management of Aboriginal cultural heritage,
- evidence about whether recommendations in the study for future management of Aboriginal cultural heritage have been agreed with affected land owners and occupiers,
- when the study was completed,
- an explanation of how lawful access to the study area was achieved,
- a description of assessment activities carried out for the study;
- the signature of each endorsed party for the study,

**Are the findings and other information included in the cultural heritage study, including the study's recommendations, are consistent with authoritative anthropological, biogeographical, historical and archaeological information about the study area? (Basis for guidelines)**

If Yes to the above, the Study can be registered:

**If No: - Are you going to record or refuse to record the findings in the Register?  
Or: - To record or not to record?**

Must have regard to the results and nature of consultation that has happened for the purposes of the study between the sponsor and endorsed party.

May seek expert advice about the study from any appropriate source, including soundness and viability of recommendations included in the cultural heritage study.

May consult with any of the following about the study:

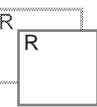
- (i) endorsed parties for the study;
- (ii) cultural heritage assessors for the study;
- (iii) owners and occupiers of land included in the study area;

DRAFT ONLY

- (iv) land users of land included in the study area;
- (v) local governments whose local government areas include a part of the study area.

Also a deficiency sheet could be sent requesting missing information.

RTI RELEASES





# Cultural Heritage Studies Guidelines

Under Part 6 *Aboriginal Cultural  
Heritage Act 2003* and *Torres Strait  
Islander Cultural Heritage Act 2003*  
Section 54

August 2011

FOR RELEASE

Prepared by:  
Cultural Heritage Coordination Unit  
Department of Environment and Resource Management  
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August 2011

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# Part 1 Introduction

## 1 What is a cultural heritage study?

A cultural heritage study (CHS) is a comprehensive study of Aboriginal or Torres Strait Islander cultural heritage conducted in an area under the provisions of Part 6 of the *Aboriginal Cultural Heritage Act 2003* or *Torres Strait Islander Cultural Heritage Act 2003*. The purpose of a CHS is to record the findings of the study on the register as defined in Part 5 Division 2 of the Acts.

The Acts have also established a database, which is intended to be a research and planning tool to help Aboriginal and Torres Strait Islander parties, researchers and other persons in their consideration of the Aboriginal and Torres Strait Islander cultural heritage of particular areas. It includes a wide range of Aboriginal and Torres Strait Islander cultural heritage and is not generally available to the public. This material has not always been verified as part of a comprehensive study of an area.

The Acts require that a number of procedural issues be addressed in undertaking a CHS and these are outlined in this guide.

There are a range of internationally and nationally recognised guidelines and procedures that can be used to assist in the undertaking of a CHS and reference has been made to these in the development of the guidelines.

### Statutory processes

A CHS is initiated by a sponsor who must notify the relevant Aboriginal or Torres Strait Islander party (the party) in the form of a 'written notice' (or proposed study). The party may seek to be involved in the CHS and, if a response is provided within 30 days, will become the endorsed party. A written notice must also be given to the chief executive of the Department of Environment and Resource Management (DERM), each person who is an owner or occupier of a part of the CHS area and each local government whose local government area includes a part of the CHS area.

A CHS includes a field investigation of a parcel of land to determine the:

- presence or absence of cultural heritage values (including objects and areas)
- significance of any cultural heritage values (including objects and areas) identified
- management strategies for any cultural heritage values (including objects and areas) identified
- information to be listed on the register.

### 1.1 Guidelines

Pursuant to Section 54 of the Acts, the Minister may, by gazette notice, develop guidelines to help people choose suitable methodologies when carrying out CHS's.

While failure to conform to the guidelines will not be grounds for refusing to record the findings of a CHS in the register, certain information must be provided (under Part 5 and 6 of the Act) before the chief executive can record the findings in the register.

## 1.2 When is it appropriate to undertake a cultural heritage study?

A CHS is undertaken when seeking to have an object or area listed on the register.

Where a land use is proposed that could harm Aboriginal or Torres Strait Islander cultural heritage, it is preferable to undertake a Cultural Heritage Management Plan (CHMP) under Part 7 of the Act.

Guidelines for undertaking a CHMP are available from the DERM website <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>.

