**UPDATED OPEN LETTER ON THE SUPERVISION OF COMPLEX ASSESSMENTS**

**This update replaces the ‘Open Letter to Heritage Advisors - Supervision of Complex Assessments’, dated 20 December 2018.**

Dear Heritage Advisors, Sponsors and Registered Aboriginal Parties

This letter clarifies regulation 65(3) of the *Aboriginal Heritage Regulations 2018* (Regulations). Regulation 65 is part of the ‘Standards for the preparation of a cultural heritage management plan’ (the Standards) that sit under Part 3 of the Regulations.

Regulation 65 describes a complex assessment and what is required as follows:

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| 65 What does a complex assessment include?  (1) For the purposes of section 53(2) of the Act, a complex assessment of an activity area is an assessment involving the disturbance of all or part of the activity area or an excavation of all or part of the activity area to uncover or discover Aboriginal cultural heritage.  (2) A complex assessment may also include the collection and review of oral history relating to the activity area.  (3) A disturbance or an excavation for a complex assessment must be supervised by a person appropriately qualified in archaeology and be carried out in accordance with proper archaeological practice.  (4) The stratigraphy and general sub surface nature of the area being investigated must be established by controlled excavation before any other disturbance or excavation is carried out.  (5) If machinery is used in a disturbance or an excavation, the disturbance or excavation must be conducted on a detailed stratigraphic basis.  (6) If the use of machinery in a disturbance or an excavation results in the finding of occupation deposits or features, the deposits or features must be uncovered and assessed by controlled excavation.  (7) In this regulation, ***controlled excavation*** means an archaeological investigation to uncover deposits or features using accepted stratigraphic methods and—  (a) standard hand-held archaeological equipment, such as trowels, spades, sieves and brushes; or  (b) if it is not practicable to use the equipment referred to in paragraph (a), mechanical equipment that can be used to proceed with the investigation in as careful a manner as an excavation carried out using the equipment referred to in paragraph (a). |

Regulation 65(3) requires that a disturbance or excavation for a complex assessment must be supervised by a person “appropriately qualified in archaeology”.

For the avoidance of doubt, I highlight the following:

* when supervising a disturbance or an excavation for a complex assessment, an appropriately qualified archaeologist must be physically present; and
* a cultural heritage management plan that has not been prepared according to the Standards cannot be approved (see the Act, sections 63(3), 65(4) and 66(4)).

Regulations 65(4) to 65(7) describe the nature of techniques involved in a disturbance or excavation, including:

* prior consideration of the stratigraphy and general sub surface nature of the area, which needs to be established by a ‘controlled excavation’,
* the need for a careful and detailed investigative approach, especially if machinery is involved in a disturbance or excavation as the disturbance or excavation must be conducted on a ‘detailed stratigraphic basis’, and
* the uncovering and assessing of deposits or features must be by ‘controlled excavation’.

Therefore, a person who supervises such activity must be appropriately qualified in archaeology to do so, in a manner that is consistent with ‘proper archaeological practice.’

**Appropriately qualified to conduct proper archaeological practice**

As Director Heritage Services[[1]](#footnote-2), I consider a person ‘appropriately qualified in archaeology’ is someone who:

* holds a qualification to at least Level 8 in the Australian Qualifications Framework[[2]](#footnote-3), (AQF) with a major in archaeology (see also certain requirements below regarding study content); or
* holds Full Membership of the Australian Association of Consulting Archaeologists Inc.

Level 8 qualifications under the AQF consist of a bachelor degree plus a fourth year of study, as either an honours year or as a graduate diploma or a graduate certificate.

To avoid doubt, studies during the three-year bachelor degree must include a major or sub-major in archaeology, and the Level 8 studies must also be in archaeology.

Persons wishing to become qualified to supervise complex assessments are strongly encouraged to seek out subjects that develop field skills attuned to Australian First Peoples’ archaeology.

