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SUBMISSION of comments regarding the Heritage Amendment Bill 2026

26 March 2026

Dear Sir,

The Historical Society of the Northern Territory council appreciates the opportunity to make comment on the proposed Heritage Amendment Bill 2026. There are five amendments we wish to comment on:

Amendment 5 relating to S6(1) (b). The definition change for the criteria of a heritage site to require evidence of human occupation “during the pre-contact period or early contact period” could be restrictive. For example, neither the currently listed Namatjira painted twin gums in Central Australia, nor the Kahlin Compound site would not seem to meet this test. Nor would Old Man Rock (Darriba Nungalinya), located in the waters off Casuarina Beach in Darwin.

Amendment 14 relating to S35 (2). This amendment would appear to remove the Minister’s obligation to publish reasons for rejecting a Heritage listing recommendation from Council. We believe this is inconsistent with the stated aims of the amendments to 'promote clarity, fairness and confidence'.

Amendment 16, relating to S37. Repealing this section would give the Minister the power to not approve provisional listing if he/she wasn’t satisfied with the heritage significance of a place. This would mean public comment on provisional listing would not be afforded where the Minister, for whatever reason, decided they didn’t agree with a Heritage Council recommendation to proceed with provisional listing and seek public comment.

Amendment 17 relating to S39A c. The amendment gives the Minister a new power to revoke provisional listing even if without advice, or against advice from the Heritage Council. It is more usual for the Minister to make the final decision following the advice of the Council as in 39A (a and b)

Amendment 27 relating to S128(3). “at least two Council members are of Aboriginal descent, *as far as practicable*”. The last four words provide a Minister with an opportunity to not appoint any Aboriginal Council members at all. This seems to be against the current protocol and culture.

Yours sincerely,

Derek Pugh
President
Historical Society of the Northern Territory Inc.