



Australian Capital Territory

Heritage Regulation 2006

SL2006-45

made under the

Heritage Act 2004

Republication No 1

Effective: 12 September 2006 – 3 October 2014

Republication date: 12 September 2006

Regulation not amended

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Heritage Regulation 2006*, made under the *Heritage Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 12 September 2006. 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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Australian Capital Territory

Heritage Regulation 2006

made under the

[Heritage Act 2004](#)

1 Name of regulation

This regulation is the *Heritage Regulation 2006*.

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 About the endnotes

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

3 Legislation history**Heritage Regulation 2006 SL2006-45**

notified LR 11 September 2006

s 1, s 2 commenced 11 September 2006 (LA s 75 (1))

remainder commenced 12 September 2006 (s 2)

4 Amendment history**Commencement**

s 2 om LA s 89 (4)

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