## 1.3 Process for undertaking a cultural heritage study

The process of undertaking a CHS will vary on a case-by-case basis. A recommended process is outlined in Appendix A. All studies should consider the following key stages:

### 1.3.1 Background research

Background research on the history and development of an area should provide sufficient information to help formulate a methodology for undertaking an initial assessment of the CHS site or area.

### 1.3.2 Consultation

All CHS's should involve:

- identifying the relevant Aboriginal or Torres Strait Islander party or nominated spokespersons for the CHS area
- discussing the nature of the CHS
- discussing the cultural heritage management objectives of the CHS
- discussing the obligations and requirements under the legislation
- discussing and agreeing on fieldwork procedures
- discussing questions covering the confidentiality of information.

### 1.3.3 Significance assessment

For details of significance assessments see Appendix B.

### 1.3.4 Recommendations

Recommendations made in the study should be based on a fair and reasonable assessment of the cultural heritage values of the area. Sponsors, Aboriginal and Torres Strait Islander parties and heritage assessors (see Section 68 of the Acts) should be aware that recommendations may not be binding on DERM.

Cultural heritage assessors and developers should be aware that recommendations made are not binding on DERM. Following assessment of the report and a review of local, regional and national cultural heritage management objectives and priorities, DERM may choose to accept the recommendations or choose to make alternative recommendations or management options.

Any costs associated with implementing recommendations are the responsibility of the sponsor.

## 1.4 Basic information

A CHS must be structured around the legislative requirements. Following this structure will:

- standardise CHS's
- facilitate the CHS review process
- facilitate the comparative use of CHS's for ongoing cultural heritage management planning and research.

To record a CHS on the register, the Minister requires the following information:

### **A description of the study, which is sufficient to distinguish it from other studies on the register (Part 5 division 2 s48 (2)(a))**

Essential information on this title page of the CHS must include the:

- name of the CHS, including reference to its location
- name and address of the sponsor for whom the CHS was prepared (including the name of a contact person and contact details)
- assessor's name(s), address and telephone number and other contact details
- date the CHS was completed.

Specific information is essential to avoid confusion with other reports.

A table of contents should include at least the following information:

- executive summary—a brief overview of overall content, findings and recommendations
- acknowledgements—including the names and affiliations of all people who supplied information or assisted in any way
- introduction
- reason for the CHS
- background information
- biophysical background
- anthropological and cultural background
- proposed development or reason for the CHS
- survey methodology
- site recording (include a table of sites)
- results and discussion
- community consultation
- conclusion
- cultural heritage values and significance
- recommendations
- references cited.

### **A description of the CHS area, including, if necessary for accurately locating the CHS area, a plan of the area and detailed description of its boundaries (Part 5 division 2 s48 (2)(b))**

Maps, figures and tables are very important and should be used wherever possible to summarise data. Where necessary, titles, names, scale, bearings and the like should be

included on all maps, drawings and plans. The following should be included regardless of the CHS type:

- a map of Queensland showing location of the CHS area
- regional map/s
- areas surveyed, excavated, collected etc
- cadastral information
- locations of any objects/areas/places located during the CHS
- anthropological maps.

CHS's also become a public document. Cultural heritage assessors should consider this when writing the report. Where restricted information needs to be included, assessors can put it into an appendix, which can then be withheld from inclusion in the final CHS.

**A description of all Aboriginal or Torres Strait Islander cultural heritage that has been identified in the CHS area and a description of its location (Part 5 division 2 s48 (2)(c))**

Descriptions should be recorded on either a site card or database site entry form and presented to the Cultural Heritage Coordination Unit (CHCU) within the Department of Environment and Resource Management (DERM) with the CHS. Completed cards and forms will be entered into the site database by the site registrar.

Site cards can be sent via post and database site entry forms can be emailed.

Objects and areas can be described in a number of ways. A range of features or characteristics can be described and some variation in recording is to be expected. However some standardisation is desirable and the following basic information should be provided:

**(1) Area**

- location (provide the area's geographical co-ordinates, or digital data in MapInfo, or ERSI shape file format, each in GDA.94 latitude and longitude)
- size (length, width, breadth, depth)
- boundaries
- ground cover (percentage)
- main features
- identifiable geomorphic processes (erosion)
- features of unmodified cultural landscapes.