Where archaeology studies to Level 8 have not included at least two subjects focussed on Australian First Peoples archaeology, then a person wishing to supervise a disturbance or excavation in a complex assessment must be able to demonstrate a minimum of at least one year full time (or equivalent) practical experience in an Aboriginal cultural heritage management setting in south-eastern Australia. This practical experience must be undertaken following completion of Level 8 qualifications, and may be as an employee in a heritage management consultancy, for a Registered Aboriginal Party or equivalent interstate organisation, or in a public land authority or agency.

**Basis**

In deciding what would constitute ‘appropriately qualified in archaeology’ for the purposes of regulation 65(3), I have considered the following two benchmarks.

First, I have considered the Australian Qualifications Framework (AQF, 2nd edition, 2013), which is the national policy for regulated qualifications in Australian education and training, and defines essential characteristics and learning outcomes of different types of qualifications. It describes that Level 8 graduates, whatever their discipline, are expected to hold advanced knowledge and skills for professional or highly skilled work and/or further learning, and advanced cognitive, technical and communication skills to select and apply methods and technologies.

Second, I have considered a report prepared by the Australian Committee for Archaeology Teaching and Learning, titled ‘*By Degrees: Benchmarking Archaeology Degrees in Australian Universities*’ (2020)[[3]](#footnote-4), which identifies Level 8 qualifications as providing sufficient knowledge, understanding and skills to be able to work with autonomy and responsibility, including considering regulatory constraints, as an archaeologist.

In addition, I have considered the membership requirements for full membership of the Australian Association of Consulting Archaeologists Incorporated.[[4]](#footnote-5) This includes an honours or postgraduate degree in archaeology or other acceptable field of scholarship, or having such experience in the field of consulting archaeology as the association’s membership committee considers sufficient, plus five years’ full-time experience in the field of consulting archaeology in Australia, as well as being able to demonstrate several specified archaeological competencies. This therefore aligns with the Level 8 qualification.

**Capacity to supervise complex assessments is recorded on the opt-in, online Heritage Advisor List**

The opt-in, online Heritage Advisor List maintained by Heritage Services indicates whether Heritage Advisors on the List are considered appropriately qualified to supervise an excavation or disturbance for a complex assessment under regulation 65(3). This information is for the benefit of:

* sponsors who wish to engage a Heritage Advisor to supervise a complex assessment as part of the development of a cultural heritage management plan, and
* Registered Aboriginal Parties when they are evaluating a cultural heritage management plan involving a complex assessment, to assess whether the plan has been prepared according to the Standards.

To avoid doubt, Heritage Advisors who wish their listing on the Heritage Advisor List to record that they are appropriately qualified to supervise a disturbance or excavation for a complex assessment must choose this option in their ‘Application to be on the Heritage Advisor List.’ They must provide proof that they meet the requirements set out in this Open Letter when they make their ‘Application to Meet the Minister’s Guidelines,’ including proof of archaeology studies via academic transcripts’, and, if practical experience in south-eastern Australia is also under consideration, in their supporting written references.

Any enquiries about this Open Letter should be directed to the attention of the Director Heritage Services, via email to [vahr@dpc.vic.au](mailto:vahr@dpc.vic.au) or by post to GPO Box 4912, Melbourne VIC, 3001.

Your sincerely



**Harry Webber**

Director Heritage Services, First Peoples State Relations

Department of Premier and Cabinet



1. This Open Letter is issued by the Director Heritage Services as a delegate of the Secretary under s188(2) of the *Aboriginal Heritage Act 2006* (Vic), in relation to the Secretary’s function at s143(e) of the Act “to develop, revise and distribute guidelines, forms and other material relating to the protection of Aboriginal cultural heritage and the administration of this Act.” [↑](#footnote-ref-2)
2. See the Australian Qualifications Framework at: https://www.aqf.edu.au/framework/aqf-qualifications. [↑](#footnote-ref-3)
3. See under the tab for the Australian National Committee for Archaeology Teaching and Learning at: https://australianarchaeologicalassociation.com.au/about-us/sub-committees/ [↑](#footnote-ref-4)
4. See the Australian Association of Consulting Archaeologists Inc at https://www.aacai.com.au/membership/full-members/full-member-form/ [↑](#footnote-ref-5)