



# Victoria Government Gazette

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## Aboriginal Heritage Act 2006

### MINISTER'S GUIDELINES FOR HERITAGE ADVISOR QUALIFICATIONS AND EXPERIENCE

Pursuant to subsection 189(2) of the **Aboriginal Heritage Act 2006** (the Act), the Minister for Treaty and First Peoples has issued the following guidelines concerning the appropriate qualifications and experience of Heritage Advisors. These guidelines were developed in collaboration and consultation with the Victorian Aboriginal Heritage Council, as required by section 189(3).

The Minister's Guidelines for Heritage Advisor Qualifications and Experience replace the previous Heritage Advisors Qualification Guidelines issued in the Victorian Government Gazette on 11 February 2010.

#### The purpose of the Guidelines

The Guidelines specify the appropriate qualifications and experience, or knowledge and experience, of Heritage Advisors,\* for the purposes of section 189 of the Act. This serves two key purposes:

- i. to inform persons who engage Heritage Advisors, such as project sponsors, about the appropriate qualifications and experience, or extensive experience or knowledge, that the Act requires Heritage Advisors to have; and
- ii. to provide the benchmark for appropriate qualifications and experience, or extensive experience or knowledge, so that the Secretary (or their delegate) is satisfied that a person is a Heritage Advisor before allowing their access to the Victorian Aboriginal Heritage Register in accordance with subsections 146(1)(c) and/or (g) of the Act.

\* Heritage Advisors operating under the **Aboriginal Heritage Act 2006** are not to be confused with persons who undertake advisory work in relation to the **Heritage Act 2017** or the **Planning and Environment Act 1987**, who might also refer to themselves as Heritage Advisors.

#### The role of Heritage Advisors

It is essential Heritage Advisors bring the appropriate mix of expertise and experience to their important role within Victoria's Aboriginal cultural heritage management system. Their work must support the purposes of the Act to protect, and to promote respect of, Aboriginal cultural heritage, including intangible heritage, and to strengthen Traditional Owners' rights to maintain their distinctive relationships to the land and waters with which they are connected.

In broad terms, Heritage Advisors support these purposes by assisting developers, land users and land managers with the assessment of Aboriginal cultural heritage and its protection and management, before, during and after land use and development activities take place. It is critical to the proper assessment, protection and management of Aboriginal cultural heritage that Heritage Advisors engage proactively and respectfully with Traditional Owners and First Peoples.

The work of Heritage Advisors includes:

- accessing the Victorian Aboriginal Heritage Register (the Register) to identify and research areas of cultural heritage sensitivity, including registered places and objects, and to report new information;
- engaging effectively and appropriately with Traditional Owners as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage, including via their registered corporations;
- undertaking desktop, standard and/or complex assessments (the latter must be supervised by a person appropriately qualified in archaeology if it involves a disturbance or excavation), advising on conditions and contingencies and, in some instances, supervising excavations and salvage operations; and
- preparing various applications, management plans and written reports to prescribed standards and in prescribed forms.

**SPECIAL**

A principal function of Heritage Advisors under the Act is to assist in the preparation of cultural heritage management plans. Sponsors must engage a Heritage Advisor to assist them prepare such plans. This is the case whether the proposed activity or development requires a plan under the Act, or whether a person pursues preparation of a plan voluntarily.

Heritage Advisors may access the Register by request, for purposes specified in the Act. Access to the Register supports the research that underpins the preparation of cultural heritage management plans. It can also support other processes under the Act, including applications for a preliminary Aboriginal heritage test, or to support cultural heritage audits or reaching Aboriginal cultural heritage land management agreements. Where access to sensitive Aboriginal heritage information is sought, this may be subject to conditions.

The Act also provides that Heritage Advisors can access the Register by request if they are appointed by a proposed developer, purchaser, user or owner of land, or by a person or body responsible for managing Crown Land, or if appointed or employed by local government, to obtain information on any Aboriginal cultural heritage in any relevant land. The advice of a Heritage Advisor will likely be one of several inputs into decisions about land use, planning, development or management, where the potential or actual presence of Aboriginal cultural heritage needs to be considered and steps need to be taken to avoid impacts or harm.

### **Appropriate qualifications and experience**

Subsection 189(1) of the Act states:

A person may only be engaged as a heritage advisor under this Act if the person –

- (a) is appropriately qualified and experienced in a discipline directly relevant to the management of Aboriginal cultural heritage, such as anthropology, archaeology or history; or
- (b) has extensive experience or knowledge in relation to the management of Aboriginal cultural heritage.

Subsection 189(2) of the Act establishes that the Minister may make guidelines specifying appropriate qualifications and experience of Heritage Advisors. The Minister has consulted with the Victorian Aboriginal Heritage Council before making these Guidelines, as required by subsection 189(3) of the Act.

