

Local Land Services Policy

Aboriginal Cultural Heritage

DOCUMENT NUMBER: DOC20/52727

VERSION: 1

APPROVED BY: Senior Executive Team

APPROVED DATE: 8 August 2019

STEWARD: Business Partner – Aboriginal Engagement

ISSUE DATE: 15 August 2019

CATEGORY Governance, Risk and Compliance.

REVIEW DATE: 15 August 2022

Policy Statement

Local Land Services are committed to fulfilling its responsibility to help protect Aboriginal cultural heritage now and into the future.

We embrace and acknowledge First Nations peoples as the Traditional Custodians of this land, and recognise their ongoing social, spiritual and cultural connection to the lands and waters.

We will offer respect and take all reasonable steps to make sure the activities of Local Land Services does not have detrimental impacts on Aboriginal culture and heritage.

Scope

This policy applies to all Local Land Services activities. It is mandatory and must be applied by all employees and business units.

Requirements

We will adhere to and strive to implement the requirements as summarised below from our LLS Act, our LLS Reconciliation Action Statement and Plan and other government legislation.

Local Land Services Act 2013

Appreciating Aboriginal and Torres Strait Islander cultural heritage values is a high priority for LLS and our governing Board. Under the *Local Land Services Act 2013*, we are responsible for consulting and engaging with First Nations communities and developing strong partnerships.

Local Land Services Innovate Reconciliation Action Plan 2018-2020

We have a great respect for the First Peoples of Australia and our Reconciliation Action Plan (RAP) is a commitment by LLS and our senior management team to ensure our agency works collaboratively with First Nations peoples to help protect and strengthen cultural heritage, share traditional land management knowledge and care for Country.

Our programs and partnerships will help protect Aboriginal cultural heritage and increase opportunities for Aboriginal and Torres Strait Islander peoples to care for Country.

Under the RAP implementation we are committed to building a Cultural Competency Development Strategy and training program.

National Parks and Wildlife Act 1974

Local Land Services will comply with the objects of the National Parks and Wildlife Act 1974 and 2009 Regulation requirements, and so adopts the NSW Government *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*¹ as the method by which our compliance will be applied.

This code explains what due diligence means in terms of reasonable and practicable steps that Local Land Services employees must take as part of an ongoing risk management process in order to identify, prevent and mitigate harm to Aboriginal cultural heritage.

Employees following due diligence in determining that their actions will not harm Aboriginal objects and cultural values will help provide them a defence against prosecution for the strict liability offence if they later unknowingly harm an object/value without an Aboriginal Heritage Impact Permit (NWP Act).

Guiding Principles

Local Land Services employees will adhere to these guiding principles in the context of protecting Aboriginal cultural heritage. Employees must:

1. *adhere to the 'Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW'*
2. *identify whether or not Aboriginal objects/values are, or are likely to be, present in an area*
3. *determine whether or not your activities are likely to harm Aboriginal objects/values*
4. *take reasonable and practicable measures to avoid or mitigate any actual or likely harm to Aboriginal objects/values*

¹ 2010, Department of Environment, Climate Change and Water

5. *determine whether an Aboriginal Heritage Impact Permit (AHIP) application is required (including a cultural heritage assessment report)*
6. *assist others in avoiding unintended harm to Aboriginal objects*
7. *provide advice to land managers about appropriate measures for them to take*
8. *encourage a culture of precautionary approach*
9. *provide evidence as a defence against prosecution*
10. *strive for more effective conservation outcomes for Aboriginal cultural heritage.*

The Code has been translated into a **Handbook** for ease of supporting Local Land Services people, systems and the ways we work. LLS staff will be provided the necessary training to implement this policy.

Functions

Specific internal responsibilities under this policy.

Position or Group	Responsibility
Senior Executive Team (SET)	<ul style="list-style-type: none"> • Aboriginal Cultural Heritage (ACH) Policy and Handbook approval authority • monitor ACH Policy and Handbook effectiveness • drive ACH Policy and Handbook implementation and monitor performance • Assign ACH Policy steward
Policy Steward	<ul style="list-style-type: none"> • Oversight the implementation and application of the ACH Policy and Handbook across LLS • report to the SET to enable them to monitor ACH Policy and Handbook effectiveness
Aboriginal Culture & Communities State-wide Advisory Group (SWAG)	<ul style="list-style-type: none"> • Review and endorse the ACH Policy and Handbook for recommendation to the SET • consult on ACH Policy and Handbook requirements and test applicability in an LLS context • Make sure that any changes to requirements (including legislative and government changes) are reflected in our ACH Policy and Handbook and any information developed for our staff and the community
Aboriginal Communities Officers	<ul style="list-style-type: none"> • Champion the ACH Policy and Handbook • work with staff and local communities to develop capacity and undertake collaborative projects on land across New South Wales including private holdings, travelling stock routes and other Crown lands, and

	<ul style="list-style-type: none"> develop programs and projects to protect Aboriginal Cultural Heritage
Managers	<ul style="list-style-type: none"> Make sure the ACH Policy and Handbook is adopted locally, and any local practices are updated and align and comply
All staff	<ul style="list-style-type: none"> Follow the requirements in the ACH Policy and Handbook

Related information

- Local Land Services Act 2013
- Local Land Services Innovate Reconciliation Action Plan 2018-2020
- National Parks and Wildlife Act 1974 and Regulation 2009
- Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, 2010, DECCW
- LLS Aboriginal Cultural Heritage Handbook

Revision history

Version	Date	Notes	By
1.0	April 2019	New policy	Senior Business Analyst, Strategy and Performance
2.0	8 August 2019	Approved by SET	ED – Strategy & Engagement

Contact

Strategy and Engagement, policy@lls.nsw.gov.au

Or our LLS Business Partner, Aboriginal Cultural Engagement