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15 August 2019

Dear Sir/Madam

Statutory review of the *Aboriginal Heritage Act 1975*

Thank you for the opportunity to comment on the statutory review of the *Aboriginal Heritage Act 1975*.

As the peak industry body in Australia for residential construction, renovation and development with over 60,000 members (including over 1,000 in Tasmania) the Housing Industry Association (the 'HIA') is well positioned to discuss any building and planning related issues arising from a raft of local, state and federal legislation. This includes the review of the *Aboriginal Heritage Act 1975* (the 'Act').

Clearly the Act contains a number of provisions for the identification and management of Aboriginal heritage. As a general principle HIA supports these objectives and understands the need to enshrine statutory protections within specific standalone legislation. Accordingly, there are a number of sections within the Review that HIA will not be commenting on.

However, it is inevitable that from time to time there will be land and building developments that are impacted by Aboriginal heritage and this has relevance to industry. In these instances, HIA submits that there needs to be a fair and proper process in place for all relevant stakeholders and government to follow. This process must provide certainty in terms of information required to support a building and development application, enforceable time-frames and consistency in decision-making.

Currently, industry does not believe the process around Aboriginal heritage meets all these requirements causing industry confusion and frustration. While HIA concedes that some of this antipathy is cumulative

due to an endless litany of approval and permit requirements associated with local councils, other state government authorities and referral agencies, Aboriginal heritage is a contributor.

In order to address this HIA recommends that the following be considered under this Review:

- The imposition of strict statutory time-frames for approvals under Aboriginal heritage applications. HIA submits that uniform time-frames should be enforced for all necessary permits and approvals;
- State-wide mapping where possible of all designated and potential Aboriginal heritage sites. This information is extremely valuable when conducting due diligence, determining the feasibility of projects and in pre-empting any likely impacts and/or conditions;
- The establishment of an expert panel endorsed by government to assist with Aboriginal heritage consultation and studies. This will hopefully ensure a more cost-effective, expedient and streamlined approach.

It is worth noting that both the mapping and statutory time-frame for approvals could be integrated into the *Planning and Building Portal* being developed by the Department of Justice's Consumer Building and Occupational Services.

HIA is cognisant of the fact that this legislation for all its merits can be problematic, particularly when it comes down to balancing the interests of Aboriginal heritage with community expectations on the delivery of housing and development. This concept is not foreign to industry with underlying pressure to produce energy efficient, sustainable, affordable, accessible, functional and aesthetic housing which is governed by various legislative instruments, policies and guidelines. Ultimately, the review will need to consider how the Act can protect and preserve Aboriginal heritage without unfairly and unnecessarily styming development.

I would welcome the opportunity to meet with you to discuss HIA's position and recommendations further.

Yours sincerely
HOUSING INDUSTRY ASSOCIATION



Stuart Collins
Executive Director
Tasmania