

Guideline

Archaeological investigations

This guideline has been prepared under section 173(1)(d) of the *Queensland Heritage Act 1992*

Prepared by: Heritage Branch, Department of Environment and Science

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Part 1 - Introduction

Purpose

This guideline provides best-practice advice about the process for managing potential, known and newly discovered historical archaeological artefacts and places within Queensland.

It explains what an archaeological investigation is and the process to follow to satisfy requirements of the *Queensland Heritage Act 1992* (Heritage Act).

This guideline applies to:

- all places entered in the Queensland Heritage Register (in full or in part) for their archaeological significance (i.e. Archaeological State Heritage Places, State Heritage Places and Protected Areas)
- discoveries of potentially significant archaeological artefacts under section 89 of the Heritage Act
- all historical archaeological investigations submitted to the Department of Environment and Science (the department), such as scientific research reports and environmental impact studies, regardless of whether they require legislative approval.

Part 1 explains what an archaeological investigation is, when it is required and defines key terms such as 'appropriately qualified person'.

Part 2 presents guiding principles for conducting an archaeological investigation and outlines the key stages of preliminary assessment, creating an archaeological management plan and reporting.

Part 3 provides references for supporting information.

Please note these guidelines do not apply to cultural heritage places that are significant solely through their association with Aboriginal tradition or Island custom - refer to the section on Aboriginal and Torres Strait Islander Heritage on pages 9-10 for further information.

Context

Archaeological artefacts are physical evidence of past human activity, and tell us much about the lives, behaviour and attitudes of past generations. Archaeological artefacts are located both on land and in water throughout Queensland. Sometimes, the presence of artefacts is known through previous research, because of exposure during construction works or an extreme weather event. However, most artefacts are buried and unknown, only to be discovered through systematic research, by accident, or during development work.

Queensland's archaeological heritage is non-renewable—once disturbed its ability to tell us about the past is diminished or gone forever unless scientific examination and systematic recording has taken place.

The Heritage Act provides the statutory framework for the management of known and newly discovered artefacts by:

- recognition of archaeological potential of State Heritage Places entered in the Queensland Heritage Register
- entry of places with established archaeological potential in the Queensland Heritage Register (Archaeological State Heritage Places)
- entry of places with significant and vulnerable archaeological artefacts as Protected Areas in the Queensland Heritage Register
- the requirement for discoveries of important archaeological artefacts to be reported and not disturbed pending an assessment of their significance
- providing blanket protection for any ship or aircraft wreck, i.e. the remains, or any part of the remains, of a ship or aircraft that has been in Queensland waters for more than 75 years.

What is an archaeological investigation?

An archaeological investigation is defined in the Heritage Act as '...a physical investigation of the place carried out by an appropriately qualified person for the purpose of investigating, recording or conserving archaeological artefacts on the place'.

What is meant by 'a physical investigation'?

The term 'physical investigation' does not exclusively refer to 'archaeological excavation' and the recovery of

artefacts. There is a range of scientific techniques that can be used to physically locate, assess and manage archaeological sites, many of which cause only limited or no disturbance.

Who is an 'appropriately qualified person'?

Determining the techniques and methods of an archaeological investigation can be complex and requires specialist training and experience. The Heritage Act requires archaeological investigations to be undertaken by appropriately qualified people. According to the Heritage Act, an 'appropriately qualified person' is someone who has the qualifications, experience or standing appropriate to undertaking the archaeological investigation. The department considers a person must have the following qualifications, experience or standing to fulfil this requirement:

- an honours, masters or doctoral degree or graduate diploma in archaeology—preferably historical archaeology or a related discipline—and demonstrable professional experience in historical archaeology or a related archaeological field.

The following issues should also be considered when deciding if a person has appropriate skills to conduct an archaeological investigation:

- previous studies and experience in Australian historical archaeology
- quality of references and examples of previous work
- local knowledge about the area, specific place, and project-specific issues
- where excavation, collection, or monitoring is proposed, evidence of experience or knowledge of such practices and techniques, and experience or knowledge in assessment, analysis, interpretation and dissemination of recovered archaeological materials
- where conservation and interpretation projects are proposed, evidence of experience or knowledge of conservation techniques relevant to the project and previous interpretation project experience
- associate membership or higher of the Australian Association of Consulting Archaeologists or another professional body relevant to the conduct of archaeological investigations.

