

## Aboriginal cultural heritage and native title

<b>Policy, procedure, protocol</b>	Policy
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<b>Documents superseded</b>	
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<b>Author</b>	Director Corporate & Governance
<b>Section / Department</b>	Governance & Organisation Performance
<b>Linkage to Our Community Plan</b>	5 Leadership
<b>Objective</b>	5.1 We will have a strong, accountable and representative Government
<b>Strategy</b>	5.1.8 Ensure good governance, effective risk management and statutory compliance

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## 1. Purpose

The purpose of this Policy is to guide Council in its statutory requirements and to effect a coordinated and timely approach to Aboriginal cultural heritage and native title consideration and protection for all Council activities and projects.

## 2. Definitions

**Aboriginal cultural heritage** – Is any object or place that is significant to the Bundjalung, Gumbaynggirr or Yaegl people and includes evidence of archaeological or historic significance, of each nation's occupation of an area within the Clarence Valley LGA.

**Native title** – The communal, group or individual rights of the Bundjalung, Gumbaynggirr or Yaegl people in land and waters according to their traditional laws and customs as recognised by Australian law.

## 3. Legislative requirements

Council is required to comply with the relevant provisions of the:

- *Aboriginal Land Rights Act 1983*
- *Crown Land Management Act 2016*
- *National Parks and Wildlife Act 1974*
- *Native Title Act 1993 (Cth)*
- *Native Title (New South Wales) Act 1994*
- *Racial Discrimination Act 1975 (Cth)*

## 4. Policy statement

Aboriginal places and objects are an important part of the rich heritage of the Clarence Valley local government area (LGA), providing links to culture, environment and knowledge for local Aboriginal communities.

Council acknowledges the Bundjalung, Gumbaynggirr and Yaegl peoples as the traditional owners and custodians of the lands and waters that lie within the Clarence Valley Council boundaries.

Council in its role as a planning and consent authority and as a land manager is committed to working with Aboriginal custodians and native title holders within the LGA to protect places of cultural significance.

## 5. Procedures

Council is committed to incorporating Aboriginal cultural heritage and native title considerations in its corporate, strategic and operational decision-making processes. To achieve this, Council will:

1. Use the *Clarence Valley Aboriginal Advisory Committee* established by Council as a point of contact and reference group to advise Council on matters that impact on the Aboriginal communities within the Valley, and to make recommendations to Council on programs and strategies that promote greater awareness and understanding of Aboriginal culture within the broader community.
2. Establish a senior liaison/negotiation team, consisting of the Mayor, the General Manager and the Director Environment, Planning & Community to meet and liaise with Registered Native Title Body Corporate (RNTBC) and Local Aboriginal Land Council (LALC) boards with traditional lands within the Clarence Valley LGA on cultural heritage and native title matters, as required but not less than quarterly.
3. Designate a council work unit to coordinate and manage organisational activities relating to Aboriginal cultural heritage and native title statutory requirements.
4. Establish an internal support team, to meet monthly, consisting of such officers as required to advise and ensure Council's compliance with Aboriginal cultural heritage and native title legislation.
5. Review and update Corporate policies and documents to acknowledge the partnership with the traditional custodians of the lands within the Clarence Valley LGA.
6. Develop and establish a framework/Memorandum of Understanding (MOU) for communication, consultation and negotiation between Council and the Boards of the various RNTBCs and LALCs with traditional lands in the Clarence Valley LGA as a transitional step to the development and registration of Indigenous Land Use Agreements (ILUA).
7. Develop specific Aboriginal cultural heritage and/or native title policies and work procedures, including the development of cultural protocols in relation to networking, communicating and consulting with traditional owners, where required.
8. Develop and conduct appropriate and targeted training in Aboriginal cultural heritage and native title identification and reporting; and in cross-cultural awareness to the different sections of Council.
9. In the interim, while an MOU is being developed, implement the recommendations and procedures detailed in the documents listed in the Attachments in regards to Aboriginal cultural heritage and native title matters, as required.

## **6. Review Period**

This Policy will initially be reviewed within six (6) months of adoption to consider achievements against stated procedural activities.

This policy will then be reviewed within 12 months of the election of each new Council or more frequently in the event of any legislative changes or change in circumstances.

## **7. Attachments**

*Aboriginal cultural heritage consultation requirements for proponents*, (2010), State of New South Wales and the Department of Environment, Climate Change and Water, NSW

*Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, (2010), State of New South Wales and the Department of Environment, Climate Change and Water, NSW

*Native title in the Clarence Valley: Part 1 – Project Management Protocol*, (2017), Lands Advisory Services, Newcastle, NSW

*Working with native title: A practical guide for local government*, (1999), 2<sup>nd</sup> Ed, Prepared by the Australian Local Government Association in cooperation with the Aboriginal and Torres Strait Islander Commission and the National Native Title Tribunal, Deakin, ACT