**(2) Objects and other remains**

- number of artefacts per square metre
- artefact types (including percentages)
- size ranges
- intactness, integrity etc
- numbers, size and relationships of any structures or features.

All techniques and terms should be clearly defined. Use numbers and percentages where appropriate.

Separate notification forms for different components of the same complex or locality are not required.

**The reasons anything identified as Aboriginal cultural heritage has been identified, including, if appropriate, whether it relates to mens' or womens' business (Part 5 division 2 s48 (2)(d))**

Criteria for classifying objects or areas should be addressed in the 'survey methodology' section of the CHS.

**If the CHS makes recommendations for the management of Aboriginal or Torres Strait Islander cultural heritage identified in the CHS (Part 5 division 2 s48 (2)(e))**

The recommendations should be included in the body of the report.

**For each area or object assessed as a significant Aboriginal or Torres Strait Islander area or significant Aboriginal or Torres Strait Islander object, the name of each party that assessed the area or object as a significant Aboriginal or Torres Strait Islander area or significant Aboriginal or Torres Strait Islander object (Part 5 division 2 s48 (2)(f))**

Include these details in an appendix.

**The name and contact details of each endorsed party for the CHS (Part 5 division 2 s48 (2)(g))**

Include these details in an appendix.

**The name of each endorsed party for the CHS who did not take part in the carrying out of the CHS (Part 5 division 2 s48 (2)(h))**

Include these details in an appendix.

**The name and contact details of each Aboriginal or Torres Strait Islander cultural heritage body for the CHS area (Part 5 division 2 s48 (2)(i))**

Include these details in an appendix.

**The name and contact details of each cultural heritage assessor for the CHS (Part 5 division 2 s48 (2)(j))**

These details should be provided on the title page.

**When the CHS was completed (Part 5 division 2 s48 (2)(k))**

These details should be provided on the title page.

## **Other requirements for including a CHS under Part 6**

To record the findings of a CHS in the register under Part 5, the following information is also required:

**An explanation of how lawful access to the CHS area was achieved (Part 6 division 4 s73(1)(d)(i))**

Include a report/copy of any oral or written authority given by an owner or occupier of land authorising access. If access is permitted under other legislation or another agreement, indicate the legislation or agreement.

**A statement summarising the existence of Aboriginal or Torres Strait Islander cultural heritage in the CHS area (Part 6 division 4 s73(1)(d)(ii))**

This may be included in the Executive Summary.



**Evidence about whether recommendations included in the CHS for future management of Aboriginal or Torres Strait Islander cultural heritage have been agreed to by affected land owners and occupiers (Part 6 division 4 s73(1)(d)(iii))**

This should be discussed in the management recommendations.

**A description of assessment activities carried out for the CHS (Part 6 division 4 s73(1)(d)(iv))**

This might include but not be limited to the following:

- conditions of ground surface exposure
- type of ground cover present
- percentage visibility
- sampling design and sources consulted
- sample size and selection
- rationale for sample selection
- number of surveyors/excavators/collectors
- quantify areas surveyed (percentage of the total)
- location of areas exempt from surveys
- excavation methods
- stratigraphic profiles/drawings/descriptions
- details of each excavation unit
- extrapolation of sample to whole area
- map of areas surveyed
- methods of undertaking survey
- details of subsurface testing/excavation
- effects of current geomorphic processes and implications for the future
- maps and tables.

**The signature of each endorsed party for the CHS, or the party's nominee, who is stated in the CHS to be in support of information and other matters in the CHS, and of the recording of some or all of the CHS's findings in the register (Part 6 division 4 s73(1)(d)(v))**

Include these details in an appendix.

The extent to which any endorsed party for the CHS does not agree with recording of the study's findings in the register (Part 6 division 4 s73(1)(d)(vi)).

**Details of each endorsed party for the CHS who did not in fact take part in the CHS (Part 6 division 4 s73(1)(d)(vii))**

Include these details in an appendix.

## 1.5 Findings and other information

The findings and other information included in the CHS, including the recommendations, must be consistent with authoritative anthropological, biogeographical, historical and archaeological information about the CHS area (Part 6 division 4 S73(1)(b)).

