



Secretary  
Legislative Scrutiny Committee  
GPO Box 3721  
DARWIN NT 0821

Via email: [LSC@nt.gov.au](mailto:LSC@nt.gov.au)

Dear Secretary

**Re: Heritage Amendment Bill 2026**

Please accept this submission from the Anindilyakwa Land Council (ALC) on the proposed amendments to the *Heritage Act 2011*.

**Clause 4. Section 4 amended (Definitions)**

The addition of the new definitions for “early contact period” and “pre-contact period” requires clarity in order there is no doubt that it covers the period within which archaeologically significant places and objects were created (such as transformed modern materials like metal and glass worked into traditional forms). It is important that this definition is clear in its application, because ss 17 and 18 declare that all Aboriginal or Macassan archaeological places and objects are protected by the Act. This has major implications for owners of land where these places are located, who need to know whether works in an area will involve the heritage offences set out in Part 5.5 of the Act.

**Clauses 5, 6 and 7**

The new requirement for relics to be in a group in order to qualify for protection creates a risk that a significant and sacred object (ie one not located in a group) will not be recognised as having been stored in accordance with Aboriginal tradition. The Act should have strong provisions to ensure that single object has appropriate protections. One example of a loophole which now arises is where an object was stored in accordance with Aboriginal tradition but had then been moved by a non-Aboriginal person to a different location. The item has not lost its religious or archaeological significance simply because it has been moved, but on the amendments in the Bill, it loses all protection under Territory law.





An isolated stone artefact, not necessarily a single item that may have been dropped or moved, can and must be classified as an object. In addition, while it is understood a single item in a space does not constitute an archaeological place, there needs to be a clear threshold that defines a place in the legislation and that this should not be an inclusion in subordinate legislation/regulation in the future.

The definition of 'Aboriginal or Macassan archaeological object' should be expanded to also include any relic which is considered sacred under Aboriginal tradition.

The proposed amendments also make it likely impossible to prosecute a person who is found with an Aboriginal artefact (or artefacts) in their possession – they could simply claim they are an accumulated collection of individual artefacts which would mean none are protected.

### **Clauses 24 & 26**

The combined effect of these provisions is to lessen the rights of the owners of heritage objects. The Explanatory Statement to the Bill is not accurate where it states otherwise. Clause 26 is of particular concern to the Central Land Council, as it means that the owner of a heritage object is not entitled to seek review of a decision to approve work on that object, or even to be notified that such an approval has been given. This is an unwarranted interference with the property rights of owners of heritage objects. Notification and review rights should be afforded to the owners of heritage objects.

### **Clause 27 (Section 128 replaced)**

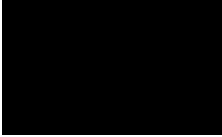
The requirement to appoint a representative of the Aboriginal Areas Protection Authority (AAPA) to the Heritage Council should be retained. There are extensive overlaps between sacred sites and Aboriginal archaeological places and objects. The Heritage Council needs the expertise that AAPA members can bring in that area. Further, having an AAPA member on the Heritage Council is a sensible administrative step to promote coordination between the two bodies. Consistent with the policy intent of the amendment, the requirement should be for two people of Aboriginal descent from the Northern Territory with expertise in Aboriginal heritage or Aboriginal tradition.





The ALC strongly believes it should be a legal requirement for Traditional Owners to always be consulted where an application may impact on an Aboriginal or Macassan archaeological place.

Yours sincerely,



Kupa Teao

**Chief Executive Officer**

27 March 2026

