

Private Native Forestry

Aboriginal cultural heritage information sheet

Protecting Aboriginal objects and places

Aboriginal objects and places are an important part of Australia's shared history. More importantly, these objects and places are significant to Aboriginal people – these objects and places provide a direct link with Aboriginal culture and preserving them is vital.

The NSW landscape displays the evidence of tens of thousands of years of Aboriginal occupation. Cultural heritage values in the landscape may also be of a non-physical nature and include areas or places where cultural practices are or have been undertaken, and places of importance because of their relevance to cultural knowledge, songs and stories.

Who does what?

- The Office of Environment and Heritage (OEH) administers the *National Parks and Wildlife Act 1974* (NPW Act) which is the primary legislation that protects and manages Aboriginal cultural heritage in NSW;
- The Environment Protection Authority (EPA) issues landholders with approvals to carry out forestry operations under the *Native Vegetation Act 2003* (NV Act) and undertakes compliance activities to help ensure landholders meet the conditions of the Private Native Forestry Code of Practice.

If you intend to carry out private native forestry or clear other native vegetation on your land, you must adhere to the provisions relating to Aboriginal cultural heritage set out in the PNF Codes of Practice (see Table C for Northern NSW, Southern NSW, and Cypress and Western Hardwood forests, and Table A for the River Red Gum forests).



Photo: Midden remnants (R.Nicolai/EPA).



Photo: Yapp-Mulgowan art site walk in Gundabooka National Park (PNichol/OEH).

Your obligations

- A person must not harm or knowingly desecrate an Aboriginal object or an Aboriginal place. Harm is defined to mean destroying, defacing, damaging or moving an object from the land on which it had been situated or to cause or permit harm.
- Consider whether you need to apply to OEH for an Aboriginal Heritage Impact Permit.
- Forestry operations must not occur within:
 - 50 metres of a known burial site
 - 20 metres of an Aboriginal scarred or carved tree or
 - 10 metres of a known Aboriginal object or place.

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What are Aboriginal objects?

Examples of Aboriginal objects may include, but are not limited to: campsites, shell middens, scarred and carved trees, stone artefacts, burial sites, natural features, quarries, stone arrangements, axe grinding grooves, stone engravings, rock paintings, and Bora grounds or ceremonial rings.

The NPW Act defines an Aboriginal object as 'any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains'.



Photo: Ancient shell middens at Wallaga Lake in Gulaga National Park (S.D.Donaldson).

Shell middens are found near the coast and estuaries, and near inland lakes and rivers where freshwater shellfish occur. They are the remains of Aboriginal meals and camps, and can vary in size and depth of deposits. They can also contain artefacts such as stone tools, and are sometimes associated with burials.

Scarred or carved (culturally modified) trees are trees that show scars caused by the removal of the bark or wood for the making of, for example, canoes, containers, boomerangs and other wooden implements. The shape and size of the scar may indicate the purpose for which the bark or wood was removed from the tree. Carved trees are trees with carved intricate designs that often have a ritual significance for Aboriginal people and may be associated with other significant sites such as burial or ceremonial sites.

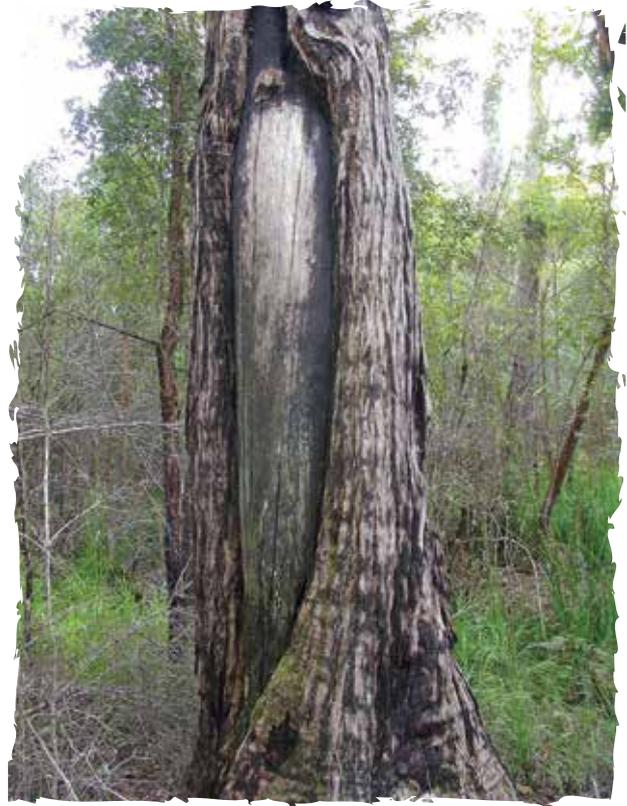


Photo: Scar tree in Conjola National Park (A.Simpson).

