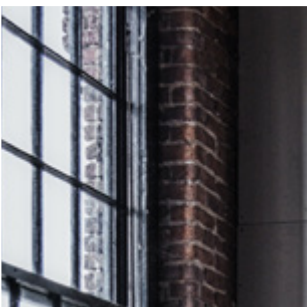
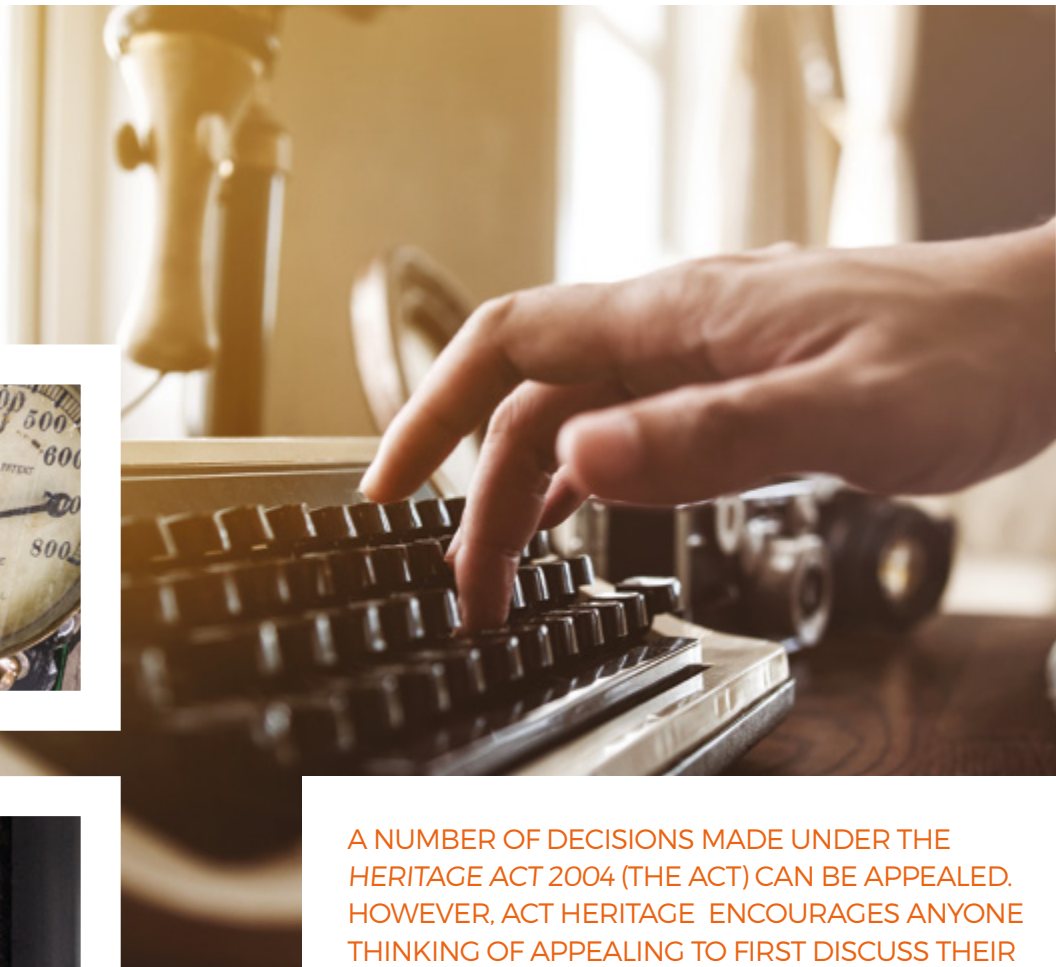




ACT
Government

WHAT DECISIONS CAN BE APPEALED AND REVIEWED?



A NUMBER OF DECISIONS MADE UNDER THE HERITAGE ACT 2004 (THE ACT) CAN BE APPEALED. HOWEVER, ACT HERITAGE ENCOURAGES ANYONE THINKING OF APPEALING TO FIRST DISCUSS THEIR CONCERNS WITH ACT HERITAGE SO THE FORMAL APPEAL AND REVIEW PROCESS MAY BE AVOIDED.



When an appealable decision is made, the person making the decision must try to give written notice of the decision to all ‘interested parties’ – those whose interests are affected by the decision. The notice must advise them:

- they may apply to the ACT Civil and Administrative Tribunal for review of the decision
- how an application for review is to be made.

Interested people who may appeal a decision under the Act are:

- an owner, occupier, lessee or sub-lessee of a place
- an architect or designer of a building or structure at the place
- an owner or person in possession of the object
- a maker of an object
- the nominator of a place or object.

The following people also have appeal rights:

- For a decision about registration – anyone who made comments to the ACT Heritage Council (the Council) during the consultation period.
- For a decision about cancellation – anyone who proposed the cancellation and anyone who made comments during the public consultation period.
- For a decision to publish restricted information – the applicant for approval.
- For a decision on a heritage direction – the person to whom the direction is given.
- For a decision about an information discovery order – the person to whom the order is given.

The following types of decisions are reviewable:

- A decision by the Council to register, or not register, a place or object.
- A decision by the Council to cancel, or not cancel, the registration of a place or object.
- A decision by the Council to approve, or not approve, the publication of restricted information.
- A decision by the Council to make, or not make, a heritage direction.
- A decision by the Council to revoke, or not revoke, a heritage direction.
- A decision by the Heritage Council to give an information discovery order.

APPEALS

Application for appeals can be made directly to:

ACT Civil and Administrative Tribunal,
ACT Health Building, Level 4,
1 Moore Street, Civic.

Mail: GPO Box 370, CANBERRA ACT 2601

Phone: (02) 6217 4261 or (02) 6217 4279

Fax: (02) 6217 4505

Web: www.acat.act.gov.au

FURTHER INFORMATION

For more information, please contact ACT Heritage on 13 22 81.

Please note the material in this information sheet is provided for general information only, and should not be relied upon for the purpose of a particular matter covered by the [Heritage Act 2004](#).

