



Submission guide: Draft Aboriginal Heritage Bill 2026 (Tas)

The Tasmanian Government is updating its cultural heritage law. It has released a draft law – the Aboriginal Heritage Bill 2026 (Tas) (**'Draft Bill'**) – for public consultation. The Draft Bill is intended to replace the outdated [Aboriginal Heritage Act 1975 \(Tas\)](#) (**'the current law'**). This guide, together with [our submission](#), is designed to support you to make a submission by outlining EDO's main recommendations for a new Aboriginal Heritage Act.

See the Government's [consultation page](#) for more information including the:

- [Draft Bill](#)
- [Explanatory Clause Notes](#)

Submissions on the Draft Bill are due by **5:00pm AEST, Monday 6 July 2026**.

What Lutruwita (Tasmania)'s Aboriginal heritage law could do – and why this is important

- Aboriginal/cultural heritage laws are designed to preserve and protect Aboriginal heritage from damage and destruction, by prohibiting unauthorised harm.
- Aboriginal heritage includes both tangible (e.g. objects and places of significance to Aboriginal people) and intangible (e.g. knowledge, traditions and ceremony) elements.
- Aboriginal heritage is irreplaceable. It connects Tasmanian Aboriginal people to their ancestors, Country and Culture. Aboriginal heritage has been found in Lutruwita (Tasmania) that is more than 40,000 years old.
- Aboriginal heritage in Lutruwita (Tasmania) is being damaged and destroyed under the current law.

Let the Tasmanian Government know that the public expects a new, modern Aboriginal Heritage Act that has been co-designed with the Tasmanian Aboriginal Community.

EDO's concerns about the Aboriginal Heritage Bill

The Draft Bill is seriously flawed. It has not been developed with the Tasmanian Aboriginal Community. The reforms to the current law have also been unjustifiably delayed. We make the following overarching recommendations to address this:

1. The Tasmanian Government urgently co-design a process with Tasmanian Aboriginal people and their chosen representative organisations to draft a new Aboriginal heritage law.
2. In good faith, the Tasmanian Government commit to suspending any approvals under the current law that authorise harm to Aboriginal heritage until the new law is in place.

We have two main concerns with the Draft Bill itself. First, the lack of recognition and authority it gives the Tasmanian Aboriginal Community. Second, the extent to which the key protections in the Draft Bill can be watered down by broad exemptions and regulation-making powers. This threatens the effective protection of Aboriginal heritage. This approach to reforming the Aboriginal Heritage Act is anti-democratic and inconsistent with community expectations, international law and best practice standards.

Read [EDO's submission](#) for our detailed commentary on the Draft Bill and our recommendations for a new law.



EDO's key points to help you make a submission

1. The new law must reflect international law and best practice standards

The United Nations Declaration on the Rights of Indigenous Peoples ('**UNDRIP**') sets out the rights of First Nations Peoples under international law, including the rights to self-determination and Free, Prior and Informed Consent ('**FPIC**'). UNDRIP requires governments to protect and uphold these rights.

Best practice standards for cultural heritage laws provide practical guidance for incorporating UNDRIP rights into cultural heritage laws. In Australia, best practice standards are contained in [Dhawura Ngilan: A Vision for Aboriginal and Torres Strait Islander Heritage in Australia and the Best Practice Standards in Indigenous Cultural Heritage Management and Legislation](#) (2020) and [the recommendations in the Report of the inquiry into the destruction of Indigenous heritage sites at Juukan Gorge](#) (2021). These two reports show a clear path forward to avoid further destruction of Aboriginal heritage.

International law and Australian best practice standards require that:

- the Tasmanian Aboriginal Community is the ultimate decision-maker for the protection and management of their cultural heritage.
- the Government co-design Aboriginal heritage law with the Tasmanian Aboriginal Community.

The Draft Bill falls far short of these standards, in particular the principle of FPIC.

2. The Tasmanian Aboriginal Community must be recognised as the owners of Tasmanian Aboriginal heritage with appropriate powers to decide how it is protected and managed

The new law must reflect that Tasmanian Aboriginal heritage belongs to Tasmanian Aboriginal Community, and recognise their authority to protect it through appropriate decision-making powers.

The proposed new body under the Draft Bill – the Aboriginal Heritage Council ('**the Council**') – should represent the Tasmanian Aboriginal Community and be empowered to protect Aboriginal heritage. The new law should provide for the Council to:

- be appointed by the Tasmanian Aboriginal Community, not the Minister, and consult with the Tasmanian Aboriginal Community in exercising its functions.
- determine whether objects and areas are Aboriginal heritage, and have the power to record Aboriginal heritage on the Register of Aboriginal Heritage.
- have final decision-making power in relation to Aboriginal heritage permits and management plans – including the power to refuse to approve management plans that would have an unacceptable impact on Aboriginal heritage.
- be empowered to take action to protect Aboriginal heritage that is at risk by issuing stop, audit and protection orders.

3. Aboriginal heritage must be considered early in all planning and development processes and given the fullest protection

Aboriginal heritage will only be effectively protected if it is considered early in the Tasmanian planning process. Tasmanian Aboriginal people should be involved in all planning and development decisions.

- The new Aboriginal heritage law must be fully integrated into the planning system so that cultural heritage is the first consideration in planning approvals.
- The right of Tasmanian Aboriginal people to FPIC in all decisions relating to Aboriginal heritage must be reflected in all planning laws, not just Aboriginal heritage law.



4. Exemptions and regulation-making powers that allow protection of Aboriginal heritage to be weakened must be removed

The new law should apply as broadly as possible. Exemptions that allow Aboriginal heritage protections to be weakened, either in the new law or the regulations, should be removed, or at least strictly limited.

The Council should have the power to decide where an **exemption** is appropriate. There are too many exemptions in the Draft Bill that would allow certain activities to be done without an Aboriginal heritage permit or management plan.

The Government's power to make further changes to the new law through **regulations** must also be limited. As currently drafted, the Draft Bill would let the Government weaken protections for Aboriginal heritage and undermine the authority of the Council without the same level of scrutiny that applies to laws passed by Parliament.

The new law should:

- limit the regulations to operational detail only; and
- provide for the Aboriginal Heritage Council to co-design regulations under the Act.

5. The compliance framework must provide effective mechanisms to deter and respond to breaches of the law

The compliance and enforcement mechanisms of the new law must act as a deterrent to harming Aboriginal heritage. To achieve this, the new law must increase public awareness of offences, and support successful prosecutions for harming Aboriginal Heritage through:

- a clearer definition of what constitutes harm to Aboriginal heritage; and
- narrow defence provisions, specified in the legislation itself, not in regulations.

6. The Tasmanian Government must co-design the new law with the Tasmanian Aboriginal Community to ensure it respects their rights and authority

Against international law and Australian best practice standards, the Tasmanian Aboriginal Community has not been engaged in this process in a way that secures its FPIC for the making of laws that affect them. The Government must co-design the new law with the Tasmanian Aboriginal Community.

How to make a submission

We encourage you to email your written submissions to aboriginalheritageact@heritage.tas.gov.au by **5:00pm AEST, 6 July 2026**.

Your submission does not need to include legal commentary or suggest amendments to the Draft Bill. What is important is that you express your views on what the reform to the current law should do to protect and manage Aboriginal heritage.

[EDO's factsheet](#) provides useful tips for writing submissions.