

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Heritage)

Heritage Amendment Bill 2024

Contents

| | Page |
|---|------|
| 1 Name of Act | 2 |
| 2 Commencement | 2 |
| 3 Legislation amended | 2 |
| 4 Members of council | |
| Section 17 (1) (c) | 2 |
| 5 Section 17 (3) | 2 |
| 6 New section 17 (4) (l) and (4A) | 3 |
| 7 Establishment of heritage register | |
| Section 20 (3) (c) | 3 |
| 8 Application for provisional registration of place or object—nomination application | |
| New section 28 (3) | 3 |

Contents

| | Page |
|---|----------|
| 9 Section 29 | 4 |
| 10 New section 30A | 6 |
| 11 Dictionary, definition of <i>nominated</i> | 7 |
| | |
| Schedule 1 Technical amendments | 8 |

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Heritage)

Heritage Amendment Bill 2024

A Bill for

An Act to amend the *Heritage Act 2004*

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

1 **1 Name of Act**

2 This Act is the *Heritage Amendment Act 2024*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see [Legislation Act](#), s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Heritage Act 2004*.

9 **4 Members of council**
10 **Section 17 (1) (c)**

11 *omit*

12 3 people

13 *substitute*

14 4 people

15 **5 Section 17 (3)**

16 *substitute*

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

20 (a) 1 public representative from the community;

21 (b) 2 public representatives from the Aboriginal community;

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

1 **6 New section 17 (4) (l) and (4A)**

2 *insert*

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

7 (4A) However, only 1 expert may represent the discipline mentioned in
8 subsection (4) (l) without representing any other discipline.

9 **7 Establishment of heritage register**
10 **Section 20 (3) (c)**

11 *omit*

12 section 29

13 *substitute*

14 section 30

15 **8 Application for provisional registration of place or**
16 **object—nomination application**
17 **New section 28 (3)**

18 *after the notes, insert*

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

21 *Note* If particular information is to be included in the form for a nomination
22 application, or a particular document must be attached to or given with
23 the form, the form is properly completed only if the requirement is
24 complied with (see [Legislation Act](#), s 255 (5)).

1 **9 Section 29**

2 *substitute*

3 **29 Decision about nomination application**

- 4 (1) This section applies if the council—
- 5 (a) receives a nomination application; and
- 6 (b) does not reject it under section 28 (3).
- 7 (2) The council must, as soon as practicable—
- 8 (a) assess the merit of the nomination application; and
- 9 (b) either—
- 10 (i) dismiss the application; or
- 11 (ii) accept the application and consider whether to
- 12 provisionally register the place or object the subject of the
- 13 application under section 32.
- 14 (3) The council must dismiss the nomination application if—
- 15 (a) the council is satisfied on reasonable grounds that the
- 16 application is frivolous, vexatious, misconceived, lacking in
- 17 substance or not made honestly; or
- 18 (b) the council believes on reasonable grounds that accepting the
- 19 application is unlikely to result in registration of the place or
- 20 object; or
- 21 (c) the council knows, or believes on reasonable grounds, the
- 22 application contains incorrect, insufficient or outdated
- 23 information about the place or object the subject of the
- 24 application; or

- 1 (d) after the application is made—
- 2 (i) something happens to the place or object the subject of the
- 3 application that changes any of the details about the place
- 4 or object provided in the application; and
- 5 (ii) the council is satisfied there are no longer any grounds for
- 6 accepting the application; or
- 7 (e) the council—
- 8 (i) has previously decided not to register the place or object
- 9 the subject of the application; and
- 10 (ii) is satisfied that the application shows no substantial new
- 11 grounds for registration.
- 12 (4) The council must, as far as practicable within 15 working days after
- 13 making a decision under subsection (2) (b)—
- 14 (a) if the council dismisses the application—give the applicant
- 15 written notice of the dismissal and the reasons for the dismissal;
- 16 or
- 17 (b) if the council accepts the application—tell each interested
- 18 person about the decision.
- 19 *Note Interested person*—see s 13.
- 20 (5) In this section:
- 21 *lacking in substance*—a nomination application is *lacking in*
- 22 *substance* if the council is satisfied on reasonable grounds that the
- 23 application contains insufficient information for the council to make
- 24 a decision about provisional registration.

1 **10 New section 30A**

2 *insert*

3 **30A Change to nominated place or object before provisional**
4 **registration decision**

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

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

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

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

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

17 (a) dismiss the application; or

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

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

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

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

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

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

8 *Note* **Interested person**—see s 13.

9 **11 Dictionary, definition of *nominated***

10 *substitute*

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

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

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

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

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

1 **Schedule 1 Technical amendments**

2 (see s 3)

3 **[1.1] Section 118A (3), note**

4 *substitute*

5 *Note* See also the *Taxation Administration Act 1999*, s 97 (1) (d) for power to
6 disclose the information.

7 **Explanatory note**

8 This amendment corrects a cross-reference.

9 **[1.2] Section 118B (2), note**

10 *substitute*

11 *Note* See also the *Taxation Administration Act 1999*, s 97 (1) (d) for power to
12 disclose the information.

13 **Explanatory note**

14 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](#) on 2024.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
