

A Guide to the Aboriginal Heritage Assessment Process

January 2015



Introduction

Aboriginal Heritage Tasmania (AHT) is committed to facilitating an understanding of the roles and responsibilities of all people involved with Aboriginal heritage in Tasmania, and their obligations under the *Aboriginal Relics Act 1975*. This document has been developed to assist proponents and Aboriginal heritage practitioners in gaining a better understanding of what is required, and the standards that must be attained while navigating through the Aboriginal heritage assessment process.

AHT is also committed to ensuring high standards of archaeological consulting work undertaken in Tasmania. The Department of Primary Industries, Parks, Water and Environment (DPIPWE) and the Minister responsible for the *Aboriginal Relics Act 1975* rely on Aboriginal heritage investigation reports produced by Aboriginal heritage practitioners, to make decisions with regard to the protection and management of Tasmania's important Aboriginal heritage. It is essential that consultant reports are of a standard that enables these decisions to be made efficiently and effectively.

The *Guide to the Aboriginal Heritage Assessment Process* provides concise and easy to follow standards and guidelines. It contains information regarding the forms that need to be lodged with AHT during the Aboriginal heritage assessment process, as well as advice on how to engage an Aboriginal heritage practitioner, the roles of an Aboriginal heritage practitioner, the responsibilities of all with regard to Aboriginal community consultation and general information in relation to the process.

Aboriginal Heritage Council

The Aboriginal Heritage Council (AHC) was established to provide a consolidated Aboriginal Community view to the Minister on new permit applications, development or research proposals and policies. The AHC provides advice and recommendations on the protection and management of Aboriginal heritage in Tasmania.

The AHC play a key role in the consultation process with the Tasmanian Aboriginal Community. When proponents are developing a proposal, contact should be made with the AHC. The correct approach is for proponents to submit as much information as possible on the AHC Briefing Form, which is available to download from the website (<http://www.aboriginalheritage.tas.gov.au/interim-aboriginal-heritage-council>). The AHC will provide a written response with their advice, and may also refer a proponent to consult with other Aboriginal groups, who have a direct interest in the proposal area.

The AHC meet at the end of each month, and it is anticipated that the AHC will provide its advice on permit-related matters and development or research proposals within 10 working days of their meeting.

Legislation

The current legislation that is enacted in Tasmania is the *Aboriginal Relics Act 1975* (The Act). A relic is defined as (Section 2):

- (a) Any artefact, painting, carving, engraving, arrangement of stones, midden, or other object made or created by any of the original inhabitants of Australia or the descendants of any such inhabitants;
- (b) Any object, site, or place that bears signs of activities of any such original inhabitants or their descendants; or
- (c) The remains of the body of such an original inhabitant or of a descendant of such an inhabitant who died before the year 1876 that are not interred in-
 - (i) Any land that is or has been held, set aside, reserved, or used for the purposes of a burial-ground or cemetery pursuant to any Act, deed, or other instrument; or
 - (ii) A marked grave in any other land.

Section 14 states that:

- (I) Except as otherwise provided in this Act, no person shall, otherwise than in accordance with the terms of a permit granted by the Minister on the recommendation of the Director –
 - (a) Destroy, damage, deface, conceal, or otherwise interfere with a relic;
 - (b) Make a copy or replica of a carving or engraving that is a relic by rubbing, tracing, casting, or other means that involve direct contact with the carving or engraving;
 - (c) Remove a relic from the place where it is found or abandoned;
 - (d) Sell or offer or expose for sale, exchange, or otherwise dispose of a relic or any other object that so nearly resembles a relic as to likely to deceive or be capable of being mistaken for a relic;
 - (e) Take a relic, or cause or permit a relic to be taken, out of this State; or
 - (f) Cause an excavation to be made or any other work to be carried out on Crown Land for the purpose of searching for a relic.

