

NORTHERN TERRITORY OF AUSTRALIA

HERITAGE CONSERVATION REGULATIONS

As in force at 4 August 1998

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NORTHERN TERRITORY OF AUSTRALIA

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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.

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 Application under section 39A(2) for revocation of declaration

- (1) The owner of a heritage place or heritage object may only apply to the Council under section 39A(2) of the Act for the revocation of a declaration in relation to the place or object if:
 - (a) no application for revocation of the declaration has been made during the 12 months immediately before the date of the application; and
 - (b) there is:
 - (i) information available about the heritage value of the place or object that has not previously been considered by the Council; or
 - (ii) other relevant information that does not appear to have been taken into account by the Minister when deciding previously whether or not to make or revoke the declaration.
- (2) An application under section 39A(2) of the Act is to contain or be accompanied by the following information:
 - (a) the name and location of the heritage place or a description of the heritage object;
 - (b) proof that the applicant is the owner of the place or object;
 - (c) the information referred to in subregulation (1)(b);

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- (d) a statement of what the applicant considers to be the heritage values of the place or object or, if the applicant is of the opinion that it has no heritage value, the reasons for that opinion;
 - (e) documents or other evidence supporting the application;
 - (f) any other information that the Council requests.

7 Application under section 39G(1) for revocation of declaration

An application under section 39G(1) of the Act is to contain or be accompanied by the following information:

- (a) the name and location of the heritage place or a description of the heritage object;
- (b) proof that the applicant is the owner of the place or object;
- (c) a description of the threat to health or safety or the nature of the emergency;
- (d) documents or other evidence supporting the application;
- (e) any other information that the Minister requests.

8 Application under section 39J(1) for approval to perform works, &c., on heritage place or object

An application under section 39J(1) of the Act is to contain or be accompanied by the following information:

- (a) the name and location of the heritage place or a description of the heritage object;
- (b) proof that the applicant is the owner of the place or object;
- (c) a description of the work, damage, desecration, destruction, demolition, alteration or removal proposed to be carried out;
- (d) the reasons for carrying out the proposed work, damage, desecration, destruction, demolition, alteration or removal;
- (e) documents or other evidence supporting the application;
- (f) any other information that the Minister or the Minister's delegate requests.

9 Application under section 39J(2) to destroy or demolish heritage place

An application under section 39J(2) of the Act is to contain or be accompanied by the following information:

- (a) the name and location of the heritage place;
- (b) proof that the applicant is the owner of the place or object;
- (c) if the application relates to a building or structure on the place a description of the building or structure sufficient to identify it;
- (d) a description of the destruction or demolition proposed to be carried out;
- (e) the reasons for carrying out the proposed destruction or demolition;
- (f) documents or other evidence supporting the application;
- (g) any other information that the Minister requests.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

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 Gaz 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

Amendment of Heritage Conservation Regulations (SL No. 32, 1998)

Notified	4 August 1998
Commenced	4 August 1998 (r 1, s 2 <i>Heritage Conservation Amendment Act 1998</i> (Act No. 17, 1998) and Gaz S31, 4 August 1998)

3 LIST OF AMENDMENTS

r 5	ins No. 25, 1994
r 6	ins No. 17, 1996
	sub No. 32, 1998, r 2
rr 7 – 9	ins No. 32, 1998, r 2