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ABORIGINAL HERITAGE ACT UPDATE

The amended Aboriginal Heritage Act 1972 took effect in Western Australia on 15 November 2023.

The Act ensures the protection and management of Aboriginal heritage across the State. Under the Act, it is an offense to knowingly damage Aboriginal cultural heritage. Examples of such heritage include ancient caves, artifacts, fish traps, historical places, rock art, waterways, burial sites and scar trees.

Before conducting any incident response activities or bushfire mitigation treatments, it is essential to assess whether they may damage Aboriginal heritage by:

- Checking the likelihood of a heritage site being present, either through the [Aboriginal Cultural Heritage Inquiry System](#) or by consulting with the relevant Aboriginal people.
- Evaluating the potential of the activities to harm an Aboriginal site.
- Determining the nature and extent of any potential harm that could occur.

If the planned activity poses no risk of harm to Aboriginal heritage, no approval is required.

Where it is not possible to determine if the activity poses a risk to Aboriginal heritage, seek advice from the Department of Planning, Lands, and Heritage (DPLH) through the [ACHknowledge](#) portal. The portal is also used to seek approval from the Registrar of Aboriginal Sites to bring plant and equipment onsite (Regulation 7) and undertake minor works (Regulation 10) on Aboriginal heritage sites.

Effective engagement and consultation with relevant Aboriginal people is key to protecting Aboriginal heritage. Where time permits seek prior approval for on ground activities including by incorporating these arrangements in agreements with native title parties.

If Aboriginal heritage sites are encountered during the response to an incident:

- During business hours, use the ACHknowledge portal to apply for Regulation 7 and 10 approval and follow up with a phone call to DPLH to request they expedite the process.
- Outside of business hours, be guided by the State Strategic Control Priorities, but take all reasonable precautions to avoid harming cultural heritage,



document the rationale for the decision to proceed with the activity and contact DPLH the next business day to seek retrospective approval.

DFES is committed to the protection of Aboriginal Cultural heritage. The department is currently working with DPLH to investigate options for emergency exemptions, standing consent for certain response activities and an afterhours contact for use during emergencies. Further guidance will be provided to DFES personnel when available.

For further information contact DPLH using the [Aboriginal Heritage Enquiry Form](#) or calling 08 6551 8002.

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