

CLAUSE NOTES

ABORIGINAL HERITAGE PROTECTION (CONSEQUENTIAL AMENDMENTS) BILL 2013

PART 1 PRELIMINARY

Clause 1: Short Title

Provides that the short title of the Act is the *Aboriginal Heritage Protection (Consequential Amendments) Act 2013*.

Clause 2: Commencement

Provides that Act commences on a day or days to be proclaimed.

PART 2 CORONERS ACT 1995 AMENDED

Clause 3: Principal Act

In this Part, the *Coroners Act 1995* is identified as the Principal Act.

Clause 4: Section 23 amended (Aboriginal remains)

Amends section 3 of the Principal Act so that the jurisdiction of the coroner ceases if the Aboriginal organisation in its report to the coroner advises that the remains are Aboriginal remains and the Principal Act ceases to apply to the remains.

The coroner is to provide a copy of that report to the Secretary of the responsible Department in relation to the *Aboriginal Heritage Protection Act 2013*.

PART 3 CROWN LANDS (SHACK SITES) ACT 1997 AMENDED

Clause 5: Principal Act

In this Part, the *Crown Lands (Shack Sites) Act 1997* is identified as the Principal Act.

Clause 6: Schedule 2A amended (Model conversion criteria)

Amends clause 1(1)(a) to replace “an Aboriginal site, or a relic as defined under the *Aboriginal Relics Act 1975*” with “Aboriginal heritage registered under the *Aboriginal Heritage Protection Act 2013*”.

PART 4 CROWN LANDS REGULATIONS 2011 AMENDED

Clause 7: Principal Regulations

In this Part, the *Crown Lands Regulations 2011* are identified as the Principal Regulations.

Clause 8: Regulation 19 amended (Restrictions relating to public reserves)

Amends regulation 19(3)(a) to replace “Aboriginal relic within the meaning of the *Aboriginal Relics Act 1975*” with “Aboriginal heritage within the meaning of the *Aboriginal Heritage Protection Act 2013*”, and inserts in subregulation (10) a definition of “authority” to include an Aboriginal heritage permit made under the *Aboriginal Heritage Protection Act 2013*.

**PART 5 GAS INFRASTRUCTURE (PLANNING PERMITE EXEMPTION)
REGULATIONS 2013 AMENDED**

Clause 9: Principal Regulations

In this Part, the *Gas Infrastructure (Planning Permit Exemption) Regulations 2013* are identified as the Principal Regulations.

Clause 10: Schedule 1 amended (Prescribed Work and Criteria)

Amends column 3 of paragraph (a) of item 2 in Part 3 by replacing “*Aboriginal Relics Act 1975*” with “*Aboriginal Heritage Protection Act 2013*” and amends column 3 of paragraph (a) of item 2 in Part 4 by replacing “*Aboriginal Relics Act 1975*” with “*Aboriginal Heritage Protection Act 2013*”.

PART 6 LAND USE PLANNING AND APPROVALS ACT 1993 AMENDED

Clause 11: Principal Act

In this Part the *Land Use Planning and Approvals Act 1993* is identified as the Principal Act.

Clause 12: Section 3 amended (Interpretation)

Amends section 3(1) by inserting “*Aboriginal Heritage Minister* means the Minister administering the *Aboriginal Heritage Protection Act 2013*”.

Clause 13: Section amended (Applications for discretionary permits)

Omits subparagraph (i) of section 57(6)(b) of the Principal Act and replaces it with a clause that references section 72(4) of the *Aboriginal Heritage Protection Act 2013*.

Omits subparagraph (ii) of section 57(6)(b) and replaces it with a clause that references section 72(4) of the *Aboriginal Heritage Protection Act 2013*.

Clause 14: Section 59 amended (Failure to determine an application for a permit)

Inserts section 59(2)(ac) in the Principal Act regarding notification by the planning authority where a planning authority fails to determine a planning permit application under s 57 or s 58 of the Principal Act and it is deemed granted on conditions to be determined by the Appeal Tribunal on the Aboriginal Heritage Minister where notified by the Minister under section 68(4)(b) of the *Aboriginal Heritage Protection Act 2013* that he or she wishes to be involved in the determination of the application.

The Appeal Tribunal must notify the planning authority, and where joined as a respondent to the application, the Heritage Council and the Aboriginal Heritage Minister.

PART 7 NATIONAL BROADBAND NETWORK (TASMANIA) ACT 2010 AMENDED

Clause 15: Principal Act

In this Part, the *National Broadband Network (Tasmania) Act 2010* is identified as the Principal Act.

Clause 16: Section 28 amended (Application of planning laws)

Amends section 28(b) by inserting “the *Aboriginal Heritage Protection Act 2013*”.

**PART 8 PORT ARTHUR HISTORIC SITE MANAGEMENT AUTHORITY ACT 1987
AMENDED**

Clause 17: Principal Act

In this Part, the *Port Arthur Historic Site Management Authority Act 1987* is identified as the Principal Act.

Clause 18: Section 12 amended (Co-ordination of administration with requirements of *Nature Conservation Act 2002*)

Amends section 12(1)(b) to replace “*Aboriginal Relics Act 1975*” with “*Aboriginal Heritage Protection Act 2013*”.

PART 9 WELLINGTON PARK REGULATIONS 2009 AMENDED

Clause 19: Principal Regulations

In this Part, the *Wellington Park Regulations 2009* are identified as the Principal Regulations.

Clause 20: Regulation 26 amended (Relics)

Amends regulation 26 to replace “Aboriginal relic” with “Aboriginal heritage” in subregulation (1) and to insert in subregulation (2) a definition of “Aboriginal heritage” which means Aboriginal heritage registered under the *Aboriginal Heritage Protection Act 2013*.

PART 10 MISCELLANEOUS

Clause 21: Amendment of statutory rules

Provides that amendments by this Act of any statutory rules does not prevent their subsequent amendment, repeal, revocation or rescission by further statutory rules of the same kind.

Clause 22: Repeal of the Act

Provides that this Act is repealed 365 days after the day on which all of the provisions of this Act commenced.