

ABORIGINAL CULTURAL HERITAGE ACT — IMPLEMENTATION

630. Hon NEIL THOMSON to the Leader of the House representing the Minister for Aboriginal Affairs:

I refer to the implementation of the Aboriginal Cultural Heritage Act.

- (1) As of 14 June, how many local Aboriginal cultural heritage services are registered and fully operational?
- (2) How many LACHS are likely to be fully operational on 1 July?
- (3) If there are no LACHS in existence in a specific area, how will the Department of Planning, Lands and Heritage system provide an approval to a tier 2 permit application for that area?
- (4) In the absence of a LACHS and a prescribed body corporate, will the DPLH system continue to provide approvals for applications?
- (5) If a tier 2 permit is provided to a proponent by the department without reference to a LACHS or prescribed body corporate, will that provide ongoing legal protection for any proponent who undertakes that activity within the parameters of the permit?

Hon JACKIE JARVIS replied:

I thank the member for some notice of the question. I answer on behalf of the Leader of the House. The following response has been provided by the Minister for Aboriginal Affairs.

- (1)–(4) As the member has been previously advised on multiple occasions, the new Aboriginal Cultural Heritage Act 2021 is not dependent on the establishment of LACHS. It aligns with the Native Title Act 1993 in giving priority to native title organisations such as regional corporations established under the South West Native Title Settlement, prescribed bodies corporate and native title representative bodies. The ACH act clearly sets out that it is these bodies—as is already the case—that proponents will need to engage with under the new act if no LACHS have been established.
- (5) As the member is aware, where an authorisation is provided—whether a permit or a management plan—under the ACH act, then the activity is authorised.