

Aboriginal cultural heritage and undertaking projects with Western Local Land Services

Western Local Land Services acknowledges the Traditional Owners of the land within the Western region, and pays respect to past, present and future Elders of that land. The protection and enhancement of Aboriginal culture, heritage and spiritual beliefs is an issue of great importance to the traditional owners of these lands and waters and is of benefit to the whole community.

Overview

Aboriginal cultural heritage is intrinsically linked to the landscape, traditions and culture of Western NSW. Western Local Land Services acknowledges its responsibility to work with the broader community to understand, value and protect important cultural assets, and believes there is a great opportunity for landholders and Aboriginal people to work together to share knowledge of country and protect the rich heritage of Western NSW.

Projects and assessing for Aboriginal cultural heritage values

Western Local Land Services staff must ensure landholders participating in a project are aware of their responsibilities under the NSW Government's *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*.

This code explains what due diligence means in terms of steps that Local Land Services employees (and landholders implementing Local Land Services programs and projects) must take as part of the ongoing risk management process in order to identify, prevent and mitigate harm to Aboriginal cultural heritage. Following due diligence to determine that project activities will not harm Aboriginal objects and cultural values helps provide a defence against prosecution if an object or value is later unknowingly harmed without an Aboriginal Heritage Impact Permit.

Western Local Land Services encourages landholders to participate in the assessment process and ask questions along the way. See overleaf for more information on what is involved in the assessment process.



Role of your project officer

Your Western Local Land Services project case officer will remain the key contact for the landholder and will liaise with them to make arrangements for an Aboriginal Communities staff member, accompanied by the relevant Traditional Owner, to access the project site to conduct an Aboriginal cultural heritage assessment, should it be a requirement for your project.

Role of Aboriginal Communities staff

Western Local Land Services employs three dedicated Aboriginal Communities staff members. It is the role of these staff members to ensure that cultural values in or near the project area are clearly identified, recorded and protected from disturbance. The Aboriginal Communities staff members will also engage a relevant Traditional Owner or knowledge holder to accompany them to assess your project area. All staff and experts engaged by Local Land Services will be expected to comply with all on-farm WHS, biosecurity measures and access and notification arrangements requested by the landholder. A detailed report will be provided on completion of the assessment.



Local Land Services

Images from the Willandra Lakes World Heritage Area: A scarred tree, a hearth site and a stone artefact. Images: L Mitchell

What's in scope

For landholders successful in securing funding to implement or participate in a Western Local Land Services project or initiative on their property, the following process will apply.

Your Local Land Services case officer will discuss with you whether your project activities will disturb the ground surface or risk impacting culturally modified trees. If your project activities do not, you can proceed with caution.

If any of your project activities will disturb the ground surface or are at risk of disturbing culturally modified trees, this will trigger a more detailed assessment process.

- Your case officer will conduct a desktop assessment of your project which includes a search of the Aboriginal Heritage Information Management System (AHIMS) database, producing a map of current records in or near your project area.
- Your case officer will liaise with you to arrange an on-ground assessment of the project area prior to any work occurring. The assessment will be conducted by a specialist Western Local Land Services staff member who will also engage the relevant Traditional knowledge holder, Community Elder or Traditional Custodian to attend.
- During the on-ground assessment, any Aboriginal objects or landscape features likely to hold Aboriginal objects will be clearly identified, photographed, GPS located and recorded.
- A report will be provided that identifies any risks of disturbance that your project poses to the Aboriginal objects or landscape features, along with recommended modifications to avoid their disturbance, should this be the case.
- It is also important to note that any Aboriginal objects or culturally modified trees identified during the assessment, that are not currently, will be registered in the AHIMS database as per legislative requirements under section 89A of the *National Parks and Wildlife Act 1974* (NPWS Act).
- If for any reason you are unable to modify your project to avoid impacting on Aboriginal objects and landscape features, you must apply for an Aboriginal Heritage Impact Permit (AHIP) under the NPWS Act. This must be approved by the relevant agency before commencing any project works.

- If human skeletal remains are located (and they are not part of a registered burial site in AHIMS) then the Police (000) must be called and the immediate location cordoned off as a crime scene, until advised otherwise.
- If at any point during works you think you have identified an Aboriginal object at risk of being disturbed, you must stop work and notify your Western Local Land Services case officer who will coordinate a specialist staff member to assist you as soon as possible.

What's not in scope

It is important to understand that Aboriginal communities are primarily interested in sharing cultural knowledge with landowners and protecting cultural values together. If you identify cultural values on your property through this process, or have on a previous occasion, you should know:

- It will not lead to land claims against lawfully occupied crown or freehold land, there is currently no legislation in NSW that allows the acquisition of land because cultural values are present.
- No person will be granted automatic access to sites without your permission. All members of the public need the landowner's permission to enter your property.
- It will not automatically lead to locking up portions of country or management changes. In a very small number of cases, specific localised protection works may be recommended. Any project modifications, management options or recommendations will be discussed with you as the landholder to find the best possible solution.

