



**CENTRAL LAND COUNCIL**

**Central Land Council submission to the  
Legislation Scrutiny Committee**

**Inquiry into the *Heritage Amendment Bill 2026***

**27 March 2026**

**ACKNOWLEDGEMENT**

The Central Land Council acknowledges the Territory's traditional owners, who were the first inhabitants in the Territory and remain its first and most important stewards.

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## 1. **About the Central Land Council**

The Central Land Council (**CLC**) is a corporate Commonwealth entity established under the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)* (**ALRA**) with responsibilities across the southern half of the Northern Territory. ALRA has enabled the grant of approximately 423,000km<sup>2</sup> of inalienable freehold title to Aboriginal people through Aboriginal Land Trusts, more than half of the land in the CLC's region.

Amongst other functions, the CLC has statutory responsibilities to express the wishes of traditional owners as to management of Aboriginal land and legislation affecting Aboriginal land, to protect the interests of traditional owners and other Aboriginal people, to consult with traditional owners about proposals to use Aboriginal land and to assist Aboriginal people to protect their sacred sites on any land within the CLC's region.

The CLC is also a Native Title Representative Body established under the *Native Title Act 1993 (Cth)* (**NTA**) and assists native title holders to claim native title and respond to land use proposals that affect their native title. The Federal Court has determined that native title exists across a significant portion of the pastoral estate in the CLC's region, and claims are being brought progressively over remaining areas.

Through its elected representative Council of 90 Aboriginal community delegates, the CLC represents the aspirations and interests of approximately 17,500 traditional Aboriginal landowners and other Aboriginal people resident in its region on a wide range of land, social and economic issues. The CLC's representative nature and its statutory functions give it a keen interest in ensuring that heritage legislation is fit for purpose and supports Aboriginal people's rights in relation to their land.

## 2. **Heritage legislation serves an important purpose and should not be rushed**

Heritage legislation serves an extremely important purpose, protecting important aspects of the Territory's history.

The CLC was invited to comment on limited parts of the *Heritage Amendment Bill 2026 (Bill)* before it was introduced into the Legislative Assembly. Only after it was introduced did the CLC become aware of the other amendments proposed.

The curtailed timeframe for this Inquiry, and holding it alongside inquiries into other major reforms, reduces our ability to contribute to the most meaningful extent possible. One week for public consultation on the drafting of important legislation does not allow the time needed to consider all the potential implications of it or to listen to the concerns and ideas of Territorians, especially Aboriginal Territorians.

The Legislative Assembly should allow a more substantial period for consultation and public debate about these laws rather than rushing ahead with complex and detailed changes.

In response to the specific questions asked in the terms of reference for this inquiry:

- a. whether the Assembly should pass the Bill – *No*.
- b. whether the Assembly should amend the Bill – *Yes, as outlined below*.

- c. whether the Bill has sufficient regard to the rights and liberties of individuals – *No, the rights of landowners are prioritised over the rights of heritage object owners.*
- d. whether the Bill has sufficient regard to the institution of Parliament – *No, due to the curtailed period for this Inquiry and limited consultation about the Bill.*

The CLC's comments on the Bill are limited to the following four matters.

### **3. Early contact period (Bill clause 4)**

The definition of **early contact period** could be made clearer so that there can be no doubt that it covers the period within which archaeologically significant places and objects were created (such as transformed modern materials such as metal and glass worked into traditional forms). It is important that this definition is workably 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.

### **4. Requirement for relics to be in a group (Bill clauses 5 and 6)**

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 proper treatment of these objects is a matter of the greatest significance for the CLC's constituents, and the Act should have strong provisions to ensure they are covered. 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. 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.

### **5. Review (Bill clauses 24, 26 and 32)**

The combined effect of clauses 24, 26 and 32 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 CLC, 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.

### **6. Composition of the Heritage Council (Bill clause 128)**

The requirement to appoint a representative of the Aboriginal Areas Protection Authority (**AAPA**) to the Heritage Council should be retained. This is a serious concern to the CLC. There are extensive overlaps between sacred sites and Aboriginal archaeological places

and objects. The Heritage Act requires, in a number of places, the assessment of Aboriginal tradition. 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.

For the same reason, the CLC submits that Aboriginal descent should not be the sole criterion for the two Aboriginal representatives on the Heritage Council. 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.