Stone artefacts are both the finished implement and the debris or by-product of its manufacture. Stone artefacts include stone tools, spear points, and other implements that may have been used in the preparation of food or to make nets, baskets or other tools. They may be found in isolation or in multiple numbers scattered within the landscape.

Quarry sites are specific resources where Aboriginal people obtained stone for manufactured stone tools or collected ochre for painting and decoration. Quarry sites may be found in areas of rock outcrops and can be identified by the presence of objects such as flaking debris. They can often be associated with other nearby sites and objects.

Stone arrangements include large circular or linear arrangements, stone cairns and rock markers. These have significant cultural heritage value because they are usually related to ceremonies; however, they are generally rare due to their vulnerability to disturbance.

Axe grinding grooves may be found in areas of sandstone, and are the result of rubbing harder rock types on the sandstone to shape and sharpen the tool. This was usually done close to water and results in a series of elongated grooves.

Rock paintings are of high cultural significance to Aboriginal people. They generally occur with rock overhangs and shelters where, for example, stencils of hands and objects, paintings or drawings of animal/people figures and animal tracks were created using ochre, white pipe clay or charcoal.

What is an Aboriginal place?

Aboriginal places are declared under s.84 of the NPW Act as being a place that is, or was, of special significance with respect to Aboriginal culture. Special protections are afforded to these places under the NPW Act and currently there are over 85 declared Aboriginal places in NSW. A significant area can have a natural resource usage or spiritual, historical, social, educational value. OEH maintains an Atlas of Declared Aboriginal Places in NSW.

What are my obligations?

OEH is responsible for ensuring the protection of Aboriginal objects and declared Aboriginal places across the NSW landscape. Under s.86 of the NPW Act a person must not destroy, deface, desecrate or damage, or knowingly cause or permit the destruction or defacement of, or damage to, an object or Aboriginal place without first obtaining s.90 consent from OEH.

OEH maintains a register of known Aboriginal objects and declared Aboriginal places in NSW, called the Aboriginal Heritage Information Management System (AHIMS). When a landholder applies for a Private Native Forestry Property Vegetation Plan (PVP), EPA officers will conduct a basic search of AHIMS. A copy of the results of that search will be provided to the landholder. If the basic search returns a positive result, an

extensive search will also be carried out. It should be noted here that the AHIMS database is limited and that grid references may not be accurate. It is essential to conduct a site assessment of the property to confirm the location of the Aboriginal objects identified through the AHIMS search.

Additionally, landholders can carry out a search of the AHIMS database for information about recorded Aboriginal objects and gazetted Aboriginal places. More information about the AHIMS database is available at www.environment.nsw.gov.au/licences/WhatInformationCanYouObtainFromAHIMS.htm

How to avoid harming Aboriginal objects

If, after conducting an AHIMS search, Aboriginal objects are found or are likely to be present; buffers will need to be applied around those objects to isolate them from forestry operations. In accordance with the PNF Codes of Practice, forestry operations are prohibited from occurring:

- within 50 metres of a known burial site
- within 20 metres of an Aboriginal scarred or carved (culturally modified) tree or
- within 10 metres of a known Aboriginal object or place (this requirement does not apply to Aboriginal objects or places that may lawfully be destroyed).