A copy of the *Aboriginal Relics Act 1975* can be found at:

<http://www.thelaw.tas.gov.au>

OR

<http://www.austlii.edu.au>

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Glossary of Terms

Aboriginal community consultation – communication which occurs between the proponent and the Aboriginal community (usually via the Aboriginal Heritage Officer or AHO), to inform the community about any potential impact/s of a proposed development upon Aboriginal heritage site/s, and to discuss mitigation options. Aboriginal community consultation is a compulsory part of all Aboriginal heritage assessments. Advice on who to consult with may be provided by the iAHC

Aboriginal heritage assessment – the on-ground works necessary to establish whether Aboriginal heritage sites are present within the study area and whether they will be impacted by the proposed development. An Aboriginal heritage assessment can also be known as a survey, an Aboriginal heritage investigation, field investigation, or the field work component in an Aboriginal heritage assessment. Aboriginal heritage assessments are carried out by Aboriginal heritage practitioners.

Aboriginal Heritage Item (AH Item) – An Aboriginal Heritage Item, or AH Item, is an Aboriginal heritage site which has been recorded and registered in the Aboriginal Heritage Register. All AH Items have a unique identifier, for example *AH 1234*. However this is only an administrative term, and it is acknowledged that the Aboriginal community may know these sites by other names.

Aboriginal Heritage Officer (AHO) – An AHO is a Tasmanian Aboriginal community member who is recognised by the Tasmanian Aboriginal community as being someone with the skills and knowledge required to carry out Aboriginal heritage assessments. An AHO is also known as an Aboriginal heritage practitioner.

Aboriginal heritage practitioner – A qualified person who works in the field of Aboriginal heritage. This person can either be an Aboriginal Heritage Officer or an archaeologist.

Aboriginal Heritage Register (AHR) – The Aboriginal Heritage Register, or AHR, was launched in November 2014 to replace a number of internal systems, including the Tasmanian Aboriginal Site Index (TASI). The AHR records information about AH Items and supports many of Aboriginal Heritage Tasmania's business processes. Information recorded for AH Items includes site recording forms / site cards, photographs, slides, location data, site composition and associated Aboriginal heritage assessment reports.

Aboriginal heritage site – any object, site, or place that bears signs of the activities of the original inhabitants of Australia or their descendants. This includes, but is not limited to, any artefact, painting, carving, engravings, arrangement of stones, midden, modified landscape, and human remains. In statutory terms, an Aboriginal heritage site is termed a 'Relic'.

Aboriginal heritage survey – see Aboriginal heritage assessment above.

Aboriginal Heritage Tasmania (AHT) – Aboriginal Heritage Tasmania is part of the Natural and Cultural Heritage Division of the Department of Primary Industries, Parks, Water and Environment. AHT is responsible for administering the *Aboriginal Relics Act 1975* and maintaining the Aboriginal Heritage Register (AHR).

Aboriginal heritage values – a term used to refer to Aboriginal heritage sites, artefacts or relics. It denotes that an area has 'value' to both the broader Tasmanian community, Aboriginal community and the archaeological community.

Aboriginal Relics Act 1975 – often referred to in this document as ‘The Act’. This is the legislative arrangement which is in place in Tasmania.

Archaeologist – a professional with an honours or postgraduate degree in archaeology, capable of carrying out archaeological fieldwork including Aboriginal heritage assessments, and preparing reports. An archaeologist is also known as an Aboriginal heritage practitioner.

Desktop Assessment – a computer-based assessment of the study area undertaken by qualified AHT staff, to determine if the proposed development will impact known Aboriginal heritage sites or areas with a high potential for Aboriginal heritage sites. A desktop assessment determines whether an Aboriginal heritage assessment is required or not.

Aboriginal Heritage Council (AHC) - The Aboriginal Heritage Council was established to provide a consolidated Aboriginal Community view to the Minister on new permit applications, development or research proposals and policies. The AHC provides advice and recommendations on the protection and management of Aboriginal heritage in Tasmania.

Mitigation – steps taken to avoid or reduce the impact of a proposed development upon Aboriginal heritage site/s.

Permit – under Section 14 of the *Aboriginal Relics Act 1975*, permits may be issued by the Minister, on the recommendation of the Director, to “destroy, damage, deface, conceal or otherwise interfere with a relic”. However, it should be noted that mitigation is the preferred course of action when Aboriginal heritage sites are under threat.

Proponent – an entity, consisting of individuals, private corporations or government bodies, that is undertaking a development project.

