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Cultural Heritage Acts Review
Department of Seniors, Disability Services and
Aboriginal and Torres Strait Islander Partnerships
PO Box 15397
CITY EAST QLD 4002

By email: CHA_Review@dsdatsip.qld.gov.au

Dear Sir/Madam

AGL SUBMISSION ON QUEENSLAND GOVERNMENT'S OPTIONS PAPER – FINALISING THE REVIEW OF QUEENSLAND'S CULTURAL HERITAGE ACTS

AGL welcomes the opportunity to provide a submission in response to the Department's Options Paper released in December 2021.

AGL wishes to make a brief submission in relation to the proposals set out in Section 4 of the Options Paper – Reframing the definitions of "Aboriginal party" and "Torres Strait Islander party".

In particular, AGL refers to the proposal outlined in "Option 2" of Section 4 to remove the automatic status of a previously registered native title claimant subject to a negative determination as a native title party for an area (also often referred to as the "**last claim standing**"). AGL is (or intends to be) a counter-party to cultural heritage agreements with Aboriginal parties who are the last claim standing. This proposal would affect the status of those Aboriginal parties as native title parties for an area, and ultimately, AGL's ability to rely on section 23(3)(a)(iii) of the *Aboriginal Cultural Heritage Act 2003* (Qld) (**ACHA**) to meet the Aboriginal cultural heritage duty of care by acting under those agreements.

The Options Paper states that, "All Cultural Heritage Management Plans made with the previous native title party (ie, before the amendments come into force) would continue to be recognised" (see page 22). AGL holds concerns regarding whether any relevant transitional provisions would only relate to Cultural Heritage Management Plans approved under Part 7 of the ACHA, rather than to *all* existing agreements (including those cultural heritage agreements which are not approved under Part 7 of the ACHA, but which are otherwise entered into with the relevant native title party, and provide deemed compliance with the Aboriginal cultural heritage duty of care established under section 23 of the ACHA).

AGL is strongly of the view that if there are legislative amendments made which affect the status of a last claim standing as being a native title party for an area, any transitional provisions in the legislation should recognise not only existing approved Cultural Heritage Management Plans, but also other cultural heritage agreements entered into with those parties.



AGL therefore emphasises the need to ensure that *all* existing cultural heritage agreements with these parties are recognised in any transitional provisions, and not just "approved" Cultural Heritage Management Plans.

AGL would welcome the opportunity to discuss any of the matters raised in this submission. The AGL contact is Morgana Gidley-Baird, Senior Manager, Environment Operations, mgidley-baird@agl.com.au.

Yours sincerely

Morgana Gidley-Baird

Senior Manager, Environment Operations