

Ongoing Protection Declaration

Ghow Swamp Aboriginal Place

Information Sheet 3

FREQUENTLY ASKED QUESTIONS ABOUT THE *ABORIGINAL HERITAGE ACT 2006*

Where does the *Aboriginal Heritage Act 2006* apply in Victoria?

The *Aboriginal Heritage Act 2006* applies to Victoria's land and waters, including freehold and Crown land.

What does the *Aboriginal Heritage Act 2006* do?

The main purposes of the *Aboriginal Heritage Act 2006* are to:

- provide for the protection of Aboriginal cultural heritage and Aboriginal intangible heritage in Victoria
- empower Traditional Owners as protectors of their cultural heritage on behalf of Aboriginal people and all other peoples
- strengthen the ongoing right of Traditional Owners to maintain their distinctive relationships with land, waters and other resources with which they have a connection under traditional laws and customs, and
- promote respect for Aboriginal cultural heritage and protection as part of the common heritage of all peoples for the sustainable development and management of land and of the environment

(see section 1 of the *Aboriginal Heritage Act 2006*).

What is Aboriginal cultural heritage?

Aboriginal cultural heritage is made up of the Aboriginal places, objects and Ancestral Remains that connect with the culture and traditions of Victoria's Aboriginal peoples who have lived in, been sustained by, and cared for Country for thousands of years.

Aboriginal places can contain visible or tangible evidence of past occupation, as well as ongoing cultural activity. This can include stone artefacts and surface scatters, freshwater middens, earthen mounds, the remains of cooking hearths and also culturally scarred trees, where Aboriginal people have removed bark to manufacture canoes, containers or shields. Aboriginal places may also contain Aboriginal Ancestral burials where people were laid to rest.

Aboriginal cultural heritage can also include heritage and knowledge that is not visible or tangible, such as knowledge of ceremonial and spiritual places, and trade and travel routes.

What are my obligations as a private landholder under the *Aboriginal Heritage Act 2006*?

Your obligations are the same as everyone else across Victoria. Any activity you do on your private property or elsewhere must not cause harm to Aboriginal heritage without appropriate authorisation under the *Aboriginal Heritage Act 2006*. Harming an Aboriginal place, object or Ancestral Remains is unlawful and offence provisions apply regardless of whether the land tenure is private or public.



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Can I continue to farm my private land?

Yes. You can continue to farm your private land (that is, to use and enjoy the surface of the land, consistent with the tenure under which you hold the land), provided the activities you undertake do not harm Aboriginal heritage.

When would I need an authorisation under the *Aboriginal Heritage Act 2006* to undertake an activity on my private land?

You need a Cultural Heritage Permit under the *Aboriginal Heritage Act 2006* if you are going to undertake an activity that will, or is likely to, cause harm to Aboriginal cultural heritage. This can include rehabilitating land at an Aboriginal place.

If you are proposing to undertake a 'high impact activity' in an 'area of cultural heritage sensitivity', you need an approved Cultural Heritage Management Plan (a written report that must be prepared by a Heritage Advisor and includes an assessment of the potential impacts of a proposed activity, as well as measures to be taken before, during and after the activity, to manage and protect Aboriginal cultural heritage).

What is a 'high impact activity'?

'High impact activities' are defined in the Aboriginal Heritage Regulations 2018 and are generally of the scale that may require a planning permit, licence or work authority under other legislation such as the *Planning and Environment Act 1987*.

What is an area of 'cultural heritage sensitivity'?

'Areas of cultural heritage sensitivity' include all registered Aboriginal places. All of Ghow Swamp Aboriginal Place is an area of 'cultural heritage sensitivity'. In addition the Aboriginal Heritage Regulations 2018 set out and define other types of 'areas of cultural heritage sensitivity', including landform and land categories that are regarded as more likely to contain Aboriginal cultural heritage, such as along named waterways.

Can land outside Ghow Swamp Aboriginal Place be an area of cultural heritage sensitivity that contains Aboriginal cultural heritage?

Yes. Aboriginal cultural heritage and 'areas of cultural heritage sensitivity' can occur on land that falls outside the registered area of Ghow Swamp Aboriginal Place. The *Aboriginal Heritage Act 2006* and Aboriginal Heritage Regulations 2018 define areas of cultural heritage sensitivity and the circumstances in which authorisations are required. Aboriginal cultural heritage is protected whether it is registered or not.

What happens if only part of my property is within a registered Aboriginal Place?

If you are proposing a high impact activity, the part of your property that falls within a registered Aboriginal place is an area of 'cultural heritage sensitivity', and undertaking that activity in that area will require preparation and approval of a Cultural Heritage Management Plan.

Where can I find out more information?

You can find guidance on how to avoid harm to Aboriginal cultural heritage and comply with the *Aboriginal Heritage Act 2006* on the First Peoples State Relations (FPSR) website <https://www.firstpeoplesrelations.vic.gov.au/aboriginal-culture-and-heritage>

Or you can contact First Peoples State Relations by phone on 1800 762 003.



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