

Version No. 002
Heritage (General) Regulations 1996
S.R. No. 85/1996

Version incorporating amendments as at 1 April 2001

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1. Objectives

The objectives of these Regulations are to prescribe—

- (a) various forms, documentation and procedures authorised by the Act; and
- (b) fees payable for the issue of certain permits, consents and certificates under the Act; and
- (c) particular classes of people who are exempt from the payment of fees for the issue of permits; and
- (d) particular cases or classes of cases in which the Heritage Council may waive fees imposed by these Regulations; and
- (e) other matters required to be prescribed by the Act.

2. Authorising provisions

These regulations are made under sections 50, 56, 59, 67, 129, 131, 147, 185 and 187 of the **Heritage Act 1995**.

3. Definitions

In these Regulations—

"the Act" means the **Heritage Act 1995**.

4. Revocations

The Historic Buildings (Fees) Regulations 1993¹ and Historic Buildings (Fees) Regulations 1995² are **revoked**.

5. Fee for certificate as to protection, etc of a place or object

For the purposes of section 50(2)(c) of the Act the prescribed fee is \$15.

6. Form of interim protection order

For the purposes of section 56(2) of the Act the prescribed form of an interim protection order is the form set out in Schedule 1.

7. Form of notice of existence of an interim protection order

For the purposes of section 59(2) of the Act the prescribed form of a notice of the existence of an interim protection order is the form set out in Schedule 2.

Reg. 7A
inserted by
S.R. No.
23/2001 reg. 4.

7A. Form of notice for alterations for liturgical purposes

For the purposes of section 65(2) of the Act the prescribed form of notice to carry out alterations for liturgical purposes without a permit is the form set out in Schedule 2A.

8. Fee for permit to carry out works, etc to registered place or object

For the purposes of section 67(2)(a) of the Act the prescribed fee is the relevant fee set out in Schedule 3.

9. Waiver of fee for a permit

The Heritage Council may waive the fee for an application for a permit under section 67(1) of the Act if it is satisfied that the works or activities to which the application relates—

- (a) are for the purposes of conservation, maintenance, repair or restoration of the registered place or registered object; or
- (b) are for the safety of the public; or
- (c) are the same, or primarily the same, as those for which a permit has previously been issued to the applicant in relation to that registered place or registered object.

10. Form of consent of owner to application for a permit to carry out works etc on registered place or object

For the purposes of section 67(2)(b) of the Act the prescribed form is the form set out in Schedule 4.

11. Fee for consent to undertake activities with respect to archaeological relics

For the purposes of section 129(2) of the Act the prescribed fee is the relevant fee set out in Schedule 5.

12. Waiver of fee for a consent

The Heritage Council may waive the fee for an application for a consent under section 129(1) of the Act if it is satisfied that the activities to which the application relates—

- (a) are for the purposes of conservation or protection of the archaeological relic; or
- (b) are to assist in relevant anthropological, archaeological, ethnographic; historical or scientific research; or
- (c) are to educate the public as to the cultural heritage significance of the archaeological relic in its context; or
- (d) are for the safety of the public; or

- (e) are the same, or primarily the same, as those for which a consent has previously been issued to the applicant in relation to that registered place or registered object.

13. Exemption from payment of fees

- (1) A person who is an eligible beneficiary under section 5 of the **State Concessions Act 1986** is exempt from paying the fee for an application under section 67(1) if the application relates to—
 - (a) a registered place of which he or she is the owner and which is his or her principal place of residence; or
 - (b) a registered object of which he or she is the owner.
- (2) A person who is an eligible beneficiary under section 5 of the **State Concessions Act 1986** is exempt from paying the fee for an application under section 129(1) if the application relates to an archaeological relic which is situated in, on or under land which that person owns.

14. Documentation of archaeological surveys

For the purposes of section 131(2) of the Act the prescribed documentation relating to the investigation or survey of archaeological sites is set out in Schedule 6.

15. Identity card for inspectors

For the purposes of section 147 of the Act the prescribed form of identity card to be issued to an inspector is set out in Schedule 7.

SCHEDULE

SCHEDULE 1

FORM OF INTERIM PROTECTION ORDER

HERITAGE ACT 1995

INTERIM PROTECTION ORDER UNDER SECTION 56

TO:..... (name)

..... (address)

.....

(post code)

You are the *owner/occupier/person apparently in charge of the
*place/object located at

..... (insert address) which
is categorised as a

..... (insert category) under section 20 of
the **Heritage Act 1995**.

In the opinion of the *Heritage Council/Executive Director it is
*necessary/desirable to make an interim protection order under
section 56 of the **Heritage Act 1995** for the purposes of the Act.

