

# Protecting Aboriginal Cultural Heritage

Managing Aboriginal Cultural Heritage  
in north central Victoria



## Protecting Aboriginal Cultural Heritage in Victoria

In Victoria, all Aboriginal cultural heritage places and objects are protected by law, and it is an offence to harm, or undertake an act likely to harm Aboriginal cultural heritage on public or private land.

### When is harm to Aboriginal cultural heritage permitted?

Harm to an Aboriginal cultural heritage place requires:

- an approved Cultural Heritage Management Plan (CHMP) or Cultural Heritage Permit (CHP);
- an Aboriginal cultural heritage land management agreement;
- in accordance with Aboriginal tradition; and/or
- necessary as part of an emergency.

### What is a Cultural Heritage Management Plan (CHMP) and when do I need one?

A CHMP is a legally binding management plan for a specific activity that assesses the potential impact of an activity on Aboriginal cultural heritage.

A CHMP may be a mandatory requirement. Voluntary CHMPs can also be undertaken.

### Mandatory CHMPs

A mandatory CHMP is required if an activity will occur in an **area of cultural heritage sensitivity** and is determined as being a **high impact activity**.

*What is an area of cultural heritage sensitivity?*

An area of cultural heritage sensitivity is a legislatively determined area (usually a landform) where Aboriginal cultural heritage is, or likely, to be present. Areas (landforms) where Aboriginal cultural heritage are typically found in the north central region are within 200 m of a waterway, lunettes and dunes, and lake and swamp margins.

To find out if your activity will occur in an area of cultural heritage sensitivity visit the First People's State Relations ACHRIS website (<https://achris.vic.gov.au/>)

*What is a high impact activity?*

A high impact activity is an activity that has the potential to harm Aboriginal cultural heritage. These activities can be found in Division 2 of the [Aboriginal Heritage Regulations 2018 \(Regulations\)](#).

The *Regulations* are very specific about what constitutes a high impact activity, and it is the **responsibility of the proponent of an activity** to determine if the activity is high impact.

You can use the First People's State Relations [Aboriginal Heritage Planning Tool](#) to complete a preliminary assessment to determine if you require a CHMP (<https://heritage.achris.vic.gov.au/aavQuestion1.aspx>).

In general, environmental works that do not involve construction e.g. intensive infrastructure or building of levees, are not classified as high impact activities. These may include:

- revegetation works;
- pest control; and
- farm fence construction.

*Example: if you are looking to complete weed removal and revegetation works within an area of cultural heritage sensitivity you will not require a CHMP.*



Areas of Aboriginal cultural heritage sensitivity in the North Central CMA region

### What is a Cultural Heritage Permit (CHP) and when do I need one?



A CHP is a permit administered under the [Aboriginal Heritage Act 2006](#) in relation to known Aboriginal cultural heritage (usually when harm to an Aboriginal place cannot be avoided).

There are a range of activities where a CHP is required, and you will need to apply for a permit if you are planning to:

- Carry out an activity that will, or is likely to, harm Aboriginal cultural heritage.
- Rehabilitate land at an Aboriginal place; and/or
- Disturb or excavate land to uncover or discover Aboriginal cultural heritage.

## How to find out if a project area is located within an Aboriginal place?

To find out if Aboriginal cultural heritage is present in your activity area, you can apply to get access or advice from First Peoples State Relations from the following website (<https://www.firstpeoplesrelations.vic.gov.au/cultural-heritage-permit>), contact the relevant Registered Aboriginal Party (RAP), or a Heritage Advisor.

A list of Heritage Advisors can be found on the First People's State Relations website: (<https://www.firstpeoplesrelations.vic.gov.au/cultural-heritage-management-plans>).

In some cases when the activity is likely to harm known Aboriginal cultural heritage the activity will need to be changed. To determine this, it is best to speak to a Heritage Advisor or the responsible authority (Registered Aboriginal Party or First People's State Relations) to assess your options.

*Example: if you are looking to undertake revegetation works and there is an artefact scatter (Aboriginal place) in the middle of the proposed work site and you cannot avoid works at the place, you will need to obtain a CHP as you are rehabilitating land at an Aboriginal place.*

## What to do if you think you need a CHMP or CHP?

If you think you need a CHMP or a CHP for the activity you are undertaking contact the relevant Registered Aboriginal Party, First People's State Relations or a registered Heritage Advisor and seek advice. A list of Heritage Advisors can be found on the First People's State Relations website: (<https://www.firstpeoplesrelations.vic.gov.au/cultural-heritage-management-plans>).

## What to do if you find Aboriginal cultural heritage?

### Discovery of Aboriginal places or objects

If you think you have found an Aboriginal cultural heritage place or object(s) on any public or private land in Victoria, you must report it to First People's State Relations under the [Aboriginal Heritage Act 2006](#).

You can notify First People's State Relations of a discovery by completing a [Preliminary Report Form](#) (<https://www.firstpeoplesrelations.vic.gov.au/report-and-protect-possible-aboriginal-place-or-object>).

The contact details to notify First People's State Relations are:

The Victorian Aboriginal Heritage Registrar  
First People's State Relations  
PO Box 4912

Melbourne Victoria 3001

Email: [VAHR@dpc.vic.gov.au](mailto:VAHR@dpc.vic.gov.au)

Phone: [1800 762 003](tel:1800762003) or to the regional team at:

Loddon Mallee Heritage Programs on phones: (03) 4433 8040/ 4433 8042/ 4433 8043.

*Finding suspected Aboriginal cultural heritage before, during or after works*

If suspected Aboriginal cultural heritage (other than Aboriginal Ancestral Remains) are discovered before, during or after the course of any works the following management process must be followed to ensure compliance with the [Aboriginal Heritage Act 2006](#):

- The suspected Aboriginal cultural heritage must be left in place and must not be touched, removed or disturbed.
- Works must immediately stop at the location of the suspected discovery.
- Do not contact the media or publish any photographs or information on social media.
- You must contact First People's State Relations and report the suspected Aboriginal cultural heritage.
- Works in the remainder of the activity area must cease until the Aboriginal cultural heritage is inspected and assessed by a Heritage Advisor (HA) and/or a First People's State Relations Officer, who will advise appropriate measures to be taken.
- If the discovery is confirmed to be Aboriginal cultural heritage, and harm from the activity cannot be avoided, a Cultural Heritage Permit (CHP) or Cultural Heritage Management Plan (CHMP) will likely be required.
- If the suspected Aboriginal cultural heritage is assessed (by authorised person) as non-Aboriginal works may recommence.

### Discovery of Human Remains

- All works and activity must stop immediately.
- The remains to be left in situ and protected from any further harm.
- Do not contact the media.
- Do not take photographs.
- Do not publish any information on social media.

If suspected human remains are discovered, you must contact either the State Coroner's Office immediately on Coronial Admissions and Enquiries on **1300 309 519** or the Police on 131 444.

If there are reasonable grounds to believe that the human remains are Aboriginal Ancestral Remains, the Aboriginal Remains Unit must also be contacted on **03 7004 7209**.

## For more information

Telephone 03 5448 7124 or visit  
[www.nccma.vic.gov.au](http://www.nccma.vic.gov.au)

