

Serial 60  
Heritage Amendment Bill 2026  
Mr Burgoyne

A Bill for an Act to amend the *Heritage Act 2011*



NORTHERN TERRITORY OF AUSTRALIA

HERITAGE AMENDMENT ACT 2026

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Act No. [ ] of 2026

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2026

5

An Act to amend the *Heritage Act 2011*

[Assented to [ ] 2026]  
[Introduced [ ] 2026]

The Legislative Assembly of the Northern Territory enacts as follows:

10

## **1 Short title**

This Act may be cited as the *Heritage Amendment Act 2026*.

## **2 Commencement**

(1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.

15

(2) If a provision of this Act does not commence before 13 March 2028, it commences on that day.

## **3 Act amended**

This Act amends the *Heritage Act 2011*.

## **4 Section 4 amended (Definitions)**

20

(1) Section 4, definition ***appointed members***

*omit*

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(2) Section 4

*insert*

**early contact period** means the period during which Aboriginal peoples of the Territory first interacted with people from outside of Australia.

**pre-contact period** means the period before the early contact period.

(3) Section 4, at the end

*insert*

*Note for section 4*

*The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.*

## **5 Section 6 amended (Meaning of *archaeological place* and *Aboriginal or Macassan archaeological place*)**

(1) Section 6(1)(b)

*omit, insert*

(b) contains evidence of modification of the place by the activity of the occupiers.

(2) Section 6(2)

*omit, insert*

(2) An **Aboriginal or Macassan archaeological place** is a place that relates to the past human occupation of the Territory by Aboriginal or Macassan people during the pre-contact period or early contact period and contains:

(a) a group of relics related to that occupation that:

(i) were deposited in or near the place during the pre-contact period or early contact period; or

(ii) are stored in the place in accordance with Aboriginal tradition; or

(b) ancestral remains; or

- 
- (c) evidence of modification of the place by the activity of the Aboriginal or Macassan people during the pre-contact period or early contact period.

*Examples of modification of the place for subsection (2)(c)*

5

1 Rock art.

2 Shell middens.

3 Stone arrangements or quarries.

4 Culturally modified trees.

5 Axe grinding grooves.

10

6 Stone fish traps.

7 Stone lines.

## **6 Section 8 amended (Meaning of *archaeological object* and *Aboriginal or Macassan archaeological object*)**

- (1) Section 8(2)(a), after "people"

15

*insert*

during the pre-contact period or early contact period

- (2) Section 8(2)(b)(ii)

*omit*

all words after "with Aboriginal"

20

*insert*

tradition.

## **7 Section 9 amended (Meaning of *relic*)**

- (1) Section 9(1)(b)

*omit, insert*

25

(b) ancestral remains; or

- (2) Section 9(2), example

*omit, insert*

*Examples for subsection (2)*

1 Animal material.

30

2 Shells.

3 Natural pigments.

---

4 *Wood.*

5 *Stone.*

(3) Section 9(3) and (4)

*omit, insert*

5 (3) Despite subsection (1), the following is not a relic:

(a) an artefact or thing that is:

(i) made for sale; or

(ii) made as a replica for educational or artistic purposes;

(b) any other thing prescribed by regulation.

10 **8 Section 21 amended (Council to accept or refuse to accept nomination)**

Section 21(2)

*omit, insert*

15 (2) The Council must refuse to accept the nomination if it is prevented under section 41 from making the assessment.

(2A) The Council may refuse to accept the nomination if it:

(a) is satisfied the nomination is:

(i) frivolous or vexatious; or

(ii) misconceived or lacking substance; or

20 (b) otherwise considers it appropriate to do so.

(2B) If the Council accepts the nomination, it must give written notice of the acceptance, to the owner of the place or object.

**9 Section 22 replaced**

Section 22

25 *repeal, insert*

**22 Council may initiate assessment of heritage significance**

(1) The Council may, on its own initiative, decide to assess the heritage significance of a place or object if it considers the place or object may be of heritage significance.

- 
- (2) If the Council initiates an assessment under subsection (1), it must give written notice of the initiated assessment, to the owner of the place or object.

