Cultural heritage management plans

Any land user can develop and seek approval for a cultural heritage management plan (CHMP) under the Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003 (the Acts).

A CHMP is an agreement between a land user (sponsor) and Traditional Owners (endorsed party) developed under Part 7 of the Acts. The plan explains how land use activities can be managed to avoid or minimise harm to Aboriginal or Torres Strait Islander cultural heritage.

A CHMP must be developed and approved under Part 7 of the legislation when an environmental impact statement is required for a project. However, any land user can voluntarily develop and seek to have a CHMP approved, even when there is no legal requirement to do so. The advantage of developing a CHMP voluntarily is it allows the land user to address cultural heritage with certainty and within a statutory timeframe.

Developing a CHMP

Developing a CHMP involves a statutory one-month notification of an intention to develop a CHMP, followed by a three-month negotiation and consultation period with the Aboriginal or Torres Strait Islander party regarding the terms of the plan.

The Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) has developed guidelines to assist in developing these plans. These guidelines provide basic information relating to cultural heritage management plans and the statutory process to help land users decide whether they should develop a plan. The Guidelines can also assist in working out a suitable structure for a plan, and a way of carrying it out.

Mediation

Mediation assistance to deal with disputes that arise during the consultation process is available through the Land Court of Queensland.

What happens if there is failure to reach agreement?

When agreement cannot be reached, the proposed CHMP can be referred to the Land Court of Queensland www.landcourt.qld.gov.au/index.asp

Following consideration of the matter, the Court will make a recommendation to the Minister for a decision.

Approved CHMPs are placed on the Aboriginal and Torres Strait Islander cultural heritage register established under Part 5 of the Acts.

Notices

Forms approved for use when initiating a CHMP under the Acts can be viewed on the DATSIP website www.datsip.qld.gov.au/ch

Further information

For further information on the cultural heritage management plans, contact the Cultural Heritage Unit on telephone 1300 378 401 or email cultural.heritage@datsip.qld.gov.au