

Private Forests Tasmania

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Project Team,
Aboriginal Heritage Bill 2026
Department of Natural Resources & Environment
Tasmania

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Your Ref: Submission_AHB 2026

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Draft Aboriginal Heritage Bill 2026

Thank you for the opportunity to provide input into the draft Aboriginal Heritage Bill 2026. Private Forests Tasmania (PFT) has read the draft Bill, the explanatory clause notes and other supporting documents and is providing the following feedback.

PFT is an independent statutory authority established under the Tasmanian *Private Forests Act 1994*. We work to facilitate and expand the sustainable growth and development of the private forest resource in Tasmania. We do this through providing information to private forest growers, through research collaborations, advocacy, innovation and planning tools. Under our Corporate Plan 2026-29, one of our four goals is to work with policy makers and regulators to improve regulatory efficiency and practical policy settings for private forestry.

PFT supports the Government's commitment to develop new and long overdue legislation that better protects Aboriginal cultural heritage in Tasmania. At nearly 200 pages in length, the Bill outwardly appears to be comprehensive, yet much of the detail on how it will operate in practice remains undisclosed as this detail will be prescribed in yet to be drafted subordinate regulations.

Aboriginal Heritage types and landscapes

The Bill does introduce new types of Aboriginal Heritage which are proposed to be registered. These include *objects, places, sites, human remains, and cultural landscapes*. Regarding places, sites and landscapes, there is no guidance provided on how large or the extent these areas could potentially be. The concept of *landscapes* being registered as heritage raises some concerns.

These are potentially very large areas covering a range of land use and tenure types. The only criterion in the Bill is that it be an area *of significance to the Tasmanian Aboriginal people*. This is a very broad definition and the detail on who can nominate such an area, and the nomination and assessment process are not disclosed in the Bill and will form part of the proposed regulations. This is notably concerning given that the definition of *registered* in clause 11 of the Bill includes not only being actually registered in the proposed Heritage Register, but also merely the subject of a nomination, application or assessment for registration in the Register. This appears to mean that potentially large areas of Tasmania, both public and private land, can be nominated by a person and all the protections in the Bill that apply to registered heritage such as permits, management plans, protection orders, audits and even being compulsorily acquired will apply, prior to any formal assessment and registration decision. Is this the intent of the Bill? PFT request that this be clarified by NRET please, as PFT could find no further explanation or information on this matter in any of the published consultation documentation.

Further to this is the meaning of *significance* as defined in clause 14. When a person is determining whether something has significance to the Tasmanian Aboriginal people, they potentially only need to take into account the scientific and social significance of the thing, amongst all the other elements listed in this clause. In the case of forested areas, nearly all forests will have some scientific significance and therefore clause 14(c) can be very broad in its interpretation.

Environmental Protection and Biodiversity Conservation (EPBC) Act reforms

PFT would like to draw attention to the current reforms occurring under the Environmental Protection and Biodiversity Conservation (EPBC) Act. On 9 June 2026, the Australian Government published a notice of intention to pursue a draft bilateral approval agreement with the Tasmanian Government for the Tasmanian Forest Management System. As part of this, there are new National Environmental Standards being developed, including one (yet to be developed) on Aboriginal Engagement. It is possible there could be crossover and unnecessary duplication of engagement through these two processes. It would be appreciated if more clarity can be given by the project team about how the Aboriginal Heritage Bill has been considered alongside the ongoing EPBC reforms, to help us understand how best to manage Aboriginal Engagement.

Registration process

As the nomination and registration process is yet to be made publicly available, there is concern that this process could become difficult and protracted. This has the potential for there to be extended periods of uncertainty which could have significant ramifications for private landowners and industry. PFT urges NRET to ensure the nomination, assessment and registration process in the forthcoming regulations be as streamlined as possible.

Ministerial guidelines

PFT supports the carryover of the current provisions in the *Aboriginal Heritage Act 1975* (sections 21-21A) that provide for the issuing of Ministerial guidelines. In the forestry sector, the document published by the Forest Practices Authority and titled *Procedures for managing Aboriginal cultural heritage when preparing Forest Practices Plans* has been specifically brought into the Bill by the savings and transitional provisions in schedule 4 clause 5. This is to be commended. These procedures have provided consistency in the proper protection and management of Aboriginal cultural heritage during the planning and conduct of forest operations as well as providing certainty for forest owners and managers. These arrangements should continue.

Protection measures

Whilst PFT also supports the provisions in clause 25, which purports to protect the rights of owners or occupiers of private land to continue their use and enjoyment of their land despite the presence of Aboriginal heritage, we remain concerned about the potential broader ramifications of the protection measures in Division 1 of Part 6. The requirement for permits, management plans, protection orders or audits may apply for any new development or land use activity on private land which contains, or nominated as potentially containing, Aboriginal heritage. The expanded scope of what is Aboriginal heritage will likely mean more foresters, farmers and rural landowners becoming affected by the new regulations.

Intangible Heritage

Regarding the proposed Heritage Register, clause 97(2) states the Register may include a record of intangible heritage matters such as knowledge, traditions, practices and rituals that are

significant to the Tasmanian Aboriginal people. Whilst this version of the Bill does not appear to provide specific provisions for the protection of intangible aboriginal heritage, earlier versions seen by PFT did include protection provisions. Is there an intention by the Government to reintroduce these provisions later?

If you have any queries on the points we have raised, please contact me on [REDACTED] or our Policy & Data Officer Murray Root on [REDACTED].

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Pietrzykowski', written in a cursive style.

Dr Elizabeth Pietrzykowski
CEO Private Forests Tasmania