

Notes

1. This is a compilation of the *Aboriginal Heritage Act 1972* and includes the amendments effected by the other Acts referred to in the following Table.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Aboriginal Heritage Act 1972</i>	53 of 1972	2 October 1972	15 December 1972 (see <i>Gazette</i> 15 December 1972 p.4681)	
<i>Aboriginal Heritage Amendment Act (No. 2) 1980</i>	8 of 1980	23 September 1980	23 September 1980	
<i>Acts Amendment (Financial Administration and Audit) Act 1985, section 3</i>	98 of 1985	4 December 1985	1 July 1986 (see <i>Gazette</i> 30 June 1986 p.2255)	Amended by Act No. 4 of 1986 section 3. Section 4 savings and transitional
<i>Acts Amendment (Land Administration) Act 1987, Part XIV</i>	126 of 1987	31 December 1987	16 September 1988 (see <i>Gazette</i> 16 September 1988 p.3637)	
<i>Guardianship and Administration Act 1990, section 123</i>	24 of 1990	7 September 1990	20 October 1992 (see <i>Gazette</i> 2 October 1992 p.4811)	
<i>Acts Amendment (Public Sector Management) Act 1994, section 3 (1)</i>	32 of 1994	29 June 1994	1 October 1994 (see <i>Gazette</i> 30 September 1994 p.4948)	
<i>Aboriginal Heritage Amendment Act 1995</i>	24 of 1995	30 June 1995	1 July 1995 (see <i>Gazette</i> 30 June 1995 p.2781)	Section 19 (2), (3) and (4) validation and savings ² ; section 51 (2) and (3) transitional ³
<i>Sentencing (Consequential Provisions) Act 1995, Part 3 and section 147</i>	78 of 1995	16 January 1996	4 November 1996 (see section 2 and <i>Gazette</i> 25 October 1996 p.5632)	
<i>Acts Amendment (Land Administration) Act 1997, Part 3 and section 141</i>	31 of 1997	3 October 1997	30 March 1998 (see section 2 and <i>Gazette</i> 27 March 1998 p.1765)	

N.B. The Aboriginal Heritage Act 1972 is affected by the Aboriginal Heritage (Marandoo) Act 1992 (Act No. 2 of 1992), section 3.

The *Aboriginal Heritage Act 1972* is affected by the *Dampier to Bunbury Pipeline Act 1997* (Act No. 53 of 1997), Division 2 of Schedule 4 reads as follows —

“

8. Persons who are to be included as owners

A person who —

- (a) is the holder of rights conferred under section 34 of this Act in respect of land or is the holder's nominee approved under section 34 (3) of this Act; or
- (b) has authority under section 7 of the *Petroleum Pipelines Act 1969* to enter upon land,

is included as a person who is an owner of the land for the purposes of section 18 of the *Aboriginal Heritage Act 1972*.

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² Section 19 (2), (3) and (4) of the *Aboriginal Heritage Amendment Act 1995* (Act No. 24 of 1995) reads as follows —

“

- (2) Subject to subsection (3), the performance or purported performance and exercise or purported exercise, during the period beginning on the commencement of the principal Act and ending on the day before the day that this Act comes into operation, by the Committee of the duties imposed and powers conferred by section 18 of the principal Act on the Trustees shall be deemed to have been lawful and valid.
- (3) Subsection (2) does not apply to or in relation to legal proceedings instituted before 1 July 1990 in respect to the performance or purported performance of duties, or the exercise or purported exercise of powers, referred to in that subsection.
- (4) In this section, “**Trustees**” has the meaning given to it by the principal Act before its amendment by this Act.

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³ Section 51 (2) and (3) of the *Aboriginal Heritage Amendment Act 1995* (Act No. 24 of 1995) reads as follows —

“

- (2) After the commencement of the *Aboriginal Heritage Amendment Act 1995*, moneys standing to the credit of the Aboriginal Material Preservation Fund shall be transferred to an account forming part of the Trust Fund referred to in section 9 of the *Financial Administration and Audit Act 1985* established by the Treasurer and to be administered by the Department for the purposes of the protection of Aboriginal heritage.
- (3) On the commencement of the *Aboriginal Heritage Amendment Act 1995* the Trustees (as the accountable authority within the meaning in the *Financial*

Administration and Audit Act 1985) are to report in respect of the Aboriginal Material Preservation Fund, as opened and kept under Part VIII of the principal Act prior to its amendment by this Act, as required by section 66 of that Act, for the period from the preceding 1 July to the time of the commencement, and Division 14 of Part II of the *Financial Administration and Audit Act 1985* applies as if that period were a full financial year.

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