

CARING FOR OUR ABORIGINAL CULTURAL HERITAGE

Aboriginal Cultural Heritage is defined as places and objects significant to Aboriginal people related to traditions, stories, observations, lore, customs, beliefs and history. It provides evidence of the lives and existence of Aboriginal people before European settlement through to the present day. Aboriginal Cultural Heritage consists of tangible or intangible elements that link to the past such as grinding grooves, middens, artefact scatters, rock art, ceremonial or burial grounds, scarred and carved trees, stone arrangements, stories and memories.



Hunter Local Land Services supports landholders and Aboriginal communities to protect Aboriginal Cultural Heritage and follow the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

The *National Parks and Wildlife Act 1974* (NPW Act) provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution if they later unknowingly harm an object without an Aboriginal Heritage Impact Permit (AHIP). Following the code of practice for the protection of Aboriginal objects assists individuals and organisations to exercise due diligence and sets out steps to:

1. Identify whether or not Aboriginal objects are, or likely to be, present in an area.
2. Determine whether or not their activities are likely to harm Aboriginal objects (if present).
3. Determine whether an AHIP application is required.

If the proposed activity is low impact or within an already disturbed area, the likelihood of the activity harming objects is reduced. Examples of low impact activities and activities that may have disturbed land are included below.

ACTIVITIES THAT MAY HAVE DISTURBED LAND

- Soil ploughing
- Construction of rural infrastructure (eg dams and fences)
- Construction of roads, trails and tracks
- Clearing of vegetation
- Construction of buildings
- Construction of utilities and other similar services of rural infrastructure
- Construction of earthworks

LOW IMPACT ACTIVITIES ON DISTURBED LAND

- Cropping and leaving paddocks fallow
- Construction of water storage works (eg dams and water tanks)
- Construction of fences
- Construction of irrigation infrastructure, groundwater bores or flood mitigation works

LOW IMPACT ACTIVITIES ON ANY LAND

- Maintenance of water storage works, irrigation infrastructure, groundwater bores or flood mitigation works, fences
- Erosion control or soil conservation works
- Vegetation removal if there is minimal disturbance to the surrounding ground surface
- Environmental rehabilitation work including temporary silt fencing, tree planting, bush regeneration and weed removal, grazing

If the proposed works are in an undisturbed area and are NOT low impact activities as listed above, proceed to the Due Diligence Checklist.

Due Diligence Checklist

1 Will the activity disturb the ground surface or culturally modified trees? YES NO

2 Determine if there are known sites or sensitive landscape features. Are there any:

Registered AHIMS* sites YES NO

Aboriginal sites on other registers (see register list)

LALC/other Aboriginal organisation knowledge (see contact list)

OR

Will the works be undertaken on undisturbed land:

within 200m of waters

within a sand dune system

on a ridge top, ridge line or headland

within 200m below or above a cliff face

within 20m of or in a cave, rock shelter, or a cave mouth

3 Can harm to the known site or sensitive landscape feature be avoided? YES NO

If harm cannot be avoided, a desktop assessment and visual assessment is required. Further assessment and an AHIP may be required. Contact EES Heritage Office.

Proceed with caution. If any Aboriginal objects or human remains are found follow the stop work procedures for unexpected finds.

* AHIMS: Aboriginal Heritage Information System

Source: *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, (2010) NSW Environment, Energy and Science



WHAT TO DO IF YOU FIND AN ABORIGINAL OBJECT OR PLACE

Stop work procedures for unexpected finds

IF YOU FIND AN ABORIGINAL OBJECT:

1. Stop work – **IMMEDIATELY**
2. Notify NSW Environment, Energy and Science (EES)
3. EES will assess and advise a course of action based on the significance of the find, which may be:
 - Protect and avoid; or
 - Record and protect; or
 - Investigate, excavate, record and preserve
4. Apply to EES for an AHIP if necessary

IF YOU FIND A SUSPECTED ABORIGINAL BURIAL OR HUMAN SKELETAL REMAINS:

1. Stop work **IMMEDIATELY**
2. Contact NSW Police