Appropriately qualified persons undertaking an archaeological investigation may be assisted by personnel who do not meet this standard provided they are supervised at all times in the field by an appropriately qualified person.

When is an archaeological investigation required?

Archaeological artefacts can be potentially found any place where there has been previous human activity – such places may be known and on the Queensland Heritage Register or they may be unknown. An archaeological investigation is required when an activity may interfere with:

- an archaeological artefact or place that is an important source of information about Queensland's history, regardless of whether the area is entered in the Queensland Heritage Register; or
- an 'underwater cultural heritage site' including shipwrecks, aircraft wrecks, and other archaeological sites.

If the potential impacts are associated with development of a place entered in the Queensland Heritage Register (State Heritage Places, Archaeological State Heritage Places and Protected Areas), the requirement for an archaeological investigation will be identified during the planning process and be included in the approval conditions.

Planning and approval processes do not automatically identify the need for an archaeological investigation before commencing activities at places not entered in the Queensland Heritage Register. Even though there is automatic legislative protection for all historic shipwrecks and underwater aircraft wrecks, and a requirement to report discoveries of archaeological artefacts that are an important source of information about an aspect of Queensland's history, the exact location of many historic shipwrecks and underwater aircraft sites are not known.

The Australian *Underwater Cultural Heritage Act 2018* (Underwater Cultural Heritage Act) applies to a large percentage of Queensland coastal waters. The Underwater Cultural Heritage Act provides automatic protection for all shipwrecks and underwater aircraft wrecks older than 75 years regardless of whether or not the wreck has been formally located. The Underwater Cultural Heritage Act can also provide legal protection for significant wreck sites younger than 75 years, and other forms of archaeological heritage underwater, that have been specifically declared 'historic'. Historic sites protected under Commonwealth legislation may not be automatically detected during state planning processes and parties should investigate if their proposed works may impact upon historic underwater cultural heritage.

The first step should be to search the [Australasian Underwater Cultural Heritage Database](#), but this cannot be regarded as conclusive as to the exact location of many wrecks sites is yet to be determined.

Failure to consider the potential for unknown archaeological sites (either on land or in state waters) within the area

of impact of a proposed activity can lead to costly delays to work and affect approved development plans if, during the course of work, a significant site or artefacts are discovered.

An appropriately qualified person is required to assess the potential for archaeological artefacts as it involves analysis of the history of an area, past land uses of the site and the relative scale of physical impact - for example, areas of historic occupation with little subsequent subsurface disturbance will have increased archaeological potential. It is also important to understand that not all forms of disturbance will completely destroy the archaeological record.

Advice from an appropriately qualified person is also required when potential discoveries are made to determine if the find merits reporting and further investigation. It often takes expert training to recognise archaeological artefacts. Conversely, the use of appropriately qualified people reduces the risk of unnecessary discovery reports for items that are not significant. For further information about reporting discoveries see the Heritage Places area on the Queensland Government website (www.qld.gov.au/environment/land/heritage/archaeology).

Who should use this guideline?

This guideline is for:

- developers, local government, owners of heritage places and their agents, to help them understand how archaeological values are managed under the *Queensland Heritage Act 1992*
- those involved in commissioning archaeological work, to help judge the quality of tenders, project designs and the execution of the work
- archaeologists, to clarify legislative requirements for archaeological investigations, and explain the standards required for undertaking archaeological investigations under the *Queensland Heritage Act 1992*.

Part 2 – Conducting an archaeological investigation

A successful archaeological investigation follows a clear and systematic process that accounts for:

- the potential physical evidence
- the cultural heritage significance of the place
- the proposed land uses
- how the archaeological artefacts and features can be most appropriately managed.

To achieve these outcomes, the investigation should adhere to the guiding principles set out in this document.

