

Aboriginal Heritage Act 2006

Information Sheet Cultural Heritage Audits & Stop Orders

Causing harm to Aboriginal cultural heritage is an offence under the *Aboriginal Heritage Act 2006*. Examples of Aboriginal cultural heritage include artefact scatters, scarred trees, shell middens, human remains and burial sites. Stop Orders provide a process for halting activities that threaten or harm Aboriginal cultural heritage. The Minister for Aboriginal Affairs is also able to order a person to audit their activity under certain circumstances.

The *Aboriginal Heritage Act 2006* provides protection for Aboriginal cultural heritage in Victoria in a number of ways.

Cultural Heritage Audits

Cultural Heritage Audits may be ordered where it is suspected that the recommendations of an approved Cultural Heritage Management Plan or the conditions of a Cultural Heritage Permit have been contravened.

Audits provide an additional layer of protection for Aboriginal cultural heritage.

When will an Audit be required?

The Minister for Aboriginal Affairs may order a Cultural Heritage Audit, on advice from an Aboriginal Heritage Inspector, the Secretary of the Department of Planning and Community Development (DPCD) or the Aboriginal Heritage Council.

A Cultural Heritage Audit may be required if the Minister reasonably believes that the:

- Activity has contravened, or is likely to contravene, the recommendations of an approved Cultural Heritage Management Plan or fails to comply, or is likely to contravene, a condition of a Cultural Heritage Permit.
- The impact on Aboriginal heritage is greater than was expected at the time when the Cultural Heritage Management Plan was approved or the Cultural Heritage Permit was granted.

Who pays for a Cultural Heritage Audit?

An Audit must be conducted by, or under the direction of a Heritage Inspector appointed under the Act. The Secretary, DPCD may direct that the proponent of a development or an activity engage a cultural heritage advisor to conduct the Audit. In this case, the Secretary pays the fees and reasonable expenses of the cultural heritage advisor.

What happens if an Audit is ordered?

If the Minister orders an Audit, a Stop Order is issued to prevent further risk of harm to Aboriginal cultural heritage, while the Audit is being undertaken and an Audit report prepared.

The Audit report must be provided to the Minister who can then amend a Cultural Heritage Management Plan if required. If the Audit relates to a Cultural Heritage Permit, the Secretary must amend the conditions of the permit, in accordance with the report recommendations.

Stop Orders

A Stop Order can be used when an activity is harming or threatens to harm Aboriginal cultural heritage and urgent intervention is required.

A Stop Order can be issued by a Heritage Inspector or by the Minister for Aboriginal Affairs.

When issued a Stop Order requires all activity to cease in the affected area for a period of up to 30 days. The Minister is able to extend a Stop Order for a further 14 days if required.

Only one Stop Order can be used for an activity. A Stop Order cannot be renewed after 30 days unless there has been a substantial change in the circumstances relating to that activity.

The Minister or a Heritage Inspector can revoke a stop order if parties resolve the emergency protection issue.

Further Information

If you would like more information please contact:

Aboriginal Affairs Victoria
Department of Planning and
Community Development
GPO 2392
Melbourne Victoria 3001
Tel: 1800 762 003