

Approved Form under section 36 of the *Aboriginal Heritage Act 2006*

Application for a cultural heritage permit for the purposes of the *Aboriginal Heritage Act 2006*

This form, approved by the Secretary, Department of Premier and Cabinet (“Secretary”), specifies the format in which an application must be prepared when a person is seeking a cultural heritage permit under s. 36 of the *Aboriginal Heritage Act 2006* (the “AHA”).

An application for a cultural heritage permit must be made to the relevant approval body using this approved form. Applications must be accompanied by the prescribed fee (if any).

The AHA prescribes an **approval body** in relation to an application for a cultural heritage permit. An approval body is:

- the appointed Registered Aboriginal Party (“RAP”) for the area to which the permit application relates; or
- if there is no appointed RAP – the Secretary; or
- if the applicant is a RAP or the Secretary – the Victorian Aboriginal Heritage Council (“VAHC”).

Foreword

A person may apply to the relevant approval body for a cultural heritage permit under the AHA if they propose to:

- Disturb or excavate any land to uncover or discover Aboriginal cultural heritage – s.36(1)(a);
- Carry out research on an Aboriginal place or Aboriginal object, including removing an Aboriginal object from Victoria for the purposes of that research – s.36(1)(b);
- Carry out an activity that will, or is likely to, harm Aboriginal cultural heritage – s.36(1)(c);
- Sell an Aboriginal object (where it was not made for the purpose of sale) – s.36(1)(d);
- Remove an Aboriginal object from Victoria – s.36(1)(e);
- Rehabilitate land at an Aboriginal place, including land containing burial grounds for Aboriginal Ancestral Remains – s.36(1)(f);
- Inter Aboriginal Ancestral Remains at an Aboriginal place – s.36(1)(g).

A cultural heritage permit **must not** be granted for an activity which requires a cultural heritage management plan, or in respect of Aboriginal intangible heritage.

A cultural heritage permit **must not** be granted in relation to Aboriginal ancestral remains or an Aboriginal object that is a secret or sacred Aboriginal object for any of the following:

- an activity that will, or is likely to, harm Aboriginal cultural heritage;
- selling an Aboriginal object; or
- removing an Aboriginal object from Victoria.

Transfer of a cultural heritage permit

The holder of a cultural heritage permit may transfer the permit to another person with the written approval of the relevant approval body.

Amending a cultural heritage permit

An application to amend a cultural heritage permit is the same as a new application for a cultural heritage permit, therefore, a person seeking an amendment to their permit must also complete this form.

How to apply

The Applicant must complete **SECTIONS 1-5** of this Form, as well as any relevant attachments as instructed by **SECTION 2**.

It is the responsibility of the Applicant to ensure that all relevant sections of the application are complete and contain the required information. An approval body may request in writing that the Applicant provide any additional information the body reasonably considers necessary to assist the approval body’s decision. Accordingly, and to avoid delays, it is strongly suggested that an Applicant consult with the relevant approval body prior to submitting an application.

Applications should be submitted to the relevant approval body:

<p>a) If the approval body is a Registered Aboriginal Party:</p> <ul style="list-style-type: none">payment of the applicable fee must be made to the relevant RAP.ensure all posted items are addressed to the relevant RAP. Contact details for RAPs can be found on the Aboriginal Victoria Website at: https://w.www.vic.gov.au/aboriginalvictoria/heritage/heritage-tools-and-	<p>b) If the approval body is the Secretary:</p> <ul style="list-style-type: none">make any cheques payable to: Department of Premier and Cabinet Aboriginal Victoria ABN 36 081 905 761ensure all posted items are addressed to: Director, Heritage Services: Aboriginal Victoria Department of Premier and Cabinet GPO Box 4912 MELBOURNE VIC 3001email: vahr@dpc.vic.gov.au	<p>c) If the approval body is the Victorian Aboriginal Heritage Council:</p> <ul style="list-style-type: none">Make any cheques payable to: Victorian Aboriginal Heritage Councilensure all posted items are addressed to: Victorian Aboriginal Heritage Council GPO Box 4912 MELBOURNE VIC 3001email: vahec@dpc.vic.gov.au
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Note: Pursuant to section 41D of the AHA, a cultural heritage permit takes effect only when a copy of the approved permit is lodged with the Secretary after being approved by the relevant approval body.