Guiding principles

- Archaeological investigations should be conducted in accordance with:
 - current statutory requirements (such as the *Planning Act 2016* and the *Queensland Heritage Act 1992*) and Queensland Government policy, guidelines and advice
 - the guiding principles of heritage conservation and management contained in the *Australia ICOMOS Charter for Places of Cultural Heritage Significance, The Burra Charter, 2013* (The Burra Charter)
 - the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage.
- Queensland legislation or Queensland government policy, guidelines and advice takes precedence over the guiding principles of external documents (such as international conventions) should any differences between them arise.
- Archaeological investigations should be conducted in a manner proportional to the known or potential heritage significance of the site taking into account site conditions and other limitations.
- Appropriate research should be encouraged to help identify and refine our understanding of archaeological values both off and on Queensland Heritage Places (places on the Queensland Heritage Register) – this can include the use of invasive sampling techniques such as test excavation.
- Salvage excavation should be considered the last option for managing archaeological values within a Queensland Heritage Place.
- All research, including excavation, must be conducted within the context of a well-developed research design that proposes clear questions about Queensland's history.
- In-situ conservation is the preferred management option where feasible.
- Archaeological investigations should follow a systematic process that builds upon available information. The key stages are:
 1. Preliminary assessment: The first stage of an archaeological investigation which is focused on assessing archaeological potential of an area and makes justified recommendations regarding the necessity of future action.
 2. Archaeological management plan: A management plan should be developed if previous research or a preliminary assessment indicates that a site has a higher potential of possessing archaeological artefacts that could be an important source of information about Queensland's history. The management plan is the guiding document that outlines why the place is potentially important, how it will be investigated further and makes recommendations for future management.
 3. Reporting: All archaeological investigations must be properly documented. Reports can be deposited with the department. This process helps inform future work and ensures information about our history is retained for future generations.
 4. All archaeological investigations should contain contingency provisions in case results indicate the initial assessment is inaccurate.

1. Preliminary assessment

A preliminary assessment should be conducted if no previous survey for historic cultural heritage has been undertaken in an area of historic activity. The initial assessment can consist of both desktop research and non-invasive physical investigations such as surface survey or remote sensing with ground penetrating radar. The nature of the non-invasive assessment will depend upon a range of factors including the history of a site's use, its current condition, the availability of historic records, its location and available funds. It should be noted that non-invasive techniques can be very useful, but they may not be suitable in all instances and do not always give definitive results. Final assessments should combine all available sources of information, such as historic records, images, oral histories, photographs and observable physical evidence.

Non-invasive physical investigations are not considered development under the *Planning Act 2016* so do not require prior approval if proposed in a Queensland Heritage Place.

The amount of work involved in a preliminary archaeological assessment will depend upon the site itself and

whether it has been already entered in the Queensland Heritage Register, but it should:

- define the extent and location of the site
- outline historic and subsequent land use and how it may/has impacted upon archaeological artefacts and features
- define the nature, extent, quality and preservation of any visible or potential archaeological evidence
- assess the potential archaeological significance of the site as per the relevant criteria in the Queensland Heritage Act and recommend if an archaeological management plan is necessary.

Places entered in the Queensland Heritage Register will have a detailed history and significance assessment already completed and may not require a preliminary archaeological survey prior to developing a management plan. In some instances, a more detailed non-invasive assessment may still be desirable if the exact location of archaeological features and artefacts is unknown. This may be the case within a large heritage boundary where further research can determine that the impacted area does not contain archaeological values.

Assessing archaeological artefacts

If the site being assessed is not already entered in the Queensland Heritage Register, all archaeological artefacts located during an investigation are to be analysed and the place assessed against the criteria for entry in the Queensland Heritage Register as an Archaeological State Heritage Place.

Assessments should be re-evaluated during an investigation to account for new and unexpected information.

2. Archaeological management plans

Archaeological management plans provide a clear framework for developers, owners, site managers and archaeologists to effectively assess and manage archaeological finds by considering the balance between archaeology and possible development constraints. Plans should incorporate and build upon information gathered through the preliminary archaeological survey and/or Queensland Heritage Register entry. Recommendations within a management plan balance development proposals, site significance, timeframes and legislative requirements.

The plan should also contain robust policies and procedures to help provide effective direction and include a response to unanticipated circumstances and discoveries. It is possible to have management plan provisions or recommendations recognised in approval conditions, potentially streamlining processes and saving time and money. When a project is proposed within a Queensland Heritage Place (a place on the Queensland Heritage Register), the department may request an archaeological management plan be prepared with recommendations for specific archaeological investigations to be included. Invasive archaeological investigations have to be justifiable.