Relic – for the purposes of this document and the *Aboriginal Relics Act 1975*, a relic is defined above in the legislation section. A relic can be referred to as an artefact, painting, carving, engraving, arrangement of stones, midden, modified landscape, human remains, Aboriginal heritage, Aboriginal heritage site, and Aboriginal heritage material.

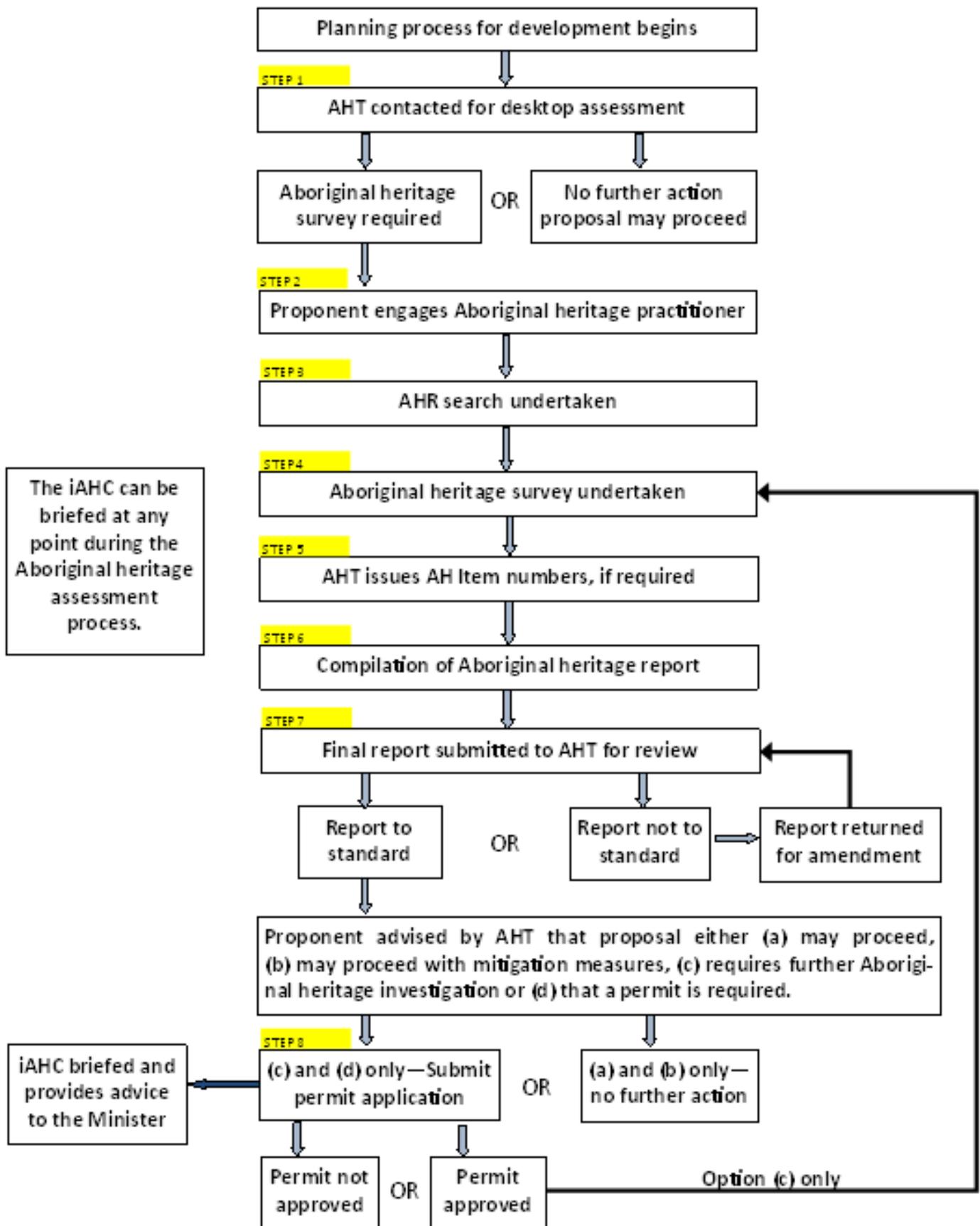
Study area – the area that is the subject of a Desktop or Aboriginal heritage assessment. Usually this encompasses the whole of the area being impacted by the proposed development, including the footprint of any associated infrastructure.

