

Australian Capital Territory

Heritage Amendment Act 2024

A2024-32

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Australian Capital Territory

Heritage Amendment Act 2024

A2024-32

An Act to amend the [Heritage Act 2004](http://www.legislation.act.gov.au/a/2004-57%22%20%5Co%20%22A2004-57)

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Heritage Amendment Act 2024*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [Heritage Act 2004](http://www.legislation.act.gov.au/a/2004-57).

4 Members of council
Section 17 (1) (c)

omit

3 people

substitute

4 people

5 Section 17 (3)

substitute

 (3) For subsection (1) (c), the Minister must appoint the following public representatives who, in the Minister’s opinion, adequately represent the group for which they are appointed:

 (a) 1 public representative from the community;

 (b) 2 public representatives from the Aboriginal community;

 (c) 1 public representative from the property ownership, management and development sector.

6 New section 17 (4) (l) and (4A)

insert

 (l) any other discipline if, in the Minister’s opinion, a person representing the discipline would have knowledge, skills or experience beneficial to, or necessary for, the exercise of the council’s functions.

 (4A) However, only 1 expert may represent the discipline mentioned in subsection (4) (l) without representing any other discipline.

7 Establishment of heritage register
Section 20 (3) (c)

omit

section 29

substitute

section 30

8 Application for provisional registration of place or object—nomination application
New section 28 (3)

after the notes, insert

 (3) The council may reject a nomination application if it is not made in accordance with subsection (2).

Note If particular information is to be included in the form for a nomination application, or a particular document must be attached to or given with the form, the form is properly completed only if the requirement is complied with (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 255 (5)).

9 Section 29

substitute

29 Decision about nomination application

 (1) This section applies if the council—

 (a) receives a nomination application; and

 (b) does not reject it under section 28 (3).

 (2) The council must, as soon as practicable—

 (a) assess the merit of the nomination application; and

 (b) either—

 (i) dismiss the application; or

 (ii) accept the application and consider whether to provisionally register the place or object the subject of the application under section 32.

 (3) The council must dismiss the nomination application if—

 (a) the council is satisfied on reasonable grounds that the application is frivolous, vexatious, misconceived, lacking in substance or not made honestly; or

 (b) the council believes on reasonable grounds that accepting the application is unlikely to result in registration of the place or object; or

 (c) the council—

 (i) knows, or believes on reasonable grounds, the application contains incorrect, insufficient or outdated information about the place or object the subject of the application; and

 (ii) is satisfied on reasonable grounds that, because of the incorrect, insufficient or outdated information, accepting the application is unlikely to result in registration of the place or object; or

 (d) after the application is made—

 (i) something happens to the place or object the subject of the application that changes any of the details about the place or object provided in the application; and

 (ii) the council is satisfied there are no longer any grounds for accepting the application; or

 (e) the council—

 (i) has previously decided not to register the place or object the subject of the application; and

 (ii) is satisfied that the application shows no substantial new grounds for registration.

 (4) The council must, as far as practicable within 15 working days after making a decision under subsection (2) (b)—

 (a) if the council dismisses the application—give the applicant written notice of the dismissal and the reasons for the dismissal; or

 (b) if the council accepts the application—tell each interested person about the decision.

Note Interested person—see s 13.

 (5) In this section:

lacking in substance—a nomination application is lacking in substance if the council is satisfied on reasonable grounds that the application contains insufficient information for the council to make a decision about provisional registration.

10 New section 30A

insert

30A Change to nominated place or object before provisional registration decision

 (1) This section applies if, before the council makes a decision under section 32 in relation to a nominated place or object—

 (a) the council knows, or believes on reasonable grounds, that information in the nomination application for the place or object is now incorrect, insufficient or outdated; or

 (b) since the nomination application for the place or object was made or accepted, something has happened to the place or object that changes a detail about the place or object mentioned in the application.

 (2) The council may reassess the merit of the nomination application.

 (3) If the council reassesses the merit of the nomination application, it must—

 (a) dismiss the application; or

 (b) accept the application and consider whether to provisionally register the place or object the subject of the application under section 32.

Note If a nomination application is dismissed under s (3) (a), the place or object the subject of the application is no longer a nominated place or object (see dict, def nominated, par (b)).

 (4) The council must dismiss the application if a circumstance mentioned in section 29 (3) applies.

 (5) The council must, as far as practicable within 15 working days after making a decision under subsection (3)—

 (a) if the council dismisses the application—give the applicant written notice of the dismissal and the reasons for the dismissal; or

 (b) if the council accepts the application—tell each interested person about the decision.

Note Interested person—see s 13.

11 Dictionary, definition of nominated

substitute

nominated, place or object, means a place or object the subject of a nomination application that is—

 (a) accepted by the council under section 29 (2) (b) (ii); and

 (b) not dismissed by the council under section 30A (3) (a).

Note 1 A nominated place or object is eligible to be considered for provisional registration, but is not yet provisionally registered under s 32.

Note 2 A place or object is taken to be a nominated place or object under s 36.

Schedule 1 Technical amendments

(see s 3)

[1.1] Section 118A (3), note

substitute

Note See also the [Taxation Administration Act 1999](http://www.legislation.act.gov.au/a/1999-4), s 97 (1) (d) for power to disclose the information.

Explanatory note

This amendment corrects a cross-reference.

[1.2] Section 118B (2), note

substitute

Note See also the [Taxation Administration Act 1999](http://www.legislation.act.gov.au/a/1999-4), s 97 (1) (d) for power to disclose the information.

Explanatory note

This amendment corrects a cross-reference.

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 11 April 2024.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 9 July 2024.

3 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

I certify that the above is a true copy of the Heritage Amendment Bill 2024, which was passed by the Legislative Assembly on 25 June 2024.

Clerk of the Legislative Assembly

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