The following should assist in developing a structure to address the above issues:

### **(i) Introduction**

The introduction should:

- describe the nature of the study proposal
- list the objectives and general scope of the CHS
- list the personnel conducting the work and professional expertise involved
- outline key dates and the duration of the work
- outline the format of the report
- outline legal provisions under which the report is produced
- describe agreements, conditions and restrictions on information, or any constraints imposed by community groups, government agencies or the sponsor.

### **(ii) Background information**

Every CHS should include a brief background to the study. All sections must be relevant, and may include:

- biogeographical information such as:
  - a description of the natural environment e.g. drainage, fauna and flora, geology
  - past and present ecological factors that have a bearing on human settlement and past and present land use
  - the current condition of the land and the environment, and geomorphic processes affecting the CHS area.
- historical and cultural background such as:
  - previous research where appropriate
  - the history of the CHS area including past land use practices and historical geography
  - references to all reports and publications related to the area
  - an indication of the proposed long-term land use
  - details of previously recorded objects or areas within or near to the CHS area other heritage places, objects or areas registered or listed with other organisations (e.g. Commonwealth Heritage List, the Register of the National Estate, or the Local Government Authority heritage lists or heritage registers).

## **1.6 Cultural heritage significance**

### **1.6.1 Cultural heritage significance**

Part 1 of the Acts define cultural heritage. Cultural heritage is any:

- significant Aboriginal or Torres Strait Islander area in Queensland
- significant Aboriginal or Torres Strait Islander object
- evidence, of archaeological or historic significance, of Aboriginal or Torres Strait Islander occupation of an area of Queensland (Part 1 s8).

### **1.6.2 Significant Aboriginal or Torres Strait Islander areas and objects**

A significant area or object must be of particular significance to Aboriginal or Torres Strait Islander people because of either or both of the following:

1. Aboriginal tradition—in the case of Torres Strait Islanders' 'island custom'.

2. The history, including contemporary history, of any Aboriginal party for the area (Part 1 s9 and s10).

The endorsed Aboriginal or Torres Strait Islander party (or their nominee) is responsible for assessing the 'level of significance' to be attached to a significant Aboriginal or Torres Strait Islander area or object.

This assessment must be consistent with authoritative anthropological, biogeographical, historical and archaeological information. There is an extensive literature on the assessment of archaeological and historic significance and this is outlined in Appendix E.

## 1.7 Additional material

- Appendix A defines the relevant stages in the CHS.
- Appendix B describes the assessment of archaeological and historic significance.
- Appendix C provides a checklist of the process that must be undertaken prior to commencing a CHS.
- Appendix D provides a checklist of information required in a CHS for the Minister to record the findings of the CHS on the register.
- Appendix E provides a checklist of information required for entry of the CHS on the register.
- Appendix F lists publications and other sources that may assist in undertaking a CHS.

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# Appendix A

## Stages in the CHS

### *Project initiation*

- Sponsor initiates CHS
- Aboriginal or Torres Strait Islander parties involved
- Consultant/researcher/ heritage assessor engaged
- Review of existing information
- Background research

### *Review of existing studies*

- Search existing databases and registers
- Formulation of field methodology

### *Field assessment*

- Survey, excavations, surface collections, monitoring, in situ conservation
- Collation of all data collected

### *Significance assessment*

- Review of existing information
- Field assessment
- Using established criteria (see below)

### *Identifying issues*

- Client needs
- Legislative obligations and requirements
- Condition and significance of objects and areas located

### *Recommendations*

- Follow-up work
- Potential protected objects or areas

### *Final report production*

- Produced in line with requirements of legislation

## Appendix B

# Assessing archaeological and historic significance

### Archaeological or historic significance

The archaeological or historic significance of objects and areas are traditionally made against a set of thematic criteria which will determine the nature of the object/area's significance. Assessment can also be made against a set of comparative criteria to determine the degree of significance. When assessment against these criteria has been made a clear statement of significance can be formulated.