Tasmanian Aboriginal Site Index (TASI) - The Tasmanian Aboriginal Site Index (TASI) was, until November 2014, the State’s database that held location information on all recorded Aboriginal heritage sites in Tasmania. The TASI has now been superseded by the Aboriginal Heritage Register (AHR).

The Act – refers to the *Aboriginal Relics Act 1975*.

Unanticipated Discovery Plan (UDP) - An Unanticipated Discovery Plan, or UDP, is a plan that the heritage practitioner should present in the Aboriginal heritage investigation report. It is a plan which details the process and procedures that should be followed should any Aboriginal heritage material be located during the development works that is outside of any permitting arrangement. AHT have an official UDP which can be provided upon request.

Process Flowchart



STEP 1 Desktop Assessment

The submission of a desktop assessment form should be the initial contact that a proponent has with AHT. A desktop assessment is the process by which AHT assess a development proposal in order to establish the likelihood of Aboriginal heritage being impacted. AHT rely on information provided by a proponent, together with the information held in the AHR, to determine what, if any, further action may be required to ensure compliance with the *Aboriginal Relics Act 1975*.

There are two typical outcomes from a desktop assessment:

- (a) No Aboriginal heritage will be impacted, no further action required;
- (b) Further information is required: an Aboriginal heritage assessment, undertaken by an Aboriginal heritage practitioner, is recommended to identify any impacts to heritage and provide mitigation options.

In rare circumstances, where there is already sufficient information about the extent of heritage and specific impacts upon it, a third possible outcome may be decided: that a permit is required. In which case, the proponent would skip straight to Step 8 of the process flowchart.

The desktop assessment form can be found on the AHT website (<http://www.aboriginalheritage.tas.gov.au/forms-and-documents>) and should be submitted in full to Aboriginal@heritage.tas.gov.au. If the desktop assessment form is not filled out with the relevant information it may be returned, which could lead to a delay in the application process. A desktop assessment can take up to 10 working days to process.

STEP 2 Engaging an Aboriginal Heritage Practitioner

An Aboriginal heritage practitioner is considered to be either a consultant archaeologist or an AHO. Proponents will be advised by AHT, as part of the desktop assessment, whether an AHO may be required to conduct the Aboriginal heritage survey, or whether an archaeologist accompanied by an AHO is required to undertake the Aboriginal heritage assessment.

The role of the heritage practitioner should include, but is not limited to:

- Conducting AHR searches;
- Undertaking an Aboriginal heritage assessment, including Aboriginal community consultation;
- Providing a report on the Aboriginal heritage values located during the survey, which describes the impacts of the proposed development, mitigation options, and any legal obligations; and
- Prepare permit application documentation, if required.

Consultant Archaeologist

An archaeologist is a professional with an honours or postgraduate degree in archaeology, capable of carrying out archaeological fieldwork, including Aboriginal heritage assessments, and preparing reports. AHT does not recommend any particular archaeologist, however, a register of consultant archaeologists who are working in Tasmania can be found on the AHT website (<http://www.aboriginalheritage.tas.gov.au/forms-and-documents>). AHT consider it best practice for an archaeologist to be accompanied by an AHO while undertaking an Aboriginal heritage assessment.

Aboriginal Heritage Officer

An AHO is a Tasmanian Aboriginal community member who has a suitable skill set with which they can undertake Aboriginal heritage assessments. AHT does not recommend any particular AHO, however, a list of AHO's working in Tasmania can be found on the AHT website (<http://www.aboriginalheritage.tas.gov.au/forms-and-documents>).

STEP 3 AHR Search

An AHR search is usually undertaken after the initial desktop assessment. It is the process by which an application is made to AHT for access to data which is held in the AHR. An AHR search is usually the responsibility of the heritage practitioner, though it can be undertaken by the proponent or a planning consultant. An AHR search is undertaken to inform an Aboriginal heritage assessment prior to fieldwork being undertaken. Information which is typically accessed from the AHR includes AH Item spatial data, site cards and previous investigation reports. Due to copyright laws, previous survey reports can only be viewed by attending the AHT offices, for which an appointment is required.

