

# Guidelines to accessing the cultural heritage database and register

Under Part 5 of the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003* (the Acts) the Cultural Heritage Unit (CHU) maintains an:

- Aboriginal and Torres Strait Islander Cultural Heritage database; and
- Aboriginal and Torres Strait Islander cultural heritage register.

## Aboriginal and Torres Strait Islander cultural heritage database ('the database')

The database contains location coordinates, site cards, images, reports and other documents regarding cultural heritage sites and places recorded in Queensland.

The main purpose of the database is to provide a research and planning tool to help Aboriginal and Torres Strait Islander parties, land users and other persons in their consideration of the cultural heritage values of particular areas.

The Acts provide that access to the database must not generally be given to the public. However:

- where an Aboriginal or Torres Strait Islander party for an area seeks information from the database, the information must be provided where the chief executive is satisfied the information relates to the party's area of responsibility
- if a person carrying out an activity seeks information from the database, the information must be provided if the chief executive is satisfied that a person has a need to be aware of the information to satisfy their cultural heritage duty of care
- if a researcher requests information from the database, the chief executive may provide the researcher with information if the chief executive considers the data relates to the research.

## Aboriginal and Torres Strait Islander register ('the register')

The purpose of the register is to hold information about:

- cultural heritage studies under Part 6 of the Acts
- designated landscape areas (DLAs)
- whether particular areas have been the subject of cultural heritage management plans (CHMPs) under Part 7 of the Acts
- Aboriginal and Torres Strait Islander cultural heritage bodies; and
- statutory Aboriginal and Torres Strait Islander parties

The register is available to the public.

## Desired outcomes

The desired information management outcomes in relation to the database and register are that:

- Information on Aboriginal and Torres Strait Islander cultural heritage places held by CHU is disseminated in an appropriate manner under relevant provisions of the Acts.
- Control of culturally restricted information remains with the Aboriginal and Torres Strait Islander party.
- Information security is maintained.

## Accessing the database and register

Information contained in the database and register is now accessible through the department's online cultural heritage portal <http://culturalheritage.datsip.qld.gov.au>.

The portal includes a publicly accessible GIS map displaying information recorded in the register.

Site information recorded in the database is not available on the public map. However, land users can use the online portal to undertake a search of the database for a particular area.

Aboriginal and Torres Strait Islander parties and land users who have a need to frequently search the database can apply for special access to the online portal. The type of special access available is different for each category of applicant.

## Access by an Aboriginal or Torres Strait Islander party

If an Aboriginal or Torres Strait Islander party, as defined in Part 4 of the Acts, seeks access to the database, the requested information must be provided to that party to the extent that the information relates to their area (section 43).

The following Aboriginal or Torres Strait Islander entities can apply for special access to the online cultural heritage portal:

- A registered cultural heritage body representing an Aboriginal or Torres Strait Islander party.
- A Registered Native Title Body Corporate (RNTBC) representing an Aboriginal or Torres Strait Islander party.
- The named applicant for a registered native title claim.
- The named applicant for a previously registered native title claim where no other claim is registered for the area.
- An authorised legal representative acting under instructions from the named applicant for a registered native title claim.
- An authorised legal representative acting under instructions from the named applicant for a previously registered native title claim, where no other claim is registered.

Aboriginal and Torres Strait Islander parties must provide relevant information to support their application and agree to the terms and conditions of use.

Once approved, Aboriginal and Torres Strait Islander parties will be provided with log-in details enabling direct access to any site information recorded on the database for their area.

In all other cases, requests for information will be considered and assessed by the Director, CHU.

Written requests for information can be submitted to:

Site Registrar  
Cultural Heritage Unit  
PO Box 15397  
City East Queensland 4002

Phone: 1300 378 401

Email: [cultural.heritage@datsip.qld.gov.au](mailto:cultural.heritage@datsip.qld.gov.au)

Authorised representatives of an Aboriginal or Torres Strait Islander party may also make an appointment to view original copies of documents held by the CHU if desired.

## Access to persons in order to satisfy the cultural heritage duty of care

If a person is carrying out activities that may impact on Aboriginal or Torres Strait Islander cultural heritage, the chief executive must give the person information from the database if the chief executive is satisfied that a person has a particular need to be aware of the information to satisfy the person's cultural heritage duty of care (section 44).

Persons carrying out activities that may impact on cultural heritage can undertake a search of the database through the online portal <http://culturalheritage.datsip.qld.gov.au>.

Land users who have a need to frequently search the database can apply for special access to the online portal. Applicants must provide relevant information to support their application and agree to the terms and conditions of use before being granted special access.

Once approved, land users will be provided with log-in details enabling direct 'self-service' searching of the database and register.

Persons searching the database must indicate which category of the cultural heritage duty of care guidelines applies to their proposed activity.

By nominating a specific category, the person has evidenced that:

- they have consulted the guidelines; and

- completed an assessment of the proposed activity in consideration of the cultural heritage duty of care.

As such, the person has demonstrated that they have a particular need to access the database.

Persons undertaking a search of the database will be provided with a summarised level of information concerning sites and places entered on the database along with the contact details for the Aboriginal or Torres Strait Islander party for the area in question.

## Access by a researcher

Access may be provided to a person who is conducting research into Aboriginal or Torres Strait Islander cultural heritage if, in the chief executive's opinion, the information relates to the research (section 45).

The researcher will require written authorisation from the relevant Aboriginal or Torres Strait Islander party to access information held in the database.

## Nature of the information available

The database contains information on sites and places collected over a period of more than forty years. It is of variable quality in terms of description of places, accuracy of location and extent of site details. In many cases, the department cannot guarantee that a site is still extant.

The database is not a complete record of Aboriginal and Torres Strait Islander sites and places in Queensland.

It is probable that the absence of recorded Aboriginal and Torres Strait Islander cultural heritage places reflects a lack of previous cultural heritage surveys in an area.

Since most of the State has not been systematically investigated, it is highly likely that other unknown or unrecorded sites will exist in any particular area of interest.

Information provided from the database should not be included in public documents without permission from the relevant Aboriginal or Torres Strait Islander party.

The provision of information from the database and register does not by itself satisfy the requirements of the cultural heritage duty of care established by the legislation.

Land users should consult the duty of care guidelines to assess their proposed activities in regard to the cultural heritage duty of care.

The department makes no guarantees regarding the accuracy, timeliness or completeness of the data provided. The user should advise the CHU if they become aware of any inconsistencies or errors in the information provided.

## Adding information to the database

The chief executive may place information on the database to the extent the chief executive considers appropriate (section 40).

## Cultural heritage site recording form

Aboriginal and Torres Strait Islander parties and land users who have been granted special access to the online cultural heritage portal can submit information to the database through the online Information Submission Form.

Details submitted on the Information Submission Form will be reviewed by the CHU and a site number will be allocated when it is approved.

Any person who wishes to submit information for the database but does not have special access to the online portal should contact the Site Registrar to discuss an appropriate submission process.

## Deposition of reports

Information about Aboriginal or Torres Strait Islander cultural heritage places contained within reports can be submitted for entry on the database by depositing a copy of the report with the CHU.

Individuals or organisations submitting reports to the CHU should submit a deposition form with the material.

## Further information

For further information on the cultural heritage database and register, contact the Site Registrar.

Phone: 1300 378 401

Email: [cultural.heritage@datsip.qld.gov.au](mailto:cultural.heritage@datsip.qld.gov.au)

Visit the DATSIP website  
[www.datsip.qld.gov.au/ch](http://www.datsip.qld.gov.au/ch)