#### Thematic criteria

##### *Aesthetic significance*

An object may be significant for its particular style, craftsmanship, quality, design or beauty. Aesthetic significance may not always be relevant to the cultural heritage significance of archaeological remains. However, it may be relevant for archaeological objects and areas that may also feature above ground remains, or other associated structures. Consideration of how an object or area is situated within the wider landscape may be relevant to this type of significance.

##### *Historical significance*

An object or area may be significant for its associations with important people, an historical place, events and historical processes. The historical significance of archaeological objects and areas relates to the importance of particular periods of occupation of an area and includes the historical links that the object or area has. An object or area may be important in providing tangible evidence of a particular phase in the Aboriginal and Torres Strait Islander/European contact period in Queensland.

##### *Scientific significance*

The scientific significance of objects and areas relates to their scientific research value. Scientific significance concerns the contribution that the conservation, research, excavation or analysis of archaeological remains have for our understanding of those remains, the CHS area, and to a general understanding of Queensland's past.

Archaeological excavation and artefact analysis can facilitate a greater understanding of the scientific significance of a place or area. Scientific significance can be determined through careful analysis of the archaeological material recovered through excavation or collection, or predicted to be present based upon extensive documentary research, visual assessment and other non-invasive assessment methods. This criterion relates to the potential that an object or area has to enhance our understanding of historical processes.

##### *Social significance*

This type of significance relates to the importance of an object or area to the community. It may be difficult to determine if many archaeological remains feature social significance, as their existence is often unknown in the wider community. However, areas which feature the physical remains of activities can often elicit a strong feeling of significance to particular people in the community.

##### *Technological significance*

An object or area may demonstrate a degree of technological accomplishment or technical excellence through the presence of particular features, remains, or objects. Artefacts located within archaeological deposits may yield information on the use of particular technologies, providing evidence of technological achievement at a particular period.

## Comparative criteria

### *Representativeness*

An object and/or area may be an outstanding example of a particular class or category of object and/or area is representative of a particular activity, way of life, or theme.

### *Rarity*

An object or area may be significant through the presence of rare, unusual or particularly good examples of a specific type of object or feature.

### *Intactness, condition, integrity*

The intactness, condition, or integrity of objects or an area may influence levels of significance.

### *Archaeological potential*

Objects or areas may have the potential to yield additional information through archaeological investigation, which would not be readily available through other research techniques.

### *Interpretive/educational value*

The significance of in situ remains may be enhanced through their capacity to demonstrate a particular function, event, way of life, or use. Areas with undisturbed, in situ objects or remains do have a higher interpretive potential than those that have undergone disturbance.

## Grading significance

When making an assessment of values against the criteria, it is possible to make a judgment or grading of the level of significance. Different aspects of an object or different elements of an area make different contributions to the assessment of cultural heritage significance. The condition of the object, the integrity of the area, the intactness of the remains are things that may result in a diminished significance and therefore a lower assessment of its cultural heritage significance.

## Statements of significance

After assessing the criteria, a statement of significance can be formulated based on the results. The statement may be short and only consist of a few lines, or may be several pages in length. The amount of detail will depend on the results of the assessment process as detailed above.

It is not sufficient to state that objects and areas are or are not significant. A detailed assessment of the cultural heritage significance should be undertaken as to why some object or area is significant. The statement of significance should be clear, concise and define and state the values. It is important to consider the significance of the object or area in the context of the broader area, other associated cultural heritage places, other research in the area, types of landscapes represented and so on. All recommendations should be precise, positive and practical. There should be no ambivalence in the report or in the recommendations.

### *Exceptional*

The object is a rare and outstanding item. The area features objects or a place of rare and outstanding cultural heritage value to Queensland.

The object is intact. The integrity of the area is assessed as being very high with no signs of damage, disturbance, modification or alterations that would detract from its cultural heritage significance.

Can be interpreted relatively easily. Fulfils criteria for declaration as a protected object and/or area.

### *High*

The object/area features a high degree of intactness, with minimal modification, disturbance, damage or alteration. Any alterations, modifications, or damage evident does not detract from its significance.

This criterion is a key element of the object's/area's significance. Fulfils criteria for declaration as a protected object and/or area.

*Moderate*

Object/area features disturbed, altered, modified or damaged elements with moderate integrity or intactness. This detracts from the object's/area's cultural heritage significance.

