



Aboriginal Cultural Heritage Act 2021

PRESCRIBED TIMEFRAMES





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1. Purpose

Where a proposed activity may harm Aboriginal cultural heritage (ACH), the *Aboriginal Cultural Heritage Act 2021* (Act) establishes processes that outline the responsibilities for proponents as well as the roles for the ACH Council (Council) and Aboriginal people for the management of the activities.

Certain processes are required to be undertaken in accordance with timeframes prescribed in the *Aboriginal Cultural Heritage Regulations 2022* (Regulations).

2. Overview

The Act sets out processes for proponents who wish to carry out tier 2 activities requiring an ACH Permit (Permit) or an ACH management plan (Plan), and tier 3 activities requiring a Plan.

The Regulations will prescribe periods for notification and consultation undertaken under the Act for tier 2 and tier 3 activities. This document sets out those periods for ease of reference.



3. Prescribed timeframes

	Prescribed Period	Section	Timeframe
Permits	In relation to a notice of intention to carry out a tier 2 activity, the prescribed period for persons who are to be notified about the activity to submit to the proponent their views about the risk of harm being caused to ACH located in the area.	113	28 days after the day on which the notice is given
	In relation to a notice of the proposed extension of an ACH permit, the prescribed period for the persons to be notified about the activity to submit to the permit holder the person's views about the proposed extension.	122	
	In relation to a notice given by the Council of an application to carry out a tier 2 activity, the prescribed period for the notified persons to submit to the Council their views on the proposal set out in the application.	118	28 days after the day on which the notice is given ¹
	In relation to a notice of the proposed extension of a Permit, the prescribed period for the notified persons to submit to the Council their views on the proposal set out in the application.	125	
	Prescribed period for the Council to make a decision on an application made under section 115 or section 122.	119, 126	14 days after the end of the period for making submissions ¹
Plans	Prescribed period in relation to the proponent and each Aboriginal party using their best endeavours to reach agreement about the terms of a Plan.	143	140 days commencing 5 days after the proponent gives written notice about the Plan under section 142 ²
	Prescribed period for the Council to make a decision in relation to an application made under section 147 as to whether to approve or refuse an agreed Plan.	150	28 days after the parties advise the Council of their agreement or otherwise the day of the application ³
	Prescribed period for the Council to make a recommendation to the Minister as to whether to authorise a Plan the subject of an application made under section 157 where the parties haven't been able to agree.	162	90 days after the day on which the Council determines there is ACH of State significance or otherwise the day of the application ⁴
	Prescribed period for a person to submit to the Council their views on whether the ACH subject of a public notice given by the Council under section 175 should be recognised as being of State significance.	175	28 days after the day on which the notice is given
	Prescribed period for the Council to make a determination as to whether ACH is of State significance.	176	35 days after the end of the period for making submissions



¹ Does not include period where the clock has been 'stopped' following the Council making a written request to an applicant seeking further information under section 116. [s 119(3)]

² Period may be extended if agreed by the proponent and interested Aboriginal party or if imposed by the Council [s. 143(2)(b)].

³ Does not include the period where the clock has been 'stopped' following the Council making a written request under section 148 to an applicant seeking further information the Council requires to assess the application or the period during which the Council considers whether ACH may be of State significance (and determines that it isn't).

⁴ Does not include the period where the clock has been 'stopped' following the Council making a written request under section 158 to an applicant seeking further information or the period where the Council has given notice under section 160 to the parties of the offer to assist in reaching agreement.

4. Related Documents

These timeframes are relevant to the following documents:

- ACH Management Code
- ACH Management Plan Template and Guiding Notes
- State Significance Guidelines

5. Acronyms and definitions

ACH	Aboriginal cultural heritage
Act	<i>Aboriginal Cultural Heritage Act 2021</i>
Council	Aboriginal Cultural Heritage Council
Plan	ACH Management Plan
Permit	ACH Permit
LACHS	Local Aboriginal cultural heritage services