An AHR search may take up to 10 working days for AHT to complete. The AHR search application form is located on the AHT website (<http://www.aboriginalheritage.tas.gov.au/forms-and-documents>) and should be submitted in full to Aboriginal@heritage.tas.gov.au. If the AHR Search form is not filled in with all the necessary information, it may be returned to the person who lodged the request for further information, which could cause a delay in processing the application.

STEP 4 Aboriginal Heritage Survey

An Aboriginal heritage survey is the on-ground survey of the development area. A survey is undertaken to establish whether the proposed development may impact an Aboriginal 'relic'. According to the *Aboriginal Relics Act 1975* (The Act) it is an offense to *destroy, damage, deface, conceal, or otherwise interfere with a relic* unless a permit is granted by the Minister. Therefore an Aboriginal heritage assessment is a way for proponents to avoid contravening The Act.

Conducting an Aboriginal Heritage Survey

Prior to undertaking an Aboriginal heritage survey, a survey methodology needs to be established by the heritage practitioner. This survey methodology will depend primarily on the type of development the proponent is proposing. To assist in developing a survey methodology, *The Archaeologist's Field Handbook* by Burke and Smith (2004) is a useful guide.

The usual method of conducting an Aboriginal heritage survey is by walking transects over the area under investigation. During the survey, the heritage practitioner is expected to record any and all evidence of

Aboriginal occupation in the survey area, using an AH site recording form (which can be found at <http://www.aboriginalheritage.tas.gov.au/forms-and-documents>).

Once a survey has been completed, the consultant writes a report describing the results and provides recommendations to the proponent, AHT and the Aboriginal community, so that protection and management strategies for Aboriginal heritage sites can be prescribed. The requirements of an Aboriginal heritage assessment report are discussed further in Step 6.

AH Site Recording Form

AH Site Recording Forms should be completed for all newly identified sites and for previously recorded sites that require updating (e.g. if an isolated artefact or small artefact scatter is revisited and becomes a large artefact scatter, or if the older AH Site Recording Form is not acceptable). *The Archaeologist's Field Handbook* by Burke and Smith (2004) is a useful guide to utilise when recording a site.

All fields of the AH site recording form should be filled out, in particular the location details providing the boundary or the extent of the site. It is not sufficient to provide a single GPS location point, unless it is an isolated artefact.

A copy of the AH site recording form can be found on the AHT website (<http://www.aboriginalheritage.tas.gov.au/forms-and-documents>) and should be submitted in full, including all relevant attachments (images, plans, etc.) to Aboriginal@heritage.tas.gov.au. The registering of new AH Items may take up to 5 working days for AHT to complete. Should the site recording form not be filled out in full, it may be returned to the person who lodged it for further information, which could cause a delay in the issuing of AH Item numbers.

STEP 5 Issue AH Item Numbers

AH Item numbers are issued by AHT. Once the heritage practitioner has filled out the AH Site Recording Form, the site is registered in the AHR and a unique number is designated. AHT will not issue AH Item numbers until AH Site Recording Forms are submitted to Aboriginal@heritage.tas.gov.au and filled out in full. Final copy reports, permit applications and other documentation require AH Item numbers to be used.

STEP 6 Reporting the Results of an Aboriginal Heritage Survey

Aboriginal heritage practitioners who have been engaged by a proponent to conduct an Aboriginal heritage assessment are required to submit a report of their findings to AHT for review before any further action is undertaken. Regardless of whether any sites are identified during an investigation, reports should still be completed and lodged with AHT. The following guidelines describe the minimum information that is required, and the preferred format to be used for all reports prepared. All practitioners are reminded that site location information and content information should be treated as confidential. In some cases it may be appropriate to provide detailed site information as a confidential addendum to a report.

Components of the report

It is an expectation when writing reports that all practitioners are familiar with the Burra Charter, and its guidelines regarding Aboriginal Significance, Conservation Policy, and Procedures for Undertaking Studies and Reports.

Cover

The cover page should include the following information:

- the title of the report;
- author/s;
- name of the consulting company producing the report;
- postal address;
- date report written - year and month;
- report status – final or draft; and
- name of client.

Executive Summary

The executive summary should be able to be extracted as a plain language report, and is intended to enable non-archaeologists, such as proponents and approval authorities to quickly and clearly understand the results of the archaeological fieldwork.

