
ABORIGINAL AFFAIRS

AS301

Aboriginal Cultural Heritage Act 2021

**Aboriginal Cultural Heritage Amendment
Regulations (No. 3) 2023**

SL 2023/82

Made by the deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Aboriginal Cultural Heritage Amendment Regulations (No. 3) 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — immediately after the *Aboriginal Cultural Heritage Amendment Regulations (No. 2) 2023* regulation 6 comes into operation.

3. Regulations amended

These regulations amend the *Aboriginal Cultural Heritage Regulations 2022*.

4. Regulation 47 amended

At the end of regulation 47 insert:

Note for this regulation:

If a fee is payable in respect of the application under the *Aboriginal Cultural Heritage (Cost Recovery) Regulations 2023*, see also regulation 10(1) and (2) of those regulations.

5. Schedule 3 amended

- (1) In Schedule 3 delete the row relating to section 150(2) and insert:

Section 150(2)	<p>If a fee is payable in respect of the application under the <i>Aboriginal Cultural Heritage (Cost Recovery) Regulations 2023</i>, the period of 28 days after —</p> <ul style="list-style-type: none"> (a) unless paragraph (b) applies — the day on which the fee is received; or (b) if the application is, under section 161 of the Act, considered as an application under section 147(1) of the Act — the later of the following days — <ul style="list-style-type: none"> (i) the day on which the fee is received; (ii) the day on which the applicant and each interested Aboriginal party have advised the ACH Council under section 161 of the Act that they have reached agreement on the terms of the plan <p>If no fee is payable in respect of the application under the <i>Aboriginal Cultural Heritage (Cost Recovery) Regulations 2023</i>, the period of 28 days after —</p> <ul style="list-style-type: none"> (a) unless paragraph (b) applies — the day on which the application is made; or (b) if the application is, under section 161 of the Act, considered as an application under section 147(1) of the Act — the day on which the applicant and each interested Aboriginal party have advised the ACH Council under section 161 of the Act that they have reached agreement on the terms of the plan <p>Notes for this item:</p> <ol style="list-style-type: none"> 1. Working out of this period may be affected by regulation 63(3). 2. In relation to when a fee is received, see the <i>Aboriginal Cultural Heritage (Cost Recovery) Regulations 2023</i> regulation 21.
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- (2) In Schedule 3 delete the row relating to section 162(2) and insert:

Section 162(2)	<p>If a fee is payable in respect of the application under the <i>Aboriginal Cultural Heritage (Cost Recovery) Regulations 2023</i>, the period of 90 days after —</p> <p>(a) unless paragraph (b) applies — the day on which the fee is received; or</p> <p>(b) if section 177(1)(a) or (c) of the Act applies — the later of the following days —</p> <p style="padding-left: 20px;">(i) the day on which the fee is received; or</p> <p style="padding-left: 20px;">(ii) the day on which the determination is made under section 176(1)(b)(i) of the Act</p> <p>If no fee is payable in respect of the application under the <i>Aboriginal Cultural Heritage (Cost Recovery) Regulations 2023</i>, the period of 90 days after —</p> <p>(a) unless paragraph (b) applies — the day on which the application is made; or</p> <p>(b) if section 177(1)(a) or (c) of the Act applies — the day on which the determination is made under section 176(1)(b)(i) of the Act</p> <p>Notes for this item:</p> <p>1. Working out of this period may be affected by regulation 63(3).</p> <p>2. In relation to when a fee is received, see the <i>Aboriginal Cultural Heritage (Cost Recovery) Regulations 2023</i> regulation 21.</p>
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N. HAGLEY, Clerk of the Executive Council.
