

DECISION MAKING AND INPUT IN THE NEW SYSTEM TO PROTECT ABORIGINAL HERITAGE

WHO	WHAT		
KNOWLEDGE HOLDERS*	<p style="text-align: center;">HERITAGE PLACES</p> <ul style="list-style-type: none"> Knowledge Holders decide on the importance of a place/object Knowledge Holders decide whether to register the place/object, BUT land use proposals that damage heritage could be authorised if information about heritage in the area is withheld 		
KNOWLEDGE HOLDERS/ LOCAL ABORIGINAL HERITAGE SERVICE (LAHS)	LAND USE AGREEMENT		NO AGREEMENT ON HERITAGE IMPACTS OF A PARTICULAR LAND USE PROPOSAL OR NO HERITAGE PROCESS AGREEMENT AT ALL
	LAND USE PROPOSAL – HERITAGE OUTCOME TYPE 1 (Heritage will be avoided or any impact will be minimal)	LAND USE PROPOSAL – HERITAGE OUTCOME TYPE 2 (Heritage will be destroyed, or any impact will be significant, or it is a State Significant Project)	LAND USE PROPOSAL – HERITAGE IMPACTS UNCERTAIN OR NOT AGREED
	<ul style="list-style-type: none"> Agrees on terms with the land use proponent Decides that impacts are minimal and acceptable 	<ul style="list-style-type: none"> Agrees on terms with land use proponent Decides that impacts are acceptable 	<p>No Heritage Process Agreement:</p> <ul style="list-style-type: none"> LAHS/Knowledge Holders must be consulted about impacts of proposed land use (proponent must document genuine attempts to consult) Proponent must attempt to assess heritage impacts (at a minimum by reference to the Aboriginal Heritage Register and other sources) <p>No agreement on impacts of a particular land use proposal:</p> <ul style="list-style-type: none"> LAHS/Knowledge Holders must be consulted about the impacts of a proposed land use (proponent must accurately present their views) LAHS/Knowledge Holders may present their views to the AHC separately
ABORIGINAL HERITAGE COUNCIL (AHC)	<ul style="list-style-type: none"> Checks that the negotiation process is equitable Endorses the heritage outcomes of an agreement Where there is minimal impact, decides to permit land use in the exact terms of the proposal submitted Where there is no impact may (at request of parties) decide to permit land use in the exact terms of the proposal submitted Publishes reasons for decisions 	<ul style="list-style-type: none"> Checks that reports of heritage and business cases for land use proposals meet the Aboriginal Heritage Council’s published standards Checks the negotiation process Makes recommendations to Minister on proposed land use 	<p>No Heritage Process Agreement at all:</p> <ul style="list-style-type: none"> Considers attempts to reach agreement. Checks proponent assessment of heritage impacts (including via heritage reports, Register and other sources independent of proponent if deemed desirable) Checks that justification for land use meets the Aboriginal Heritage Council’s published standards <p>No agreement on impacts of a particular land use proposal:</p> <ul style="list-style-type: none"> Considers attempts to reach agreement and parties’ views Checks justification for land use meets Aboriginal Heritage Council’s published standards. Makes recommendation to Minister on proposed land use in either case
MINISTER	<ul style="list-style-type: none"> Considers justification for land use and effect on Aboriginal people Considers Aboriginal Heritage Council recommendation Decides to endorse, vary or reject heritage outcomes of agreement Must publish reasons for decision 		<ul style="list-style-type: none"> Considers justification for land use and impact on Aboriginal people Considers Aboriginal Heritage Council recommendation Decides to refuse or permit land use as proposed with or without conditions Must publish reasons for decision

*A Knowledge Holder is acknowledged by their community as having the cultural knowledge for a place. They may be a Native Title Claimant/Holder, but do not have to be. The table does not apply where a place/object is valued only by the scientific community.