It should summarise the following:

- who commissioned the survey;
- an account of the aims of the survey;
- an account of the results of the survey;
- the impact the development will have on any sites present; and
- an account of the recommendations based on the results of the survey.

Contents

Provide page references for sections, sub-sections and attachments as appropriate. Provide separate list for each: tables, figures and plates.

Introduction

The introduction should include the following information:

- the reasons for the study;
- where the study was conducted;
- a map of Tasmania showing the location of the study area;
- who commissioned the project;
- the aims of the project;
- timing of the project and its stages; and

- people involved and consulted;

Background Information

The background information for the report should include separate sections on the environmental, ethno-historical and cultural context of the study area. It should be presented as an aid to the study for the purposes of designing a survey methodology, preparing predictive statements and interpreting the survey results. **Background information included in the report should be specific to the study area and should not include general historic or ethnographic discussion that is not relevant to the survey.**

N.B. When practitioners undertake a prediction of site density or distribution on the basis of a literature search or their feelings about a landscape or something similar it should be termed a predictive statement or an opinion. A predictive statement or an opinion is best guess and should not be used to constrain or modify an investigation. In contrast, however, a predictive model is a result of a process (modelling) where the probability of the presence/absence of Aboriginal sites is estimated using rigorous statistical methods in conjunction with a well thought out research design. Such models are testable and verifiable and should be so tested and verified in the course of the consultancy.

Environment

This section should only include information relevant to **past human behaviour**, site formation and taphonomic processes.

Identify and describe land systems in terms of:

- geology/geomorphology;
- vegetation structure, habitat and food resources; and
- landscape characterisation.

Historical

This section refers to ethno-historical and historical documents as well as any oral histories of the area. Include information relevant to the study contextually and specifically. It is common practice to make an assessment of the reliability of the ethno-historical and historical sources relied upon.

Cultural

Identify previous Aboriginal heritage studies and surveys undertaken in the area. AHT maintain a library containing over 2,000 reports on projects undertaken in Tasmania. Reports relevant to each study area can be made available to consultants who make an appointment to visit the AHT office in Hobart. The information that is attained by the consultant from these reports should be summarised here. The summary should identify patterns in site type and location, and the consultant should provide an assessment of the quality of the previous work the consultant is reviewing.

Research Design and Field Methods

This section should outline and justify the survey strategy and provide a replicable description of the field methods employed. The strength of the methodology may be used by AHT as an indication of the accuracy of the results. The description should include:

- timing;
- personnel;
- survey methods used (e.g. transects, quadrants, targeted areas, etc.);
- field recording methods used (e.g. definitions of site boundaries, recording site contents, quantifying site contents, assessing condition of site preservation and condition, and the means used to record features and specific elements);

- limitations (e.g. the influences of weather on efficiency of observations and ground surface visibility);
- dating technique (where applicable); and
- for reports on sub-surface investigations only: the sampling strategy used.

Results

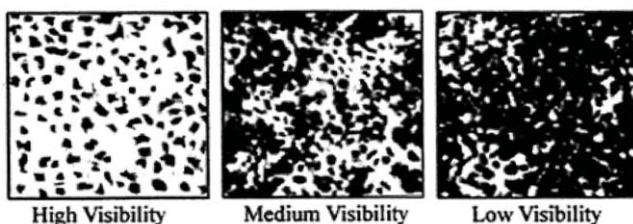
The results of the fieldwork should be clearly presented, utilising AH Item numbers issued by AHT. Reports containing field designations instead of AH Item numbers will be returned to the consultant.

The results should include:

- evidence of adequate survey coverage:
 - a labelled and scaled figure showing GPS tracking of transects; and
 - a table outlining the size of the study area, number of surveyors, length of transects with width of visual coverage, and average visibility.

N.B. The preferred method for gauging visibility is using the following guide:

None = 0%; Low = 25%; Medium = 50%; High = 75%; Full = 100%.



- An account of all Aboriginal sites located during fieldwork, including those previously recorded:
 - a labelled and scaled figure showing the location of all AH Items in relation to the construction activity footprint;
 - a full description of each site whether newly recorded or previously recorded (i.e. type, size, content and condition);
 - accompanying plates; and
 - detailed figures of more complex sites.
- for reports on sub-surface investigations only:
 - a labelled and scaled figure showing the location of sampling sites;
 - labelled and scaled drawings of pits; and
 - a catalogue and description of artefacts recovered.