To lodge a copy of an approved cultural heritage permit, use one of the contact options outlined in **box b)** above.

A unique identification reference will be issued by Aboriginal Victoria on receipt of an approved cultural heritage permit.

SECTION 1 – Applicant information

Person responsible for carrying out the activity and to whom the permit would be granted:

Name of Applicants:

Please refer to the attached 'Applicant signing sheets' for all 18 LTO applicants.

Business name:

Postal address:

Telephone number:

Email address:

ABN (if any):

SECTION 2 – Purpose of application

In accordance with s.36(1) of the AHA, please indicate the purpose for which the Applicant seeks a cultural heritage permit and complete the appropriate Attachment.

	Check applicable box(es)	Applicable fee*	\$ amount
<ul style="list-style-type: none"> To disturb or excavate any land for the purpose of uncovering or discovering Aboriginal cultural heritage. <i>(Complete Attachment A)</i> 	<input type="checkbox"/>	8 fee units	118.48
<ul style="list-style-type: none"> To carry out research on an Aboriginal place or Aboriginal object, including the removal of an Aboriginal object from Victoria for the purpose of that research. <i>(Complete Attachment A)</i> 	<input type="checkbox"/>	8 fee units	118.48
<ul style="list-style-type: none"> To carry out an activity that will, or is likely to, harm Aboriginal cultural heritage. <i>(Complete Attachment B)</i> 	<input checked="" type="checkbox"/>	46 fee units	681.26
<ul style="list-style-type: none"> To sell an Aboriginal object. <i>(Complete Attachment C)</i> 	<input type="checkbox"/>	13 fee units	192.53
<ul style="list-style-type: none"> To remove an Aboriginal object from Victoria. <i>(Complete Attachment D)</i> 	<input type="checkbox"/>	13 fee units	192.53
<ul style="list-style-type: none"> To rehabilitate land at an Aboriginal place including land containing burial grounds for Aboriginal Ancestral Remains. <i>(Complete Attachment E)</i> 	<input type="checkbox"/>	No fee	
<ul style="list-style-type: none"> To inter Aboriginal ancestral remains at an Aboriginal place. <i>(Complete Attachment F)</i> 	<input type="checkbox"/>	No fee	
Total Amount			\$681.26 <i>GST</i>

*Refer to <https://www.vic.gov.au/aboriginalvictoria/heritage/heritage-tools-and-publications/heritage-fees-and-penalties.html> for the current value of a fee unit.

** Pursuant to regulation 69(2) of the Aboriginal Heritage Regulations 2018, any application made for a cultural heritage permit in relation to two or more of the matters referred to in section 2 of this form will attract the sum of fees for each of those matters.

This form will be a TAX INVOICE for GST purposes when fully completed and payment is made. All fees are GST exempt.

SECTION 3 – Person lodging application (if applicable)

If the cultural heritage permit is being sought by another person / organisation on behalf of the Applicant:

Name of representative:	Parks Victoria C\ - COO Simon Talbot
Business name:	Parks Victoria
Postal address:	Level 10, 535 Bourke Street Melbourne Victoria 3000
Telephone number:	+61 3 8427 3490
Email address:	simon.talbot@parks.vic.gov.au
ABN (if any):	95 337 637 697

SECTION 4 – Declaration by Applicants

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

I am aware that any cultural heritage permit issued in response to this application may include conditions required by the Secretary or the Registered Aboriginal Party or the Victorian Aboriginal Heritage Council.

I agree to indemnify the Registered Aboriginal Party, the Victorian Aboriginal Heritage Council, the Secretary, the Minister and the Crown against all claims, damages, costs, liabilities or loss including in relation to all actions, claims or demands which may be made in connection with the issue of any permit as a result of this application.

Please refer to accompanying pages with signatures of the Eighteen LTOs who wish to be issued with a Cultural Heritage Permit.

There is no requirement for Parks Victoria to be issued with a Cultural Heritage Permit.

SECTION 4 – Application checklist



Ensure appropriate attachment(s) are completed (see Section 2 of this form)



Include appropriate fee (if any)

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claims or demands which may be made in connection with the issue of any permit as a result of this application.

Applicant Name:

Signed:

Date:



Name of Applicant :

Business name:

Postal address:

Telephone number:

Email address:

ABN (if any):
