



Australian Capital Territory

Heritage Regulation 2006

Subordinate Law SL2006-45

The Australian Capital Territory Executive makes the following regulation under the *Heritage Act 2004*.

Dated 24 August 2006.

JOHN HARGREAVES
Minister

ANDREW BARR
Minister



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1 Name of regulation

This regulation is the *Heritage Regulation 2006*.

2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

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—
 - (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 person who calls a meeting of the council must, at least 5 working days before the day of the meeting, give the other members written notice of—
 - (a) the date, time and place of the meeting; and
 - (b) the matters to be considered at 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 appointed member chosen by the members present presides.

7 Quorum at council meetings

Business may be carried on at a meeting of the council only if at least 5 appointed members are present.

8 Voting at council meetings

- (1) At a meeting of the council each appointed 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 planning executive 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 appointed members present and voting but, if the votes are equal, the appointed 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

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (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 all appointed members agree to the proposed resolution in writing or by electronic communication.

Example of electronic communication

telephone or email

- (5) The council must—
 - (a) keep minutes of its meetings; and
 - (b) prepare a notice of its decisions at meetings.
- (6) 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.

Note On the commencement of this regulation, the place named is Level 2, Macarthur House, 12 Wattle Street, Lyneham, 2602.

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 and other provisions relevant to this regulation.

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.

appointed member does not include—

- (a) the conservator of flora or fauna; or
- (b) the chief planning executive.

chairperson means the chairperson of the council.

deputy chairperson means the deputy chairperson of the council.

member means a member of the council.

Endnotes

1 Notification

Notified under the Legislation Act on 11 September 2006.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.