

Aboriginal Heritage Act 2006

Information Sheet Enforcement

The *Aboriginal Heritage Act 2006* includes a range of enforcement provisions to provide better protection for Aboriginal cultural heritage in Victoria. These provide appropriate penalties and clear powers for Heritage Inspectors.

Heritage Inspectors

Heritage Inspectors appointed under the Act have substantial responsibilities and enforcement provisions.

Inspectors must be employees of the Victorian Public Service or an inspector, enforcement officer or authorised officer under another Act. This provides accountability and access to regular training, resources and professional support.

Inspectors are trained to an appropriate standard comparable to other authorised officers operating under similar Victorian legislation.

The Act provides clear guidance for Inspectors regarding the exercise of their powers.

How are Inspectors appointed?

Inspectors are appointed by the Minister for Aboriginal Affairs after consultation with the Aboriginal Heritage Council. This ensures Aboriginal people have a role in determining who may be an Inspector.

Appointees must complete a course of training specified by the Minister. The Minister must be satisfied that appointees have appropriate knowledge and experience in protection of Aboriginal cultural heritage.

What powers do Inspectors have?

Inspectors have powers of entry, search and seizure in prescribed circumstances so that they can effectively enforce the provisions of the Act.

What responsibilities do Inspectors have?

Inspectors have appropriate powers to gather relevant information to assist with the investigation of offences and prosecutions.

Inspectors are responsible for directing and overseeing Cultural Heritage Audits and have the power to issue Stop Orders in emergency situations.

Penalties

The *Aboriginal Heritage Act 2006* includes substantial penalties to provide an effective deterrent against harming Aboriginal cultural heritage.

Harming Aboriginal cultural heritage

- The maximum penalty currently exceeds **\$215,000** for an individual or **\$1.19 million** for a corporation.

Breaching Stop Orders or Protection Declarations

- The maximum penalty currently exceeds **\$215,000** for an individual or **\$1.19 million** for a corporation.

Unlawful possession of Aboriginal human remains

- The maximum penalty exceeds **\$14,300** for an individual or **\$71,600** for a corporation.

Further Information

If you would like more information please contact:

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