**10 Section 23 replaced**

5 Section 23

*repeal, insert*

**23 Assessment period**

- 10 (1) The **assessment period** for the assessment of the heritage significance of a place or object is 6 months after the earlier of the following:
- (a) the day the Council commences work on the assessment;
  - (b) the day of the next in-person meeting of the Council after the trigger day;
  - (c) the day 3 months after the trigger day.
- 15 (2) Despite subsection (1), the Council may extend the assessment period if it is satisfied it is not possible to complete the assessment in the period because of:
- (a) the remoteness of the place or object; or
  - (b) any other reason it considers appropriate.
- 20 (3) If the Council extends the assessment period it must:
- (a) give written notice of the extension and the reasons for it to:
    - (i) the owner; and
    - (ii) if the assessment is to be made on a heritage nomination – the person who made the nomination; and
  - (b) complete the assessment as soon as practicable.
- 25 (4) In this section:
- trigger day** means:
- (a) in relation to an assessment that is made on a heritage nomination – the day Council accepts the nomination; or

---

(b) in relation to an assessment that is made on the Council's own initiative – the day the Council decides to initiate the assessment; or

5

(c) in relation to an assessment made on a direction under section 36(3) – the day the direction is given.

#### **11 Section 25 amended (Deciding assessment)**

(1) Section 25(1) and (2)

*omit*

before

10

*insert*

at

(2) Section 25(3)

*omit, insert*

15

(3) If the Council decides the place or object is not of heritage significance, the Council must, at the end of the assessment period:

(a) if the assessment was made on a heritage nomination – give a review notice for the decision to the person who made the nomination; or

20

(b) if the assessment was made on a direction under section 36(3) – give a written notice of the decision and the reasons for it to the Minister.

#### **12 Section 26 amended (Public consultation on heritage significance of place or object)**

(1) Section 26, heading

25

*omit*

**heritage significance of**

(2) Section 26(1), after "of the place or object"

*insert*

and whether it should be conserved

---

(3) Section 26(2)(b)

*omit*

days

*insert*

5 days, unless specified otherwise,

**13 Section 29 amended (Notice of Council's decision)**

(1) Section 29(1)(c)

*omit*

made by a person other than the Minister

10 (2) Section 29(2)

*omit*

heritage nomination made by the Minister

*insert*

direction under section 36(3)

15 **14 Section 35 amended (Minister's decision not to declare heritage place or object)**

Section 35(4)

*omit*

20 **15 Section 36 amended (Provisional declaration – Minister's initiative)**

(1) Section 36, heading

*omit*

**declaration – Minister's initiative**

*insert*

25 **declaration**

---

(2) Section 36(2)  
*omit*  
, by *Gazette* notice,

5

**16 Section 37 repealed (Provisional declaration – after Division 3 assessment)**

Section 37  
*repeal*

**17 Section 39A inserted**

After section 39, in Chapter 2, Part 2.2, Division 6

10

*insert*

**39A Revocation of provisional declaration**

(1) The Minister must revoke a provisional declaration of a place or object to be a heritage place or object if any of the following occurs:

15

(a) the Minister receives a notice under section 25(3)(b) that the Council has decided the place or object is not of heritage significance;

(b) the Minister receives a notice under section 29(2) that the Council does not recommend that the Minister declare the place or object to be a heritage place or object;

20

(c) the Minister decides under section 32 not to declare the place or object to be a heritage place or object.

(2) The Minister may revoke a provisional declaration of a place or object to be a heritage place or object if the Minister is satisfied that the declaration is no longer required.

25

(3) The Minister must, as soon as practicable after revoking a provisional declaration of a place or object to be a heritage place or object, publish notice of the revocation on the Agency's website.

---

**18 Section 40 amended (Notice of declaration of heritage place or object)**

Section 40(3) and (4)

*omit, insert*

- 5 (3) As soon as practicable after making the declaration, the Minister must publish notice of the declaration on the Agency's website.
- (4) The Registrar-General must ensure that details of the declaration of a heritage place are entered in the record of administrative interests kept under section 38 of the *Land Title Act 2000*, as soon as  
10 practicable after the declaration is made.