TAKE NOTICE THAT:

1. The *Heritage Council/Executive Director causes this
interim protection order to be served on you.
2. On service of this order on you and while this order remains
in force the *place/object at (insert
address) is deemed to be included
in the Heritage Register in the category specified.

3. While a place is deemed to be a registered place, section 64 of the **Heritage Act 1995** provides that, subject to the Act, a person must not:
- (a) remove or demolish; or
 - (b) damage or despoil; or
 - (c) develop or alter; or
 - (d) excavate—
- all or any part of that registered place.
- Penalty: In the case of a natural person: 1500 penalty units or imprisonment for 5 years or both.
- In the case of a body corporate: 3000 penalty units.
4. While an object is deemed to be a registered object, section 64 of the **Heritage Act 1995** provides that, subject to the Act, a person must not:
- (a) remove or demolish; or
 - (b) damage or despoil; or
 - (c) alter—
- that registered object.
- Penalty: In the case of a natural person: 1500 penalty units or imprisonment for 5 years or both.
- In the case of a body corporate: 3000 penalty units.
5. While an object is deemed to be a registered object, section 64 of the **Heritage Act 1995** provides that, subject to the Act, a person must not relocate or disturb the position of a fixed registered object.
- Penalty: In the case of a natural person: 1500 penalty units or imprisonment for 5 years or both.
- In the case of a body corporate: 3000 penalty units.
6. This order takes effect on service of the order under section 56 of the **Heritage Act 1995**.
7. This order—
- (a) continues in force for a period of 4 months or for any further period specified by the Minister; or
 - (b) until—
-

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- (i) the place or object is included in the Heritage Register; or
 - (ii) the Heritage Council determines that the place or object does not warrant inclusion in the Heritage Register; or
 - (iii) the Heritage Council removes the order—
- whichever occurs first.

8. Under section 59 of the **Heritage Act 1995** on service of this order on you, you must cause a notice in the prescribed form of the existence of the order to be continuously displayed in a conspicuous position on the place to which this order relates during the period that the order is in force.

Penalty: In the case of a natural person: 50 penalty units.

In the case of a body corporate: 100 penalty units.

DATED:

***EXECUTIVE DIRECTOR:/ HERITAGE COUNCIL (seal):**

.....

*Strike out words which are inapplicable.

SCHEDULE 2

**FORM OF NOTICE OF THE EXISTENCE OF AN INTERIM
PROTECTION ORDER**

HERITAGE ACT 1995

NOTICE UNDER SECTION 59

INTERIM PROTECTION ORDER

An interim protection order has been served for the undermentioned
*place/object:

NAME OF *PLACE/OBJECT (if any):

ADDRESS:

SPECIFIED CATEGORY:

TAKE NOTICE THAT:

1. While the order remains in force the above place/object is deemed to be included in the Heritage Register in the category specified.
2. While a place is deemed to be a registered place, section 64 of the **Heritage Act 1995** provides that, subject to the Act, a person must not:
 - (a) remove or demolish; or
 - (b) damage or despoil; or
 - (c) develop or alter; or
 - (d) excavate—

all or any part of that registered place.

Penalty: In the case of a natural person: 1500 penalty units or imprisonment for 5 years or both.
In the case of a body corporate: 3000 penalty units.

3. While an object is deemed to be a registered object, section 64 of the **Heritage Act 1995** provides that, subject to the Act, a person must not:

- (a) remove or demolish; or
- (b) damage or despoil; or
- (c) alter—

that registered object.

Penalty: In the case of a natural person: 1500 penalty units or imprisonment for 5 years or both.

In the case of a body corporate: 3000 penalty units.

4. While an object is deemed to be a registered object, section 64 of the **Heritage Act 1995** provides that, subject to the Act, a person must not relocate or disturb the position of a fixed registered object.

Penalty: In the case of a natural person: 1500 penalty units or imprisonment for 5 years or both.

In the case of a body corporate: 3000 penalty units.

DATED:.....

***EXECUTIVE DIRECTOR / HERITAGE COUNCIL (seal):**

.....

*Strike out words which are inapplicable.

Sch. 2A
inserted by
S.R. No.
23/2001 reg. 5.

SCHEDULE 2A

Regulation 7A

**FORM OF NOTICE FOR ALTERATIONS FOR LITURGICAL
PURPOSES**

NAME OF REGISTERED PLACE/OBJECT

ADDRESS

OWNER DETAILS

Name

Address

Telephone

PROPERTY MANAGER/AGENT DETAILS

Name

Address

Telephone

A DETAILED DESCRIPTION OF ALTERATIONS

**(including 3 copies of appropriately scaled drawings to show the extent
and nature of proposed works for the alterations)**

**STATE LITURGICAL PURPOSE FOR WHICH THE ALTERATION
IS REQUIRED**

DECLARATION

I am an officer of the church authorised by the church to give notice that the alterations outlined above are required for liturgical purposes.

