



Aboriginal and Torres Strait Islander Heritage Protection Amendment Act 2006

No. 152, 2006

**An Act to amend legislation relating to Aboriginal
and Torres Strait Islander heritage protection, and
for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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Aboriginal and Torres Strait Islander Heritage Protection Amendment Act 2006

No. 152, 2006

**An Act to amend legislation relating to Aboriginal
and Torres Strait Islander heritage protection, and
for related purposes**

[Assented to 7 December 2006]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Aboriginal and Torres Strait Islander
Heritage Protection Amendment Act 2006*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	7 December 2006
2. Schedule 1	The day after this Act receives the Royal Assent.	8 December 2006
3. Schedule 2	A single day to be fixed by Proclamation. However, if the commencement of the provision(s) is not fixed by a Proclamation made within the period of 12 months beginning on the day on which this Act receives the Royal Assent, the provision(s) are repealed on the first day after the end of that period.	28 May 2007 (see F2007L01489)
4. Schedule 3	The day on which this Act receives the Royal Assent.	7 December 2006

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Effect of declarations

Aboriginal and Torres Strait Islander Heritage Protection Act 1984

1 After subsection 12(3)

Insert:

- (3A) A declaration under subsection (1) cannot prevent the export of an object if there is a certificate in force under section 12 of the *Protection of Movable Cultural Heritage Act 1986* authorising its export.

2 After subsection 18(2)

Insert:

- (2A) A declaration under subsection (1) cannot prevent the export of an object if there is a certificate in force under section 12 of the *Protection of Movable Cultural Heritage Act 1986* authorising its export.

3 After section 21E

Insert:

21EA Declarations have effect subject to certificates under section 12 of the *Protection of Movable Cultural Heritage Act 1986*

A declaration under section 21C, 21D or 21E cannot prevent the export of an object if there is a certificate in force under section 12 of the *Protection of Movable Cultural Heritage Act 1986* authorising its export.

Schedule 2—Repeal of Part IIA

Aboriginal and Torres Strait Islander Heritage Protection Act 1984

1 Subsection 7(1)

Omit “, except Part IIA,”.

2 Subsection 7(1A)

Repeal the subsection.

3 Section 8A

Repeal the section.

4 Subsection 20(1)

Omit “, except in Victoria,”.

5 Subsection 21(1)

Omit “, other than remains discovered in Victoria,”.

6 Part IIA

Repeal the Part.

7 Paragraph 25(1)(b)

Omit “or IIA”.

8 Paragraph 26(1)(a)

Omit “or IIA”.

9 Section 27

Omit “except Part IIA,”.

10 Subsection 28(1)

Omit “(except a provision of Part IIA)”.

11 Subparagraph 30(1)(c)(ii)

Omit “(not being proceedings in relation to a declaration under Part IIA)”.

12 Subsection 31(1)

Omit “Part IIA”.

13 Schedule

Repeal the Schedule.

***Aboriginal Land (Lake Condah and Framlingham Forest)
Act 1987***

14 Subsection 16(2)

Omit “(otherwise than for the purposes of Part IIA of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*)”.

15 Subsection 24(2)

Omit “(otherwise than for the purposes of Part IIA of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*)”.

Schedule 3—Technical amendments relating to legislative instruments

Aboriginal and Torres Strait Islander Heritage Protection Act 1984

1 Subsection 9(1)

After “he or she may”, insert “, by legislative instrument,”.

2 Subsection 9(3)

After “declare”, insert “by legislative instrument”.

3 Subsection 10(1)

After “he or she may”, insert “, by legislative instrument,”.

4 Subsection 12(1)

After “he or she may”, insert “, by legislative instrument,”.

5 Paragraph 14(1)(b)

Omit “date of publication in the *Gazette*”, substitute “day after the day of its registration under the *Legislative Instruments Act 2003*”.

6 Section 15

Repeal the section.

7 After subsection 18(2)

Insert:

(2A) A declaration under subsection (1) is not a legislative instrument.

*[Minister's second reading speech made in—
Senate on 12 October 2005
House of Representatives on 10 October 2006]*

(155/05)