



Australian
Institute of
Architects

TAS

ABN 72 000 023 012

The Royal Australian Institute of Architects
trading as Australian Institute of Architects

1/19a Hunter Street
nipaluna/Hobart, Tasmania 7000

P: (03) 6214 1500

tas@architecture.com.au
architecture.com.au

Aboriginal Heritage Tasmania
Department of Natural Resources and Environment Tasmania
GPO Box 44
Hobart TAS 7001

6 July 2026

By email to: aboriginalheritageact@heritage.tas.gov.au

Re: New Draft Tasmanian Aboriginal Heritage Legislation

To Aboriginal Heritage Tasmania

The Australian Institute of Architects welcomes the opportunity to provide feedback on the draft Aboriginal Heritage Bill 2026.

The Institute has consistently supported reform of Tasmania's Aboriginal heritage legislation and recognises the need to replace the *Aboriginal Heritage Act 1975* with legislation that reflects contemporary understandings of Aboriginal cultural heritage, self-determination and best-practice heritage management.

The Institute reiterates the position expressed in its previous submissions to Aboriginal cultural heritage reform processes: that Aboriginal people are the primary authority on Aboriginal cultural heritage and should play the leading role in determining how that heritage is identified, managed, protected and transmitted to future generations.

As the peak body for the architectural profession, the Institute does not seek to prescribe cultural outcomes or substitute its views for those of Tasmania's Aboriginal community. Rather, our interest lies in ensuring that legislative frameworks provide clear, equitable and effective mechanisms for the protection of cultural heritage while supporting good planning, design and development outcomes.

1. OVERALL POSITION

The Institute welcomes several aspects of the draft Bill, including:

- Recognition of Aboriginal cultural heritage as living heritage;
- Greater integration of heritage considerations into land-use planning and development processes;

- The establishment of governance structures intended to provide Aboriginal leadership in heritage decision-making.

These elements represent important improvements on the existing legislative framework.

Regarding the “acknowledgement of Aboriginal People as primary custodians”, The Act’s proposed definition is insufficient regarding recognition that Tasmanian Aboriginal People are owners of Aboriginal Heritage.

2. ABORIGINAL LEADERSHIP AND SELF-DETERMINATION

The Institute supports the principle that Aboriginal cultural heritage is owned, managed and guided by Tasmania’s Aboriginal community.

While the Institute does not seek to determine the preferred governance model, it strongly supports ongoing engagement with Tasmania’s Aboriginal community to ensure that the final legislation reflects the principle of self-determination and ensures that Aboriginal people are the primary decision-makers regarding their cultural heritage.

The Institute encourages the Government to continue working closely with Tasmanian Aboriginal organisations and community representatives to achieve broad support for the final legislative framework, including supporting regulations.

3. PROTECTION STANDARDS

The Institute supports a legislative framework that places protection of Aboriginal cultural heritage at its centre.

Aboriginal cultural heritage is finite and irreplaceable. Once destroyed, it cannot be replaced. The Institute therefore supports robust assessment and decision-making processes that prioritise avoidance of harm and promote early identification and protection of heritage values.

The Institute also supports recognition that Aboriginal heritage extends beyond individual sites and artefacts to encompass cultural practices, collections, cultural landscapes, places of continuing cultural practice, and connections to Country.

The Institute supports a statutory framework that requires independent Aboriginal cultural heritage impact assessments for projects with the potential to affect Country or Aboriginal cultural heritage. While meaningful consultation with Traditional Owners is fundamental, consultation should not be reduced to a procedural requirement. Effective heritage protection relies on early, genuine engagement informed by independent assessment, ensuring that cultural values are identified, understood and appropriately considered before key planning and design decisions are made.

4. CLARITY AND CERTAINTY

From the perspective of architects and the broader built environment sector, clarity and certainty in legislative processes are essential.

The Institute encourages the Government to ensure that the final legislation:

- Clearly defines roles, powers, responsibilities and decision-making processes;
- Provides transparent assessment pathways;

- Integrates effectively with Tasmania's planning system;
- Encourages early identification of heritage issues during project planning and design;
- Supports timely and informed decision-making.

Clear processes benefit both heritage protection and project outcomes by encouraging early engagement, reducing conflict and avoiding unintended impacts on heritage values.

5. ONGOING COLLABORATION

The Institute recognises that the development of Aboriginal cultural heritage legislation is fundamentally a matter that should be informed by Tasmania's Aboriginal community.

The Institute encourages the Government to continue consultation throughout the legislative process and to carefully consider feedback from Tasmanian Aboriginal people regarding governance, cultural authority and heritage protection mechanisms.

6. CONCLUSION

The Institute supports the replacement of the *Aboriginal Heritage Act 1975* and welcomes the opportunity presented by the draft Aboriginal Heritage Bill 2026 to strengthen the recognition and protection of Aboriginal cultural heritage in Tasmania.

The Institute reiterates its longstanding position that Aboriginal people should play the leading role in determining the management and protection of Aboriginal cultural heritage. We encourage the Tasmanian Government to continue working with Tasmania's Aboriginal community to ensure that the final legislation reflects this principle while providing a clear, effective and enduring framework for heritage protection.

The Institute would welcome ongoing involvement in the reform process where the expertise of architects and the broader design profession may assist in achieving these objectives.

Kind regards,



Daniel Lane
President, Tasmanian Chapter
Australian Institute of Architects



Jennifer Nichols
Executive Lead, Tasmanian Chapter
Australian Institute of Architects

The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with over 13,000 members across Australia and overseas. The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of architects and architecture to the sustainable growth of our communities, economy and culture. The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design. To learn more about the Institute, log on to www.architecture.com.au.