



## Commonwealth Fact Sheet



### **ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION ACT 1984**

*Indigenous Australians, or their representatives, can apply to the Minister seeking protection of an area, object or class of objects from injury or desecration. While declarations are rarely made, it can significantly impact projects, even those with all other project approvals.*

#### **1. What is protected?**

The Act preserves and protects particularly significant Aboriginal or Torres Strait Islander areas and objects on Australian land and in Australian waters.

Forms of Indigenous heritage not protected, include:

- areas and objects whose significance is not due to their cultural significance. For example: archaeological, scientific or historical interest
- rock art or contemporary art with no particular significance in Aboriginal tradition
- natural heritage (wildlife or biodiversity).

#### **2. Who provides protection?**

The Department of Agriculture, Water and the Environment protects areas and objects of significance to Indigenous people under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984. This protection only applies when the Minister makes a declaration under the Act.

#### **3. How does it affect my project?**

Applications for declarations do not impact project approvals, but carry the risk that a declaration could restrict or significantly impact project viability.

Declarations can impact projects approved under other laws.

The length of declarations vary:

- Emergency declarations under section 18 can last up to 24 hours and can be extended for a further 24 hours (48 Hour maximum).
- Emergency declarations under section 9 can last up to 30 days and can be extended for a further 30 days (60 day maximum).
- Long-term declarations under section 10 (for areas) and section 12 (for objects or a class of object) can last for as long as a threat is likely to last or for an extended time period as specified by the responsible Minister.

#### **4. More information**

##### **Commonwealth**

For more information, visit the Department of Agriculture, Water and the Environment [website](#) or contact [heritage@environment.gov.au](mailto:heritage@environment.gov.au).

##### **Major Projects Facilitation Agency**

If you would like assistance to identify the regulatory obligations for your project, please visit our [Online Tool](#) or contact us:

Phone: 02 6243 7121

Email: [contact@mpaa.gov.au](mailto:contact@mpaa.gov.au)