Name

Address

Position

Signature

Date

SCHEDULE 3**FEEES FOR PERMITS TO CARRY OUT WORKS, ETC TO
REGISTERED PLACE OR OBJECT**

<i>Class of application</i>	<i>Description</i>	<i>Fee</i>
Class 1	An application to subdivide land which is a registered place	\$75
Class 2	An application, other than a Class 1 application, where the estimated cost of the works or activities is less than \$100 000	\$53
Class 3	An application, other than a Class 1 application, where the estimated cost of the works or activities is at least \$100 000 but less than \$250 000	\$85
Class 4	An application, other than a Class 1 application, where the estimated cost of the works or activities is at least \$250 000 but less than \$500 000	\$258
Class 5	An application, other than a Class 1 application, where the estimated cost of the works or activities is at least \$500 000 but less than \$1 000 000	\$480
Class 6	An application, other than a Class 1 application, where the estimated cost of the works or activities is \$1 000 000 or more	\$1000

SCHEDULE 4

**FORM OF CONSENT OF OWNER TO AN APPLICATION FOR A
PERMIT TO CARRY OUT WORKS AND LIKE ACTIVITIES TO A
REGISTERED PLACE OR OBJECT**

STATEMENT OF CONSENT BY OWNER:

I am the owner of the *registered place/registered object described
in the permit application dated(insert date) and I hereby
consent to the application to carry out the works or activities
specified in the application.

NAME:

ADDRESS:

SIGNATURE:

DATE:

*Strike out words which are inapplicable.

SCHEDULE 5**FEEES TO UNDERTAKE SPECIFIED ACTIVITIES WITH RESPECT
TO ARCHAEOLOGICAL RELICS**

<i>Class of application</i>	<i>Description</i>	<i>Fee</i>
Class 1	An application to uncover or expose any relic or to excavate any land for the purpose of discovering, uncovering or moving an archaeological relic	\$80
Class 2	An application to deface, damage or otherwise interfere with, or carry out any act likely to endanger an archaeological relic	\$320
Class 3	An application to possess an archaeological relic for the purposes of sale or to buy or sell an archaeological relic	\$80

SCHEDULE 6

**DOCUMENTATION OF ARCHAEOLOGICAL INVESTIGATIONS
OR SURVEYS**

The prescribed site documentation is as follows:

1. A detailed description of the site including any name or names of the site.
 2. The full cadastral description of the land on which the site is located.
 3. The name and address of the owner of the land and of any body responsible for its administration.
 4. A detailed plan of the site which locates all objects and features referred to in the site description.
 5. A concise map of the place where the site is located.
 6. Either full Australian Map Grid Co-ordinates or a map on which the site is located which allows specific Australian Map Co-ordinates to be determined.
 7. A concise Statement of Significance for the site.
 8. The full name of the person recording the site and the date(s) on which the site was recorded.
 9. A photograph or photographs of the site which include the major features referred to in the site description.
 10. Two copies of any report which may result from the survey.
 11. A written transcript of any other site information obtained during an investigation or survey of the site including information obtained by research or by traversing the land by any means.
-

SCHEDULE 7

FORM OF IDENTITY CARD FOR INSPECTORS

Heritage Act 1995

and Regulations under the Act

I certify that the bearer,

has been appointed an inspector under
the provisions of section 147 of the

Heritage Act 1995.

(Signed)Executive Director/Delegate

(Date)

(Signed)Inspector No.

=====

ENDNOTES

1. General Information

The Heritage (General) Regulations 1996, S.R. No. 85/1996 were made on 27 August 1996 by the Governor in Council under sections 50, 56, 59, 67, 129, 131, 147, 185 and 187 of the **Heritage Act 1995**, No. 93/1995 and came into operation on 27 August 1996.

The Heritage (General) Regulations 1996 will sunset 10 years after the day of making on 27 August 2006 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

This Version incorporates amendments made to the Heritage (General) Regulations 1996 by statutory rules, subordinate instruments and Acts.

Heritage (Liturgical Purposes Form) Regulations 2001, S.R. No. 23/2001

Date of Making: 20.3.01

Date of Commencement: 1.4.01: reg. 3

3. Explanatory Details

¹ S.R. No. 90/1993.

² S.R. No. 31/1995.