Queensland Health acknowledges that under the traditional laws and customs of Aboriginal and Torres Strait Islander people, particular areas and objects hold significance for the people with whom they are connected. All dealings that may affect Indigenous cultural heritage shall be referred to the Cultural Heritage Contact Officer for assessment, enabling a consistent Queensland Health approach and ensuring compliance with statutory duty of care responsibilities.

Real Property Management Policy

Implementation Standard for Cultural Heritage Assessment

1. Purpose
This implementation standard identifies the minimum requirements and responsibilities of individual positions for carrying out cultural heritage assessments on land held by or on behalf of the Department of Health. Compliance with the standard will ensure assessments are consistent, follow best practice standards and meet statutory duty of care requirements for cultural heritage.

2. Scope
This implementation standard applies to all Department of Health employees and contracted staff (permanent, temporary and casual) employed in the department’s corporate divisions and commercialised business units involved in dealings relating to land held by or on behalf of the Department of Health.

3. Supporting documents
Authorising Policy and Standard/s:

Forms and Templates:
- Cultural Heritage Enquiry Form (Appendix 1)

All Department of Health forms and templates are available from HIB_Enquiries@health.qld.gov.au.

4. Related documents
Legislation
- Aboriginal and Torres Strait Islander Land Holding Bill 2011 (Qld)
- Aboriginal Cultural Heritage Act 2003 (Qld)
5. **Requirements**

5.1 **Initiating a Request**

5.1.1 Any infrastructure activity on land owned by or managed on behalf of the Department of Health shall comply with the Aboriginal *Cultural Heritage Act 2003* (Qld) and the *Torres Strait Islander Cultural Heritage Act 2003* (Qld). The Health Service Chief Executive (HSCE) shall endorse the request.

5.1.2 Infrastructure activity shall include, but is not limited to:

- extension of an existing building
- redevelopment of a hospital site
- building of a new structure
- fencing where previously unfenced
- clearing or excavation of a site.

5.1.3 All reasonable and practicable measures shall be taken by responsible officers to ensure infrastructure activity does not harm Aboriginal and Torres Strait Islander cultural heritage.

5.1.4 Compliance is necessary for any activity conducted on any land regardless of who is doing the activity, the nature of tenure or whether or not native title exists.

5.1.5 A Cultural Heritage Assessment (CHA) shall be undertaken at the initial/preliminary/investigations phase of infrastructure planning for any infrastructure activity that may harm Indigenous cultural heritage. The infrastructure activity shall only progress once the assessment has been completed.

5.1.6 All infrastructure activity shall be undertaken in accordance with the assessment.

5.1.7 There is no definitive list of Indigenous cultural heritage indicators as it is very much a subjective decision of the relevant Indigenous party as to whether they consider an area or object to be significant. Sites of Indigenous
significance are likely to amount to Indigenous cultural heritage. Those sites include scarred or carved trees, rock art, middens, ceremonial places, burial sites, fish traps and weirs, occupation sites, quarries and artefact scatters, grinding groves and wells. Landscape features which may also have Indigenous cultural heritage significance include:

- rock outcrops
- caves
- foreshores and coastal dunes
- sand hills
- areas of biogeographical significance, such as natural wetlands
- permanent and semi-permanent water holes and natural springs
- particular types of native vegetation
- some hill and mound formations.

5.1.8 The circumstances in which Indigenous cultural heritage may be harmed are potentially very wide, and include:

- any activities involving ground disturbance, including vegetation clearing
- activities that do not involve ground disturbance, but may still harm sites of Indigenous significance.

5.1.9 Activities that are unlikely to harm Indigenous cultural heritage include:

- walking over an area
- driving along existing roads and tracks
- conducting aerial surveys of an area
- navigating through water
- cadastral, engineering, environmental or geological surveys using methods (such as GPS systems) which do not cause surface disturbance
- photographing an area.

