

ABORIGINAL CULTURAL HERITAGE LAWS IN VICTORIA

Last updated in October 2025

Aboriginal Heritage Act 2006

What is Aboriginal cultural heritage?

In Victoria, **Aboriginal cultural heritage**, which includes Aboriginal **places** and **objects**, is protected under the *Aboriginal Heritage Act 2006 (the Act)*. The Act also protects Aboriginal **intangible heritage**. The Act recognises that Aboriginal people are the custodians of their heritage.

- An **Aboriginal place** is a place of cultural heritage significance to Aboriginal people at a general, community or group level.
- **Aboriginal objects** are objects, things, or material evidence of cultural heritage significance relating to Aboriginal habitation in Victoria.
- **Intangible Heritage** is any knowledge of or expression of Aboriginal tradition, other than Aboriginal cultural heritage.



Aboriginal cultural heritage is living and continuing, not just part of the past.

The [Victorian Aboriginal Heritage Register](#) is an online register where Traditional Owners can hold information about cultural heritage. The general public cannot access the Register because it contains culturally sensitive information. The [Victorian Aboriginal Heritage Council](#) advises the **Minister** for Treaty and First Peoples on Aboriginal Cultural Heritage issues.

How is cultural heritage protected?

It is an offence under the Act to:

- knowingly, recklessly or negligently **harm** Aboriginal cultural heritage
- carry out works that **disturb or excavate** any land for the purpose of finding Aboriginal cultural heritage without approval
- carry out scientific research on Aboriginal cultural heritage without approval
- possess, sell or remove an Aboriginal object from Victoria without approval
- fail to **report** the discovery of Aboriginal cultural heritage

A person has a **defence** if the action was:

- authorised under a **cultural heritage permit** or **cultural heritage management plan**,
- in accordance with an **Aboriginal cultural heritage land management agreement**,
- carried out by Aboriginal people for **traditional purposes**, or
- necessary because of an **emergency**



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What can I do if cultural heritage is under threat?

1. Contact your Registered Aboriginal Party (RAP)

RAPs have a key role in decision-making about heritage in their Country. They are the main source of advice and knowledge for the Minister, Secretary and Heritage Council on the protection of cultural heritage.

2. Propose an Aboriginal place or object for declaration

The Act allows the Minister to make declarations in relation to places or objects as **Aboriginal cultural heritage**. There are two types of declarations: Interim and Ongoing Protection Declarations.

3. Nominate cultural heritage for State Heritage Listing

Anyone can nominate an object or place to be listed on the **State Heritage Register**. It must meet certain criteria to be eligible for listing, including that it must be of cultural heritage significance on grounds in addition to its association with Aboriginal tradition. Once listed, it is protected under the *Heritage Act 2017* and a conservation management plan.

4. Have your say on Cultural Heritage Permit applications

Any application for a Cultural Heritage Permit to harm, disturb or move an Aboriginal object or place will either be approved by the relevant **RAP** or the **Secretary of the Department of Premier & Cabinet** following consultation with any relevant **Aboriginal person or body**. To have your say, check you are eligible to access the online register and contact the relevant RAP or the Secretary.

5. Report concerns to First Peoples – State Relations

You can report concerns about cultural heritage to **First Peoples – State Relations**. The Act includes a range of enforcement mechanisms. Authorised Officers can issue **stop orders** to prevent an action that is likely to harm Aboriginal cultural heritage for **up to 30 days**. Authorised Officers or Aboriginal Heritage Officers can also issue a **24hr stop order**.

6. Apply to the Federal Government for a Declaration

If you have run out of options under Victorian laws, you can apply for a declaration to protect cultural heritage under the *Aboriginal and Torres Strait Islander Heritage Protection Act*. Visit EDO's factsheet on [First Nations Cultural Heritage and Federal Law](#) for more information.

Visit the website [RAPs in Victoria](#) to find the list of Registered Aboriginal Parties.

Fill out the [Interim Protection](#) or [Ongoing Protection](#) forms and visit the [Aboriginal Heritage Protection Declarations](#) for more information on the process.

Write to **Heritage Victoria's Executive Director** to nominate cultural heritage for State Heritage Listing. This can be done through [Victoria's Planning Portal](#).

Check your eligibility and request access to the [Victorian Aboriginal Heritage Register](#) to see the status of applications.

Secretary of the DPC

☎ 03 9651 5111
✉ dp&c@dpc.vic.gov.au

VIC Aboriginal Heritage Council

☎ 03 9922 7002
✉ vahc@dpc.vic.gov.au

First People - State Relations

☎ 1800 762 003
✉ compliance.aboriginalvictoria@dpc.vic.gov.au

To apply for a declaration:

☎ 1800 751 242
✉ atsihpa@dcceew.gov.au



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