When detailed archaeological investigations are recommended in a management plan—the techniques and methods used will vary, but can be broadly grouped as follows:

- **Archaeological monitoring:** also known as an archaeological watching brief. This involves an appropriately qualified person (as defined in Part 1 - Introduction) observing development activities to identify, recover, protect and/or document archaeological artefacts, features and deposits that may be exposed.
- **Surface collection:** a controlled program to collect and recover surface archaeological artefacts. This could be conducted as part of a defined sampling strategy or be more comprehensive depending upon the scale of the site and the level of impact.
- **Archaeological excavation:** systematic digging into, or disturbance of, the land surface to expose and record artefacts and features. Excavation can range in size from large scale through to small 'test' pits (50cm²). Excavation must always be within a clearly defined area using accepted archaeological techniques. Excavations are destructive in nature and should be conducted in the context of addressing clear research questions, even when conducting salvage archaeology i.e. when all or part of an archaeological site is excavated to 'salvage' as much information as possible' due to impending destruction.
- **Conservation and interpretation:** the retention of important archaeological artefacts, features, or deposits, either in situ or recovered for later on-site display.

What should a management plan include?

Management plans will vary in size depending upon the nature of the site, its heritage significance and the type of works proposed. As a minimum, every report should include:

- **The study area:** Locate and define the study area at both the state and local level using maps and diagrams. Map the physical limits of the study area and explain why this area was chosen. Describe the physical environment and outline its history.
- **Proposed activities:** Identify what triggered the need for the study— include probable and potential impacts.

- **Initial assessment and investigations:** Summarise any previous assessments that have been undertaken—for example, this may include non-invasive initial assessment and previous studies.
- **Significance:** Provide an updated statement of significance about the archaeological potential of the site, based on the available information.
- **Identified issues:** Given the nature of the site and the proposed work, consider what issues, problems and opportunities are apparent. For example, if the site has been used as a land fill since its original occupation and the earliest archaeological evidence is buried beneath several metres of fill.
- **Management recommendations:** This is the culmination of the report where the research design is outlined, the specific techniques are proposed and the rationale for the above is explained. For a large and/or complex site, it could be a staged process using a combination of techniques. For a small and/or simple site, it could be a single technique. Given the importance of the recommendations, they must logically flow from the previous sections and be well explained, both in terms of methods used and the rationale for recommending the approach. This section should also include contingency plans for unexpected discoveries, and communication procedures on-site and back to the department. If appropriate, the recommendations should include a justified recommendation regarding a heritage register boundary and/or a physical buffer zone around the potential archaeological place/artefacts during works.

Research design

The management recommendations will incorporate a clear research design for any proposed or future archaeological investigations. If subsequent proposed investigations are not captured in the archaeological management plan, a new research design should be developed that builds upon the existing management plan and outlines what is currently proposed, why and how. This situation can occur over time due to new information, the development of new research techniques and/or limitations within the original management plan.

Special considerations in archaeological management plans

There are a small number of potential issues that should be addressed in every archaeological management plan, even if there is not a high probability of them occurring.

Recovered artefacts

It is essential to make arrangements for curating and storage of any recovered artefacts before commencing collection or excavation works. Archaeological management plans and final reports must detail all arrangements (short and long-term strategies) for the conservation and curating of any recovered artefacts.

As the state's collecting institution, the Queensland Museum may have an interest in acquiring highly significant artefacts, particularly those recovered from places entered in the Queensland Heritage Register. However, the Queensland Museum is not bound to accept collections and it cannot be assumed that they will take all or even some material. The Queensland Museum also has minimum standards of housing and documentation when accepting archaeological material, and these should be understood and incorporated into the management plan if donation is being considered. Consultants should contact the Queensland Museum when developing the management plan to discuss the museum's interest and protocols.

It may also be appropriate to lodge recovered artefacts with local, regional or university museums. Ideally, collections should remain together and not be broken up between institutions as this will add to their cultural value and aid future research. An index of local and regional museums can be found on the Museum and Gallery Services Queensland website: www.magsq.com.au.

It cannot be assumed that any institution will accept artefacts from an archaeological investigation and consultation with all interested parties should be commenced as early as possible.

