

Section 2

Governance: Council's responsibilities

2.1 Legislation and compliance – Native Title (future acts) and Cultural Heritage

2.1.1 NATIVE TITLE ACT 1993

The *Native Title Act 1993* is a law passed by the Australian Parliament that recognises the rights and interests of Aboriginal and Torres Strait Islander people in land and waters according to their traditional laws and customs. It establishes a process for claiming and recognising native title lands and waters in Australia.

<https://www.legislation.gov.au/Details/C2019C00054>

2.1.2 CULTURAL HERITAGE ACT 2003

The Aboriginal Cultural Heritage Act 2003 requires anyone who carries out a land-use activity to exercise a duty of care. This 'duty of care' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage.

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2003-079>

2.2 Legislation and compliance – Human and Cultural Rights

2.2.1 BURRA CHARTER: THE AUSTRALIA ICOMOS CHARTER FOR PLACES OF CULTURAL SIGNIFICANCE, 1999

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places). First adopted in 1979, the Burra Charter is periodically updated to reflect developing understanding of the theory and practice of cultural heritage management. The current version of the Burra Charter was adopted in 2013.

<https://australia.icomos.org/publications/burra-charter-practice-notes/#bc>

2.2.2 SIGNING OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (3 APRIL 2009)

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly on Thursday, 13 September 2007. The Australian Government announced its support for the Declaration on 3 April 2009.

It establishes a universal framework of minimum standards for the survival, dignity and well-being of the Indigenous peoples of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to Indigenous peoples.

<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

2.2.3 INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (10 DECEMBER 1975)

The International Covenant on Economic, Social and Cultural Rights is a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966 through GA Resolution 2200A (XXI) and came in force from 3 January 1976. Australia ratified the covenant on 10 December 1975.

It commits its parties to work toward the granting of economic, social, and cultural rights (ESCR) to the Non-Self-Governing and Trust Territories and individuals, including labour rights and the right to health, the right to education, and the right to an adequate standard of living.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

2.2.4 HUMAN RIGHTS ACT 2019 – SECTIONS 27 AND 28

The *Human Rights Act 2019* forms part of the administrative law obligations and oversight mechanisms that hold government to account. The main objects of the Act are to:

- protect and promote human rights
- help build a culture in the Queensland public sector that respects and promotes human rights
- help promote a dialogue about the nature, meaning and scope of human rights.

Part 2 Division 2 Civil and political rights

27 Cultural rights—generally

All persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy their culture, to declare and practise their religion and to use their language.

28 Cultural rights—Aboriginal peoples and Torres Strait Islander peoples

- (1) Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights.
- (2) Aboriginal peoples and Torres Strait Islander peoples must not be denied the right, with other members of their community—

- (a) to enjoy, maintain, control, protect and develop their identity and cultural heritage, including their traditional knowledge, distinctive spiritual practices, observances, beliefs and teachings; and
- (b) to enjoy, maintain, control, protect, develop and use their language, including traditional cultural expressions; and
- (c) to enjoy, maintain, control, protect and develop their kinship ties; and
- (d) to maintain and strengthen their distinctive spiritual, material and economic relationship with the land, territories, waters, coastal seas and other resources with which they have a connection under Aboriginal tradition or Island custom; and
- (e) to conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources.
- (3) Aboriginal peoples and Torres Strait Islander peoples have the right not to be subjected to forced assimilation or destruction of their culture.

2.3 Policy and Strategy

2.3.1 iFUTURE CORPORATE PLAN 2021 – 2026

iFuture is council's Corporate Plan and key strategic document that guides our annual operations. It is divided into four themes:

1. Vibrant and Growing
2. Safe, Inclusive and Creative
3. Natural and Sustainable
4. A Trusted and Leading Organisation.

Each theme includes a 2041 vision statement, and the outcomes council will achieve over the next five years. Catalyst projects and key service areas that contribute to the achievement of the outcomes are also included, as well as a section for how the community can contribute toward our journey.

Theme 2 – Safe, Inclusive and Creative

- Outcomes for 2026 include:
 - Our community feels safe
 - Knowledge and learnings from our past are used to guide and be shared with future generations
 - Our community lives together in harmony regardless of our backgrounds, cultures, abilities and religions
 - Cultural landscapes landmarks and practices are acknowledged, protected and respected
 - The Ipswich brand is positive and inclusive
 - The community feels heard and engaged and we close the loop with our consultation
 - We have a strong diverse arts scene for local and visiting artists that has created a strong creative economy.

