

# **NORTHERN TERRITORY OF AUSTRALIA**

## **HERITAGE CONSERVATION REGULATIONS**

As in force at 10 April 1996

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 10 April 1996

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## HERITAGE CONSERVATION REGULATIONS

### Regulations under the *Heritage Conservation Act*

#### **1 Citation**

These Regulations may be cited as the *Heritage Conservation Regulations*.

#### **2 Commencement**

These Regulations shall come into operation on the commencement of the *Heritage Conservation Act 1991*.

#### **3 Prescribed archaeological places and objects**

- (1) For the purposes of Part 6 of the Act, the following archaeological places are prescribed archaeological places:
  - (a) places containing rock paintings or rock carvings;
  - (b) prehistoric or protohistoric occupation places;
  - (c) places (not being cemeteries within the meaning of the *Cemeteries Act*) containing human remains or burial artifacts.
- (2) For the purposes of Part 6 of the Act, archaeological objects which are Aboriginal portable cultural objects (including but not limited to secret and ceremonial objects, log or bark coffins, human remains, portable rock or wood carvings or engravings or stone tools) are prescribed archaeological objects.
- (3) Without limiting the generality of subregulations (1) and (2), the Minister may, by instrument in writing, prescribe for the purposes of Part 6 of the Act a particular archaeological place or archaeological object.

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#### **4           Discovery of archaeological places and objects to be reported**

- (1) A person who discovers an archaeological place or archaeological object shall, as soon as practicable after discovering it, advise the Director of the discovery and its location.

Penalty:       \$1,000.

- (2) It is a condition of every permission under section 29 in respect of an archaeological place that the person to whom the permission is granted will comply with subregulation (1) in relation to archaeological objects discovered at the place.

#### **5           Heritage assessment criteria**

The criteria to be used in assessing whether or not a place or object should be recommended for declaration under Part 4 of the Act as a heritage place or a heritage object are whether or not the object or place (as the case may be) has special significance in the Territory:

- (a) for the evolution of flora, fauna, landscape or climate;
- (b) because of the diversity or richness of its flora, fauna, landscapes or cultural features;
- (c) because it contains rare, endangered or uncommon flora, fauna, biotic communities, ecosystems, natural landscapes or phenomena;
- (d) in demonstrating the principal characteristics of the range of landscapes, environments or ecosystems, the attributes of which identify them as being characteristic of their class;
- (e) as wilderness;
- (f) for the maintenance of existing natural processes or systems;
- (g) because it contributes to a wider understanding of natural history by virtue of its use as a research site, a teaching site, an example of a type of locality or reference area;
- (h) by virtue of its association with events, developments or cultural phases in human occupation and evolution;
- (j) by providing information contributing to a broader understanding of the history of human occupation;

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- (k) in demonstrating a way of life, custom, process, land use, function or design no longer practised, in danger of being lost or of exceptional interest;
  - (m) in demonstrating the principal characteristics of the range of human activities which take or have taken place in the Territory, including ways of life, customs, processes, land uses, functions, designs or techniques;
  - (n) by virtue of aesthetic characteristics or through technical, creative, design or artistic excellence, innovation or achievement held in high esteem or otherwise valued by a community;
  - (p) in being highly valued by a community for religious, spiritual, symbolic, cultural, educational or social associations; or
  - (q) through its close association with individuals whose activities have been significant in the history of the Territory.

**6 Circumstances in which application under section 27(1) may be made**

The owner of a heritage place or a heritage object may apply under section 27(1) of the Act to the Council to have a declaration of the place or object as a heritage place or heritage object revoked only if, within the 12 month period immediately before the date of making an application to the Council, no application for a revocation of the declaration has been made in respect of the heritage place or heritage object, and there is:

- (a) information available in respect of the heritage value of the heritage place or heritage object which has not previously been considered by the Council; or
- (b) other relevant information which appears has not previously been taken into account by the Minister when deciding whether or not to make, or revoke, the declaration.

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## ENDNOTES

### 1 KEY

Key to abbreviations

amd = amended  
app = appendix  
bl = by-law  
ch = Chapter  
cl = clause  
div = Division  
exp = expires/expired  
f = forms  
*Gaz* = *Gazette*  
hdg = heading  
ins = inserted  
lt = long title  
nc = not commenced

od = order  
om = omitted  
pt = Part  
r = regulation/rule  
rem = remainder  
renum = renumbered  
rep = repealed  
s = section  
sch = Schedule  
sdiv = Subdivision  
SL = Subordinate Legislation  
sub = substituted

### 2 LIST OF LEGISLATION

***Heritage Conservation Regulations (SL No. 53, 1991)***

Notified	1 November 1991
Commenced	1 November 1991 (r 2, s 2 <i>Heritage Conservation Act 1991</i> (Act No. 39, 1991) and <i>Gaz</i> S58, 1 November 1991)

***Amendment of Heritage Conservation Regulations (SL No. 25, 1994)***

Notified	10 August 1994
Commenced	10 August 1994

***Amendment of Heritage Conservation Regulations (SL No. 17, 1996)***

Notified	10 April 1996
Commenced	10 April 1996

### 3 LIST OF AMENDMENTS

r 5	ins No. 25, 1994
r 6	ins No. 17, 1996