**Form to assist compliance with Regulation 77 of the Aboriginal Heritage Regulations 2018**

Application for Certification of a Preliminary Aboriginal Heritage Test (PAHT) for the purposes of the *Aboriginal Heritage Act* *2006*

This form specifies the format in which an application should be prepared when a person is seeking certification of a Preliminary Aboriginal Heritage Test (PAHT) under section 49B of the *Aboriginal Heritage Act* *2006* (Act). A PAHT assists with determining whether the proposed activity requires the person to prepare a cultural heritage management plan. After receiving a PAHT, within 21 days, the Secretary of the Department of Premier and Cabinet (Secretary) or their delegate must certify the PAHT is correct or refuse to certify it. The Secretary (or their delegate) may however request additional information considered necessary to assist with their decision (see the Act, ss 49B and 49C). To be a valid application, a PAHT must be accompanied by the prescribed fee. Please submit your application to vahr@dpc.vic.gov.au

|  |  |  |  |
| --- | --- | --- | --- |
| **PAHT Name\*:** | Click or tap here to enter text. | The prescribed fee**\*\*** for this evaluation is: | **$** Click or tap here to enter text. |

\* *Please provide a name for the application for reference purposes i.e. based on the location and type of activity.*

*\*\* Prescribed fee units are set by regulation 83 of the Aboriginal Heritage Regulations 2018. For current fees go to:* www.firstpeoplesrelations.vic.gov.au/fees-and-penalties-aboriginal-heritage-activities

|  |
| --- |
| **OUTCOMES** |

**TO BE COMPLETED BY THE APPLICANT**

**It is strongly recommended that you complete the following questions AFTER the rest of the application form has been completed.**

|  |  |  |
| --- | --- | --- |
|  | **Yes** | **No** |
| Is a cultural heritage management plan required by the Aboriginal Heritage Regulations 2018? |  |  |
| Is any Aboriginal cultural heritage present in the activity area? |  |  |
| Is it likely the activity will impact any Aboriginal cultural heritage? |  |  |
| Is an authorisation to harm Aboriginal cultural heritage needed to allow the activity to proceed in its current form? |  |  |

**Note** that it is an offence under sections 27 or 28 of the *Aboriginal Heritage Act 2006* to do an act that harms, or is likely to harm, Aboriginal cultural heritage, subject to the exceptions described under section 29. It is an offence under section 46 of the *Aboriginal Heritage Act 2006* to commence an activity for which a cultural heritage management plan is required, without such a plan having been approved. Authorised officers may attend the subject land to monitor compliance with the *Aboriginal Heritage Act 2006*.

|  |
| --- |
| **CERTIFICATION** |

**TO BE COMPLETED BY THE SECRETARY (OR THEIR DELEGATE)**

|  |  |  |
| --- | --- | --- |
| I have considered this preliminary Aboriginal heritage test and I am satisfied that it has been prepared in accordance with the prescribed form for the purposes of section 49B of the *Aboriginal Heritage Act 2006* and Schedule 6 of the Aboriginal Heritage Regulations 2018. | **Yes** | **No** |
|  |  |
| As Secretary, Department Premier and Cabinet, or acting under authority delegated to me by the Secretary under section 188(2) of the *Aboriginal Heritage Act 2006*, I hereby **certify** **as correct** / **refuse to certify** this preliminary Aboriginal heritage test, pursuant to section 49C(2) of that Act. | | |

**Signature:**

**Name:**

**Title:**

**PAHT Number:**

**Date:**

|  |  |  |  |
| --- | --- | --- | --- |
| **SECTION 1 – Applicant Information (i.e., the name of the person proposing the activity)** | | | |
| **Name of applicant:** | Click or tap here to enter text. | | |
| **Business name and ABN/ACN (if any):** | Click or tap here to enter text. | | |
| **Postal address:** | Click or tap here to enter text. | | |
| **Phone:** | Click or tap here to enter text. | **Email:** | Click or tap here to enter text. |

