

# Victorian Aboriginal Heritage Register - application for advice as to the existence of records in relation to a nominated area of land

This form specifies the information to be provided by a person or body seeking advice as to whether a record exists on the Victorian Aboriginal Heritage Register ('the Register') in relation to a nominated area of land. Under s.147 of the *Aboriginal Heritage Act 2006* ('the Act'), advice may be provided as to whether a record exists in relation to land, including sufficient detail to identify the nature of the record.

## SECTION 1: Applicant information

Name of applicant:

Business name (if any):

Postal address:

Telephone number:

Fax number:

Email address:

ABN (if any):

## SECTION 2: Prescribed fee:

An application must be accompanied by the prescribed fee. In 2011-12, the amount payable is \$37.00\*

*\* Aboriginal Heritage Regulations – Regulation 74*

## SECTION 3: Land description

Please provide the best available description of the land to which the request relates. This should include the title details (attach a copy if available), along with a map or plan with enough detail to identify the boundaries of the application area (to scale, and with north arrow).

Title / Crown Description details (allotment, section, subdivision, block numbers and township name):

Address / other description of land:

Directory reference (e.g. VICROADS / Melway):

## SECTION 4: Signature of applicant

I certify that, to the best of my knowledge and belief, the information supplied in this application is correct and complete. I am aware that the Secretary (or delegate) must not provide any information in response to this application if providing the information would be likely to endanger Aboriginal cultural heritage. I accept the terms and conditions of advice provided from the Register set out at section 6 of this form.

Signed:

Date: / /

\_\_\_\_\_  
[Applicant]

## SECTION 5: Application checklist

Attach copy of any map or plan of the land (see Section 3 of this form)

Include fee (make cheques payable to 'The Department of Planning and Community Development')

## SECTION 6: Terms and Conditions

### Terminology

In these terms and conditions, the expressions "we", "us" and "our" are a reference to the Government of the State of Victoria, acting through Aboriginal Affairs Victoria, an agency of the Department of Planning and Community Development.

### Advice provided from the Register

Access to the information requested from the Register in the "Application for advice as to the existence of records in relation to a nominated area of land" form (the "Form") is subject to the discretion of the Secretary and the requirements of the Act.

The costs for supply of printed and photocopied material are payable on receipt of goods. Cheques should be made payable to the "Department of Planning and Community Development".

The absence of records on the Register for a nominated area of land does not necessarily mean that the area is devoid of Aboriginal cultural heritage values. Applicants should be aware of the provisions of s.17 and s.24 of the *Aboriginal Heritage Act 2006*, which require the reporting of Aboriginal remains, Aboriginal places and objects discovered in Victoria. Applicants should also be aware that it is an offence under the *Aboriginal Heritage Act 2006* to harm Aboriginal cultural heritage, for which significant penalties apply. This advice does not abrogate any requirement to prepare a Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006*.

### Specific conditions of advice provided from the Register for an application under s.147

The Deputy Director, Aboriginal Affairs Victoria may refuse to provide any information to the Applicant if the provision of the information would be likely to endanger Aboriginal cultural heritage (refer to s.147 (4) of the Act).

### Use of information

Information provided to the Applicant from the Register as a result of this application and for the land described in Section 3 ("Information") may only be used for the purposes nominated by the Applicant in the Form (and for no other purposes). The Information may not be on-sold or rebadged without our written permission.

### Documents to be lodged with Registrar

Two copies (one of which may be in digital format) of any article, publication, report or thesis which relies on any Information provided to the Applicant must be lodged with the Registrar as soon as practicable after their completion.

### Acknowledgment of source of Information

We must be acknowledged in any article, publication, report or thesis (including a newspaper article or display) which incorporates or refers to material supplied from the Register.

### Copyright

We retain copyright in all materials for which legal title of the relevant organisation is clear. Apart from fair dealing for the purposes of private study, research, criticism or review, as permitted under the copyright legislation, and apart from uses specifically authorised by these terms and conditions, no part may be reproduced or reused for any commercial purposes whatsoever.

Specifically, and other than for the purposes of and subject to the conditions prescribed in the *Copyright Act 1968* (Cth), you may not in any form or by any means adapt, reproduce, store, create derivative works, distribute, print, display, perform, publish or commercialise the Information without our written permission.

### Disclaimer

The Information is provided for information purposes only. Except as expressly stated to the contrary, no claim is made as to the accuracy or authenticity of its content. The Information is provided on the basis that any persons having access to it undertake responsibility for assessing the relevance and accuracy of its content.

We do not accept responsibility for any loss or damage, however caused (including through negligence) which you may directly or indirectly suffer in connection with your use of the Information, nor do we accept any responsibility for any such loss arising out of your use or reliance (or any other person's use or reliance) on the Information.

The disclaimer set out in these terms and conditions is not affected or modified by any of the other terms and conditions in these Terms and Conditions. Nevertheless, our disclaimer does not attempt to purport to exclude liability in relation to any term implied by law which cannot be lawfully excluded.

**Indemnity**

You agree to indemnify and hold us, our agents and employees, harmless from any claim or demand, made by any third party due to, or arising out of or in connection with, your breach of these terms and conditions, or your infringement of any rights of a third party, or the provision of any information to a third party.

**Governing Law**

These terms and conditions are governed by the laws in force in the State of Victoria, Australia.

**Third Party Disclosure**

Where the information obtained from the Register is provided to a third party, details of the above Terms and Conditions must also be provided.

Applications should be addressed to:

The Deputy Director  
Aboriginal Affairs Victoria  
GPO Box 2392  
MELBOURNE VIC 3001

Inquiries: 9208 3274  
Facsimile: (03) 9208 3292

*Please allow at least ten working days for response.*