



Aboriginal and Torres Strait Islander Heritage Protection (Kings Plains) Declaration 2024

I, Tanya Plibersek, Minister for the Environment and Water, make the following declaration.

Dated 13 August 2024

TANYA PLIBERSEK
Minister for the Environment and Water

Contents

Part 1—Preliminary	1
1 Name	1
2 Commencement.....	1
3 Authority	1
4 Definitions	1
Part 2—Declaration of an area as a significant Aboriginal area to be preserved and protected from injury or desecration	2
5 Declared area.....	2
6 Protection and preservation of declared area	2
Schedule 1—Map of declared area—Kings Plains, New South Wales	4

Part 1—Preliminary

1 Name

This instrument is the *Aboriginal and Torres Strait Islander Heritage Protection (Kings Plains) Declaration 2024*.

2 Commencement

- (1) Each provision of this instrument 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
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

4 Definitions

In this instrument:

Act means the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

bulk earthworks means the excavation or other movement of large quantities of soil or rock with the intent or effect of changing the level or elevation of an area of land.

declared area means the area specified in section 5.

land includes soil and vegetation.

mining activities means activities that include, or are related to, the extraction of materials or minerals from the ground.

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- Note: A number of expressions used in this instrument are defined in section 3 of the Act, including the following:
- (a) area;
 - (b) significant Aboriginal area.

Part 2—Declaration of an area as a significant Aboriginal area to be preserved and protected from injury or desecration

5 Declared area

- (1) For the purposes of subsection 10(1) and paragraph 11(a) of the Act, the area specified in subsection (2), that is a significant Aboriginal area, is declared for protection and preservation in accordance with section 6.
- (2) The declared area is the area which comprises part of the Belubula River, its headwaters and its springs, at Kings Plains, near Blayney in New South Wales.
- (3) The declared area is indicated by the map in Schedule 1.

6 Protection and preservation of declared area

- (1) For the purposes of subsection 10(1) and paragraph 11(b) of the Act, the declared area is a significant Aboriginal area that is to be preserved and protected from injury and desecration.
- (2) A person must not engage in any conduct that will, or is likely to, injure or desecrate the declared area.

Note 1: Subsection 3(2) of the Act relevantly states that for the purposes of the Act, an area shall be taken to be injured or desecrated if:

- (a) it is used or treated in a manner inconsistent with Aboriginal tradition;
- (b) by reason of anything done in, on or near the area, the use or significance of the area in accordance with Aboriginal tradition is adversely affected; or
- (c) passage through or over, or entry upon, the area by any person occurs in a manner inconsistent with Aboriginal tradition.

Note 2: A person commits an offence if the person engages in conduct that contravenes this provision: see subsection 22(1) of the Act.

- (3) Without limiting subsection (2), a person must not:
 - (a) undertake any mining activities within the declared area; or
 - (b) construct any bulk earthworks on the declared area; or
 - (c) seal any part of the declared area, including with concrete; or
 - (d) undertake any activity that will, or is likely to, significantly alter the landform or course of water flowing within the declared area; or
 - (e) conduct any drilling activities or preliminary activities associated with drilling; or

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- (f) conduct any clearing activities or preliminary activities associated with clearing; or
 - (g) disturb native vegetation or soil in a way that will, or is likely to, damage the declared area.

Schedule 1—Map of declared area—Kings Plains, New South Wales