I certify that, to the best of my knowledge and belief, the information supplied in this application is correct and complete.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Please insert a copy of your signature | | Click or tap to enter a date. | | |
| **SECTION 2 – Person/s involved in preparing the test, including the ground inspection (if any)** | | | | |
| Complete if the preliminary Aboriginal heritage test (and/or any ground inspection) is prepared by another person or organisation on behalf of the applicant. | | | | |
| **Name of representative/s or advisor/s:** | Click or tap here to enter text. | | | |
| **Business name and ABN (if any):** | Click or tap here to enter text. | | | |
| **Postal address:** | Click or tap here to enter text. | | | |
| **Phone:** | Click or tap here to enter text. | | **Email:** | Click or tap here to enter text. |

|  |  |  |  |
| --- | --- | --- | --- |
| **SECTION 3 – Landowner or occupant of the proposed activity area** | | | |
| **Name of representative/s:** | Click or tap here to enter text. | | |
| **Business name and ABN (if any):** | Click or tap here to enter text. | | |
| **Postal address:** | Click or tap here to enter text. | | |
| **Phone:** | Click or tap here to enter text. | **Email:** | Click or tap here to enter text. |

|  |  |
| --- | --- |
| **SECTION 4 – Description of the proposed activity area** | |
| **Part 4A:** Complete the following: | |
| 1. Size of the proposed activity area (small, medium-size or large+) | Click or tap here to enter text. |
| 1. Property address for the proposed activity area | Click or tap here to enter text. |
| 1. Lot and plan numbers for the proposed activity area | Click or tap here to enter text. |
| 1. Registered Aboriginal Party/ies (if any) appointed over the proposed activity area | Click or tap here to enter text. |
| 1. Local government area | Click or tap here to enter text. |

**+** *See the definitions of large, medium-size and small activities in regulation 81 of the Aboriginal Heritage Regulations 2018.*

|  |
| --- |
| **Part 4B:** Provide a written description of the proposed activity area, including:   1. a description of the location and nature of any areas of cultural heritage sensitivity located within the proposed activity area, and 2. a statement detailing the previous land use of the proposed activity area. |
| Click or tap here to enter text. |

|  |  |  |
| --- | --- | --- |
| **Part 4C:** Provide a spatial data file (shapefile projected to GDA94) that accurately shows the extent of the proposed activity area. **This must accompany the application when you submit it.** | | |
| Is a spatial data file attached to your application? | **Yes** | **No** |

|  |
| --- |
| **Part 4D:** Provide a map (to scale and with a north arrow) of the proposed activity area and any associated areas of cultural heritage sensitivity. Also show any registered Aboriginal cultural heritage within the activity area **Insert map in the box below.** |
|  |

|  |
| --- |
| **SECTION 5 – Description of the proposed activity** |
| **Part 5A:** Provide a detailed description of the proposed activity including: |
| 1. whether the proposed activity is a listed high impact activity, and if so, under which regulation in Division 5 of Part 2 of the Aboriginal Heritage Regulations 2018; and 2. a description of how the proposed activity will, or will not, cause significant ground disturbance (as defined at regulation 5 of the Aboriginal Heritage Regulations 2018), including extent and depth of impact.   Please consider providing a development plan or a planning application as an attachment, to assist the decision-maker (the Secretary/delegate) to understand the nature of the activity. |
| Click or tap here to enter text. |

|  |  |  |
| --- | --- | --- |
| **Part 5B:** Please answer the following questions: | | |
|  | **Yes** | **No** |
| 1. Will the proposed activity cause significant ground disturbance, as defined in regulation 5 of the Aboriginal Heritage Regulations 2018? |  |  |
| 1. Is the proposed activity a high impact activity specified in Division 5 of Part 2 of the Aboriginal Heritage Regulations 2018? |  |  |
| 1. If the activity falls under regulation 46(1), is a statutory authorisation required to change the use of the land for that purpose (refer to regulation 58 of the Aboriginal Heritage Regulations 2018)? |  |  |

|  |
| --- |
| **SECTION 6 – Background assessment** |
| **Part 6A:** Describe the results of the search of the Victorian Aboriginal Heritage Register, including the access number and a description of all reports and cultural heritage management plans relevant to the proposed activity area. |
| Click or tap here to enter text. |

|  |
| --- |
| **Part 6B:** Provide the details of the geographic region, landforms and geomorphology of which the proposed activity area forms a part. Discuss the relevance of those details to any Aboriginal cultural heritage that is known to be present, and/or its relevance to whether Aboriginal cultural heritage is likely to be present. |
| Click or tap here to enter text. |

|  |
| --- |
| **Part 6C:** Drawing on youranswers in Parts 6A and 6B, discuss and conclude whether there is likely to be unregistered Aboriginal cultural heritage present within the activity area. |
| Click or tap here to enter text. |

