



Australian Government

LGALAND504A Undertake effective consultation with Indigenous people on matters of cultural heritage

Release: 2

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Modification History

LGALAND504A Release 2: Layout adjusted.
LGAGLAND504A Release 1: Primary release.

Unit Descriptor

This unit covers undertaking effective consultation with Aboriginal or Torres Strait Islander people on matters relating to their cultural heritage.

Application of the Unit

This unit supports the attainment of skills and knowledge required for competent workplace performance in councils of all sizes. Knowledge of the legislation and regulations within which councils must operate is essential. The unique nature of councils, as a tier of government directed by elected members and reflecting the needs of local communities, must be appropriately reflected.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a Unit of Competency

Performance criteria describe the required performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the Range Statement. Assessment of performance is to be consistent with the Evidence Guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1 Conduct background research	1.1 Previous Indigenous cultural heritage and resource surveys are identified and reviewed. 1.2 Relevant commonwealth and state or territory legislation and peak local government associations and council policies are researched and documented. 1.3 Extent to which cultural heritage of other non-Indigenous cultures should be acknowledged is identified and taken into consideration.
2 Identify the correct Indigenous people that are authorised to speak for a place	2.1 Indigenous people with rights and interests in a place are identified through the traditional owners, especially those authorised to speak for a place. 2.2 Both men and women with rights and interests in an area or place are identified because men and women may be responsible for different heritage places and values and may need to be consulted separately. 2.3 Other Indigenous people are identified who may not necessarily be traditional owners but who have interests in a place. 2.4 Indigenous people from surrounding areas who may be affected by a project or activity are identified and consulted. 2.5 Protocols that Indigenous people have established for consultation are identified and adhered to throughout the process. 2.6 Consultation on each new project is undertaken, unless traditional owners and other Indigenous people agree that this is not necessary. 2.7 Non-Indigenous people with rights or interests in the place are identified and consulted.
3 Consult with relevant Indigenous people to discuss the project or activity	3.1 Potential implications of the project or activity are outlined factually and clearly. 3.2 All relevant documentation and information are provided to the traditional owners and all other Indigenous people with rights and interests in a place. 3.3 Sufficient time is allowed for all Indigenous people to decide whether they wish to become involved in the activity or project and to provide informed consent. 3.4 All Indigenous groups with an interest in a place are provided with the same information and given sufficient time to provide informed consent. 3.5 Where groups are in dispute, a process for developing

ELEMENT	PERFORMANCE CRITERIA
	separate but consistent and similar agreements is established.
4 Establish a process for addressing Indigenous cultural heritage matters	4.1 Manner, timing and level of consultation and involvement with the project or activity are agreed. 4.2 The copyright holders of any work undertaken with Indigenous people and the management regime for Indigenous heritage places are identified. 4.3 Need for separate reports for male and female traditional owners and a further report that is publicly available is established. 4.4 Dissemination of reports is carried out effectively. 4.5 The process for obtaining informed consent for displaying any gathered information is identified and agreed. 4.6 Protocols and agreements are formalised and documented. 4.7 Indigenous people are involved in the development of any terms of reference for, and selection of, consultants. 4.8 Resources required to maintain community involvement are identified and secured. 4.9 Relevant documentation for council is prepared, including presentation of alternative options.
5 Consult with relevant Indigenous people in identifying their cultural heritage places and values	5.1 Commonwealth and state or territory laws relating to Aboriginal and Torres Strait heritage are complied with by obtaining necessary permits for surveys and other activities required to identify Indigenous heritage values. 5.2 Sensitive information collected in the course of identifying Indigenous heritage places and values is protected from further unnecessary disclosure. 5.3 Details relating to custodians of information are recorded and protected from further unnecessary disclosure.
6 Implement project or activity	6.1 Meetings are held with identified stakeholders that enable Indigenous people to explain issues relating to Indigenous heritage to non-Indigenous stakeholders. 6.2 Processes for mediation and dispute resolution are identified and established. 6.3 A precautionary approach is identified in cases where Indigenous people refuse to be involved in a project. 6.4 A process to prevent damage or desecration to any Indigenous heritage place is identified and established. 6.5 Proposal or activity is revised or rejected in light of Indigenous people not agreeing because of unacceptable impact on their cultural heritage.

Required Skills and Knowledge

This describes the essential skills and knowledge and their level, required for this unit

Required Skills

- oral and written communication
- cross-cultural competence
- gender and disability
- evaluation
- decision making
- research
- networking
- negotiation and dispute resolution

Required Knowledge

- cultural context
- community controls
- location and resources
- organisational processes
- equity and diversity principles
- legal requirements

Evidence Guide

Overview of assessment requirements

A person who demonstrates competency in this unit will be able to perform the outcomes described in the Elements to the required performance level detailed in the Performance Criteria. The knowledge and skill requirements described in the Range Statement must also be demonstrated. For example, knowledge of the legislative framework and safe work practices that underpin the performance of the unit are also required to be demonstrated.

Critical aspects of evidence to be considered

The demonstrated ability to:

- conduct research into cultural heritage and protect any sensitive information collected in the course of the research process
- identify Indigenous people with rights and interests in a place
- meet with Indigenous people to discuss a project or activity and reach agreement about involvement and consent to their involvement in the project or activity
- establish a process for addressing Indigenous cultural heritage matters in relation to a project or activity.

Context of assessment

Competency is demonstrated by performance of all stated criteria, with particular attention to the critical aspects of evidence and the knowledge and skills elaborated in the Evidence Guide, and within the scope of the Range Statement.

Assessment must take account of the endorsed Assessment Guidelines in the Local Government Training Package.

Assessment of performance requirements in this unit should be undertaken in an actual workplace or simulated environment.

Assessment should reinforce the integration of the key competencies for the particular AQF level. Refer to the key competency levels at the end of this unit.

Relationship to other units (prerequisite or co-requisite units)

To enable holistic assessment this unit may be assessed with other units that form part of the job role.

Method of assessment

The following assessment methods are suggested:

- observation of the learner performing a range of workplace tasks over sufficient time to demonstrate handling of a range of contingencies
- written and/or oral questioning to assess knowledge and understanding
- completion of workplace documentation

- third-party reports from experienced practitioners
- completion of self-paced learning materials including personal reflection and feedback from trainer, coach or supervisor.

Evidence required for demonstration of consistent performance

Evidence should be collected over a set period of time that is sufficient to include dealings with an appropriate range and variety of situations.

Resource implications

The learner and trainer should have access to appropriate documentation and resources normally used in the workplace.

Range Statement

The Range Statement relates to the Unit of Competency as a whole. It allows for different work environments and situations that may affect performance. ***Bold italicised*** wording in the Performance Criteria is detailed below.

Indigenous people with rights and interests in a place may include:

- traditional owners
- men
- women
- Indigenous people authorised to speak for a place

Protocols may include:

- use of interpreters
- talking to the appropriate people
- laws and customs relating to places
- respecting family, kinship and clan relationships

Non-Indigenous people with rights or interests in a place may include:

- landholders
- lessees
- tourists and recreational users
- state or territory government agencies
- commonwealth departments and agencies

Potential implications of the project or activity may include:

- economic or financial
- cultural
- social
- environmental
- educational
- others

Relevant documentation and information may include:

- maps
- reports

Unit Sector(s)

Land Management