

Application for the transfer of Aboriginal objects for safekeeping



Office of
Environment
& Heritage

Section 85A(1)(c) of the *National Parks and Wildlife Act 1974*

Use this form if you want 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 Director General of the Department of Premier and Cabinet may transfer such Aboriginal objects to a person or persons for safekeeping.

If you need help filling out this form, please contact the relevant section within the Office of Environment and Heritage (OEH) (contact details are listed at the end of this form). Once completed and signed, the form and all supporting information should be sent to your nearest OEH office. Please note that if your application is incomplete you may be requested to provide further information. Further information on Care Agreements is available on the OEH website at www.environment.nsw.gov.au/licences/CareAgreements.htm.

If your application is granted, OEH will contact you to negotiate a Care Agreement with you. 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.

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 OEH's 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)			
Trading as (if applicable)			
ACN/ABN (if applicable)	ACN:	ABN:	
Business ¹ address/ other 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:
Fax and email	Fax:	Email:

¹ This must be the registered business address as it appears on the ASIC register, for companies or those individuals with an ABN.

2. Background/supporting information

2.1 Objects that have come from a development site or activity

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

If you answered '**No**', go to question 2.2.

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 no.
A development consent, or other approval under the <i>Environmental Planning and Assessment Act 1974</i> , (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	

Consent/ opinions of the 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.

2.2 Objects that have come from a previous storage location

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

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 & DP no:		
Local government area/s:			
Reason for the transfer (e.g. returning to Aboriginal community)			

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

	Yes	No
Did the Aboriginal community agree with the proposal to transfer the objects		
If you answered 'No' 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 ²	
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 1983*'.

4. Storage details for the 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:		Postcode:
Title details:	Portion/s:	Parish:	County:
	Lot & 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) ³ :	
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 university students or archaeologists for research/educational purposes, access to members of a particular Aboriginal community or to all registered Aboriginal parties for educational purposes).

² The transfer will commence from the date the Care Agreement is signed, unless specified otherwise. The Care Agreement can not be back-dated.

³ The safekeeping conditions of the Care Agreement will contain details of the storage requirements. There may be more than one storage method.

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.

[illegible]

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 <i>Corporations Act 2001</i> , 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 <i>Local Government Act 1993</i> ('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):

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.
3. Send completed form and attachments to your nearest OEH office identified below.

Office of Environment and Heritage – contact details

Metro Branch

Greater Sydney Region

Senior Team Leader, Planning
PO Box 644
Parramatta NSW 2124
T: 02 8837 6000
F: 02 9995 6900

North Branch

Hunter Central Coast Region

Senior Team Leader, Planning
PO Box 488G
Newcastle 2300
T: 02 4908 6800
F: 02 4908 6810

North East Region

Senior Team Leader, Planning
Locked Bag 914
Coffs Harbour NSW 2450
T: 02 6659 8235
F: 02 6659 6187

North West Region

Senior Team Leader, Planning
PO Box 2111
Dubbo NSW 2830
T: 02 6883 5330
F: 02 6881 6326

South Branch

Illawarra Region

Senior Team Leader, Planning
PO Box 513
Wollongong NSW 2520
T: 02 4224 9600
F: 02 4224 4199

South East Region

Senior Team Leader, Planning
PO Box 733
Queanbeyan NSW 2620
T: 02 6229 7188
F: 02 6229 7006

South West Region

Senior Team Leader, Planning
PO Box 544
Albury NSW 2640
T: 02 6022 0600
F: 02 6022 0610