|  |  |  |
| --- | --- | --- |
| **SECTION 7 – Ground inspection or survey** | | |
|  | **Yes** | **No** |
| **Part 7A:** Was a ground inspection of existing conditions in the proposed activity area undertaken for the purposes of preparing this preliminary Aboriginal heritage test? |  |  |
| If **yes**, provide a statement describing the method, conduct and results of the ground inspection, including the names and roles of the persons who participated in the inspection. | | |
| Click or tap here to enter text. | | |

|  |  |  |
| --- | --- | --- |
|  | **Yes** | **No** |
| **Part 7B:** Was a survey for Aboriginal cultural heritage undertaken in the proposed activity area for the purposes of preparing this preliminary Aboriginal heritage test? |  |  |
| If **yes**, provide a statement describing the results of that survey, and include the date the survey was submitted to the Secretary for recording on the Victorian Aboriginal Heritage Register, in accordance with section 34A of the *Aboriginal Heritage Act 2006*.  If **no**, enter: ‘N/A’. | | |
| Click or tap here to enter text. | | |

|  |
| --- |
| **SECTION 8 – Aboriginal cultural heritage** |
| Provide a detailed description of any Aboriginal cultural heritage within the activity area. Please include the registration numbers of any Aboriginal cultural heritage on the Victorian Aboriginal Heritage Register. |
| Click or tap here to enter text. |

|  |
| --- |
| **SECTION 9 – Consultation** |
| Provide details of any consultation undertaken with any relevant Registered Aboriginal Parties (RAP) or Traditional Owner groups, including:   1. a summary of the information provided by a relevant RAP or other person about the Aboriginal cultural heritage in the proposed activity area; and, 2. any oral information provided by a relevant RAP or other person about the Aboriginal cultural heritage in the proposed activity area, if the person who gave the information consents.   If no consultation was undertaken, enter: ‘No consultation undertaken.’ |
| Click or tap here to enter text. |

|  |
| --- |
| **SECTION 10 – Significant ground disturbance** |
| Provide a detailed description of significant ground disturbance (if any) that has occurred within the activity area, including its nature and extent, in accordance with its definition at Regulation 5 of the Aboriginal Heritage Regulations 2018. Describe the evidence that establishes significant ground disturbance has taken place, and attach any supporting material, such as figures, maps (to scale and including a north arrow) and aerial photographs. |
| Click or tap here to enter text. |

|  |
| --- |
| **SECTION 11 – Conclusions** |
| **Part 11A:** Provide a concluding statement about whether a cultural heritage management plan is, or is not, required in relation to the proposed activity. Refer to the relevant regulation/s from Part 2 of the Aboriginal Heritage Regulations 2018. |
| Click or tap here to enter text. |

|  |
| --- |
| **Part 11B:** Provide a concluding statement about whether there has been significant ground disturbance in the proposed activity area and, if so, a summary of the nature and extent of the disturbance. |
| Click or tap here to enter text. |

|  |
| --- |
| **Part 11C:** If you concluded in Part 11A above that a cultural heritage management plan is not required, then please provide details of recommended actions to protect or preserve any Aboriginal cultural heritage in the proposed activity area if the proposed activity is to proceed. This includes:   1. what precautions should be undertaken to avoid harming any Aboriginal cultural heritage, whether registered or not, and/or 2. whether an authorisation to harm Aboriginal cultural heritage (a cultural heritage permit or a voluntary cultural heritage management plan) would be required to allow the activity to proceed in its current form.   Note that if you concluded above at Part 11A that a cultural heritage management plan *is* required, please enter ‘N/A’ in this section. This is because the preparation of that plan will entail developing conditions and contingencies for the proposed activity. |
| Click or tap here to enter text. |

|  |
| --- |
| **Part 11D:** Describe the details of any obstacles encountered in preparing the PAHT. |
| Click or tap here to enter text. |

|  |
| --- |
| **Please note:**   * To complete the PAHT application form, address each point succinctly and step through the process. The conclusions in Section 11 must be clearly supported by the information in the preceding sections. * You may provide supporting additional information, but this should be minimised. Any such accompanying documents must be separately labelled and cross-referenced in the body of the application form so that it is clear which section of the application form they relate to. This may include technical or specialist reports, additional mapping, or development applications. |