



Department of Planning and Community Development

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OPEN LETTER TO HERITAGE CONSULTANTS – ABORIGINAL AND HISTORICAL HERITAGE WHEN A CULTURAL HERITAGE MANAGEMENT PLAN (CHMP) IS BEING PREPARED

It has been raised with *Aboriginal Affairs Victoria* and *Heritage Victoria* that direction is needed around the reporting requirements of the *Aboriginal Heritage Act 2006* and the *Heritage Act 1995*, when a Cultural Heritage Management Plan (CHMP) is being prepared under the *Aboriginal Heritage Act 2006*.

The *Aboriginal Heritage Act 2006* and the *Heritage Act 1995* are separate pieces of legislation, each with their own requirements. Whilst both these Acts pertain to cultural heritage, you should be aware that satisfying the requirements of one of these Acts may not satisfy the requirements of the other. Please note the following:

- A CHMP prepared under the *Aboriginal Heritage Act 2006* must only contain the results of an assessment and recommendations to manage and protect Aboriginal cultural heritage. A CHMP must not contain recommendations for the management and protection of other heritage, as a CHMP incorporates a legislative approvals process for Aboriginal cultural heritage only.
- If during the preparation of a CHMP or excavation of an Aboriginal archaeological site an historical archaeological site or relic is discovered, (as defined under section 132 of the *Heritage Act 1995*) you must report the discovery to Heritage Victoria.
- If you are undertaking an investigation or survey of any land for the purpose of finding an historical archaeological site or relic (as defined under the *Heritage Act 1995*), you are required to notify the Executive Director, Heritage Victoria of your intention.
- Reporting requirements relating to the investigation or survey of any land for the purpose of finding an historical archaeological site or relic (as defined under the *Heritage Act 1995*) must be produced separately to a CHMP, and lodged with Heritage Victoria.

It should also be noted that, whilst excavation may be undertaken during the preparation of a CHMP for the purpose investigating Aboriginal cultural heritage for that CHMP (section 29(b) and section 34(2) of the *Aboriginal Heritage Act 2006*), a person must not knowingly uncover or expose an historical archaeological site or relic (as defined under the *Heritage Act 1995*) except in accordance with a consent issued under section 129 of the *Heritage Act 1995*.

Further information on heritage issues in Victoria can be obtained at Aboriginal Affairs Victoria's web site (www.dpcd.vic.gov.au/aav) and Heritage Victoria's web site (www.heritage.vic.gov.au). Enquiries about this matter should be addressed to Mr Harry Webber, Senior Heritage Policy Officer on (telephone) 03 9208 3266. Enquiries regarding historical archaeological sites or relics or the Heritage Inventory should be addressed to Mr Jeremy Smith, Senior Archaeologist on 03 9637 9773.

Yours faithfully

IAN HAMM
Deputy Director
Aboriginal Affairs Victoria

RAY TONKIN
Executive Director
Heritage Victoria