Individually objects have limited heritage value, but individual objects contribute to the significance of the area.

This criterion is important to, but is not the key element of, the object's/area's cultural heritage significance. May fulfil criteria for declaration as a protected object and/or area.

*Low*

Disturbance, modifications, alterations or damage to the object(s)/area severely detract from overall significance.

**Recommendations**

The cultural heritage assessor is employed to assess values and the significance of objects or places and the extent to which they should be conserved or managed.

A clear and concise statement of significance should be followed by a positive recommendation.

Making a recommendation should involve a careful, step by- step process involving:

- a statement of the values of the place
- a statement of significance
- a statement of probable impact on the place
- a recommendation on how this can be avoided or managed to conserve the identified significance of the place.

If it is indicated that some objects or areas will be destroyed or damaged by a development then the report should contain recommended mitigation procedures aimed at salvaging as much information or data as is necessary, rational and appropriate. If the information can be gathered at the time of the assessment, this should be done rather than put the client to the expense of an additional CHS.

Cultural heritage assessors and developers should be aware that recommendations made are not binding on DERM. Following assessment of the report and a review of local, regional and national cultural heritage management objectives and priorities, DERM may choose to accept the recommendations, or choose to make alternative recommendations or management options.

# Appendix C

## Process for undertaking a CHS checklist

If the findings of a CHS are to be included in the register, the CHS must be carried out, and its findings put in written form as required by Part 6 (s54) (2) (b). These requirements include:

### Giving appropriate notices

s56 1 (a) The sponsor for a CHS must give written notice to the chief executive.

s56 1 (b) The sponsor must give written notice to each entity that is an Aboriginal or Torres Strait Islander cultural heritage body for part of the CHS area.

s56 1 (c) The sponsor must give written notice if, for a part of the CHS area, there is no Aboriginal or Torres Strait Islander cultural heritage body—each Aboriginal or Torres Strait Islander party that is a native title party for the part of the CHS area.

s56 1 (d) The sponsor must give written notice to each entity that is an Aboriginal or Torres Strait Islander cultural heritage body for a part of the CHS area.

s56 1 (e) The sponsor must give written notice if, for a part of the CHS area, there is no Aboriginal or Torres Strait Islander cultural heritage body and there is no Aboriginal or Torres Strait Islander party that is a native title party—each entity that is a representative body for the part of the CHS area.

s56 1 (f) The sponsor must give written notice to each local government whose local government area includes a part of the CHS area.

s61 The sponsor must if there is no Aboriginal or Torres Strait Islander cultural heritage body or no Aboriginal or Torres Strait Islander party that is a native title party give a written notice of the proposed CHS.

s62–64 If an Aboriginal or Torres Strait Islander cultural heritage body or Aboriginal or Torres Strait Islander party responds to the sponsor within the appropriate time frames the sponsor must endorse these bodies to take part in the CHS.

s65 The sponsor may endorse an Aboriginal or Torres Strait Islander party for the CHS even though the sponsor may not be required to endorse the party.

**Include documentation relating to all of the above in appendices.**



# Appendix D

## Requirements for recording the CHS checklist

To record the findings of the CHS in the register, the chief executive must be satisfied that:

The sponsor has complied with the procedures and other requirements stated in this part for the carrying out of the CHS (s73 (1) (a)).

### **See above Appendix C**

The findings and other information included in the CHS, including the CHS's recommendations, are consistent with authoritative anthropological, biogeographical, historical and archaeological information about the CHS area (s73 (1) (b)).

### **This will comprise the body of the report (see above)**

The CHS includes the information and other material needed for recording the CHS's findings under part 5, division 2. (s73 (1) (c)).

An explanation of how lawful access to the CHS was achieved for carrying out the CHS, including details of any law, or of any oral or written authority given by an owner or occupier of land in the CHS area, authorising access to the lands (s73 (1) (d) (i)).

### **Provide letters of approval or signed explanation in an appendix.**

A summarising statement about the existence of Aboriginal or Torres Strait Islander cultural heritage in the CHS area (s73 (1) (d) (ii)).

### **As a minimum this should be provided in the executive summary but should also comprise part of the discussion/summary or conclusion.**

Documented evidence about whether recommendations included in the CHS for future management of Aboriginal or Torres Strait Islander cultural heritage have been agreed with affected land owners and occupiers (s73 (1) (d) (iii)).

