

# Aboriginal and Torres Strait Islander parties

The *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003* (the Acts) identify Aboriginal and Torres Strait Islander parties who should be involved in the assessment and management of cultural heritage.

Where applicable, this is achieved by recognising native title claims registered in the Federal Court of Australia in accordance with the *Native Title Act 1993* (Cwth).

## Native title party for an area

The native title party for an area is defined as:

- Native title holders – that is where native title has been recognised by the Federal Court of Australia
- Registered native title claimants – native title claims currently before the Federal Court of Australia
- Previously registered native title claimants (the ‘last claim standing’) – native title claims that have been removed from the Register of Native Title Claims administered by the National Native Title Tribunal (NNTT)
- Previously registered native title claimants will continue to be the native title party for that area providing:
  - there is no other registered native title claimant for the area; and
  - there is not, and never has been, a native title holder for the area

The native title party maintains this status within the external boundaries of the claim even if native title has been extinguished.

## Aboriginal or Torres Strait Islander party for an area

In the event that there is no native title party for an area, the Acts recognise the Aboriginal or Torres Strait Islander party for an area as being:

- the person recognised in accordance with tradition/custom as being responsible for the area;
- an Aboriginal or Torres Strait Islander person/family/clan group with particular knowledge about traditions, observances, customs or beliefs associated with the area

## Further information

For further information, and where possible, identification of the Aboriginal or Torres Strait Islander party for cultural heritage purposes, contact the Cultural Heritage Unit on telephone 1300 378 401 or email [cultural.heritage@datsip.qld.gov.au](mailto:cultural.heritage@datsip.qld.gov.au)

Visit the DATSIP website [www.datsip.qld.gov.au/ch](http://www.datsip.qld.gov.au/ch)