**19 Section 41 amended (No further assessment of place or object for 5 years)**

Section 41(2)

*omit, insert*

- 15 (2) The Council must not make an assessment of the heritage significance of the place or object within 5 years after the decision is made except:
- (a) on a heritage nomination for the place or object made:
- (i) by the owner of the place or object; or  
20 (ii) with the owner's consent;
- (b) at the initiative of the Council under section 22, with the owner's consent.
- (3) This Part applies in relation to an assessment of the heritage  
25 significance of a heritage place or object under subsection (2) with the following changes:
- (a) public consultation under section 26 is not required;
- (b) a submission received under section 26 in relation to the previous assessment of the heritage significance of the place or object and whether it should be declared, is taken to be a  
30 submission received in relation to the new assessment;
- (c) the decision mentioned in section 27(1) must be made within 60 days after preparing the statement of heritage value for the place or object under section 25(2)(a).

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**20 Section 41A inserted**

After section 41, in Chapter 2, Part 2.2, Division 7

*insert*

**41A Hearing not required for certain preliminary decisions**

5 In making a decision under section 21(1), 22(1), 23(2) or 25(1), the Council is not required to afford any person, who would be affected by the decision, an opportunity to be heard in relation to the decision.

**21 Section 45 amended (Public consultation on heritage significance of places or objects)**

10

(1) Section 45, heading

*omit*

**heritage significance of**

(2) Section 45(1)(c)

15

*omit*

class.

*insert*

class and whether they should be conserved.

(3) Section 45(2)(b)

20

*omit*

days

*insert*

days, unless specified otherwise,

**22 Section 50 amended (Declaration of protected class of places or objects)**

25

Section 50, after "significance"

*insert*

and should be conserved

---

**23 Section 65 amended (Notice of revocation of declaration of heritage place or object)**

Section 65(4) and (5)

*omit, insert*

5 (4) As soon as practicable after revoking the declaration, the Minister must publish notice of the revocation on the Agency's website.

10 (5) For the revocation of a heritage place entered in the record of administrative interests kept under section 38 of the *Land Title Act 2000*, the Registrar-General must ensure that details of the declaration are removed from the record as soon a practicable after the revocation is made.

**24 Section 72 amended (Application for approval)**

Section 72(2)(b)

*omit, insert*

15 (b) if the applicant is not the owner of the heritage place or object:

(i) for an application that relates to a heritage place – include the consent of the owner of the place; and

(ii) for an application that relates to a heritage object – include:

20 (A) the consent of the owner of the land on which the object is located; and

(B) evidence that the applicant has made best endeavours to identify and consult with the owner of the object.

25 **25 Section 74 amended (When decision on application to be made)**

(1) Section 74(2)

*omit*

However

30 *insert*

Despite subsection (1)

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(2) Section 74(3)(b)

*omit, insert*

(b) if the applicant is not the owner of the place or object:

(i) for an application that relates to a heritage place – the owner of the place; and

(ii) for an application that relates to a heritage object – the owner of the land on which the object is located.

**26 Section 77 amended (Notice of decision)**

Section 77(1)(b)

*omit, insert*

(b) if the applicant is not the owner of the place or object:

(i) for an application that relates to a heritage place – the owner of the place; and

(ii) for an application that relates to a heritage object – the owner of the land on which the object is located.

**27 Section 128 replaced**

Section 128

*repeal, insert*

**128 Membership of Council**

(1) The Council consists of at least 7 and no more than 9 members appointed by the Minister.

(2) The Minister may appoint a person to be a member if the Minister is satisfied that the person has the appropriate skills, knowledge and experience to make a contribution to the work of the Council.

(3) In appointing members, the Minister must, as far as practicable, ensure at least 2 of the members are of Aboriginal descent.

**28 Section 134 amended (Holding meetings)**

(1) Section 134(2)

*omit*

However

---

*insert*

For subsection (1)

(2) Section 134(3)

*omit*

5 at least 5 members.

*insert*

a majority of members.

**29 Section 136 amended (Procedures at meetings)**

Section 136(1)

10 *omit, insert*

(1) A quorum for a meeting of the Council is a majority of members of the Council, including the chairperson.