Interpretation and Discussion

The level of interpretation and discussion will vary from study to study, depending largely on the aims and results of the fieldwork, it is expected that even those reports with null results will have some comment to make.

The interpretation and discussion should include:

- an explanation of site/s found (or not found) taking into consideration: survey coverage, visibility, environment (e.g. geology, geomorphology, vegetation, climate, landscape), and post depositional transforms;
- an interpretation of the results in terms of Tasmanian Aboriginal people's use of the study area;
- relevant comparisons to previous studies (those referred to in the background information);
- evidence that the previously presented predictive statement was true or false;

- identify areas of known or potential Aboriginal heritage sensitivity, including an account of the likelihood of subsurface material; and
- A detailed discussion of any known or potential threats to AH Items.

Aboriginal Community Consultation including the iAHC

This section should provide information on the Aboriginal Community Consultation that has been undertaken with respect to the project. This is primarily the role of the AHO.

The final report should clearly present a full description of any Aboriginal community consultation undertaken, in the form of a communication log, which includes:

- the names of groups consulted;
- the timing of the consultation;
- the attitudes and comments of those consulted;
- a full list of questions and topics that the heritage practitioner presented to the Aboriginal community; and
- any recommendations made from those discussions by the Aboriginal community and/or the iAHC.

Statement of Significance

Significance assessments are essential for making management recommendations and for identifying sites which require further assessment. The *Burra Charter* provides a national standard for the assessment of significance in relation to cultural heritage. It defines cultural significance as being of “aesthetic, historic, scientific and social value for past, present or future generations” (ICOMOS 1999).

While it is noted that in most cases scientific and social values are the most pertinent in relation to Tasmanian Aboriginal heritage, practitioners should always consider and comment on the potential of aesthetic and historic values to be present.

A statement of aesthetic, historic and scientific significance should be made by the practitioner for each site located during fieldwork (including those previously recorded). The following should be established and taken into consideration when assessing significance values:

- state of preservation;
- site content;
- site structure; and
- Representativeness within the study area and within a broader archaeological context.

The statement of social significance should only be made by the AHO and/or Aboriginal community.

Recommendations

This is the most crucial chapter of the report, as the recommendations made may have varied implications for the proponent, which affect how they proceed with their project proposal. It is not acceptable to make neutral or indecisive statements, or to refer the proponent back to AHT for advice. Recommendations for monitoring may not be accepted unless clearly justified.

It is important to note that recommendations are not legally binding under The Act. Private consultants have no authority to grant permission for a project to proceed. Recommendations are simply to inform the proponent of their responsibility under The Act and to protect Aboriginal heritage through offering mitigation options and advice. All recommendations should be justified.

The recommendations should:

- specify the legislative requirements for developers and the procedures to be followed if permits must be obtained to destroy, disturb, or otherwise deal with sites under The Act.
- identify any areas requiring further assessment or research;
- define mitigation options and strategies for protection, conservation and management of Aboriginal heritage values; and
- include an Unanticipated Discovery Plan (UDP)

Bibliography

A full bibliography with in-text referencing should be presented using the Australian Archaeological Association Incorporated style guide, which can be found at:

<http://www.australianarchaeologicalassociation.com.au/notes>.

All research should be referenced in text, and all media reviewed should be included in the bibliography.

Appendices

Appendices may include:

- a copy of the brief;
- a gazetteer of sites discovered;
- copies of the consultation log;
- extra plates/photographs; and
- other pertinent information that is not appropriate for inclusion in the main body of the report.

Glossary of Terms

A glossary of terms should include definitions of technical terms and acronyms used in the text.

Further considerations

- All photographs (plates) should be of a high quality and suitable for reproduction (e.g. in focus, appropriately lit and sized). Photographs should be labelled with AH Item numbers, date and photographer, and include a scale and north point. Plates should be referred to in-text.
- All maps including site plans should be appropriately sized for accuracy, have a scale and magnetic north arrow. All maps should be annotated to include AH Item numbers and should be referred to in the text. **AHT prefer that maps are in A3 and colour.**
- All tables should include AH Item numbers, be appropriately labelled and referred to in the text.

