

Victorian Aboriginal Heritage Register - application for access to records

This form specifies the information to be provided by a person or body seeking access to records held on the Victorian Aboriginal Heritage Register ('the Register') for a purpose set out in s.146 of the *Aboriginal Heritage Act 2006* ('the Act'). The persons and bodies to whom access must be granted under s.146 of the Act are listed in Section 2 below.

SECTION 1: Applicant information

Name of applicant:

Business name (if any):

Postal address:

Telephone number:

Fax number:

Email address:

ABN (if any):

SECTION 2: Applicant category (please tick):

- a. A registered Aboriginal party, or a person authorised in writing by a registered Aboriginal party — for the purpose of obtaining information relating to the area or areas in respect of which the registered Aboriginal party is registered.
- b. A member of the Aboriginal Heritage Council or a public sector employee (within the meaning of the *Public Administration Act 2004*) whose duties involve the administration of the Act — for the purpose of managing Aboriginal cultural heritage in Victoria or maintaining and updating the Register.
- c. A person engaged as a cultural heritage advisor for a cultural heritage management plan or a cultural heritage audit—for the purpose of conducting research related to the plan or the audit.
- d. A land owner (or their authorised agent) — for the purpose of obtaining information on any Aboriginal cultural heritage that may relate to the owner's land.
- e. A person who, or a body that, has the control and management of Crown land (or their authorised agent) — for the purpose of obtaining information to assist or enable the person or body to carry out functions or duties associated with the control and management of the land.
- f. A person appointed or employed under Division 3 of Part 4 of the *Local Government Act 1989* — for the purpose of carrying out functions or duties associated with the person's employment.
- g. A cultural heritage advisor appointed by a proposed developer, purchaser or user of land or by a person specified under paragraph (d), (e) or (f) above in relation to land — for the purpose of obtaining information on any Aboriginal cultural heritage that may relate to the land.
- h. A person acting with the written approval of each registered Aboriginal party for the application area, or (if there is no registered Aboriginal party for the area) with the written approval of the Aboriginal Heritage Council.

.....
Persons or bodies that do not meet one of the criteria set out in categories a – h above cannot access the Register, but may make a separate application for advice under s.147 of the Act as to whether a record exists on the Register in relation to a nominated area of land.

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 details (volume and folio number):

Address / other description of land:

Directory reference (eg VICROADS / Melway):

SECTION 4: Purpose of application

For what purpose is the cultural heritage information required?

Cultural Heritage Assessment Due Diligence Other (specify)

Cultural Heritage Management Plan (specify: _____)

SECTION 5: Information sought

Please specify the information required, if known.

SECTION 6: 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 accept the terms and conditions of access to the Heritage Register set out at Section 8 of this form.

Signed: _____ Date: / /

[Applicant or authorised agent]

SECTION 7: Application checklist

Attach copy of any relevant authorisation or approval (see Section 2 of this form)

Terms and conditions of access to the Register

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 access to records" form ("Form") may only be provided to the persons, and for the purposes referred to at s.146(1) of the Act.

Access to the Register is by appointment only. Arrangements to access the Register must generally be made at least three working days in advance, so that appropriate supervision and facilities can be provided. This form should be submitted (by fax) and the accessor should then ring Registry to confirm an appointment time.

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

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 re-badged without our written permission.

Documents to be lodged with Heritage 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 Heritage 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: (03) 9208 3274 (to arrange an appointment)
Facsimile: (03) 9208 3292