



ACT
Government

HOW IS ABORIGINAL HERITAGE PROTECTED IN THE ACT?

THE HERITAGE ACT 2004 (THE ACT) MAKES PARTICULAR PROVISION FOR RECOGNISING, REGISTERING AND CONSERVING ABORIGINAL PLACES AND OBJECTS, AND FOR INVOLVING ABORIGINAL PEOPLE IN DECISIONS AFFECTING THOSE PLACES AND OBJECTS. IN THE ACT, THIS INVOLVEMENT IS WITH THE REPRESENTATIVE ABORIGINAL ORGANISATIONS (RAOS), RECOGNISED UNDER THE ACT.



DETERMINING ABORIGINAL HERITAGE SIGNIFICANCE

The Act protects all Aboriginal places and objects located within areas of the ACT Government's jurisdiction. In addition, Aboriginal places or objects may be placed on the Heritage Register if they meet any of the criteria for heritage significance specified in the Act.

For example, an Aboriginal place or object could be registered under criterion (c): *potential to yield information that will contribute to an understanding of the ACT's cultural or natural history*. This criterion relates to archaeological sites that may yield information on Aboriginal history, culture, tradition, customs and beliefs. Examples might include scarred trees, artefact scatters, rock shelters and grinding grooves.

THE ACT HERITAGE COUNCIL'S ROLE

Conservation of Aboriginal places and objects is included as part of the ACT Heritage Council's (the Council) role. The Council includes a representative of the Aboriginal community and may also include expert members in the disciplines of Aboriginal culture, Aboriginal history and archaeology.

ABORIGINAL CONSULTATION AND PARTICIPATION IN DECISIONS

The Council consults with RAOs on decisions affecting Aboriginal places and objects. For example, before deciding whether:

- to provisionally register an Aboriginal place or object
- to cancel the registration of an Aboriginal place or object
- to restrict information about an Aboriginal place or object
- to propose Heritage Guidelines that relate to an Aboriginal place or object.

RAOs also provide input into the cultural heritage assessments and conservation management plans that are prepared by cultural heritage professionals.

REPORTING AN ABORIGINAL PLACE AND/OR OBJECT

Under the Act, the discovery of an Aboriginal place and/or object must be reported within five working days after the day of the discovery. The discovering person must report the discovery to the Council in writing. This does not apply to a person who has a traditional Aboriginal affiliation with the land where the place or object was discovered.

As soon as practicable after a discovery is reported, the Council consults with each RAO and decides whether it is to be provisionally registered. The Council also consults on whether it will restrict the information about the location or nature of the place or object (that is, decide the information will not be made publicly available to avoid an adverse effect on its heritage significance). Once declared restricted, it is an offence to knowingly publish, without approval, any restricted information about a place or object. There are exemptions for people with a traditional affiliation.





GOVERNMENT OBLIGATIONS

Public authorities are required under the Act to identify and manage heritage places or objects they are responsible for, including Aboriginal heritage places or objects.

The Act also provides that each Aboriginal object owned by the Territory is kept in a repository declared by the Minister after consulting and considering the views of the Council and each RAO.

FURTHER INFORMATION

For more information, please contact ACT Heritage on 13 22 81.

Please note the material in this information sheet is provided for general information only, and should not be relied upon for the purpose of a particular matter covered by the [Heritage Act 2004](#).

HERITAGE PROTECTION

The Act makes it an offence to damage, disturb or destroy any Aboriginal place or object, although there are some exemptions allowable under the Act, including a conservation management plan approved by the Council or development approval under the *Planning and Development Act 2007*. In other circumstances, a heritage order may be sought to restrain a person from causing material harm to the heritage significance of a place or object.

If a proposed development may impact an Aboriginal place or object, the relevant authority engages a cultural heritage specialist and consults with each RAO to determine the extent of the impact and make recommendations to the Council.

Heritage agreements may also be put in place to protect and conserve an Aboriginal place or object.

