

Native Title/Aboriginal Cultural Heritage Compliance System for the public works sector

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IPWEAQ has been developing a digital portal to be used by public works engineers and associated professionals in ensuring compliance with native title and Aboriginal cultural heritage law when undertaking public works projects. A recent High Court decision in the case of *Northern Territory of Australia v Griffiths (2017)*, commonly referred to as the Timber Creek case, awarded the relevant indigenous party 3.3 million dollars for unlawful extinguishment of their native title. The payout figure in that case is currently under appeal, but whatever the outcome of that process, the case is certain to have serious implications for infrastructure providers.

Local councils throughout Queensland have made clear the need for a tool which can assist them in dealing with this issue to help them negotiate a way through these enormously complex pieces of legislation. As the situation stands, there is no single source they can access to help their officers identify and assess council's obligations regarding native title and cultural heritage. This paper will discuss the steps taken in developing a systematic and straightforward compliance assessment system that has been designed as a solution to this increasingly important area for the public works sector. The compliance system tool will provide a step by step process of questions, drawing on a wide range of resources that will enable the user to arrive at a point where the project in question is deemed valid in law, and council can go ahead with the project confident that its legal obligations have been met. It also will provide a method for councils to maintain a detailed and accurate record of native title and cultural heritage assessment for every project undertaken.