Application for the transfer of Aboriginal objects for safekeeping

Use this form to apply for the custodianship of Aboriginal objects where there is no known Aboriginal owner. Under section 85A(1)(c) of the *National Parks and Wildlife Act 1974* (NPW Act), the Secretary of the Department of Planning and Environment may transfer such Aboriginal objects to a person or persons for safekeeping.

If you require assistance completing this form, please contact Heritage NSW on 02 9873 8500. Once completed and signed, the form and all supporting information should be sent to [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au). Please note that if your application is incomplete you may be requested to provide further information.

If your application is granted, Heritage NSW will contact you to negotiate a Care Agreement. The Care Agreement will include details about the location, storage, care, recording and notification requirements of the Aboriginal objects that are the subject of this transfer application. A copy of the Care Agreement will be sent to you. To execute the agreement, it will need to be signed and witnessed, and then returned to Heritage NSW.

## 1. Proposed custodian

**1.1** **Details of the proposed custodian**

Aboriginal objects can be transferred to individual(s), a company, body corporate or public authority, but ***not*** to a partnership or joint-venture. It is Heritage NSW policy that only the proposed custodian of the objects can apply for the transfer of those **objects** to themselves under s. 85A(1)(c) of the NPW Act.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Custodian’s full name(s) | Title: | | | Given name: | | | |
| Surname: | | | | | | |
| Trading as (if applicable) |  | | | | | | |
| ACN/ABN (if applicable) | ACN: | | | | ABN: | | |
| Registered business address | No: | Street name: | | | | | |
| Suburb: | | | | State: | | Postcode: |
| Phone numbers | Business: | | Mobile: | | | After hours: | |
| Fax and email | Fax: | | Email: | | | | |

**1.2 Contact details for inquiries**

Where the custodian is a company, body corporate or public authority, you may also nominate a contact for inquiries. This person must be someone who has the authority and responsibility for overseeing, for and on behalf of the custodian, the actions relating to the Aboriginal objects. These actions will be outlined in the Care Agreement (issued pursuant to s. 85A(1)(c) of the NPW Act).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name | Title: | | Given name: | |
| Surname: | | | |
| Organisation |  | | | |
| Position |  | | | |
| Phone numbers | Business: | Mobile: | | After hours: |
| Fax and email | Fax: | Email: | | |

## 2. Background/supporting information

**2.1 Objects that have come from a development site or activity**

|  |  |  |
| --- | --- | --- |
| Were the objects excavated/salvaged during a development or other activity? | **Yes** | **No** |

If you answered ‘**No’**, [go to question 2.2.](#page3)

If you answered ‘**Yes’**, provide information about any consents and consent numbers connected to the activity and *attach* a copy of the actual consents/permits, and consultation details below.

|  |  |
| --- | --- |
| **Type of consent or permit** | Consent / permit |
| A development consent, or other approval under the Environmental Planning and Assessment Act 1979 (e.g. consent, including State Significant Development under Part 4; approval under Part 5 – review of environmental factors; approval under Part 3A; approval under Part 5.1 State Significant Infrastructure projects). |  |
| An Aboriginal Heritage Impact Permit/s |  |
| Other (please name): |  |

**Consent / opinions of Aboriginal people**

Long-term management of Aboriginal objects should be discussed between the proponent, the registered Aboriginal parties (RAPs) and/or any other relevant party during the consultation process for an Aboriginal Heritage Impact Permit (AHIP) application or other approval (prior to any development or other activity commencing). Provide details of the discussions that have occurred regarding the long-term management of Aboriginal objects.

Attach relevant documentation. You may provide excerpts from your Aboriginal Cultural Heritage Assessment Report, copies of submissions and the proponent’s response to submissions if applicable.

|  |  |
| --- | --- |
| Consultation process undertaken on (insert dates): |  |
| Consultation was conducted with the following persons (attach a list of the RAPs or relevant Aboriginal parties, indicate whether this information is sensitive) |  |
| Outcome of the consultation process was (e.g. did the community agree/ partially agree or disagree with the transfer of the objects to the proposed custodian, provide reasons) |  |

[**Proceed to question 3.**](#page4)

**2.2 Objects that have come from a previous storage location**

|  |  |  |
| --- | --- | --- |
| Have the objects been the subject of a previous storage arrangement? | **Yes** | **No** |

If you answered ‘**Yes’**, provide information about the current storage location and arrangements and the reasons why a transfer is requested below.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Current Care  Agreement no.  (where applicable) |  | | | | | |
| Current custodian |  | | | | | |
| Current location (land description or property name) |  | | | | | |
| Street address | No: | Street name | | | | |
| Town / suburb: | | | State: | | Postcode: |
| Title details | Portion/s | | Parish | | County | |
| Lot and DP no. | | | | | |
| Local Government area/s |  | | | | | |
| Reason for the transfer (e.g. returning to the Aboriginal community) |  | | | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| Have you discussed the transfer of the objects (subject of this application) with the relevant Aboriginal community? | | **Yes** | **No** |
| Details of the Aboriginal community you spoke to |  | | |

|  |  |  |  |
| --- | --- | --- | --- |
| Did the relevant Aboriginal community agree with the proposal to transfer the objects? | | **Yes** | **No** |
| If you answered ‘**no**’ please provide details as to why some or all of the community did not agree to the transfer. |  | | |

## 3. Duration

Please indicate the period for which you seek the transfer, proposed start and end dates.

|  |  |
| --- | --- |
| Duration |  |
| Proposed start date if later than the agreement signed date[[1]](#footnote-1) |  |
| Proposed end date |  |

It is the responsibility of the Agreement holder to renew the Care Agreement.

