1. The *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003* were due for review within five years of coming into effect.
2. In 2008, a review of the laws began, including consideration with industry and Traditional Owner groups.
3. The exposure draft of the *Indigenous Cultural Heritage Act Amendment Bill 2011* amends the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003* (the Acts).
4. The proposed amendments will:
* clarify the process for making cultural heritage agreements by formalising a hierarchy for engagement of relevant Aboriginal or Torres Strait Islander parties, including the last failed claim standing policy when there is no registered native title claim;
* align cultural heritage agreements with the native title process;
* require that Indigenous Land Use Agreements specifically address cultural heritage in order to be a valid cultural heritage agreement under the Acts;
* reduce regulatory burden for government and other users of the Acts and enhance the independence of decision making under the Acts by transferring the Minister’s decision making powers to the Land Court;
* provide guidance to the Land Court when approving or refusing cultural heritage management plans and other agreements;
* clarify administrative aspects of the Acts, including the definition ‘days’ and the requirement for an Indigenous party to be of legal age consistent with contract law to sign cultural heritage agreements; and
* ensure consistency with the Stage 1 objectives of the Civil and Criminal Jurisdiction Reform and Modernisation Bill 2010 and Whole-of-Government policy.
1. Cabinet approved the release of the exposure draft of the Indigenous Cultural Heritage Acts Amendment Bill 2011; explanatory notes for the Indigenous Cultural Heritage Acts Amendment Bill 2011; and non-legislative outcomes of the Review of the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003.*
2. *Attachments*
* [Exposure Draft of the Indigenous Cultural Heritage Acts Amendment Bill 2011](Attachments/Exposure%20Draft%20Bill%202011.pdf)
* [Explanatory notes for the exposure draft of the Indigenous Cultural Heritage Acts Amendment Bill 2011](Attachments/Explanatory%20Notes.pdf)
* [The non-legislative outcomes of the Review of the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*](Attachments/Non-legislative%20outcomes%20of%20the%20Review.pdf)