

Aboriginal Cultural Heritage Act 2021

Aboriginal Cultural Heritage Amendment Regulations 2023

SL 2023/25

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Aboriginal Cultural Heritage Amendment Regulations 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 6 April 2023.

3. Regulations amended

These regulations amend the *Aboriginal Cultural Heritage Regulations 2022*.

4. Part 2 heading amended

In the heading to Part 2 after “**Council**” insert:

and local Aboriginal cultural heritage services

5. Part 2 Division 4 inserted

At the end of Part 2 insert:

Division 4 — Local Aboriginal cultural heritage services

26. Further information in support of application

The ACH Council may make a written request to an applicant under section 38 of the Act to do any of the following —

- (a) provide the Council with further information relevant to the application that the Council requires to assess the application;
- (b) verify any further information by statutory declaration.

27. Circumstances in which CATSI Act corporation or Corporations Act corporation represents local Aboriginal community in area

For the purposes of section 40(3) of the Act, a CATSI Act corporation or a Corporations Act corporation represents the local Aboriginal community in an area if representing the rights, interests or views of the community is the principal object, or 1 of the main objects, of the corporation.

28. Annual reports to ACH Council about matters related to provision of local ACH service functions

- (1) For the purposes of section 48(1)(h) of the Act, a local ACH service for an area must —
 - (a) prepare a written report for each financial year, in a form approved by the ACH Council, about matters related to the provision of local ACH service functions in the area, including —
 - (i) what local ACH service functions were provided in the area, and the persons in

relation to whom they were provided, in the financial year; and

- (ii) anything that occurred in the financial year that affected the local ACH service's ability to provide local ACH service functions in the area in the financial year, or that may affect the local ACH service's ability to provide local ACH service functions in the area in the future;

and

- (b) provide a copy of the report to the Council within 90 days after the end of the financial year.

- (2) If a local ACH service is designated for an area between 1 January and 30 June (inclusive) in a year —

- (a) the local ACH service is not required to prepare and provide a report under subregulation (1) for the financial year (the *initial financial year*) in which the local ACH service is designated; but
- (b) the local ACH service's report prepared and provided under subregulation (1) for the following financial year must relate to both the initial financial year and the following financial year.

29. ACH Council may request report about matters related to provision of local ACH service functions

- (1) For the purposes of section 48(1)(h) of the Act, the ACH Council may by notice require a local ACH service for an area to provide to the Council a written report, in a form approved by the Council, about specified matters related to the provision of local ACH service functions in the area.
- (2) A notice under subregulation (1) must —
 - (a) be in writing; and

- (b) specify the day by which the report must be provided, which must not be less than 30 days after the day on which the notice is given.

6. Parts 3 and 4 inserted

After regulation 29 (as inserted by regulation 5 of these regulations) insert:

Part 3 — Miscellaneous

30. Prescribed periods

For the purposes of a provision of the Act listed in Schedule 1, the period set out in Schedule 1 opposite the provision is prescribed.

Part 4 — Transitional provisions

31. Consultation under Act s. 329(2)

- (1) If the consultation guidelines have not been made when the Minister begins to consult under section 329(2) of the Act, the consultation is not required to be carried out in accordance with the consultation guidelines.
- (2) If the knowledge holder guidelines have not been made when the Minister begins to consult under section 329(2) of the Act then, for the purposes of sections 107(1)(b)(ii) and 329(2)(b) of the Act, the knowledge holders for the specified area are —
 - (a) the members of Banjima Native Title Aboriginal Corporation RNTBC (Indigenous Corporation Number 7971); and
 - (b) the members of Wintawari Guruma Aboriginal Corporation RNTBC (Indigenous Corporation Number 4730).

7. Schedule 1 inserted

After regulation 31 (as inserted by regulation 6 of these regulations) insert:

Schedule 1 — Prescribed periods

[r. 30]

Provision	Prescribed period
Part 2 of the Act	
Section 46(1)	The period of 28 days after the day on which notice of the decision to refuse to designate is given under section 47 of the Act
Section 46(2)	The period of 28 days after the day on which notice of the decision to which the objection relates is given under section 47 of the Act

K. COLLERAN, Clerk of the Executive Council.