



Australian Government

Geoscience Australia

Land Access and Cultural Heritage Policy

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Contents

1. Introduction	3
1.1. Purpose	3
1.2. Scope	3
2. Policies	4
2.1. Accessing or acquiring land, sea and airspace	4
3. Supporting Information	5

1. Introduction

1.1. Purpose

This policy sets out Geoscience Australia's (GA) commitment to manage issues of land access, cultural heritage and land acquisition in regards to its fieldwork. It aims to maintain GA's good working relationships and reputation with stakeholders, and ensure compliance with the numerous federal, state and territory legal requirements related to fieldwork.

Fieldwork is an essential process in the delivery of GA's programs. Examples of ground disturbing and non-ground disturbing fieldwork activities in GA include but are not limited to:

- establishing permanent or temporary monitoring stations
- collecting physical samples, both terrestrial and aquatic.
- conducting geophysical surveys
- conducting marine surveys
- conducting non-ground-disturbing activities like photography, visual inspection, and taking readings and measurements.

1.2. Scope

This policy applies to all GA employees and contractors undertaking field activities in all Australian states and territories.

2. Policies

2.1. Accessing or acquiring land, sea and airspace

GA will access or acquire land, sea and airspace in ways that are respectful of relevant stakeholders and their cultural heritage (both indigenous and non-indigenous).

GA will access or acquire land, sea and airspace in ways that comply with all relevant legislation¹.

¹ A list of relevant legislation is in section 3 Supporting Information; External Mandates.

3. Supporting Information

This section is informative

Related Policies

Collection Management Policy	Ensures any items acquired for GA's collection have a clear provenance and have not been collected or trafficked illegally.
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Definitions

Access	The temporary use of land, sea or airspace without the Commonwealth acquiring an interest in the land, sea or airspace.
Acquire	To take a temporary or permanent 'interest' in land.
Cultural heritage	<p>'The total ways of living built up by a group of human beings, which is passed from one generation to the next'.²</p> <p>'The legacy of physical artefacts and intangible attributes of a group or society that are inherited from past generations, maintained in the present and bestowed for the benefit of future generations'.³</p> <p>Note: 'Cultural heritage' has different meanings across jurisdictions. Refer to the relevant legislation for each jurisdiction's specific definition.</p>
Interest	<p>Interests in land include:</p> <ul style="list-style-type: none"> • legal ownership or a lease • use of land in any way that restricts use of it • any other right, charge, power or privilege over or in connection with the land or an interest in the land.⁴ <p>Examples of interests in land taken by GA include:</p> <ul style="list-style-type: none"> • ownership • leases • installing equipment (such as monitoring stations and corner reflectors) • temporary restrictions on land use (such as to pedestrian, vehicle or stock movement).

² <http://www.australia.gov.au/about-australia/australian-story/austn-indigenous-cultural-heritage>

³ <http://www.unesco.org/new/en/cairo/culture/tangible-cultural-heritage/>

⁴ For the complete definition of 'interest', see the [Lands Acquisition Act 1989](#)

Land holder	A person or group with rights to own or occupy land.
Respectful	Respectful behaviour includes: <ul style="list-style-type: none"> • being consultative • minimising impact or detriment • being pro-active and timely • being considerate of beliefs and customs • being transparent.
Stakeholders	Examples of relevant stakeholders include: <ul style="list-style-type: none"> • indigenous traditional owners and Native Title holders • land or lease holders • regular land users • holders of mining or exploration tenements • other Commonwealth entities • state and territory governments • local councils.

External Mandates

Employees should be aware that compliance with this policy does not necessarily guarantee compliance with all external mandates, laws and policies. Employees should satisfy themselves of their compliance with all relevant laws and policies, including those listed below. In the event of conflict, legislation and binding whole of government directions take precedence.