STEP 7 Report Review

AHT undertakes a review of all survey reports. This review process not only ensures that the standards set out in Step 6 are being met, but that proponents are receiving sound advice.

All survey reports should be forwarded to AHT at Aboriginal@heritage.tas.gov.au for review as soon as practical, including those where no evidence of Aboriginal heritage was located. Allow up to 10 working days for reviews to be completed. AHT will always notify the proponent and practitioner of the outcome of the review in writing. Proponents should not undertake any action until confirmation has been received from AHT that reports are acceptable.

There are several possible outcomes arising from a report review:

- A) The report is acceptable, no heritage was found, no further action required;
 - the proponent may proceed with their proposal as planned.
- B) The report is acceptable, heritage found, mitigation measures must be followed;
 - the proponent may proceed with their proposal, but should comply with the mitigation measures outlined by the consultant and/or AHT.
- C) The report is acceptable, further investigation is required:
 - In some instances the practitioner and/or AHT may recommend that further investigation be undertaken before a decision can be made concerning the full impact of the development on Aboriginal heritage. AHT will inform both parties whether further investigation is warranted and supported by AHT.
 - In this case when further investigation is warranted, the proponent and/or heritage practitioners should contact AHT for further advice regarding the requirements and protocols of sub-surface sampling. A permit under the *Aboriginal Relics Act 1975* may be required.
- D) The report is acceptable, heritage found, permit required;
 - where impacts to Aboriginal heritage cannot be avoided, the proponent will be required to apply for a permit under the *Aboriginal Relics Act 1975* before any further action is taken. See Step 8 for further information regarding the permitting process.
- E) The report is unacceptable, corrections or further work to be carried out by heritage practitioner:
 - A report is deemed unacceptable if it fails to include or adequately address any one or more of the sections outlined in Step 6. If the heritage practitioner's report is found to be deficient, it may be returned to the consultant with comments for corrections and/or further work. Once all comments have been addressed, the consultant should resubmit the report to AHT. The proponent should not proceed with their proposal until the issues with the report are corrected or addressed.

Distribution of Final Report

All final reports (those reviewed and accepted by AHT) should be forwarded to the Aboriginal community groups previously consulted, so that they may be kept informed of the final results and recommendations arising from the Aboriginal heritage survey report.

STEP 8 Permits

At the conclusion of the report review process, if it has been determined that the proposal may impact Aboriginal heritage, the heritage practitioners and/or AHT may recommend that a permit be sought prior to any further action being undertaken.

Only the Minister can, on the recommendation of the Director, grant a Permit under the *Aboriginal Relics Act 1975*. All permits applications are submitted to AHT, by forwarding a completed Permit Application form (available from the AHT website <http://www.aboriginalheritage.tas.gov.au/forms-and-documents>) along with any relevant attachments to Aboriginal@heritage.tas.gov.au.

A permit application can be prepared by the heritage practitioner, the proponent, planners or their agents, however, it is the applicant's responsibility to ensure that all required and relevant information is provided at the time of submission. This includes maps, plans, significance statements and evidence of Aboriginal community consultation specifically relating to the permit application. Incomplete applications received by AHT cannot be processed and may be returned to the applicant for revision.

Allow up to 20 working days for formal permit documents to be prepared and forwarded for Ministerial consideration. There is no fee for this service.

N.B. Proponents should be aware that applying for a permit does in no way guarantee that a permit will be granted by the Minister. Each application is given careful consideration in terms of the impacts to Aboriginal heritage and determined on a case by case basis.

Permits are issued for a period of twenty-four months, or until completion of the proposal, whichever is first. If the proposal cannot be completed in this time frame, an extension may be sought. Extensions to a permit should be applied for in writing, with appropriate justification, at least three months prior to the expiration date of the original permit.

Additional Information

Sub-Surface Sampling

AHT may only support sub-surface sampling when it is fully justified by the heritage practitioner in the Aboriginal heritage investigation report. Should sub-surface sampling be deemed necessary, please contact AHT to discuss and determine potential *Aboriginal Relics Act 1975* requirements (i.e. permit).