

27 March 2026

## To: Legislative Scrutiny Committee

## Re: Heritage Amendment Bill 2026

### Introduction

The Association of Mining and Exploration Companies (AMEC) appreciates the opportunity to provide industry feedback and comments on the *Heritage Amendment Bill 2026*.

Mineral exploration companies play a crucial role in shaping Australia's future resources sector, and working in genuine partnership with Traditional Owners is fundamental to doing so responsibly. When companies engage early and collaborate transparently, they not only meet their legal and social obligations but also build trust, improve project outcomes, and ensure development proceeds in ways that respect cultural heritage and deliver sustainable benefits for local communities.

### About AMEC

AMEC is a national industry association representing over 550 member companies across Australia. Our members are mineral explorers, emerging miners, producers, and a wide range of businesses working in and for the industry. Collectively, AMEC's member companies account for over \$100 billion of the mineral exploration and mining sector's capital value.

Mineral exploration and mining make a critical contribution to Australia's economy, directly employing over 274,000 people. In 2022-23, the industry generated a record-high \$466 billion in resource exports, invested \$4.27 billion in exploration expenditure to discover future mines (2023), and collectively paid over \$63 billion in royalties and taxes. In the Northern Territory, AMEC has 20 member companies that are invested in exploring, developing, and mining projects.

### General Remarks

The Northern Territory has some of the most comprehensive and distinctive protections for Aboriginal cultural heritage in Australia, grounded in the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)*, *Northern Territory Aboriginal Sacred Sites Act 1989 (NT)* and supported by the work of the Aboriginal Areas Protection Authority (AAPA). Unlike many other jurisdictions, the NT system places Traditional Owners and custodians at the centre of decision-making, recognising their authority to identify, interpret, and protect sacred sites.

This framework ensures that sacred sites receive legally enforceable protection with significant penalties for damage or unauthorised disturbance. The result is a heritage framework that is deeply aligned with Aboriginal cultural governance and responsive to the Territory's unique cultural landscapes.

These protections intersect closely with mining and exploration, which are major economic drivers in the Territory. Companies must obtain Authority Certificates from AAPA before ground-disturbing work can occur, ensuring that exploration planning incorporates cultural heritage considerations from the outset. This process requires early engagement, transparent communication, and genuine collaboration with Traditional Owners to identify sacred sites and agree on avoidance or mitigation measures. While this adds important steps to project timelines, it also provides certainty. Once a certificate is issued, companies have clear guidance on where they can operate without risking harm to heritage or breaching the law. In practice, the NT's system supports responsible development by balancing economic opportunity with the protection of cultural heritage.

The certainty this framework provides is crucial for the Territory's investment attractiveness. These reforms look to increase that certainty, while balancing reasonableness.

For those reasons, AMEC supports the Heritage Amendment Bill 2026, which provides greater clarity for decision-makers and industry.

### **Section 4 amended (Definitions)**

Using an age threshold to define what constitutes a relic is well established in international heritage practice. Canada, the United States, the United Kingdom and China have adopted minimum age benchmarks, ranging from 50 to 100 years, to distinguish recent material from objects that warrant archaeological protection.

These thresholds provide consistency, support clear decision-making, and align with long-standing approaches in countries such as Canada (the Cultural Property Export and Import Act) and in various underwater and archaeological heritage frameworks (UNESCO Convention of the Protection of the Underwater Cultural Heritage 2001). While significance remains the ultimate test, age criteria provide an important baseline to help ensure that older cultural materials are recognised, assessed, and managed appropriately.

### **Section 6 amended (Meaning of *archaeological place* and *Aboriginal or Macassan archaeological place*)**

AMEC supports the amendments to Section 6 of the Heritage Act. Establishing archaeological places requires more than simply recognising that an area contains a scattering of relics; it demands a consistent framework that ensures sites are identified, assessed, and protected with integrity.

Clear criteria help distinguish locations of genuine Aboriginal or Macassan archaeological significance from those with limited cultural value, allowing decision-makers to prioritise places that meaningfully contribute to the protection of Aboriginal cultural heritage.

With a more specific definition outlined in Section 6(2), assessments become less subjective and more consistent.

Equally important, specific criteria create transparency and accountability in the management of heritage places. They provide Traditional Owners, researchers, industry, and

government with a shared language and set of expectations, reducing conflict and improving the quality of consultation and decision-making.

When everyone understands how Aboriginal and Macassan archaeological significance is determined, it strengthens trust in the process and ensures that places of cultural, scientific, and historical importance are recognised and protected appropriately. In a landscape where industry and heritage often intersect, robust criteria are essential for balancing progress with the preservation of irreplaceable cultural knowledge.

### **Section 9 amended (Meaning of *relic*)**

AMEC supports amendment to Section 9 and the clarification of what constitutes a relic. This aligns with other jurisdictions, both nationally and internationally. In Western Australia, artefacts are described as *a place where human activity is identifiable by the presence of portable object/s (e.g., stone, glass, bone, shell) utilised or modified by Aboriginal people in relation to traditional cultural life*. This aligns with the examples provided in Section 6(2) and Section 9(2).

### **Section 21 amended (Council to accept or refuse to accept nomination)**

AMEC supports the amendments outlined in the Bill that give the Council the power to refuse nominations on the grounds that they are frivolous or vexatious, misconceived, or lacking substance. While it is not expected to occur frequently, it is good practice to have that ability. This will reduce the regulatory burden on the Council and allow it to allocate resources and time to accepted nominations.

### **Section 39A inserted**

AMEC support the implementation of Section 39A and the powers pertaining to the Minister. As with most legislation, the ultimate decision-making power should be vested in the Minister, enabling them to ensure the Act's smooth operation.

### **Section 41 amended (No further assessment of place or object for 5 years)**

Similar to other amendments in this Bill, this section will reduce the potential regulatory burden on the Council by preventing places or objects from being reassessed for 5 years.

### **Final Remarks**

AMEC appreciates the opportunity to provide feedback on the current Heritage Amendment Bill. Greater certainty for industry regarding Aboriginal cultural heritage will always be welcome.

#### **For further information, contact:**

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