### **The Guidelines**

#### **Section 189(1)(a): Qualifications and experience in a directly relevant discipline**

A person may be engaged as a Heritage Advisor if they hold a combination of qualifications and experience in a discipline directly relevant to the management of Aboriginal cultural heritage, as follows:

#### **Qualifications**

1. A qualification at Level 8 or above of the Australian Qualifications Framework (bachelor's degree with honours, or graduate diploma or graduate certificate) with a major in archaeology, anthropology, history or cultural heritage management, or another discipline directly relevant to the management of Aboriginal cultural heritage, including intangible heritage.
  - a. Two or more subjects studied towards the qualification, or in addition to the qualification, must be focused on Aboriginal Australia.
  - b. Where less than two subjects have included a focus on Aboriginal Australia, then an additional year of full-time practical experience, or equivalent, in an Aboriginal cultural heritage management setting in south-eastern Australia is required. For the avoidance of doubt, this is in addition to the minimum experience required under point 3 below.
2. Alternative to point 1 above, membership of any of the following professional bodies at the level specified is considered to demonstrate an appropriate qualification level:
  - a. full membership of the Australian Association of Consulting Archaeologists Incorporated;
  - b. fellow membership of the Australian Anthropological Society Incorporated; or
  - c. membership as a Professional Historian or Professional Historian (Associate) of Professional Historians Australia.

**Experience**

3. At minimum, one year of full-time practical experience, or equivalent, in an Aboriginal cultural heritage management setting in south-eastern Australia, following completion of the minimum tertiary qualification requirements described at point 1 above. This may be as an employee in a heritage management consultancy, for a Registered Aboriginal Party or equivalent interstate Aboriginal organisation, or in a public land authority or agency.
4. Practical experience must include fieldwork involving direct engagement or liaison with Traditional Owners. Contributing to the preparation of survey reports, cultural heritage permits and/or cultural heritage management plans cannot be limited to desktop assessment (such as is described at regulation 61 in the Aboriginal Heritage Regulations 2018).
5. In addition, the following is strongly encouraged:
  - a. completion of instructor-led Aboriginal cultural awareness, cultural safety or cultural competency training; and
  - b. demonstrated commitment to ongoing professional development that is relevant to the management and protection of Aboriginal cultural heritage.
6. Where a person meets the qualification requirements via point 2 above (that is, via the specified membership of one of the named professional bodies), and where that membership requires a period of professional experience, this may be counted towards meeting the experience requirement at point 3 above, provided it is in an Aboriginal cultural heritage management setting in south-eastern Australia.

**Section 189(1)(b): Extensive experience or knowledge in relation to Aboriginal cultural heritage management**

Alternatively, a person may be engaged as a Heritage Advisor if they have extensive experience or knowledge in managing Aboriginal cultural heritage. This is intended to include Aboriginal people with extensive cultural expertise and experience, who do not have the formal qualifications described at point 1 above.

**Extensive experience or knowledge**

The following factors demonstrate ‘extensive experience or knowledge’:

1. Extensive cultural knowledge gained through cultural transmission as well as life experience as a member of a Traditional Owner community, or through extended association with a Traditional Owner community; and
2. At least three year’s past or present employment with a Registered Aboriginal Party or similar Aboriginal organisation, assisting with cultural heritage assessments, surveys and/or excavations and the evaluation of cultural heritage management plans under the Act, or similar processes in another jurisdiction; and
3. Experience preparing written material relevant to the management of Aboriginal cultural heritage, such as survey reports and contributions to cultural heritage management plans.

In addition, such Heritage Advisors are encouraged to undertake coursework or studies relevant to Aboriginal cultural heritage management. This could include completing the Certificate IV in Aboriginal Cultural Heritage Management.

**Heritage Advisor access to the Register**

When a person applies for access to the Register as a Heritage Advisor, the Secretary (or their delegate) may request that the person demonstrate how they meet these Guidelines. This is to ensure that the Secretary is satisfied that the person is a Heritage Advisor before allowing access to the Register.

New applicants must provide relevant academic transcripts and two written references that support their claims to experience. Written references must be from either:

- a Registered Aboriginal Party (from the CEO or a senior employee), and/or
- a Heritage Advisor who has already met the Guidelines.

If a person's experience is in another Australian state or territory in south-eastern Australia, written references may be accepted from equivalent types of referees with similar experience in cultural heritage management in those jurisdictions.

### **Transitional period for existing Heritage Advisors**

Existing Heritage Advisors who have met the criteria in the previous Guidelines are anticipated in most instances to be able to already meet these Guidelines. There may be some instances where a Heritage Advisor may need to obtain the further necessary experience set out in these Guidelines.

There will be a six-month transitional period ending on 22 September 2024 during which time existing Heritage Advisors retain their existing access to the Register and retain their listing, if any, on the voluntary Heritage Advisor List. Existing Heritage Advisors who have had less than two years of active access to the Register (when they reapply) need to provide two written references that support their claims to experience, as above. Existing Heritage Advisors with more than two years of active access to the Register will not need to provide written references to support their claims to experience.

These Guidelines otherwise apply to new prospective Heritage Advisors from 22 March 2024 onwards.

### **Heritage Advisor List**

The Registrar may maintain a voluntary list of Heritage Advisors, which is publicly accessible on the website of the Department of Premier and Cabinet (the Department). The Heritage Advisor List is designed to assist persons or companies who wish to engage a Heritage Advisor, such as project sponsors. Inclusion on the list does not imply a Heritage Advisor is approved or endorsed by the Department.

All persons on the Heritage Advisor List will be persons who have demonstrated that they meet the Guidelines. They must also agree to abide by the Code of Conduct for Heritage Advisors, as published on the Department's website. Existing Heritage Advisors who wish to retain their listing will need to agree to abide by this code by the end of the six month transitional period.

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