There may also be opportunities to display and interpret conserved artefacts on-site as part of the completed development.

Aboriginal and Torres Strait Islander cultural heritage

The Heritage Act does not apply to places of cultural heritage significance solely through their association with Aboriginal tradition or Islander custom. Such places are managed respectively under the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Island Cultural Heritage Act 2003*. However, the Heritage Act can apply to places with both Indigenous and non-Indigenous heritage significance. There are a broad range of site types that can have overlapping heritage significance, within both urban and rural/regional environments, for example, parklands, cemeteries, former mission sites, medical institutions and mining sites. Multiple layers of heritage significance should be identified early and managed collaboratively. Alternative arrangements may be needed to manage different cultural protocols, especially in relation to highly sensitive issues such as human remains.

The *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Island Cultural Heritage Act 2003* both include 'duty of care' provisions that require a person to exercise due diligence and reasonable precaution before undertaking an activity that may harm Indigenous cultural heritage. Any archaeological investigations conducted in accordance with the Heritage Act must satisfy the 'duty of care' guidelines and take reasonable measures to prevent harm to Aboriginal or Torres Strait Islander cultural heritage.

For more information visit the Department of Aboriginal and Torres Strait Islander Partnerships website at: www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage.

Human remains

Human remains may be found when carrying out an archaeological investigation. In Queensland, the handling of human remains is regulated under several Acts. It is a criminal offence to interfere with remains, regardless of their apparent age, origin or circumstances of discovery. Artefacts or other features associated with historical human remains may also be protected under Queensland legislation.

If human remains are located, work must stop immediately and the Queensland Police notified. Refer to the Heritage Places area of the Queensland Government website for further information on dealing with discovery of human remains: www.qld.gov.au/environment/land/heritage/archaeology.

Executing an archaeological management plan

For an archaeological management plan to function properly, it should be applied consistently throughout the project and have the support of all parties involved.

All personnel involved in an archaeological investigation should be aware of their legal responsibilities under other Queensland laws, particularly workplace health and safety legislation.

Full and proper records should be kept of all work conducted during the investigation.

Management plans should also be periodically revised to account for discoveries (or the lack of them), emergent issues and new information.

Site inspections by departmental officers during investigations may be part of approval conditions or requested by the proponent or the assessing authority. Site inspections enable regulators to obtain a true understanding of site conditions and ensure compliance with the approval conditions.

3. Reporting

The department encourages submission of post-investigation reports for all archaeological investigations and they are required for archaeological investigations conducted on places entered in the Queensland Heritage Register. Where possible, reports must be prepared in plain English, and have an executive summary, so they can be understood by the project proponent and the community.

The final report on the archaeological investigation is required when a project is complete. The final report should accompany the management plan (which could be attached as an appendix) and describe the results. In some instances, it may be necessary to produce interim or periodic reports, especially for complicated or highly significant sites and their scheduling should be reflected in the project plans.

Regardless of which archaeological techniques are used, technical recording is essential to all investigations. This includes detailed written descriptions, measured drawings, mapping and scaled photography that documents artefacts and features, and their associations. Data collected during the archaeological investigation should be supplied to the department with the post-investigation report, as appendices such as artefact and image catalogues. Digital data supplied to the department must be in a commonly available format (such as Microsoft Excel XLS, Word DOC or DOCX, XML, or RTF files).

The final report may include a revised statement of significance and updated recommendations (if applicable).

Approvals

Archaeological investigations which do not involve ground disturbance or any other disturbance to archaeological artefacts (e.g. preliminary surveys) do not require approval.

Approvals are required for all invasive archaeological investigations within a place entered in the Queensland Heritage Register as they are development under the *Planning Act 2016*. Proposals for archaeological investigations that are part of a development project must be made as part of the development application for that project. These applications are lodged with the relevant local government authority and then referred to the assessing authority.

If the archaeological investigation is conducted as a stand-alone research project, and does not trigger any other application requirements under the *Planning Act 2016*, an application for an exemption certificate under the Heritage Act must be made directly to the department. Refer to the flow chart Archaeological management process on the following page.

