

## **APPENDIX 5**

### **HERITAGE LISTING POWERS IN STATES AND TERRITORIES**

Table provided by Environment Australia.

	FINAL LISTING DECISION	STATE / TERRITORY ACT	SUMMARY OF LISTING PROCESS
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### Ministerial Decision

NSW	Minister	<i>Heritage Act 1977 – s.32</i>	<ol style="list-style-type: none"> <li>1. Heritage Council undertakes preliminary assessment of the nomination;</li> <li>2. If prima facie significance, Council assesses place and makes recommendation to Minister;</li> <li>3. Minister may refer nomination to Ministerial Review Panel or Committee of Inquiry;</li> <li>4. Minister determines whether listing will proceed, decision is final with no objection process.</li> </ol>
NT	Minister	<i>Heritage Conservation Act 1996 – s. 26</i>	<ol style="list-style-type: none"> <li>1. Council assesses eligible nominations, seeks and considers comments; enters conflict resolution if required;</li> <li>2. Forwards recommendation to Minister;</li> <li>3. Minister may declare a place as part of NT heritage or refuse to make the declaration giving reasons in writing to the Council.</li> </ol>
WA	Minister	<i>Heritage of Western Australia Act 1990 – s.47(1)(a)</i>	<ol style="list-style-type: none"> <li>1. Council advises Minister on entry of places in Register;</li> <li>2. Minister directs entry of place in Register.</li> </ol>

### Parliamentary Decision

ACT	Legislative Assembly	<i>Land (Planning and Environment) Act 1991 – s.17 et al.</i>	<ol style="list-style-type: none"> <li>1. Council assesses place, considers comments, proceeds to Interim Registration level;</li> <li>2. AAT decides on appeals if any;</li> <li>3. Interim Registered Plan submitted to ACT Planning Authority for agreement to include in Draft Variation to Territory Plan;</li> <li>4. Draft Variation considered by Executive of ACT Government and placed before the Legislative Assembly for final approval.</li> </ol>
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	FINAL LISTING DECISION	STATE / TERRITORY ACT	SUMMARY OF LISTING PROCESS
<b>Council with Minister's Determination</b>			
SA	Heritage Authority, Ministerial direction	<i>Heritage Act 1993 – s.18</i>	<ol style="list-style-type: none"> <li>1. Authority provisionally registers places, confirms entry;</li> <li>2. Minister may direct the Authority not to confirm place if it is contrary to the public interest.</li> </ol>
VIC	Heritage Council, Ministerial direction	<i>Historic Cultural Heritage Act 1995 – s.27</i>	<ol style="list-style-type: none"> <li>1. Executive Director makes recommendation about registering heritage place;</li> <li>2. Council determines which place to add to Register;</li> <li>3. Minister may direct Council to refer recommendation to Minister for determination.</li> </ol>
<b>Council</b>			
QLD	Heritage Council	<i>Queensland Heritage Act 1992 – s.30</i>	<ol style="list-style-type: none"> <li>1. Council assesses and decides listing at its discretion;</li> <li>2. Objections period after gazettal notification; reporting by Ministerially appointed independent assessor;</li> <li>3. Council considers assessor's report and decides.</li> </ol>
TAS	Heritage Council	<i>Historic Cultural Heritage Act 1995 – s.15</i>	<ol style="list-style-type: none"> <li>1. Council Staff assessment put to Council sub-committee for recommended listing;</li> <li>2. Full Council endorsement required for provisional registration.</li> </ol>