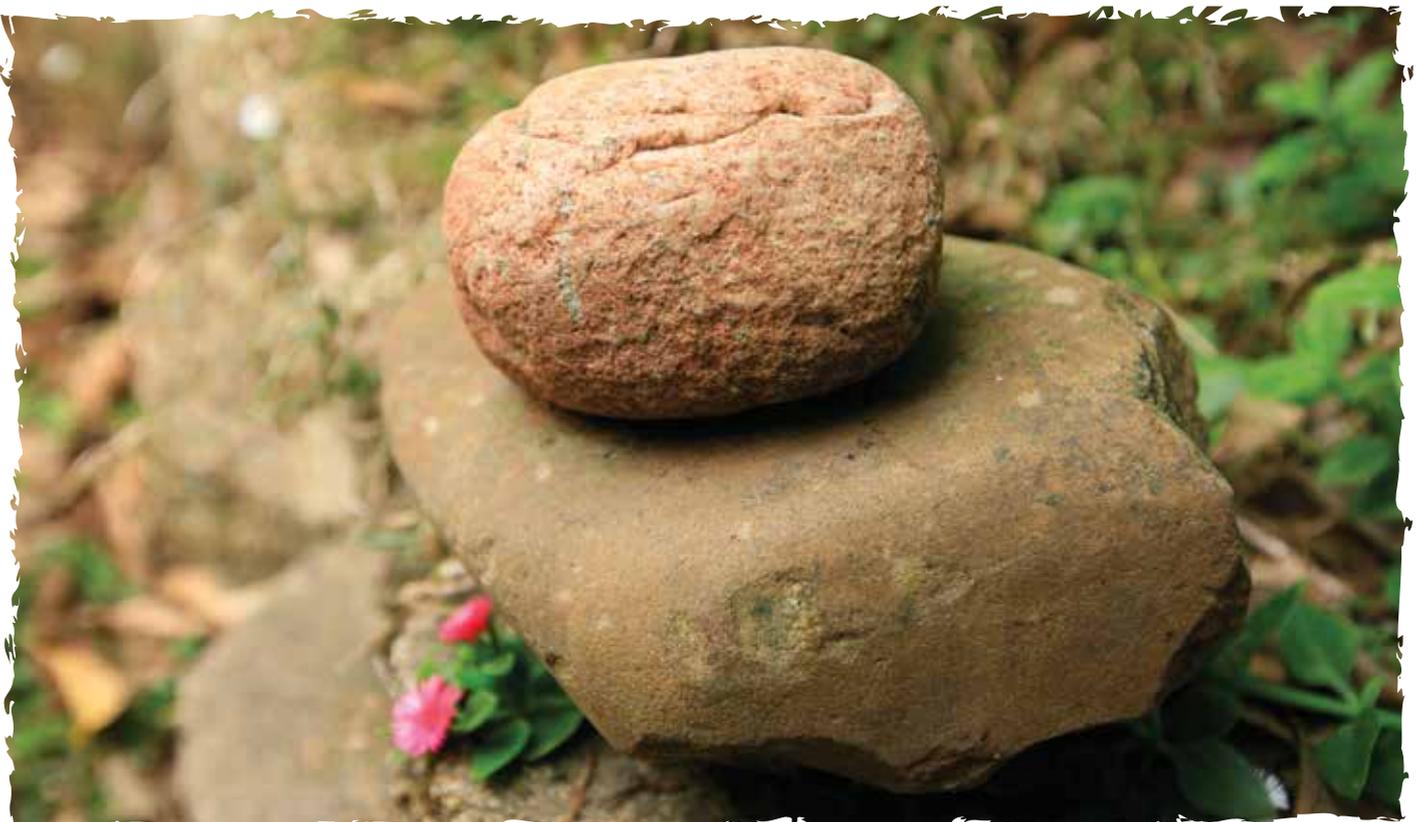


Photo: Grinding stone (R.Nicolai/OEH).

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Photo: Rock art stencils at Amphitheatre Gorge in Mutawintji National Park (P.Laughton/OEH).

Where buffers cannot be applied, an Aboriginal Heritage Impact Permit is required. An AHIP is the statutory instrument that the OEH can issue under the NPW Act for certain impacts or harm to Aboriginal objects or places. Please note that AHIP applications may be refused if deemed inappropriate.

If an Aboriginal object or place is discovered after the PNF PVP is approved by the EPA, landholders are required to stop any forestry operations and notify the OEH. If landholders intend

to continue the work that may harm those Aboriginal objects or places they are required to apply for an AHIP. Alternatively, landholders should apply the appropriate buffer zones to prevent harm to the newly identified Aboriginal objects.

If human remains are located during forestry operations, all works must stop in the immediate area to prevent any further impact to the remains. The NSW Police must be notified immediately and forestry operations must not resume until NSW Police provide a written notification to the landholder about the outcome of their investigations into the remains. If the site is identified as a possible Aboriginal burial site, the landholder must contact the OEH Environment line on 131 555 and representatives of the local Aboriginal community. No works are to continue until OEH provides written notification to the landholder.

More information

For more information:

- **Phone** the EPA on 131 555
- **email** forestry@epa.nsw.gov.au
- **fax** (02) 6640 2539
- **visit** www.epa.nsw.gov.au/pnf

Further reading

Aboriginal cultural heritage conservation:

www.environment.nsw.gov.au/conservation/aboriginalculture.htm

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www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx

The protection of Aboriginal objects and the Due Diligence Code of Practice:

www.environment.nsw.gov.au/conservation/aboriginalculture.htm

The Aboriginal Heritage Information Management System database:

www.environment.nsw.gov.au/licences/HowToObtainAHIMSData.htm

Aboriginal Heritage Impact Permits and how to apply for one:

www.environment.nsw.gov.au/licences/ahips.htm

Private Native Forestry:

www.epa.nsw.gov.au/pnf/index.htm

Note: This information does not constitute formal legal advice. Please seek specific advice from the Environment Protection Authority before undertaking any forestry activity.

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