Heritage impact statements

Archaeological investigations within a place entered in the Queensland Heritage Register require a 'heritage impact statement', which should be submitted as part of a development or Heritage Act exemption certificate application. The statement documents how the archaeological investigation will impact upon recognised heritage values and must be prepared in accordance with section 4.0 'Preparing a heritage impact statement' in the department's Guideline: State Development Assessment Provisions – State Code 14: Queensland heritage. This is available at www.qld.gov.au/environment/land/heritage/publications.

The approving authority will consider the heritage impact statement when conditioning approvals for archaeological investigations under the Heritage Act and/or the *Planning Act 2016*. Therefore, it is advisable to have completed the preliminary assessment prior to submitting your application. The approving authority may choose to condition invasive archaeological investigations recommended in the heritage impact statement, and/or require archaeological investigations additional to, or different from, those recommended.

Pre-lodgement meetings

The Queensland Government offers pre-lodgement meetings on request to discuss legislative requirements and how these relate to a specific project/development proposal. This service is available prior to lodgement of an application and can facilitate assessment and approval processes.

Archaeological investigations on places not entered in the Queensland Heritage Register

Invasive archaeological investigations of places not in the Queensland Heritage Register do not require prior approval, but the archaeological and underwater cultural heritage provisions in the Heritage Act still apply and investigations could be halted by a discovery. It is advisable to have an archaeological management plan and discuss discovery protocols with the department before commencing archaeological investigations of places not entered in the Queensland Heritage Register.

Consult the Brisbane City CBD Archaeological plan for a plan outlining archaeological potential of the central business district of Brisbane. This plan highlights potential archaeological resources to enable property owners, managers and developers to take these into account when planning development. The plan can be accessed on heritage pages of the Queensland Government's website at www.qld.gov.au/environment/land/heritage/publications.

Report submissions

Archaeological investigations and reports submitted to the department (required as part of an application or given voluntarily) are subject to relevant legislation to protect Information Privacy, Intellectual Property Rights, Moral Rights and Copyright held in material submitted.

The department encourages authors of archaeological investigations and reports to licence their work for copyright prior to submission to ensure usage and reproduction rights are clearly identified. Licensing details for submissions should be clearly noted and marked on the submission and entered in the metadata of electronic material.

The department prefers authors to licence their original work with a Creative Commons Licence. This licence is available free of charge from: www.creativecommons.org

The department recommends a Creative Commons licence that is specified as 'Creative Commons Attribution-Non-Commercial-No Derivative Works'. This allows the author to maintain copyright but allows others to copy and distribute the work provided the author is given credit (in a way specified by the author), the work is not changed in any way and is not used commercially.

Part 3 – Further information

The department encourages you to discuss any archaeological matters with one of its heritage officers before making a development or Heritage Act exemption certificate application or when planning major developments.

Call 13 QGOV (13 74 68) and ask to speak to an archaeologist or email archaeology@des.qld.gov.au. The department's heritage publications are located at www.qld.gov.au/environment/land/heritage/publications

Useful resources

Heritage legislation

Commonwealth:

- *Environment Protection and Biodiversity Conservation Act 1999*
- *Underwater Cultural Heritage Act 2018*
- <https://www.legislation.gov.au/>

Queensland:

- *Queensland Heritage Act 1992*
- *Planning Act 2016*
- www.legislation.qld.gov.au

General references

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Websites

Australian Archaeological Association

www.australianarchaeologicalassociation.com.au

Australian Association of Consulting Archaeologists Inc

www.aacai.com.au

Australasian Society for Historical Archaeology

www.asha.org.au

Australasian Institute for Maritime Archaeology

www.aima-underwater.org.au

Australasian Underwater Cultural Heritage Database

www.environment.gov.au/heritage/underwater-heritage/auchd

Queensland Government Historical and Maritime Archaeology Information

www.qld.gov.au/environment/land/heritage/archaeology

Queensland Aboriginal and Torres Strait Islander Cultural Heritage

www.datsip.qld.gov.au/people-communities/aboriginal-torres-strait-islander-cultural-heritage

Queensland Heritage Council

www.qld.gov.au/environment/land/heritage/council

Museum and Gallery Services Queensland

www.magsq.com.au

ICOMOS Australia – The Burra Charter

www.icomos.org/australia

Charter on the Protection and Management of Underwater Cultural Heritage

www.unesco.org/new/en/culture/themes/underwater-cultural-heritage