

# How the Aboriginal Cultural Heritage Bill prevents the destruction of a site



The Aboriginal Cultural Heritage Bill provides a series of measures that greatly reduce the risk of another Juukan Gorge scenario happening. These measures are not in the *Aboriginal Heritage Act 1972*, only the Bill will make these changes possible, including the requirement to consult with Aboriginal people, other measures built into the approvals process and Ministerial intervention.



## Pre-Approval

**No contracting out** – contracts or clauses that limit what Aboriginal people can say about how their heritage is managed will have no effect, meaning Aboriginal people can voice their concerns and objections.

**Due Diligence Assessment** – Proponents to undertake a due diligence assessment, focusing on engaging with Aboriginal people, prior to undertaking any proposed activity that will impact Aboriginal cultural heritage.

**Aboriginal Cultural Heritage Investigations** - investigations must be undertaken before negotiations and need to adequately record all Aboriginal cultural heritage located in an application area.



## Aboriginal Cultural Heritage Management Plan

**Consultation** – only plans where valid consultation has taken place will be approved.

**Informed Consent** – agreed plans must demonstrate informed consent from Aboriginal parties, including feasible alternative methods for the proposed activity, and the risk of causing harm to Aboriginal cultural heritage.

**Heritage Impact Statements** – plan applications must include an impact statement that describes the heritage in the area, its value to Aboriginal people and how that Aboriginal cultural heritage is going to be managed or impacted.

**Requirement to report new information** – all plans will require the proponent to report any new information about Aboriginal cultural heritage located in the area, and have contingencies for how this heritage will be avoided or managed, and avenues for dispute resolution should this be needed.



## Ministerial Intervention

**Stop Activity, Prohibition Orders** – the Minister is able to issue Stop Activity and Prohibition Orders in circumstances where an activity is causing harm to Aboriginal cultural heritage or there is an imminent threat of harm.

**Amending Plans /Imposing Conditions** – Minister has the power to amend a plan or impose conditions when new information comes to light about Aboriginal cultural heritage, even if an approval is in place.

**State Significance** – if the cultural heritage is of State Significance, the Minister can determine it is protected even if consent was given to harm it.