

HOW HERITAGE IS REGISTERED



BEFORE BEING PLACED ON THE ACT HERITAGE REGISTER, A PLACE OR OBJECT GOES THROUGH A THREE STEP PROCESS OF NOMINATION, PROVISIONAL REGISTRATION AND REGISTRATION. THESE STEPS ARE DIRECTED BY THE HERITAGE ACT 2004 (THE ACT) AND ARE OUTLINED BELOW.

People can also apply for urgent nomination when a potential heritage place or object is under immediate threat of damage or destruction.

The ACT Heritage Council (the Council) is responsible for deciding whether to enter a place or object on the Heritage Register. However, its decisions can be appealed in the ACT Civil and Administrative Tribunal (ACAT).

For more information on the register, see the information sheet on the Heritage Register.



NOMINATION

Anyone may nominate a place or object for the Heritage Register. The nomination form is available from [EPSD website](#).

The Council will consider the nomination and make one of three decisions:

1. Accept the nomination and begin assessment.
2. Return the nomination if more information is needed to begin an assessment. The nominator will receive feedback and may be able to resubmit their nomination.
3. Reject the nomination if the application is considered frivolous, vexatious, misconceived, lacking in substance or not made honestly, or if the Council has previously decided not to register the place or object and there are no new grounds for registration. Reasons will be given to the nominator for its dismissal.

The Council will accept a nomination where it provides sufficient information to undertake further detailed assessment. Once the nomination has been accepted, the place or object is protected under the Act.

URGENT DECISIONS

Anyone can apply for an urgent decision on a nominated place or object. This may be necessary, for example, to protect a place or object under imminent threat, or to avoid delay in a development project. The Council aims to make urgent decisions within 20 working days.

The application for urgent decision is included on the nomination form. It must include a current heritage significance assessment prepared by an appropriately qualified professional. ACT Heritage can advise on available consultants to do this assessment. A fee is charged to recover the Council's costs for the urgent decision.

PROVISIONAL REGISTRATION

Provisional registration may occur once the Council has undertaken a more formal assessment and public consultation.

To be provisionally registered, a place or object must satisfy at least one of the heritage significance criteria. (For more information, see the fact sheet on how heritage is determined.) When making a decision on an Aboriginal place or object, the Council also consults with each Representative Aboriginal Organisation.

Provisional registration allows for a period of public consultation on the initial assessment before a decision on full registration is made. Provisional registration is for nine months for a precinct and five months in any other case but may be extended in accordance with the Act. This allows for adequate consultation and consideration, including reporting to the Minister. A decision not to provisionally register a place or object cannot be appealed.

CONSULTATION

Within five working days of making a decision about provisional registration, the Council publishes a notice on the ACT Government's legislation website. It advertises the notice in a local daily newspaper as soon as practicable.

The Heritage Council aims to give a copy of the notice to each interested person within 15 working days of the decision.

Interested persons include:

- for a place—an owner, occupier, lessee or sublessee, architect or designer of a building or structure at the place, and the person who has nominated the place
- for an object—an owner, person in possession of the object, designer of the object, and the person who has nominated the object
- for an Aboriginal place or object — in addition to the above, the Representative Aboriginal Organisation, and the person who reported the discovery of the place or object
- the ACT Planning and Land Authority, the Conservator of Flora and Fauna, and the National Capital Authority.

The notice invites public comment about the registration within four weeks. The Council considers any comments received when deciding whether to register the place or object.





REPORTING TO THE MINISTER

As soon as practicable after the public consultation period, the Council reports to the Minister whether it considers the place or object should be registered. It also advises the Minister about the issues raised in public comments and any proposed changes to the provisional registration arising from these issues. The Minister may ask the Council to further examine the issues in its report.

REGISTRATION

Once the Council is satisfied a provisionally registered place or object has heritage significance, it may register it.

In making the decision, the Council must comply with any directions of the Minister.

Within five working days after its decision, the Council publishes a notice of the decision on the [legislation website](#). It aims to give a copy of the notice to each interested person within 15 working days.

CANCELLATION OF REGISTRATION

In the same way that places or objects can be proposed for registration, they can be proposed for removal from the Heritage Register due to loss of heritage significance or a change in understanding of the significance. This may be due to events or processes, such as destruction of a place or object or increased knowledge about it. In such cases the Council may cancel all or part of the registration.

The processes for making, notifying, consulting about and deciding on cancellation proposals are very similar to those for a nomination. The application form is available from [EPSD website](#). Decisions to cancel a registration are subject to review by ACAT.

FURTHER INFORMATION

For more information, please contact ACT Heritage on 13 22 81.

Please note the material in this information sheet is provided for general information only, and should not be relied upon for the purpose of a particular matter covered by the [Heritage Act 2004](#).