Source	Nature of risk to be managed
Legislative mandates - Commonwealth	
<i>Native Title Act 1993</i>	Sets the ways and standards for acts that may affect native title.
<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>	Preservation and protection of areas and objects that are of particular significance to Aboriginals in accordance with Aboriginal traditions
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Protection and management of nationally and internationally important flora, fauna, ecological communities and heritage places
<i>Lands Acquisition Act 1989</i>	Balance the rights of land holders with the needs of the Commonwealth in regards to land ownership and use

Legislative mandates – New South Wales	
<i>Heritage Act 1997</i>	Protection of items of State heritage significance
<i>National Parks and Wildlife Act 1974</i>	Conservation of nature, object places and features of cultural value
<i>Aboriginal Land Rights Act 1983</i>	Provision of land rights for Aboriginal persons
<i>Protection of the Environment Operations Act 1997</i>	Protection, restoration and enhancement of the quality of the environment
Legislative mandates – Queensland	
<i>Aboriginal Cultural Heritage Act 2003</i>	Provision of effective recognition, protection and conservation of Aboriginal cultural heritage
<i>Torres Strait Islander Cultural Heritage Act 2003</i>	Provision of effective recognition, protection and conservation of Torres Strait Islander cultural heritage
<i>Queensland Heritage Act 1992</i>	Provision for the conservation of Queensland's cultural heritage for the benefit of the community and future generations
<i>Environmental Protection Act 1994</i>	Protection of the environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends
Legislative mandates – Northern Territory	
<i>Aboriginal Sacred Sites Act 1989</i>	Balance the need to preserve and enhance Aboriginal cultural tradition with economic, cultural and social advancement
<i>Aboriginal Land Rights (Northern Territory) Act (Cth)</i>	Provision for traditional Aboriginal landholders to consent or withhold consent to the grant of exploration tenure on Aboriginal land
<i>Aboriginal Land Act</i>	Controls access to Aboriginal land.
<i>Heritage Act 2011</i>	Conservation of the Northern Territory's cultural and natural heritage
<i>Waste Management and Pollution Control Act</i>	Protection of the environment

Legislative mandates – Western Australia	
<i>Aboriginal Heritage Act 1972</i>	Preservation of places and objects customarily used by or traditional to the original inhabitants of Australia or their descendants
<i>Environmental Protection Act 1986</i>	Protection, control and abatement of pollution and environmental harm, and conservation, preservation, protection, enhancement and management of the environment
<i>Heritage of Western Australia Act 1990</i>	Provision for and conservation of places that have cultural heritage significance
Legislative mandates – South Australia	
<i>Aboriginal Heritage Act 1988</i>	Protection and preservation of the Aboriginal heritage
<i>Aboriginal Lands Trust Act 2013</i>	Provision to hold and deal with Trust land for the benefit of Aboriginal people
<i>Heritage Places Act 1993</i>	Identification, recording and conservation of places and objects of non-Aboriginal heritage significance
<i>Environment Protection Act 1993</i>	Protection of the environment
Legislative mandates – Victoria	
<i>Aboriginal Heritage Act 2006</i>	Recognition, protection and conservation of Aboriginal cultural heritage in Victoria in ways that are based on respect for Aboriginal knowledge and cultural and traditional practices Recognition of Aboriginal people as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage
<i>Heritage Act 1995</i>	Protection and conservation of places and objects of cultural heritage significance
<i>Environment Protection Act 1970</i>	Protection of the environment
<i>Traditional Owner Settlement Act 2010</i>	Provision to recognise traditional owner groups based on their traditional and cultural associations to certain land

Legislative mandates – Tasmania	
<i>Aboriginal Heritage Act 1975</i>	Preservation of Aboriginal relics
<i>Environmental Management and Pollution Control Act 1994</i>	Prevention, reduction and remediation of environmental harm
Legislative mandates – Australian Capital Territory	
<i>Heritage Act 2004</i>	Recognition, registration and conservation of places and objects of natural and cultural significance, including Aboriginal places and objects
<i>Environment Protection Act 1997</i>	Protection of the environment
External policy mandates	
None	