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

Application for Certification of a Preliminary Aboriginal Heritage Test 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 under the *Aboriginal Heritage Act* *2006* (‘Act’). Attach additional sheets where further space is required. This form may be used with a tax invoice (if applicable) when fully completed and payment is made. Refer to the [Australian Taxation O](https://www.ato.gov.au/Business/GST/Issuing-tax-invoices/?anchor=Requirementsoftaxinvoices#Requirementsoftaxinvoices)ffice  website for information on the requirements of tax invoices.The prescribed fee**\*** for this evaluation is:

Prescribed Fee $­­­\_\_\_\_\_\_\_\_\_\_\_\_

**PAHT Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SECTION 1 – Applicant information**

Name of applicant:

Business name:

Postal address:

Telephone number: Fax number:

Email address: ABN (if any):

I certify that, to the best of my knowledge and belief, the information supplied in this application is correct and complete. I agree to indemnify 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 certification of any preliminary Aboriginal heritage test as a result of this application.

Signed: Date: / /

**[APPLICANT NAME]**

**OUTCOMES**

|  |  |  |
| --- | --- | --- |
| **TO BE COMPLETED BY THE APPLICANT** | ***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? |  |  |

**CERTIFICATION**

|  |  |  |
| --- | --- | --- |
| **TO BE COMPLETED BY THE SECRETARY (OR DELEGATE)** | ***Yes*** | ***No*** |
| I have considered the preliminary Aboriginal heritage test, and I am satisfied that the preliminary Aboriginal heritage test 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. |  |  |
| Acting under authority delegated to me by the Secretary, Department of Premier and Cabinet, and pursuant to section 49C(2) of the *Aboriginal Heritage Act 2006*, I hereby certify / refuse to certify this preliminary Aboriginal heritage test:  Signed: ……………………………………. PAHT Number:  Name: ……………………………………  Title: ……………………………………..…  Dated: / /  **Compliance with this certified Preliminary Aboriginal Heritage Test is mandatory should the proposed activity occur. Officers from the Department of Premier and Cabinet may attend the subject land to monitor compliance with the *Aboriginal Heritage Act 2006*.** | | |

**It is an offence under section 27 and 28 of the *Aboriginal Heritage Act 2006* to do an act that harms Aboriginal cultural heritage.**

***\* refer to regulation 83 of the Aboriginal Heritage Regulations for details relating to preliminary Aboriginal heritage test prescribed fees.***

**SECTION 2: Person(s) involved in preparing the test**

If the preliminary Aboriginal heritage test was prepared by another person / organisation on behalf of the applicant:

Name of representative(s):

Business name:

Postal address:

Telephone number: Fax number:

Email address: ABN (if any):

**SECTION 3: Land owner or occupant of the activity area**

Name of land owner / occupant:

Business name:

Postal address:

Telephone number: Fax number:

Email address: ABN (if any):

**SECTION 4: Description of the activity area**

Provide a detailed description of the proposed activity area, including a statement detailing the previous land use and a description of the location and nature of any areas of cultural heritage sensitivity located within the proposed activity area (include additional information in attachments if required). Include as part of the application a:

* map (to scale, and including a north arrow) of the proposed activity area and any associated areas of cultural heritage sensitivity or locations of Aboriginal cultural heritage; and
* shp. file (projected to GDA94) accurately showing the location of the proposed activity area.

Size of the proposed activity area (small, medium or large)+:

Address:

Volume and folio details:

Registered Aboriginal parties for the proposed activity area:

Local Government Council for the proposed activity area:

+*Refer to the definitions of large activity, medium-sized activity and small activity in regulation 81 of the Aboriginal Heritage Regulations 2018.*

**SECTION 5 – Description of the activity**

Provide a detailed description of the proposed activity, including:

* a description of whether the proposed activity is a listed high impact activity under Division 5 of the Aboriginal Heritage Regulations 2018; and
* a description of how the proposed activity will or will not cause significant ground disturbance.

|  |  |  |
| --- | --- | --- |
|  | ***Yes*** | ***No*** |
| Will the proposed activity cause significant ground disturbance? |  |  |
| Is the proposed activity a high impact activity listed under Division 5 of Part 2 of the Aboriginal Heritage Regulations 2018? |  |  |
| Is a statutory authorisation required to use the land for a purpose specified under regulation 46(1) (refer to regulation 58)? |  |  |

**SECTION 6: Background assessment**

Provide a description of the geographic region, landforms, and geomorphology of which the proposed activity area forms a part and how they relate to the Aboriginal cultural heritage of this region area (include additional information in attachments if required):

Provide a description of the results of the search of the Victorian Aboriginal Heritage Register, including the access number, a list of reports and cultural heritage management plans relevant to the proposed activity area (include additional information as attachments if required):

**SECTION 7: Ground inspection**

Provide a statement of the method and conduct of the ground inspection (if any) of the proposed activity area and the names and roles of the persons who participated in the inspection:

*If a survey for Aboriginal cultural heritage is undertaken, the results of that survey, and any details required under section 34A of the* Aboriginal Heritage Act 2006, *must be submitted as part of this application.*

**SECTION 8: Aboriginal cultural heritage**

Provide a detailed description of any Aboriginal cultural heritage in the activity area, including the registration number of the Aboriginal cultural heritage on the Victorian Aboriginal Heritage Register (Register):

**SECTION 9: Consultation**

Provide details of any consultation undertaken (if any) with any relevant Registered Aboriginal Parties (RAP) or Traditional Owner groups, including:

* A summary of the information provided by a relevant RAP or other person about the Aboriginal cultural heritage in the proposed activity area; and
* 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 provided the information consents.

**SECTION 10: Significant ground disturbance**

Provide a detailed description (including of the nature and extent) of the evidence of significant ground disturbance (if any) that has occurred within the activity area. Attach any figures, maps, (to scale, and including a north arrow) or aerial photographs as required:

**SECTION 11: Conclusions**

Provide details of:

* whether a cultural heritage management plan is required in relation to the proposed activity;
* whether there has been significant ground disturbance in the proposed activity area and, if so, the nature and extent of the disturbance;
* any other action recommended to protect or preserve any Aboriginal cultural heritage in the proposed activity area, including;
  + whether it is likely there is Aboriginal cultural heritage located in the activity area (other than that included on the Register)
  + what precautions should be undertaken to avoid harming Aboriginal cultural heritage
  + whether it would appear a cultural heritage permit or cultural heritage management plan must be sought to allow harm to Aboriginal cultural heritage before the activity can proceed; and
* any obstacles encountered in preparing the test.