

EXPLANATORY STATEMENT

(Issued by the Authority of the Minister for the Environment and Water Resources)

Aboriginal and Torres Strait Islander Heritage Protection Amendment Act 2006

Proclamation

Subsection 2(1) of the *Aboriginal and Torres Strait Islander Heritage Protection Amendment Act 2006* (the Amendment Act) provides that Schedule 2 to the Amendment Act will commence on a day to be fixed by Proclamation. However, if the commencement of the provision(s) of Schedule 2 of the Amendment Act is not fixed by a Proclamation made within the period of 12 months beginning on the day on which the Amendment Act received Royal Assent, the provision(s) are repealed on the first day after the end of that period.

The Amendment Act received Royal Assent on 7 December 2006.

The purpose of the Proclamation is to fix 28 May 2007 as the day on which Schedule 2 to the Amendment Act commences.

Part IIA of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (the Act) sets out provisions for the preservation of Indigenous cultural heritage in Victoria. Schedule 2 of the Amendment Act repeals Part IIA of the Act and amends other provisions in the Act that apply specifically to Victoria and will enable the Victorian Government to administer Indigenous heritage protection in Victoria directly through its own legislation (the *Aboriginal Heritage Act 2006* (Vic)).

The commencement date of 28 May 2007 for Schedule 2 of the Amendment Act has been agreed in consultation with the Victorian State Government. It is proposed that the *Aboriginal Heritage Act 2006* (Vic) will also commence on that date. Further consultation was not considered necessary for this instrument as it is machinery in nature.

The Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.