- Our catalyst projects for 2021-2026 include:
 - Implementation of the Ipswich City Council Indigenous Accord 2020–2025 to acknowledge the commitment between council and our Aboriginal and Torres Strait Islander community.

Theme 3 – Natural and Sustainable

- Outcomes for 2026 include:
 - Our natural environment is managed to support the continuation of traditional cultural practices
- Our catalyst projects for 2021-2026 include:
 - Natural Environment Policy and Strategy to provide council with a corporate position and strategic approach on how it will protect, enhance and restore the city's natural environment.

https://www.ipswich.qld.gov.au/about_council/media/corporate_publications/corporate_plan

2.3.2 INDIGENOUS ACCORD POLICY 2022 AND INDIGENOUS ACCORD 2020-2025 (ORIGINAL ACCORD – 1995)

The Policy and Accord are Council's strategic framework for Reconciliation and Community Governance with Aboriginal and Torres Strait Islander Peoples and their Communities.

The purpose of the Accord is to formalise and provide a framework for mutual collaboration and co-operation between Aboriginal and Torres Strait Islander peoples and Ipswich City Council. It contains targeted and specific actions and sets the agenda for cooperation, collaboration and partnership between Ipswich City Council and the Aboriginal and Torres Strait Islander communities.

<https://www.ipswich.qld.gov.au/live/our-community/indigenous>

2.3.3 NATIVE TITLE (FUTURE ACTS) AND CULTURAL HERITAGE ADMINISTRATIVE DIRECTIVE

This directive outlines Council's requirements of employees and contractors to undertake Council business in accordance with the Australian *Native Title Act 1993* and the Queensland *Aboriginal Cultural Heritage Act 2003*.

This directive applies to all Council employees and contractors when they are making plans for projects that include 'ground disturbance' and/or changes to tenure in the course of Council operations.

All employees and contractors are to refer to the Aboriginal Cultural Heritage Clearance Procedure for any proposed works and/or activities that involve ground disturbance.

All employees are to refer to the Native Title Compliance Procedure for all proposed future acts pertaining to all lands that Council does not own but manages (ie Reserves held in trust).

2.3.4 ARTS AND CULTURAL STRATEGY 2018-2023

Council recognises the importance of culture in building identity and fostering liveability. Recognition and pride in both indigenous and non-indigenous heritage plays a critical role in how we feel about the place where we live and what we have collectively achieved.

The Arts and Cultural Strategy guide Council's investment in building community cultural capacity. It responds to important messages we have heard from the community, builds upon our strengths and cements our commitment to arts and culture for the future.

https://www.ipswich.qld.gov.au/about_council/media/corporate_publications/arts-and-culture-strategy

2.3.5 NATURAL ENVIRONMENT POLICY 2022 AND NATURAL ENVIRONMENT STRATEGY 2023

The Natural Environment Policy and Strategy provide the overarching commitment and strategic direction for the natural environment across Ipswich which considers waterways and wetlands, biodiversity and threatened species, Aboriginal cultural heritage and cultural landscape values, urban and rural biodiversity, and sustainable nature-based recreation.

Ipswich City Council is committed to working together with the Aboriginal and Torres Strait Islander peoples and communities in Ipswich and has identified that increased recognition of cultural values and involvement in programs for Traditional Owners to care for country are important actions in the 2020–2025 Indigenous Accord. The recognition of Aboriginal cultural heritage and cultural landscape values within natural areas and the incorporation of Aboriginal ecological knowledge into the management of Ipswich natural areas are a key focus for this strategy.

Theme 3 – Aboriginal cultural heritage and cultural landscape values

Priority objective 1: Improved recognition of Aboriginal cultural heritage and cultural landscape values across Ipswich’s natural areas.

Council will improve the understanding of Ipswich’s Aboriginal cultural heritage and cultural landscapes across Ipswich’s natural areas to allow improved recognition, awareness and protection of Aboriginal cultural heritage and cultural landscapes including provision of cultural interpretive signage, community events and suitable embellishments, pathways and protection of significant cultural heritage and cultural landscape features.

Priority objective 2: Increased use of Aboriginal ecological knowledge in the management of Ipswich’s natural environment.

Council will continue to work with the local First Nations businesses and/or persons to improve the delivery of traditional land management practices across Ipswich’s cultural landscapes.

https://www.ipswich.qld.gov.au/about_council/media/corporate_publications/natural-environment-strategy

2.3.6 IPSWICH PLANNING SCHEME 2019 [UNDER DEVELOPMENT*]

The 2006 Consolidated Ipswich Planning Scheme covers the entire local government area. The Planning Scheme was prepared in accordance with the requirements of the repealed Integrated Planning Act 1997 (IPA) and the Department of Local Government and Planning guidelines and scheme template.