### **As a minimum this issue should be summarised in the executive summary but should be more fully developed in the context in the body of the report. Written agreements should be included in an appendix.**

A description of assessment activities carried out for the CHS (s73 (1) (d) (iv)).

### **This covers issues of methodology and should be included in the body of the report.**

The signature of each endorsed party for the CHS, or the party's nominee, who is stated in the CHS to be in support of information and other matters in the CHS, and of the recording of some or all of the CHS's findings in the register (s73 (1) (d) (v)).

### **Include a letter signed by the nominees in an appendix. Make sure that it is clearly identified what information is to be registered and which is not.**

The extent to which any endorsed party for the CHS does not agree with the recording of the CHS's findings in the register (s73 (1) (d) (vi)).

### **Include this in the written and signed statement in an appendix.**

Details of each endorsed party for the CHS who did not take part in the CHS. (s73 (1) (d) (vii)).

### **Provide a description and reasons in an appendix.**

# Appendix E

## Requirements under Part 5, division 2 for recording on the register checklist

The following information is to be recorded on the register s48 (2) (a)-(k):

- a description of the CHS adequate to distinguish it from other CHS's (a)
- a description of the CHS area, including, if necessary for accurately locating the CHS area, a plan of the area and a detailed description of its boundaries (b)
- a description of all Aboriginal or Torres Strait Islander cultural heritage that has been identified in the CHS area and a description of its location
- in general terms, the reasons anything identified as Aboriginal or Torres Strait Islander cultural heritage has been identified, including, if appropriate, whether it relates to men's or women's business (d)
- if the CHS makes recommendations for the management of Aboriginal or Torres Strait Islander cultural heritage identified in the CHS—the recommendations (e)
- for each area or object assessed as a significant Aboriginal or Torres Strait Islander area or significant Aboriginal or Torres Strait Islander object—the name of each Aboriginal or Torres Strait Islander party that assessed the area or object as a significant Aboriginal or Torres Strait Islander area or significant Aboriginal or Torres Strait Islander (f)
- the name and contact details of each endorsed party for the CHS (g)
- the name of each endorsed party for the CHS who did not take part in the carrying out of the CHS (h)
- the name and contact details of each Aboriginal or Torres Strait Islander cultural heritage body for the CHS area (i)
- the name and contact details of each cultural heritage assessor for the CHS area (j)
- when the CHS was completed (k).

## Appendix F

### Publications and other sources of information

Australian Heritage Commission 2002 *Ask First. A Guide to Respecting Indigenous Heritage Places and Values*, Australian Heritage Commission, Canberra. Available at <[www.ahc.gov.au](http://www.ahc.gov.au)>.

Australia ICOMOS 1988 *The Australia ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance: The Burra Charter and its associated Guidelines*. See also <[www.icomos.org/australia](http://www.icomos.org/australia)>.

Burke, Heather and Claire Smith 2004 *The Archaeologist's Field Handbook*. Allen and Unwin, Crows Nest, New South Wales.

du Cros, Hilary 2002 *Much More than Stones and Bones. Australian Archaeology in the Late Twentieth Century*. University Press, Melbourne.

Marquis-Kyle, Peter and Meredith Walker 2004 *The Illustrated Burra Charter: Good Practice for Heritage Places*. Australian ICOMOS Inc., Sydney.

Pearson, Michael and Sharon Sullivan 1995 *Looking After Heritage Places. The Basics of Heritage Planning for Managers, Landowners and Administrators*. Melbourne University Press, Melbourne.

#### Relevant websites

Australian Heritage Commission <[www.heritage.gov.au](http://www.heritage.gov.au)>.

Australian Institute of Aboriginal and Torres Strait Islander Studies <[www.aiatsis.gov.au](http://www.aiatsis.gov.au)>.

Australian Archaeological Association <[www.australianarchaeologicalassociation.com.au](http://www.australianarchaeologicalassociation.com.au)>.

Australian Association of Consulting Archaeologist <[www.aacai.com.au](http://www.aacai.com.au)>.

Department of Environment and Resource Management <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>.