



Australian Capital Territory

# Heritage Regulation 2006

**SL2006-45**

made under the

**Heritage Act 2004**

**Republication No 3**

**Effective: 27 November 2023**

Republication date: 27 November 2023

Last amendment made by [A2023-36](#)

## About this republication

### The republished law

This is a republication of the *Heritage Regulation 2006*, made under the *Heritage Act 2004* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 27 November 2023. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 27 November 2023.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

# Heritage Regulation 2006

made under the

**Heritage Act 2004**

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Australian Capital Territory

# Heritage Regulation 2006

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made under the

[Heritage Act 2004](#)

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**1 Name of regulation**

This regulation is the *Heritage Regulation 2006*.

**3 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

**4 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

**5 Calling council meetings**

- (1) Meetings of the council are to be held when and where it decides.
- (2) However, the council must meet at least—
  - (a) once every 3 months; and
  - (b) 6 times a year.
- (3) The chairperson or deputy chairperson (the *convenor*)—
  - (a) may at any time call a meeting of the council; and
  - (b) must call a meeting of the council if asked by the Minister or at least 4 members.

- (4) The convenor must give the other members written notice of particulars of the meeting—
  - (a) if the meeting is not urgent—at least 5 working days before the day of the meeting; or
  - (b) if the meeting is urgent—as soon as practicable before the meeting.
- (5) In subsection (4):  
*particulars of the meeting* includes the following:
  - (a) the date and time of the meeting;
  - (b) details about—
    - (i) if members are required to attend the meeting in person—where the meeting will be held; or
    - (ii) if members are not required to attend the meeting in person—the way in which members may take part in the meeting;
  - (c) an agenda for the meeting.

## **6 Presiding member at council meetings**

- (1) The chairperson presides at all meetings of the council at which the chairperson is present.
- (2) If the chairperson is absent, the deputy chairperson presides.
- (3) If the chairperson and the deputy chairperson are absent, the voting member chosen by a majority of voting members present presides.

## **7 Quorum of council meetings**

Business may be carried on at a meeting of the council only if at least 5 voting members are able to take part in the meeting.

## **8 Voting at council meetings**

- (1) At a meeting of the council each voting member has a vote on each question to be decided.

*Note* The [Act](#), s 19 (2) provides that the conservator of flora and fauna and the chief planner are not eligible to vote on questions being decided by the council.

- (2) A question is to be decided by a majority of the votes of the voting members present and voting but, if the votes are equal, the voting member presiding has a casting vote.

## **9 Conduct of council meetings etc**

- (1) The council may conduct its proceedings (including its meetings) as it considers appropriate.
- (2) A meeting may be held using a method of communication, or a combination of methods of communication, that allows a member taking part to hear or otherwise know what each other member taking part says without the members being in each other's presence.

### **Examples**

a phone link, a satellite link, an Internet or intranet link

- (3) A member who takes part in a meeting conducted under subsection (2) is taken, for all purposes, to be present at the meeting.
- (4) A resolution is a valid resolution of the council, even if it is not passed at a meeting of the council, if—
  - (a) at least 5 voting members consider a proposal for the resolution; and
  - (b) the resolution is passed by a majority of the voting members who considered the proposal.



- (5) A voting member who considers the proposal may agree or disagree with the proposal in writing or by electronic communication.

**Example—electronic communication**

telephone or email

- (6) If the votes in a decision about the proposal are equal, the voting member presiding has a casting vote.
- (7) The council must—
- (a) keep minutes of its meetings; and
  - (b) prepare a notice of its decisions at meetings.
- (8) A person may inspect the notice of council decisions during ordinary office hours at the place named under the [Act](#), section 21 (4) where the heritage register may be inspected.

## **10 Disclosure of interests by council members**

- (1) If a member has a material interest in an issue being considered, or about to be considered, by the council, the member must disclose the nature of the interest at a council meeting as soon as practicable after the relevant facts come to the member's knowledge.

*Note* **Material interest** is defined in s (4). The definition of **indirect interest** in s (4) applies to the definition of **material interest**.