5.10 Any officer who intends to undertake infrastructure activity that may harm Indigenous cultural heritage shall initiate a CHA by forwarding a Cultural Heritage Enquiry Form and associated documents to the departmental Cultural Heritage Contact Officer (CHCO), Property Services (PS), Health Infrastructure Branch (HIB), System Support Services (SSS).
5.2 Processing the request

5.2.1 On receipt of a Cultural Heritage Enquiry Form, the CHCO shall undertake a CHA in line with the requirements of the Queensland Government Cultural Heritage Duty of Care Guidelines.

5.2.2 The assessment shall demonstrate consideration of:
- the nature of the infrastructure activity and likelihood of harm to Indigenous cultural heritage
- the nature of the Indigenous cultural heritage likely to be harmed
- the extent and outcomes of any consultation undertaken.

5.2.3 Where necessary, the CHCO shall liaise with the Cultural Heritage Coordination Unit, Department of Aboriginal, Torres Strait Islander and Multicultural Affairs (DATSIMA), and complete a search request form for a Cultural Heritage Register and Database search.

5.3 Final approval and implementation of the agreement

5.3.1 On completion of the assessment, the CHCO shall make a decision setting out how the activity should be undertaken to ensure that it complies with the duty of care, and shall recommend that decision to the Manager, PS, APS, HIB for endorsement. The requesting officer shall then be provided with a CHA Statement.

5.3.2 If the cultural heritage decision is that the activity can proceed without further delay, the requesting officer shall be given information as to how the activity is to proceed.

5.3.3 If the cultural heritage decision is that the activity cannot proceed without further action to satisfy the duty of care, the requesting officer shall be given information on how to proceed.

5.4 Implementation where a Cultural Heritage Assessment, Cultural Heritage Management Plan or an Indigenous Land Use Agreement is required

5.4.1 Once a CHA or Cultural Heritage Management Plan (CHMP) or Indigenous Land Use Agreement (ILUA) has been entered into to outline the process for management of cultural heritage for a site, the Project Director, Capital Delivery Unit, HIB, SSS or HHS officer responsible shall provide the CHCO with advice of all proposed site works.

5.4.2 An ILUA may or may not include a CHA.
Department of Health: Implementation Standard for Cultural Heritage Assessment

5.4.3 The CHCO shall provide notification to the traditional owners to ensure monitoring arrangements can be made in accordance with the CHA or CHMP or ILUA.

5.4.4 No site activity or works can be commenced until the above steps have been completed.

5.4.5 The Project Director/HHS officer responsible for the project shall ensure all contractors are aware of their obligations to comply with the Queensland Government Duty of Care Guidelines and Torres Straight Islander Heritage Act 2003 (Qld) in all contract documentation.

6. Review

This Standard is due for review on: February 2014

Date of Last Review: June 2013

Supersedes: Implementation Standard for Cultural Heritage Assessment v1.0

7. Business Area Contact

Senior Director, Asset and Property Services, Health Infrastructure Branch, System Support Services Division

8. Responsibilities

<table>
<thead>
<tr>
<th>Position</th>
<th>Responsibility</th>
<th>Audit criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director-General, Department of Health (DoH)</td>
<td>• Responsible for approving/endorsing Cultural Heritage Agreements.</td>
<td>Cultural Heritage Agreements are approved in line with delegations.</td>
</tr>
<tr>
<td>Deputy Director-General, System Support Services (SSS), DoH</td>
<td>• Responsible for approving/endorsing Cultural Heritage Agreements.</td>
<td>Endorsement is given in line with delegations.</td>
</tr>
</tbody>
</table>
| Health Service Chief Executive (or their delegate) | • Identify dealings requiring cultural heritage assessment.  
• Approve all requests for assessment for submission to SSS. | Cultural Heritage Enquiry Form completed for each dealing that has cultural heritage implications. |
| Chief Health Infrastructure Officer, Health Infrastructure Branch (HIB), SSS | • Responsible for approving/endorsing Cultural Heritage Agreements.  
• Policy Custodian | Endorsement is given in line with delegations. Standard is reviewed every two years. |
| Senior Director, Asset and Property Services, HIB, SSS | • Responsible for approving/endorsing Cultural Heritage Agreements.  
• Manage review of the Standard. | Standard is reviewed every two years. Approvals are made and communicated in a timely manner, and are based on a full assessment process that is documented. |
Manager, Property Services, APS, HIB, SSS

- Endorse and communicate cultural heritage decisions to HSCE or their delegate.

