

ABORIGINAL CULTURAL HERITAGE ACT

599. Hon COLIN de GRUSSA to the Leader of the House representing the Minister for Aboriginal Affairs:

I refer to the minister's refusal to delay the 1 July 2023 commencement of the Aboriginal Cultural Heritage Act 2021.

- (1) Is the minister aware that many of the critical administrative elements required by landowners to ensure compliance with the act will not be in place until 1 July 2023 or after?
- (2) If yes, why is the minister refusing to delay the commencement of the act?
- (3) Will the state government consider providing financial compensation to those businesses that incur losses as a direct result of the implementation of the ACH?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1)–(3) All the critical administrative elements required by landowners to ensure compliance with the new act, including regulations, statutory guidelines, supporting guidelines and the new information and communications technology system will be in place for 1 July 2023. The new act is not imposing any new obligation to seek an authorisation where there is a risk of harm to Aboriginal cultural heritage. This requirement already exists. I will just repeat that: this requirement already exists under section 18 of the current Aboriginal Heritage Act 1972. Where there may be an impact to Aboriginal cultural heritage, the need for approval does not change. Where there will be no impact, no approval is required. The new act includes a range of exempt activities that do not exist under the AHA.