# Code of Conduct for Heritage Advisors

## Purpose

This Code of Conduct for Heritage Advisors (Code) sets out the professional conduct expectations for Heritage Advisors engaged to undertake research, assessment and advice activities under the *Aboriginal Heritage Act 2006* (Vic) (the Act). All Heritage Advisors who choose to appear on the public Heritage Advisor List that First Peoples - State Relations in the Department of Premier and Cabinet maintains on its website, have agreed to abide by this Code.

The Code sets out four overarching principles and describes certain expected standards of conduct under each of these principles.

The Code seeks to guide Heritage Advisors in how they go about their work and maintain their professionalism. This includes Heritage Advisors who are themselves Traditional Owners.

The Code is also designed to make clear to those who engage and work with Heritage Advisors what behaviours they can expect from Heritage Advisors; that is, sponsors, Registered Aboriginal Parties (Traditional Owner corporations), First Peoples and land managers and land-users.

This Code is separate to the Minister’s Guidelines for Heritage Advisor Qualifications and Experience (the Guidelines) made under section 189(2) of the Act. The Guidelines specify the appropriate qualifications and experience of persons engaged as Heritage Advisors.

Where First Peoples - State Relations becomes aware that the conduct of a Heritage Advisor who is on the Heritage Advisor List appears to significantly vary from the principles and practices in this Code, they may contact the Heritage Advisor to seek an explanation. Where serious or repeated failures to uphold the Code are established, First Peoples - State Relations may remove a Heritage Advisor from the Heritage Advisor List.

This Code is not a substitute for the requirements and obligations of a Heritage Advisor at law. Where any actual or perceived inconsistency between this Code and the law arises, then the law and its processes and sanctions prevail.

## Principle 1: Cultural respect

1. Heritage Advisors must perform their work in a manner that is culturally respectful towards Traditional Owners and Aboriginal people, and, consistent with the purposes and objectives of the Act, recognises that:
* Aboriginal people are the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage and Aboriginal intangible heritage;
* Aboriginal cultural heritage is integral to contemporary Aboriginal identities and Aboriginal community values and well-being in Victoria; and
* Aboriginal people have the right to be engaged in any processes, projects and activities that may impact on them.
1. Heritage Advisors must work collaboratively and in partnership with Traditional Owners in the management of their cultural heritage, including to:
* seek to consult and/or engage with the relevant Registered Aboriginal Party appointed for a specific area under the Act or, if none is appointed, other relevant Traditional Owner groups[[1]](#footnote-1), during all phases of their work, in order to acknowledge and incorporate Traditional Owner cultural perspectives and expertise;
* seek to develop and promote approaches to proposed activities, including conditions and contingencies, that avoid or minimise harm to Aboriginal cultural heritage;
* inform the relevant Registered Aboriginal Party or other relevant Traditional Owner groups about the progress of their project work;
* when engaging employees or members of a Registered Aboriginal Party or other Traditional Owners or Aboriginal persons to assist with fieldwork, do so in a respectful manner, including negotiating realistic timeframes and workplans, upholding agreed remuneration processes, and refraining from exerting undue influence or pressure;
* give due consideration to the advice and requests of Registered Aboriginal Parties and their employees;
* respect the intellectual property rights and cultural rights of Traditional Owners and must not reproduce or distribute any assessment material or reports containing culturally sensitive information without express permission; and
* uphold any agreements or undertakings they have reached with a Registered Aboriginal Party, including with respect to confidentiality.
1. Heritage Advisors who are not themselves members of the Victorian Aboriginal community must undertake Aboriginal cultural awareness training and/or seek cultural inductions with the Traditional Owner groups they intend to engage and consult with.

## Principle 2: Professional integrity

1. Heritage Advisors must take care to perform their role in an impartial and accountable manner, and act in good faith towards Registered Aboriginal Parties, other Traditional Owners, sponsors, clients and others.
2. When undertaking assessments of Aboriginal cultural heritage, Heritage Advisors must work with honesty and expert rigour, and must seek comprehensive and up-to-date information.
3. Heritage Advisors must seek to involve sponsors in the development of management conditions and contingencies in cultural heritage management plans to ensure they are aware of how these may affect a proposed activity.
4. Heritage Advisors must prepare and contribute to reports, applications, plans, tests and agreements to a high written standard, consistent with prescribed forms and guidance notes on the First Peoples State Relations website. Heritage Advisors must ensure their work is accurate, or clearly outline any doubts about accuracy.
5. Heritage Advisors must not independently undertake work or provide advice regarding matters that are clearly outside the scope of their professional qualifications and/or experience. Heritage Advisors may consult and draw on information from other more appropriately qualified or experienced persons, but agree to acknowledge in writing when they have done so.
6. Heritage Advisors must take care to avoid any actual, potential or perceived conflicts of interest, wherever possible, in their work. If a conflict of interest arises, the Heritage Advisor must provide written disclosure of that conflict of interest to the sponsor and to the relevant Registered Aboriginal Party (or if there is no appointed Registered Aboriginal Party, then to other Traditional Owners being consulted), as a matter of priority.

## Principle 3: Compliance

1. Heritage Advisors must behave lawfully and ethically and must familiarise themselves with, and uphold, the purposes and objectives of the Act.
2. Heritage Advisors must comply with the Act and any conditions of any permits and cultural heritage management plans directed towards them.
3. Heritage Advisors must take care to comply with all relevant wider requirements at law, including, but not only, with respect to consumer protection, employment, occupational health and safety, and information privacy.
4. In addition to statutory requirements, Heritage Advisors must take care to comply with any current guide or practice note or open letter to Heritage Advisors published by First Peoples - State Relations on its website.
5. Heritage Advisors must comply with the terms and conditions for access to the Victorian Aboriginal Heritage Register that are attached to the application for access form on the Aboriginal Cultural Heritage Register and Information System (ACHRIS).
6. Heritage Advisors should promote compliance with this Code by others they encounter in their work.
7. Where Heritage Advisors observe the non-compliant actions of others, or outcomes directly attributable to such actions, they must take steps appropriate to the seriousness and nature of the apparent non-compliance, and must not conceal non-compliance. Steps can include discussing the matter with the person/s who appear to be acting in a non-compliant way, and/or by contacting the Enforcement and Compliance Unit in First Peoples - State Relations by phone: 1800 762 003 or via email: compliance.aboriginalvictoria@dpc.vic.gov.au.

## Principle 4: Ongoing professional development

1. Heritage Advisors must undertake a minimum of two days per year of professional development, to refresh knowledge and keep abreast of developments such as technical advances, evolving research principles and methods, and emerging best practice.
2. Heritage Advisors are encouraged to share expertise and appropriate knowledge and best practice with professional peers, in order to foster an expert, innovative and culturally informed ‘community of practice’ of Heritage Advisors in Victoria.
3. Heritage Advisors are strongly encouraged to offer supervision to persons such as recent graduates and Traditional Owners who are seeking to meet the experience requirements under the Minister’s Guidelines on Heritage Advisor Qualifications and Experience.
1. For general guidance about engaging Traditional Owners go to https://www.firstpeoplesrelations.vic.gov.au/engaging-traditional-owners [↑](#footnote-ref-1)