

Statutory time constraints for the procedure

Procedure for Aboriginal cultural heritage consultation and investigation – Resource 2

Background

The following table outlines the statutory time constraints associated with Aboriginal community consultation and investigation mandated by the *National Parks and Wildlife Act 1974*, the National Parks and Wildlife Regulation 2009, the Aboriginal cultural heritage consultation requirements for proponents 2010, and the Code of practice for the archaeological investigation of Aboriginal objects in NSW 2010.

It also includes specific time constraints outlined in the Roads and Maritime Services' Procedure for Aboriginal cultural heritage consultation and investigation, to ensure adequate statutory compliance.

Please note that this table **does not** address time constraints associated with the following tasks:

- Undertaking searches of AHIMS and other heritage registers.
- Consultation with Roads and Maritime Services environmental officers and Aboriginal Programs staff.
- Engaging consultants and site officers.
- Undertaking archaeological surveys, test excavations and salvage excavations.
- Preparing and reviewing reports, applications and presentations.
- Undertaking interviews with Aboriginal knowledge holders for the provision of cultural information for detailed cultural assessments.
- Approving environmental impact assessment documentation.

The project manager must ensure that adequate time is set aside for these tasks. For further guidance, contact the regional senior environmental officer in the first instance.

Glossary

The following terms are used in this resource:

- AFG** – Aboriginal focus group meeting
AHIMS – OEH's Aboriginal heritage information management system
AHIP – Aboriginal heritage impact permit
CHAR – Cultural heritage assessment report
OEH – Office of Environment and Heritage

Table of time constraints

Stage	Activity	Statutory and procedural time constraints	
Stage 1	Initial Roads and Maritime Services assessment	None	
Stage 2	Site survey and desktop assessment	None	
Stage 3	Action 1: Seek the names of Aboriginal people with cultural knowledge by letter.	Allow 14 days for response	
	Action 2: Notify Aboriginal people with cultural knowledge by letter.	Allow 14 days for response	
	Action 3: Notify Aboriginal people with cultural knowledge by advertisement. Note: Actions 1 and 3 may be done concurrently.	Allow 14 days for response	
	Action 6: Send names of registered parties to OEH and local Aboriginal land council(s)	Within 28 days of the closing date for registration	
	Actions 7 to 8: Aboriginal parties review draft archaeological methodology and provide cultural information.	Allow a minimum of 28 days .	
	Action 8: Hold an AFG meeting	To be held 7 to 14 days after sending out draft archaeological methodology.	
	For all projects where archaeological testing is not required, prepare a draft CHAR in accordance with relevant Action 10 outcome. The following timeframes apply.		
	Appendix D - Action 3: Aboriginal parties review draft CHAR.	Allow 28 days for review and comment.	
	Appendix D - Action 4: Hold an AFG meeting	To be held 7 to 14 days after sending out draft CHAR.	
	OR For Part 4 and 5 projects undertaking testing in accordance with the		

Code of practice for the archaeological investigation of Aboriginal objects in NSW 2010, the following timeframes apply.	
Action 13: Senior Environmental Specialist (Heritage) to notify OEH of proposed testing under the code of practice.	Allow 14 days for notification.
<i>Following completion of archaeological testing, a CHAR must be prepared. The CHAR must be completed before the environmental impact assessment documentation can be determined, put on public display or submitted for adequacy.</i> Appendix D - Action 3: Aboriginal parties review draft CHAR.	Allow 28 days for review and comment.
Appendix D - Action 4: Hold an AFG meeting	To be held 7 to 14 days after sending out draft CHAR.
OR	
For Part 4 and 5 projects <u>not</u> undertaking testing in accordance with the Code of practice for the archaeological investigation of Aboriginal objects in NSW 2010, prepare a draft CHAR in accordance with Action 10 - Outcome 4. The following timeframes apply.	
Appendix D - Action 3: Aboriginal parties review draft CHAR and provide cultural information.	Allow 28 days for review and comment.
Appendix D - Action 4: Hold an AFG meeting	To be held 7 to 14 days after sending out draft CHAR.
Action 13b: A copy of the finalised CHAR and AHIP application is to be sent to Aboriginal parties and local Aboriginal land council(s).	Within 14 days of submitting the AHIP application to OEH.
Action 15: Implement testing methodology after receiving AHIP approval.	OEH's processing period for AHIP applications is 60 days .
<i>Following completion of the archaeological testing, the CHAR must be updated and provided to the Aboriginal parties for further review. The CHAR must be completed before the environmental impact assessment documentation can be determined, put on public display or submitted for adequacy.</i> Appendix D - Action 3: Aboriginal parties	Allow further 28 days for

	review the revised CHAR.	review.
	Appendix D - Action 4: Hold an AFG meeting	To be held 7 to 14 days after sending out draft CHAR.
OR		
For Part 4.1 and 5.1 projects where testing is required, the following timeframes apply		
	<i>Following completion of the archaeological testing, the CHAR must be prepared. The CHAR must be completed before the environmental impact assessment documentation can be determined, put on public display or submitted for adequacy.</i>	
	Appendix D - Action 3: Aboriginal parties review draft CHAR.	Allow 28 days for review and comment.
	Appendix D - Action 4: Hold an AFG meeting	To be held 7 to 14 days after sending out draft CHAR.
Stage 4	Action 3: Copy of CHAR and AHIP application to be sent to Aboriginal parties and local Aboriginal land council(s).	Within 14 days of submitting the AHIP application to OEH.
For Part 4 and 5 projects, the following timeframes apply		
	Action 4: Implement testing methodology after receiving AHIP approval.	OEH's processing period for AHIP applications is 60 days .