

2024

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

TENTH ASSEMBLY

**GOVERNMENT AMENDMENT
TO THE
HERITAGE AMENDMENT BILL 2024**

SUPPLEMENTARY EXPLANATORY STATEMENT

**Presented by
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Minister for Heritage
June 2024**

HERITAGE AMENDMENT BILL 2024

This supplementary explanatory statement relates to a Government amendment to the Heritage Amendment Bill 2024 (the *bill*) presented to the Legislative Assembly in June 2024. It has been prepared to assist the reader of the bill and to help inform debate. It does not form part of the bill and has not been endorsed by the Legislative Assembly.

The statement must be read in conjunction with the bill and the explanatory statement prepared in support of the bill, as introduced in the Legislative Assembly in April 2024. It is not, and is not meant to be, a comprehensive description of the bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

OVERVIEW OF THE GOVERNMENT AMENDMENT

The Government amendment relates to section 29 (3) (c). This subsection states that the ACT Heritage Council (the *Council*) must dismiss a nomination application for registration on the ACT Heritage Register if the Council reasonably believes the application contains incorrect, insufficient or outdated information.

The Government amendment specifies that the Council must only dismiss a nomination in cases where the incorrect, insufficient or outdated information means that the application is unlikely to result in registration of the place or object.

This amendment will provide greater discretion for the Council to decide whether to dismiss or accept a nomination considering the supporting claims of heritage significance. It will ensure that nominations of value are not dismissed because they contain incorrect, insufficient or outdated information that does not impact the likelihood of registration.

CONSULTATION ON THE PROPOSED APPROACH

The Government consulted with the Council on the Government amendments.

CLIMATE IMPACT

This Government amendment has no impact on climate change.

CONSISTENCY WITH HUMAN RIGHTS

There are no human rights implications arising from the Government amendments.

During the development of the bill due regard was given to its compatibility with human rights as set out in the *Human Rights Act 2004*.

CLAUSE NOTE

Government Amendment 1

Clause 9

Proposed new section 29 (3) (c)

The amendment inserts a requirement that the Council must only dismiss a nomination in cases where the incorrect, insufficient or outdated information means that the application is unlikely to result in registration of the place or object.