



Commonwealth Fact Sheet



ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION ACT 1984 (the ATSIHP Act)

Indigenous Australians, or their representatives, can apply to the Minister seeking protection of an area, object or class of objects from injury or desecration. Declarations can impact projects, including those that have the necessary approvals in place.

1. What is protected?

The ATSIHP Act provides that declarations can be made to preserve and protect areas and objects that are of particular significance to Aboriginal or Torres Strait Islander people in accordance with their traditions.

2. Who provides protection?

The Commonwealth Environment Minister is responsible for protecting areas and objects that are of particular significance under the ATSIHP Act. Officers authorised by the Minister can provide immediate, short-term protection for areas and objects that are of particular significance under the Act.

3. How does it affect my project?

An application under the ATSIHP Act does not impact project approvals unless the Minister makes a declaration to protect an area or object. Declarations under the ATSIHP Act can impact projects that are otherwise approved under the Commonwealth, state or territory laws. The length of declarations may vary:

- Emergency declarations under section 18 last up to 24 hours and can be extended for an additional 24 hours (48 hours maximum).
- Emergency declarations under section 9 last up to 30 days and can be extended for an additional 30 days (60 day maximum).

- Long-term declarations under section 10 (for areas) and section 12 (for objects or a class of object) can last for as long as a threat is likely to occur or for a period specified by the Minister.

4. More information

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For more information on the ATSIHP Act, visit the Department of Agriculture, Water and the Environment [website](#) or contact: atsihpa@awe.gov.au

Major Projects Facilitation Agency

If you would like assistance to identify the regulatory obligations for your project, please visit our [Online Tool](#) or contact us:

Email: mpfa@industry.gov.au