

Accessing the Cultural Heritage Database and the Cultural Heritage Register

Under Part 5 of the [Aboriginal Cultural Heritage Act 2003](#) and [Torres Strait Islander Cultural Heritage Act 2003](#) (Cultural Heritage Acts) the Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism (the department) maintains the:

- Aboriginal and Torres Strait Islander Cultural Heritage Database (Database); and
- Aboriginal and Torres Strait Islander Cultural Heritage Register (Register).

The Database and the Register are two separate information tools, each containing different types of information intended to assist with the management and research of First Nations cultural heritage within the duty of care framework established by the Cultural Heritage Acts.

Database

The Database is intended to be a research and planning tool to help Aboriginal and Torres Strait Islander parties, researchers, and other persons (e.g. land users) in their consideration of the cultural heritage values of particular areas.

The Database contains information about the location and description of previously recorded cultural heritage locations in Queensland. This information has been collected over a period of more than 50 years under a variety of legislative contexts and is of variable quality in terms of its accuracy and completeness.

The Cultural Heritage Acts provide that access to the Database must not be given to the public generally (section 42). However:

- if an Aboriginal or Torres Strait Islander party for an area seeks information from the Database, the information must be provided if the chief executive is satisfied the information relates to the party's area of responsibility (section 43).
- if a person carrying out an activity seeks information from the Database, the information must be provided if the chief executive is satisfied the person needs to be aware of the information for satisfying their cultural heritage duty of care (section 44).
- 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 (section 45).

Register

The Register is intended to be a depository for information for land use planning and for helping people generally in their consideration of the cultural heritage values of particular objects and areas.

The following information is recorded in the Register:

- information about [cultural heritage studies](#) carried out under Part 6 of the Cultural Heritage Acts;
- information about [cultural heritage management plans](#) developed under Part 7 of the Cultural Heritage Acts;
- information about [cultural heritage bodies](#) registered under Part 4 of the Cultural Heritage Acts;
- information about [Aboriginal and Torres Strait Islander parties](#) who are native title parties under Part 4 of the Cultural Heritage Acts;
- information about [Designated Landscape Areas](#) declared under the now repealed *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*; and
- areas of Queensland recorded on the National Heritage List solely for their 'indigenous values' under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*.

Unlike the Database, information in the Register must be made available to the public generally (section 51).

Accessing the Database and the Register

The Aboriginal and Torres Strait Islander Cultural Heritage Online Portal (Online Portal) has been developed to provide key stakeholder groups identified by the Cultural Heritage Acts with spatially enabled web-based access to information contained in the Database and the Register.

Public access to Register

The [Online Portal](#) comprises a Geographic Information System (GIS) which displays information from the Register in spatial layers on a freely accessible interactive public map. Any person can directly access information recorded in the Register via this resource.

Information recorded in the Database is not available on the public map. However, Aboriginal and Torres Strait Islander parties and land users can use the Online Portal to access information from the Database in accordance with the following guidelines.

Access to Database by an Aboriginal or Torres Strait Islander party

The following entities representing Aboriginal or Torres Strait Islander parties that are native title parties (as defined under Part 4 of the Cultural Heritage Acts) can apply for special access to the Online Portal:

- A registered cultural heritage body representing an Aboriginal or Torres Strait Islander party (.
- A Registered Native Title Body Corporate (RNTBC).
- A registered native title claimant.
- A previously registered native title claimant where no other claim is registered for the area.

Once approved, the native title party will be provided with log-in credentials for the Online Portal enabling direct access to information recorded in the Database for their area of responsibility.

Applications for special access to the Online Portal can be completed through the [Apply for Login](#) menu available on the home page of the Online Portal.

In all other cases, Aboriginal or Torres Strait Islander parties seeking information from the Database should contact the Site Registrar to discuss their requirements.

Access to Database to help satisfy the cultural heritage duty of care

Persons carrying out activities that may impact on cultural heritage can undertake a search of the Database through the [Search the Database and Register](#) menu option available on the home page of the Online Portal.

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 cultural heritage duty of care 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.

When the search request is processed, a report summarising the details of any previously recorded cultural heritage locations within the search area is generated. The report also provides a summary of any information recorded in the Register for the specific search area, including contact details for relevant Aboriginal or Torres Strait Islander parties.

Land users (including consultants and legal advisors) 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.

Applications for special access to the Online Portal can be completed through the [Apply for Login](#) menu option available on the home page of the Online Portal.

Once approved, the applicant will be provided with log-in credentials enabling access to a direct 'self-service' search function allowing the user to generate their own search reports.

Any requests for further details regarding information identified in a search report should be directed to the Site Registrar.

Access to Database by a researcher

Information may be provided to a person who is conducting research into Aboriginal or Torres Strait Islander cultural heritage. In most cases the researcher will require written authorisation from the relevant Aboriginal or Torres Strait Islander party to access information held in the Database.

Researchers seeking information from the Database should contact the Site Registrar to discuss their requirements.

Nature of the information recorded in the Database

The Database contains information collected over a period of more than fifty years, including information accumulated under the *Aboriginal Relics Preservation Act 1967* and the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*. It is of variable quality in terms of description of places, accuracy of location and extent of site details.

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 or Torres Strait Islander cultural heritage 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 Cultural Heritage Acts.

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 department if they become aware of any inconsistencies or errors in the information provided.

Further information

Inquiries regarding the Database and Register should be directed to the Site Registrar.

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