

ABORIGINAL CULTURAL HERITAGE ACT — WATERWAYS

710. Hon NEIL THOMSON to the Leader of the House representing the Minister for Aboriginal Affairs:

I refer to the Aboriginal Cultural Heritage Management Code, which states that a tier 1 activity includes —

Removing flora from a waterway or coastal waters in a way that does not, over the course of 1 calendar year, involve any of the following —

- (a) removing more than 4 kg of material (not counting the flora); and
- (b) disturbing more than 10 m² of the bed or banks of the waterway or coastal waters —

The PRESIDENT: Order, member! Can we just have a little bit more clarity of the question for Hansard's sake please.

Hon NEIL THOMSON: Do you want me to repeat that?

The PRESIDENT: Just continue.

Hon NEIL THOMSON: I ask —

- (1) Please explain what “disturbing coastal waters” means for this purpose?
- (2) Does this mean that individuals and/or groups, such as natural resource management groups, will need to apply for an Aboriginal cultural heritage permit when seeking to remove noxious weeds from rivers or coastal waters?

Hon SUE ELLERY replied:

Thanks, President. It is written down, so it is quite easy for me, not so much maybe for Hansard.

The PRESIDENT: And nor for me, honourable member.

Hon SUE ELLERY: I thank the honourable member for some notice of the question.

- (1)–(2) The tiers of activities are set out in the Aboriginal Cultural Heritage Regulations. The Aboriginal Cultural Heritage Act 2021 deals with activities that involve ground disturbance. The regulations do not refer to disturbing coastal waters. As the member notes, they refer to removing flora from a waterway or coastal waters in a way that does not involve removal of material or disturbing the beds or banks. Regulation 75 sets out when a permit is required in relation to removing flora.