In response to the continuing unprecedented growth in South East Queensland and the Queensland Government’s introduction of new planning legislation, State Planning Policy and South East Queensland Regional Plan, council has decided to prepare a new planning scheme, the Draft Ipswich Planning Scheme. The New Ipswich Planning Scheme Project is a multi-year project, intended to be completed by 2024.

The draft planning scheme conserves valuable features such as significant natural areas, habitat and vegetation, waterways, agriculturally productive land places and areas of historic character and cultural heritage significance including to the Traditional Owners. The draft states in section 3.3.3 Cultural heritage:

(1) The Ipswich Local Government Area contains features that are significant to the Traditional Owners and buildings, places and other features of cultural heritage significance associated with its settlement by Europeans

that are to be conserved for the important contribution they make to the cultural heritage and identity of the city and supporting social and economic progress.

https://www.ipswich.qld.gov.au/data/assets/pdf_file/0014/113207/Statement_of_Proposals.pdf

* currently under review – content to be amended when updated Planning Scheme is available from Strategic Planning team

2.3.7 COMMUNITY ENGAGEMENT POLICY 2022

Ipswich City Council is committed to meaningful engagement with the community on issues affecting the city, and on local issues that significantly impact on the community. Community engagement is the foundation of sustainable decision-making and is mutually beneficial to the community and council.

The policy, which was adopted by council on 24 November 2022, confirms council's commitment to section 4(2)(c) of the Local Government Act 2009 which prescribes community engagement as a legislative requirement to ensure democratic representation, social inclusion and meaningful community engagement in government decision making.

The purpose of this policy is to provide council with a framework to guide a consistent, transparent, and effective approach to community engagement (as shown below in the Figure 4).

Council has a clear process for designing and delivering community engagement. This process has five key stages: Understand, Plan, Deliver, Report and Evaluate (outlined in Section 3.5).

https://www.ipswich.qld.gov.au/data/assets/pdf_file/0003/85944/Community-Engagement-Policy.pdf

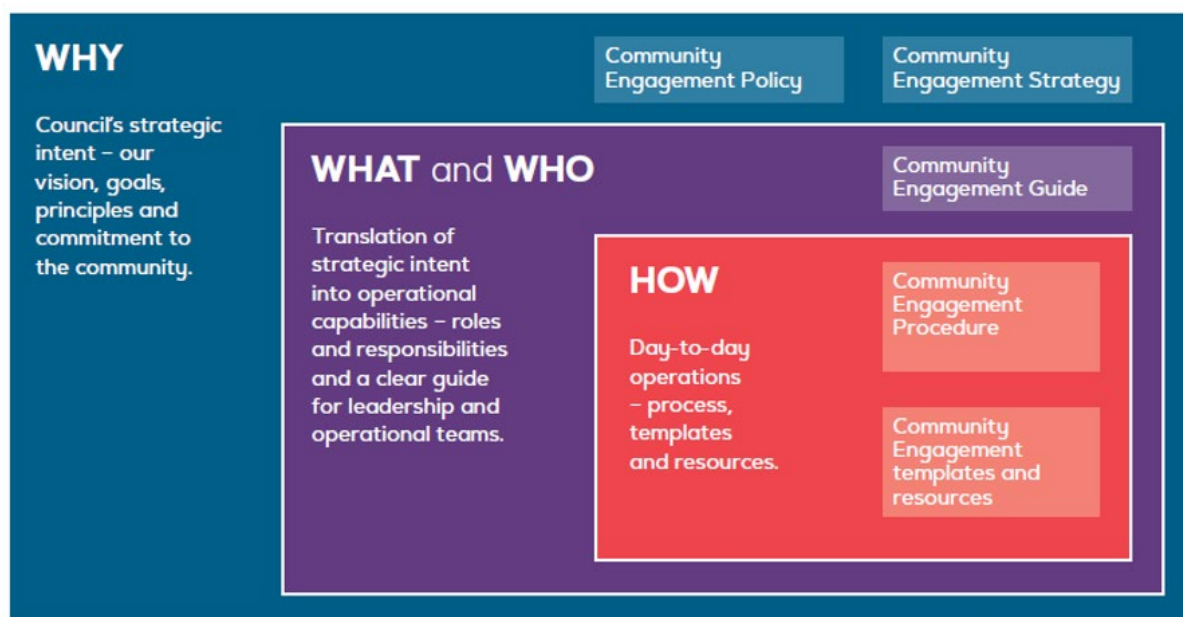


Figure 1: Council's community engagement framework