

## **ABORIGINAL HERITAGE PROTECTION (CONSEQUENTIAL AMENDMENTS) BILL 2013**

### **Fact Sheet**

The *Aboriginal Heritage Protection (Consequential Amendments) Bill 2013* relates to the *Aboriginal Heritage Protection Bill 2013*.

The *Aboriginal Heritage Protection (Consequential Amendments) Bill 2013* makes consequential amendments to various Acts to replace references to the *Aboriginal Relics Act 1975* and Aboriginal relics with the *Aboriginal Heritage Protection Act 2013* and Aboriginal heritage as appropriate.

Legislation affected by these changes includes the: *Crown Lands (Shack Sites) Act 1997*; *Crown Lands Regulations 2011*; *Gas Infrastructure (Planning Permit Exemption) Regulations 2013*; *National Broadband Network (Tasmania) Act 2010*; *Port Arthur Historic Site Management Authority Act 1987*; and *Wellington Park Regulations 2009*.

The Bill also amends section 23 of the *Coroners Act 1995* to provide that, where the Aboriginal organisation approved under that Act advises in its report to the coroner that the remains are Aboriginal remains, the coroner on receipt of that report is to provide a copy of the report to the Secretary of the responsible Department in relation to the *Aboriginal Heritage Protection Act 2013*. Upon receipt by the coroner of the Aboriginal organisation's report, the jurisdiction of the coroner under this Act ceases in respect to the remains.

The Bill also includes changes to the *Land Use Planning and Approvals Act 1993* (the Planning Act), which largely mirror amendments set out in the *Historic Cultural Heritage Amendment Bill 2012*.

The amendments provide that:

- If the Tasmanian Heritage Council or the Aboriginal Heritage Council has not required extra time to consider a discretionary permit application under the respective Acts, the 42 day timeframe for determining a discretionary application under section 57 of the Planning Act stands, unless the applicant has agreed to an extension of time with the planning authority.
- If the Tasmanian Heritage Council or the Aboriginal Heritage Council has determined the need for an extra 14 calendar days to consider a discretionary permit application under the *Historic Cultural Heritage Act 1995* or the *Aboriginal Heritage Protection 2013*, the 42 day timeframe for determining a discretionary application under section 57 of the Planning Act is extended to 56 days or, if there is a further agreed extension of time between the applicant and the planning authority, by that day.

Further consequential amendments to the Planning Act include:

- A requirement for the planning authority to serve notice to the Aboriginal Heritage Minister where the failure of a planning authority to determine an application for a permit to which section 57 or 58 applies is deemed to constitute a decision to grant a permit on conditions to be determined by the Resource Management and Appeal Tribunal.

- Where an applicant applies to the Appeal Tribunal for determination of conditions under which a permit is granted, the Appeal Tribunal must notify the planning authority, and where joined as a respondent to the application, the Tasmanian Heritage Council and the Aboriginal Heritage Minister.