Where an Aboriginal owner comes forward, the existence of the transfer and subsequent Care Agreement under s. 85A(1)(c) of the NPW Act, cannot limit the Aboriginal owner’s right to claim possession, custody or control of the Aboriginal object, and to deal with the object in accordance with Aboriginal tradition. Aboriginal owners are ‘persons whose names are entered on the Register of Aboriginal Owners because of the persons’ cultural association with particular land under the *Aboriginal Land Rights Act 198*3’.

## 4. Storage details for Aboriginal object(s) included in this application

**4.1 Location of the storage/safekeeping of the Aboriginal objects**

Please provide the following details of the storage location of the Aboriginal objects, to which this application applies.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Land description or property name |  | | | | | |
| Street address | No: | Street name | | | | |
| Town / suburb: | | | State: | | Postcode: |
| Title details | Portion/s | | Parish | | County | |
| Lot and DP no. | | | | | |
| Local Government area/s |  | | | | | |

**4.2 Proposed storage method**

Describe the storage method/s for the Aboriginal object(s).

|  |  |
| --- | --- |
| Storage facility (e.g. in a locked display cabinet, in an archival box, or bag)[[2]](#footnote-2) |  |
| Other details (if applicable) |  |

It is anticipated that the Aboriginal object(s) will be made available to other persons in accordance with Aboriginal lore and custom (e.g. access to members of a particular Aboriginal community or to all registered Aboriginal parties for educational purposes and access to university students or archaeologists for research / educational purposes).

**4.3 Description of the Aboriginal objects**

Please provide details of the Aboriginal objects that are included in this application. Note, if there is an AHIP over these objects, then the AHIMS site information should have been provided as part of the AHIP application.

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| --- | --- | --- | --- |
| AHIMS site ID | Site feature | Description of objects | Number of objects |
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Please attach extra page(s) if more space is needed.

## 5. Signature of proposed custodian

This application may only be signed by a person(s) with the legal authority to sign it. The various ways in which the application may be signed, and the people who may sign the application, are set out in the table below.

Please tick () the box next to the category that describes how this application is being signed:

|  |  |  |
| --- | --- | --- |
| **The proposed custodian is:** |  | **The application must be signed and certified by one of the following:** |
| An individual |  | the individual. |
| A company |  | the common seal being affixed in accordance with the *Corporations Act 2001, or*  two directors, or  a director and a company secretary, or  if a proprietary company has a sole director who is also the sole company secretary – by that director. |
| A public authority other than a council |  | the chief executive officer of the public authority, or their authorised delegate. |
| A local council |  | the general manager in accordance with s.377 of the *Local Government Act 1993* (LG Act), or  the seal of the council being affixed in a manner authorised under the LG Act. |

I/We (the proposed custodian):

* apply for the transfer of Aboriginal objects under s. 85A(1)(c) of the National Parks and Wildlife Act 1974
* declare that the information in this application form (including all the attachments) is not false or misleading in any material particular
* declare that all the documents required are attached.

**Proposed custodian**

|  |  |  |  |
| --- | --- | --- | --- |
| Signature |  | Signature |  |
| Name (printed) |  | Name (printed) |  |
| Position (in company or authority) |  | Position (in company or authority) |  |
| Date |  | Date |  |

Seal (if signing under seal)

## 6. Additional information

1. It is an offence under s. 169 (3) of the *National Parks and Wildlife Act 1974* to knowingly give any information in this form that is false or misleading in a material particular.
2. You must ensure that all questions are answered, and all relevant supporting information has been attached to this application. Incomplete applications will **not** be processed.

**Once completed and signed, pay the fee and email this form with all supporting information to**: [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au).

Files that exceed email limits can be submitted using Dropbox. Please share the link with [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)

Heritage NSW | Department of Planning and Environment | Locked Bag 5020 Parramatta NSW 2124 | Phone: 02 9873 8500  
Email: [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au) | EHG 220490 August 2022

1. The transfer will commence from the date the Care Agreement is signed, unless specified otherwise. The Care Agreement cannot be back-dated. [↑](#footnote-ref-1)
2. The safekeeping conditions of the Care Agreement will contain details of the storage requirements. There may be more than one storage method. [↑](#footnote-ref-2)