- (2) The disclosure must be recorded in the council's minutes and, unless the council otherwise decides, the member must not—
- (a) be present when the council considers the issue; or
  - (b) take part in a decision of the council on the issue.
- (3) Any other member who also has a material interest in the issue must not be present when the council is considering its decision under subsection (2).

(4) In this section:

***associate***, of a person, means—

- (a) the person's business partner; or
- (b) a close friend of the person; or
- (c) a family member of the person.

***executive officer***, of a corporation, means a person (however described) who is concerned with, or takes part in, the corporation's management, whether or not the person is a director of the corporation.

***indirect interest***—without limiting the kinds of indirect interests a person may have, a person has an ***indirect interest*** in an issue if any of the following has an interest in the issue:

- (a) an associate of the person;
- (b) a corporation, if the corporation has not more than 100 members and the person, or an associate of the person, is a member of the corporation;
- (c) a subsidiary of a corporation mentioned in paragraph (b);
- (d) a corporation, if the person, or an associate of the person, is an executive officer of the corporation;
- (e) the trustee of a trust, if the person, or an associate of the person, is a beneficiary of the trust;
- (f) a member of a firm or partnership, if the person, or an associate of the person, is a member of the firm or partnership;
- (g) someone else carrying on a business, if the person, or an associate of the person, has a direct or indirect right to participate in the profits of the business.

***material interest***—a member has a ***material interest*** in an issue if the member has—

- (a) a direct or indirect financial interest in the issue; or
- (b) a direct or indirect interest of any other kind if the interest could conflict with the proper exercise of the member's functions in relation to the council's consideration of the issue.

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions relevant to this regulation. For example:

- chief planner.

*Note 2* Terms used in this regulation have the same meaning that they have in the [Heritage Act 2004](#) (see [Legislation Act](#), s 148). For example, the following term is defined in the [Heritage Act 2004](#), dict:

- council.

***chairperson*** means the chairperson of the council.

***deputy chairperson*** means the deputy chairperson of the council.

***member*** means a member of the council.

***voting member*** means a member other than—

- (a) the conservator of flora or fauna; or
- (b) the chief planner; or
- (c) for a particular issue to be considered or decided by the council at a council meeting—a member who, under section 10 (Disclosure of interests by council members), is not entitled to be present at council’s consideration of, or decision on, the issue.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Heritage Regulation 2006 SL2006-45**

notified LR 11 September 2006

s 1, s 2 commenced 11 September 2006 (LA s 75 (1))

remainder commenced 12 September 2006 (s 2)

as amended by

#### **Heritage Amendment Regulation 2014 (No 1) SL2014-24**

notified LR 2 October 2014

s 1, s 2 commenced 2 October 2014 (LA s 75 (1))

remainder commenced 4 October 2014 (s 2 (1))

#### **Planning (Consequential Amendments) Act 2023 A2023-36 sch 1 pt 1.34**

notified LR 29 September 2023

s 1, s 2 commenced 29 September 2023 (LA s 75 (1))

sch 1 pt 1.34 commenced 27 November 2023 (s 2 (1) and see

[Planning Act 2023 A2023-18](#), s 2 (2) and [CN2023-10](#))

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

#### **Calling council meetings**

s 5 am [SL2014-24](#) s 4, s 5

#### **Presiding member at council meetings**

s 6 am [SL2014-24](#) s 6

#### **Quorum of council meetings**

s 7 sub [SL2014-24](#) s 7

#### **Voting at council meetings**

s 8 am [SL2014-24](#) s 8; [A2023-36](#) amdt 1.180

#### **Conduct of council meetings etc**

s 9 am [SL2014-24](#) s 9, s 10; ss renum R2 LA

#### **Dictionary**

dict

am [A2023-36](#) amdt 1.181

def **appointed member** om [SL2014-24](#) s 11

def **voting member** ins [SL2014-24](#) s 12

am [A2023-36](#) amdt 1.182

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 12 Sept 2006	12 Sept 2006– 3 Oct 2014	not amended	new regulation
R2 4 Oct 2014	4 Oct 2014– 26 Nov 2023	<a href="#">SL2014-24</a>	amendments by <a href="#">SL2014-24</a>