

Aboriginal Heritage Act 2006

Information Sheet Cultural Heritage Permits

Some activities that harm or are likely to harm Aboriginal cultural heritage may not warrant preparation of a Cultural Heritage Management Plan. In these cases, a Cultural Heritage Permit is required.

The *Aboriginal Heritage Act 2006* provides the ability to obtain a Cultural Heritage Permit for activities that do not require a Cultural Heritage Management Plan. Permit arrangements allow smaller activities that may harm Aboriginal cultural heritage to proceed relatively simply while minimising or negating their impact.

Cultural Heritage Permits can also be obtained for other matters relating to the protection and management of Aboriginal cultural heritage.

The Permit process allows Aboriginal people to have control over the management of potential harm to Aboriginal heritage by allowing a RAP to refuse a permit or impose conditions.

When is it necessary to apply for a Cultural Heritage Permit?

A person may apply to the Secretary of the Department of Planning and Community Development (DPCD) for a Cultural Heritage Permit if they are proposing to:

- Disturb or excavate land to uncover or discover Aboriginal cultural heritage
- Carry out scientific research on an Aboriginal place
- Carry out an activity that will or may harm Aboriginal cultural heritage, for example, removing a scarred tree
- Buy or sell an Aboriginal object (where it was not made for the purpose of sale)
- Remove Aboriginal cultural heritage from Victoria.

A permit cannot be granted for an activity which requires a Cultural Heritage Management Plan.

Any Registered Aboriginal Party refusal must be based on heritage management criteria set out in the Act.

Who grants a Cultural Heritage Permit?

The Secretary, DPCD must consider every Cultural Heritage Permit application made on the prescribed form. The Secretary must inform the

relevant Registered Aboriginal Party, where it exists, of the permit application.

A relevant Registered Aboriginal Party may object to the granting of a Cultural Heritage Permit, or may also request that conditions be placed on it.

The Secretary must refuse to grant a Cultural Heritage Permit if the Registered Aboriginal Party objects to it within 30 days of receiving notice of an application from the Secretary.

Where a Cultural Heritage Permit is granted, the Secretary must also include any reasonable conditions recommended by the Registered Aboriginal Party. The Secretary may also apply conditions and refuse permit applications.

Aboriginal Heritage Inspectors can provide field assistance to Registered Aboriginal Parties when they are considering a Cultural Heritage Permit application.

How is a Permit enforced?

Heritage Inspectors may check that the conditions of an Aboriginal Cultural Heritage Permit are being complied with.

Can a decision to refuse a Permit be appealed?

Proponents of a development may appeal at the Victorian Civil and Administrative Tribunal (VCAT) against either a decision to refuse a Cultural Heritage Permit or against the inclusion of a specific condition.

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

Cultural Heritage Permit Process

The following diagram is an example of the process a landowner would follow when seeking to install a water pump installation on river frontage which is in the vicinity of a registered Aboriginal heritage place.