Approvals are made and communicated in a timely manner, and are based on a full assessment process that is documented.

Cultural Heritage Contact Officer (CHCO), PS, HIB, SSS

- Undertake accurate assessment of all cultural heritage-related dealings, in accordance with the Aboriginal Cultural Heritage Act 2003 (Qld) and the State Government Cultural Heritage Duty of Care Guidelines.
- Ensure timely and accurate communication with all relevant parties.

Each assessment is documented in a Cultural Heritage Assessment Statement.

Project Director, Capital Projects Unit, HIB, SSS or HHS responsible officer

- Provide notification to CHCO before any site activity/works commence
- Ensure all contractors are made aware of their obligations to comply with legislative and whole of government requirements.

Notification is documented. Obligations are documented in contractual arrangements.

9. Definitions of terms used in the policy and supporting documents

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition / Explanation / Details</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural Heritage</td>
<td>Anything that is:</td>
<td>Aboriginal Cultural Heritage Act 2003 (Qld)</td>
</tr>
<tr>
<td></td>
<td>- a significant Aboriginal or Torres Strait Islander area in Queensland</td>
<td>Torres Strait Cultural Heritage Act 2003 (Qld)</td>
</tr>
<tr>
<td></td>
<td>- a significant Aboriginal or Torres Strait Islander object</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- evidence, of archaeological or historical significance, of Aboriginal or Torres Strait Islander occupation of an area of Queensland.</td>
<td></td>
</tr>
<tr>
<td>Native Title</td>
<td>The communal, group or individual rights and interests of Aboriginal peoples and Torres Strait Islanders in relation to land and waters, possessed under traditional law and custom, by which those people have a connection with an area which is recognised under Australian law.</td>
<td>National Native Title Tribunal</td>
</tr>
<tr>
<td>Dealings</td>
<td>A ‘future act’ as defined by the Native Title Act 1993, i.e. a grant of an interest, the doing of an activity or carrying out development on land/waters that affects native title (i.e. interferes with its enjoyment or exercise).</td>
<td>State Government Native Title Work Procedures</td>
</tr>
<tr>
<td>Infrastructure activity</td>
<td>Infrastructure activity includes both minor and major capital works. Major Capital Works means works that:</td>
<td>Hospital and Health Boards Act 2011 (Qld)</td>
</tr>
<tr>
<td></td>
<td>- are structural works for the construction of a building or</td>
<td>Hospital and Health Boards Regulation 2012 (Qld)</td>
</tr>
<tr>
<td></td>
<td>- involve alterations to the building envelope of an existing building or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- consist of work that requires assessment, certification or approval under an Act.</td>
<td></td>
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<tr>
<td></td>
<td>Minor Capital Works means works other than major capital works.</td>
<td></td>
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</table>
10. Approval and Implementation

Policy Custodian:
Chief Health Infrastructure Officer, Health Infrastructure Branch, System Support Services Division

Responsible Executive Team Member:
Deputy Director-General, System Support Services Division

Approving Officer:
Deputy Director-General, System Support Services Division

Approval date: 18 May 2012
Effective from: 18 May 2012

Version Control

<table>
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<th>Version</th>
<th>Date</th>
<th>Prepared by</th>
<th>Comments</th>
</tr>
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<tr>
<td>1.0</td>
<td>11/02/2014</td>
<td>Helen Sotiris</td>
<td>minor update to include new reporting structure</td>
</tr>
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CULTURAL HERITAGE ENQUIRY FORM
APPLICATION FOR DECISION IN ACCORDANCE WITH
CULTURAL HERITAGE DUTY OF CARE GUIDELINES

