

Cultural Heritage Review Consultation Questions

Refer to **DOC#3818807** – Consultation Paper Review Cultural Heritage Acts

7 Ownership and defining cultural heritage Page 7

Question

Is there a need to revisit the definitions of cultural heritage - if yes, what definitions should be considered? What additional assessment and management processes should be considered?

Council Response:

Their needs to be clear definition of the words and meaning for "Intangible and Residual" Cultural Heritage. Local Governments need to have clear definition and require understanding from a legal perspective around these two words as the process or definition could have a negative effect on local relationships between Council and the Applicant Group.

8 Identify Aboriginal and Torres Strait Islander Parties Page 8 - 9

Question

Is there a need to revisit the 'last claim standing' provision – if yes, what alternatives should be considered?

Council Response:

As a Local Government Entity we will work with the Identified Aboriginal Party as identified by the Federal Court Rulings and possible advice from entities such as the Department of Aboriginal and Torres Strait Islander Partnerships, Queensland Native Title Service or the National Native Title Tribunal.

Is there a need to revisit the identification of Aboriginal and Torres Strait Islander parties – if yes, who should be involved and what roles, responsibilities and powers should they have?

Council Response:

No comment.

Should there be a process for Aboriginal and Torres Strait Islander parties to apply to be a 'Registered Cultural Heritage Body' to replace native title reliant model?

Council Response:

Yes. That would ensure that Local Governments and other entities are speaking with and can conduct business in a positive and trustworthy manner with the legally nominated and identified Applicant Group.

9 Land Holder Obligations. Page 10 - 11

Question

Is there a need to bolster the oversight mechanisms for self-assessment and voluntary processes – if yes, what should this entail?

Council Response:

No comment.

Is there a need for dispute resolution assistance for parties negotiating voluntary agreements – if yes, who should provide these services and what parameters should be put around the process?

Council Response:

Yes – Council would like to see an impartial third party who can enforce/ or mediation between the landholder and the Applicant Group. We would also like to the Applicant group supported financially if this process occurs. Supported financially through State/ Federal Government Funding.

Is there a need to reconsider the threshold for formal cultural heritage assessments– if yes, what assessment and management processes should be considered?

Council Response:

No comment.

10 Compliance Mechanisms. Page 12

Question

Is there a need to bolster the compliance mechanisms designed to protect cultural heritage – if yes, what needs to be improved and what additional measures should be put in place?

Council Response:

No comment. LGAQ to coordinate a response for Councils.

11 Recording cultural heritage. Page 13

Question

Is there a need to make improvements to the processes relating to the cultural heritage register and database – if yes, what needs to be improved and what changes should be considered?

Council Response:

More promotion around awareness and obligations for Aboriginal Cultural Heritage with Land Developers and State Governments Departments.

More promotion around awareness and obligations for PBC's in regards to the processes with Developers and Landholders.

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Question

Do you have any other input, ideas or suggestions on how the Cultural Heritage Acts could be improved to achieve their objectives of recognising, protecting and conserving cultural heritage?

Council Response:

Annual funding should be provided by State/ Federal Government to financially support Administration Purposes so the elected body to provide a service to progress works, relationships and ongoing partnership between all parties.