



Victoria Government Gazette

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Subordinate Legislation Act 1994

NOTICE OF A DECISION

Aboriginal Heritage Regulations 2007

I, Gavin Jennings, Minister for Aboriginal Affairs and Minister responsible for administering the **Aboriginal Heritage Act 2006**, give notice under section 12 of the **Subordinate Legislation Act 1994** as follows:

A Regulatory Impact Statement (RIS) was prepared in relation to the proposed Aboriginal Heritage Regulations 2007. The proposed Regulations are intended to improve procedures for the protection and management of Aboriginal cultural heritage in Victoria.

This RIS was advertised seeking public comment on 20 April 2007 and 41 submissions were received.

After considering the submissions, I have decided that the proposed Regulations should be made with the following Amendments:

- A cultural heritage management plan will not be required under regulation 6 if, on the day of commencement of the Regulations, a decision maker has received an application for a statutory authorisation.
- The definition of “waterway” will include rivers, creeks, streams, watercourses and natural channels that have been given a name on the Register of place names under the **Geographic Place Names Act 1998**.
- The definition of significant ground disturbance will include deep ripping, and clarifies that the definition does not include other forms of ploughing.
- The area of 50 metres around a registered Aboriginal place will only be classified as an area of cultural heritage sensitivity if it has not been subject to significant ground disturbance.
- The “Koo Wee Rup Plain” will be included as an area of cultural heritage sensitivity.
- The subdivision of land into three or more lots will be a high impact activity where at least three of the lots are less than 8 hectares in size.

- A standard assessment for the preparation of a cultural heritage management plan may include the use of a manual auger to assist in defining the nature and extent of identified cultural heritage.
- The definition of controlled excavation allows for mechanical equipment to be used in an investigation in as careful a manner as an excavation using hand held archaeological equipment.
- Minor technical Amendments not affecting the objectives of the Regulations will also be made.

Dated Tuesday 24 May 2007

GAVIN JENNINGS MLC
Minister for Aboriginal Affairs

SPECIAL

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