**30 Section 146 amended (Delegations by Minister and CEO)**

Section 146(1)

15 *omit, insert*

(1) The Minister may delegate any of the Minister's powers and functions under this Act to a person.

(1A) Despite subsection (1), the delegation cannot be made to the Council or a member of the Council.

20 **31 Part 8.2, Division 3 inserted**

After section 166

*insert*

**Division 3 Heritage Amendment Act 2026**

**167 Definition**

25 In this Division:

***amending Act*** means the *Heritage Amendment Act 2026*.

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**168 Application of amendments to section 21**

5 Section 21 as amended by the amending Act, applies in relation to a nomination under section 21(1) that was made but not accepted or refused by the Council before the commencement of section 8 of the amending Act.

**169 Application of amendments to section 23**

10 Section 23 as amended by the amending Act, applies in relation to the assessment period for an assessment of the heritage significance of a place or object that was accepted, initiated or directed under section 23(1) but not decided before the commencement of section 10 of the amending Act.

**170 Continuation of provisional declarations**

15 (1) A provisional declaration made under section 37 that is in force immediately before the repeal, has effect on and after the repeal as if the declaration was made under section 36 as in force after the repeal.

(2) In this section:

**repeal** means the repeal of section 37 by section 16 of the amending Act.

20 **171 Work approval applications made before commencement**

(1) Despite the amendments to Part 3.2 made by the amending Act, that Part, as in force immediately before the commencement, continues to apply in relation to an application under section 72 that was made before the commencement.

25 (2) In this section:

**commencement** means the commencement of section 24 of the amending Act.

**172 Continuation of appointments**

30 (1) Despite the commencement, a person holding office as a member of the Heritage Council immediately before the commencement, continues to be a member of the Heritage Council after the commencement, in accordance with the terms of their appointment.

(2) In this section:

35 **commencement** means the commencement of section 27 of the amending Act.

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**32 Schedules 1 and 2 replaced**

Schedules 1 and 2

*repeal, insert*

**Schedule 1 Reviewable decisions**

5

section 90

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<b>Item</b>	<b>Reviewable decision</b>	<b>Affected person</b>
1	A decision under section 25(1) that a place or object is not of heritage significance on a heritage nomination	The person who made the nomination
2	A decision under section 27(1) not to recommend declaration of a place or object as a heritage place or object	A person entitled under section 29(1) to be given a review notice for the decision
3	A decision under section 74(1) on application for work approval	A person entitled under section 77(1) to be given a review notice for the decision

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**Schedule 2 Appealable decisions**

section 93

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<b>Item</b>	<b>Appealable decision</b>	<b>Affected person</b>
1	A decision under section 32(1) not to declare a place or object to be a heritage place or object	A person entitled under section 35(3) to be given an information notice for the decision
2	A decision under section 32(1) to permanently declare a place or object to be a heritage place or object	A person entitled under section 40(1) to be given an information notice for the decision
3	A decision under section 36(2) to provisionally declare a place or object to be a heritage place or object	A person entitled under section 40(1) to be given an information notice for the decision  An interested person for any place or object the use or value of which is directly

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<b>Item</b>	<b>Appealable decision</b>	<b>Affected person</b>
		affected by the decision
4	A decision under section 62(1) to revoke a declaration of a heritage place or object	A person entitled under section 65(2) to be given an information notice for the decision  An interested person for any place or object the use or value of which is directly affected by the decision
5	A decision under section 62(1) not to revoke a declaration of a heritage place or object	A person entitled under section 66(3) to be given an information notice for the decision
6	A decision under section 86(1) to issue a repair order for a heritage place or object	The owner of the heritage place or object

**33 Act further amended**

The Schedule has effect.

**34 Repeal of Act**

This Act is repealed on the day after it commences.

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**Schedule Act further amended**

section 33

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Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 129(1)	section 128(2)(e)	section 128(1)
sections 130 and 131	An appointed	A
section 132(1) and (2)	an appointed	a
section 133, heading	<b>appointed</b>	
section 133(1)	An appointed	A

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