

# FACT SHEET

## FOR LAND OWNERS AFFECTED BY AN ASSESSMENT UNDER THE *ABORIGINAL HERITAGE ACT 1972*

The *Aboriginal Heritage Act 1972* (AHA) is the State's legislative instrument to preserve and protect Aboriginal heritage in WA. It applies to all land in WA - including crown and freehold land.

Freehold title gives the owner free and unrestricted access to the land – subject to certain rights which are often reserved by the State. As freehold title holder, you have the right to do anything you wish with your land, subject to complying to applicable laws such as planning, environmental or, as in this case, Aboriginal heritage. This process does not extinguish freehold title or any of your rights as a freehold title holder.

### **Procedural Fairness**

The Department of Planning, Lands and Heritage (DPLH) determines the land for which the AHA requires approvals, that is, what land constitutes an Aboriginal site. This process is currently underway for ID 31739 (Kalgan River).

DPLH gives procedural fairness to all landowners whose land will be affected by this process. This notice is to let all affected land owners know that a decision is being made about a portion of their land and to let them know that should they wish to do so they can add their voice to the process. There is no requirement however, for you to do anything. The map provided shows the extent of the Aboriginal heritage place.

### **What happens now?**

The Aboriginal Cultural Materials Committee (ACMC) will consider DPLH's assessment of the 'Kalgan River' as well as any submissions by affected stakeholders including Traditional Owners and land owners and decide whether the 'Kalgan River' is a place to which the AHA applies.

### **Will this process affect my property ownership?**

No. The purpose of the AHA is to protect Aboriginal heritage within Western Australia, which does not affect property ownership or land access. However, any future activities that are likely to damage, excavate or alter the river, its banks and tributaries within the portion of your land that is covered by the Aboriginal heritage place, you may need to apply for approval under the AHA.

### **Where can I find more information?**

DPLH provides an online mapping search system - 'Aboriginal Heritage Inquiry System' (AHIS) that is available at:

<https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/aboriginal-heritage-search>

Using the AHIS you can search for 'Other Heritage Places' and how they intersect with your street address.

Additionally, please feel free to contact DPLH on [AboriginalHeritage@dplh.wa.gov.au](mailto:AboriginalHeritage@dplh.wa.gov.au) or on (08) 6551 7929 with questions or concerns you may have.