



Australian Capital Territory

# Heritage Amendment Act 2024

A2024-32

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Australian Capital Territory

# Heritage Amendment Act 2024

**A2024-32**

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An Act to amend the *Heritage Act 2004*

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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](#), s 75 (1)).

**3 Legislation amended**

This Act amends the *Heritage Act 2004*.

**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](#), 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](#), 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](#), s 97 (1) (d) for power to disclose the information.

#### Explanatory note

This amendment corrects a cross-reference.

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## Endnotes

**1 Presentation speech**

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

**2 Notification**

Notified under the [Legislation Act](#) 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).

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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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