FAX/EMAIL TO: Cultural Heritage Contact Officer
Property Services, Asset and Property Services,
System Support Services, Department of Health
FAX NUMBER: 07 3006 2769 OR EMAIL: neil_payne@health.qld.gov.au

PROPERTY NAME: ……………………………………………………………………………………………
PROPERTY ADDRESS: ……………………………………………………………………………………………

SUMMARY OF REASONS FOR REQUEST (include details of proposed project/activity eg
‘clear vegetation and building new hospital’, ‘clear and excavate corridor and install
pipelines and other services for existing health facility’):
………………………………………………………………………………………………………………
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ANTICIPATED START DATE OF PROPOSED PROJECT/ACTIVITY: …………………
REQUESTING OFFICER NAME: …………………………………………………………………………………
POSITION: ………………………………………………………………………………………………………
LOCATION: ………………………………………………………………………………………………………
CONTACT NO.: ………………………………………………………………………………………………………
EMAIL: …………………………………………………………………………………………………………………

Please provide the following information (cont. over):
### CULTURAL HERITAGE ENQUIRY FORM
APPLICATION FOR DECISION IN ACCORDANCE WITH
CULTURAL HERITAGE DUTY OF CARE GUIDELINES

**ITEM 1:** Briefly describe the activity or project, including the parcel description for the activity or project area (eg ‘single storey extension to existing health facility with new driveway from existing carpark, covering parts of Lot 1 on USL4988 and the whole of Lot 10 on RPL3852’)

**ITEM 2:** Provide copies of any plans showing the location of the activity or project within the relevant parcel(s)

**ITEM 3:** Provide (by CD) copies of photographs of the site, including, if possible, any aerial photographs

**ITEM 4:** Has Indigenous Cultural Heritage previously been considered for this site or this activity or project? If so, provide details of any consultation, Cultural Heritage studies or Cultural Heritage agreements

**ITEM 5:** Is an environmental impact study (EIS) required for the activity or project (including under the Sustainable Planning Act 2009, the State Development and Public Works Organisation Act 1971 and the Environment Protection and Biodiversity Conservation Act 1999 (Cth))? If so, provide details. Please note even if the land has been designated for community infrastructure purposes and EIS may still be required for some aspects of the project

**ITEM 6:** Provide copies of any development approvals for the activity or project under the Sustainable Planning Act 1999, including any conditions attaching to the approvals
ITEM 7: Describe the nature of the activity or project (eg. ‘clear vegetation and building new hospital’, ‘clear and excavate corridor and install pipelines and other services for existing health facility’)

ITEM 8: Describe the current vegetation on the area, including, if known, comments on how the original vegetation was removed (eg. ‘native vegetation cleared prior to 1975 and planted with lawn and shrubs’ or ‘no vegetation, entire site bitumen’, or ‘native grasses and trees, appears to have been partly cleared at some time, possibly for grazing use’)

ITEM 9: Describe the current use of the area, including the current buildings and other infrastructure (eg. ‘used as gardens for health facility, no buildings, various concrete pathways, underground services corridor as shown on attached sketch plan’, or ‘currently vacant land, native grasses and trees, appears to have been partly cleared, old fences on boundaries’, or ‘used as health facility since 1975, entire area covered by buildings’)

ITEM 10: Describe, if known, any previous use of the area (eg ‘previously State forest with native timber’ or ‘previously used for grazing’, or ‘previously part of a road reserve, but no road was constructed on it’)

ITEM 11: State the timeframes for the activity or project, especially the timeframe for breaking ground (eg. ‘soil testing to commence by August 2012, excavations to commence by December 2012, all footings and ground work to be completed by Jule 2013’)