



Australian Capital Territory

Heritage Regulation 2005

SL2005-5

made under the

Heritage Act 2004

Republication No 1

Effective: 9 March 2005 – 1 September 2005

Republication date: 9 March 2005

Regulation not amended

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Heritage Regulation 2005*, made under the *Heritage Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 9 March 2005. It also includes any commencement, repeal or expiry affecting the republished law.

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):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

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

Editorial amendments

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 does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

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 *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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1 Name of regulation

This regulation is the *Heritage Regulation 2005*.

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 Registration of notified Aboriginal places—
Act, s 134 (1)**

- (1) Each notified aboriginal place is taken to be registered under the Act, division 6.2.
- (2) The details entered in the old interim heritage places register for each notified Aboriginal place are taken to be the registration details for the place.
- (3) Subsection (2) does not apply to any requirement stated in an old interim heritage places register for the conservation of the heritage significance of the place.
- (4) To remove any doubt, the council may amend the heritage register to reflect the operation of this section.

6 Conservation requirements for notified Aboriginal places on old interim heritage places register

(1) In this section:

conservation requirement, for a notified Aboriginal place, means a requirement stated in the old interim heritage places register for the conservation of the heritage significance of the place, including any requirement for the conservation of features identified as intrinsic to that heritage significance.

(2) A conservation requirement for a notified Aboriginal place is taken to be a heritage guideline applying to the place.

7 Restricted information on old interim heritage places register

Restricted information on the old interim heritage places register for a notified Aboriginal place is restricted information under this Act.

8 Expiry

This regulation expires on the day the Act, part 19 expires.

Dictionary

(see s 3)

Note The Legislation Act contains definitions and other provisions relevant to this regulation.

notified Aboriginal place means each place notified under the *Land (Planning and Environment) Act 1991*, section 60 (Public notification) by notifiable instrument NI2002-19.

old interim heritage places register, for a notified Aboriginal place, means the interim heritage places register prepared under the *Land (Planning and Environment) Act 1991* in relation to the place.

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 and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

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

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

Endnotes

3 Legislation history

3 Legislation history

Heritage Regulation 2005 SL2005-5

notified LR 8 March 2005

s 1, s 2 commenced 8 March 2005 (LA s 75 (1))

remainder commenced 9 March 2005 (s 2 and see Heritage Act 2004 A2004-57, s 2)

Note This regulation exp the day the Act, pt 19 expires. The prescribed date is 9 March 2006 (see s 8 and Heritage Act 2004 A2004-57 s 136).

4 Amendment history

Commencement

s 2 om LA s 89 (4)

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