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ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE
(INTERIM PROTECTION) AMENDMENT BILL 1986

Date introduced: 16 April 1986
House: House of Representatives
Presented by: Hon. A.C. Holding, M.P.,
Minister for Aboriginal Affairs

DIGEST OF BILL

Purpose

To extend indefinitely the provisions of the **Aboriginal and Torres Strait Islander Heritage (Interim Protection) Act 1984** (the Principal Act).

Background

As enacted the Principal Act was expressed to operate for two years and to expire on 24 June 1986. The purpose of the Principal Act was to set up the necessary provisions to empower the Minister for Aboriginal Affairs, or an authorised officer of the Department, to make declarations regarding certain areas or objects. Such declarations specify the land or objects concerned and make provision for their protection. Penal sanctions are available for a breach or contravention of a declaration and injunctive relief is also available. The Principal Act also provides for the payment of compensation where the making of a declaration amounts to the acquisition of property.

Section 7 of the Principal Act makes express provision for the concurrent operation of consistent State and Territory laws. The Commonwealth legislation provides that the operation of State legislation, such as the **Aboriginal Heritage Act 1972 (WA)**, **Archaeological and Aboriginal Relics Preservation Act 1972 (Vic)** and the **Aboriginal Sacred Sites Protection Act 1978 (NT)**, should take precedence.

During its two years of operation the Principal Act has not been employed with respect to land and in only one case has a declaration been made with respect to objects.

It was reported[1] in May 1985 that 17 applications for declarations had been made but in each case the Minister had declined to make a declaration. One instance of a refusal concerned the return to the Aboriginal community of Aboriginal remains being held by Tasmanian Museums. On being presented with the application, the Minister consulted with the Tasmanian Government and received an assurance that the remains would be returned. Accordingly, it was felt that a declaration was not warranted.

Main Provisions

Clause 3 will repeal section 33 of the Principal Act which provides for the Principal Act to cease to operate two years after commencement.

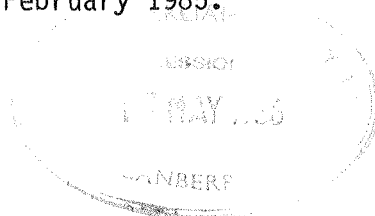
For further information, if required, contact the Education and Welfare Group.

5 May 1986

Bills Digest Service
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Reference

1. News Release, Heritage Legislation - Tasmanian Aboriginal Remains, Canberra, 15 February 1985.



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