

# Heritage Council of Victoria

## POLICY: OBJECTS INTEGRAL TO A REGISTERED PLACE

Adopted: 1 October 2020

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The *Heritage Act 2017* (Heritage Act) provides for the protection and conservation of Victoria's cultural heritage. The Victorian Heritage Register (Heritage Register) is a list of places and objects that have been identified as warranting protection under the Heritage Act. In addition to allowing for the identification of significant places and objects, the Heritage Act also allows for the registration of objects that are 'integral' to a registered place, even though they may not meet the threshold for inclusion in the Heritage Register in their own right. These are called 'objects integral'.

This policy is focused on objects integral and is broken into two parts. The first addresses the issue of what, for the purposes of the Heritage Act, is an object?; the second addresses the question of when does an object become an 'object integral'?

In preparing this policy, the Heritage Council of Victoria (Heritage Council) acknowledges that there is a significant body of common law that deals with the issue of when an object becomes a fixture and therefore forms part of a place. This policy, in light of the Heritage Act's objective at Section 1(a) to 'provide for the protection and conservation of the cultural heritage of the State', outlines a methodology that is intended to ensure that no items of significance are excluded from the processes set out in the Heritage Act.

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### 1. PURPOSE

- 1.1. This policy is intended to provide guidance as to the matters that should be considered by the Heritage Council in determining whether an object is integral to a place included in the Heritage Register.
- 1.2. This policy is intended to assist:
  - individuals or organisations nominating a place or object to the Heritage Register
  - owners or managers of a place or object that has been nominated to the Heritage Register
  - Heritage Victoria in making a recommendation about a place or object that has been nominated to the Heritage Register
  - the Heritage Council in determining whether a place or object should be included or amended in the Heritage Register.

### 2. RELEVANT LEGISLATION

- 2.1. Heritage Victoria has primary responsibility for administering the Heritage Act which governs the identification and management of places and objects of State-level cultural heritage significance.
- 2.2. Section 27(1) of the Heritage Act provides that 'a person or body may nominate a place or object for inclusion in the Heritage Register'. Section 27(3) allows the Executive Director to nominate a place or object for inclusion in the Heritage Register.
- 2.3. Section 27A of the Heritage Act provides that 'a person (including the Executive Director) or body may nominate for inclusion in the Heritage Register an object that is integral to understanding the cultural heritage significance of – (a) a registered place or (b) a place that is the subject of a nomination under section 27 which has not been determined'.
- 2.4. Section 27A(2) of the Heritage Act provides that a nomination under Section 27A(1) may be made '(a) in respect of an object whether or not the object is located at the place or under the place; or (b) in respect of all archaeological artefacts associated with the place whether or not the number, nature or exact location of the archaeological artefacts is known; or (c) without the extraction of the object from the place'.

### 3. WHAT IS AN OBJECT?

3.1. Section 3 of the Heritage Act defines an object as including:

- any fixed or non-fixed object
- a collection of objects
- a shipwreck artefact
- an archaeological artefact.

3.2. The Heritage Act does not, however, provide guidance on the characteristics of an object or define a 'fixed' or 'non-fixed' object.

3.3. For the purposes of the Heritage Act, an item will be considered a **'fixed object'** if it is an item that:

- first existed as a 'whole' moveable object AND
- is not dependent on its location to be understood as a 'whole' AND
- has been incorporated into a structure or part of a structure through fixing to stabilise, prevent movement, secure from theft, or for decorative purposes AND
- the removal of the item would require the dismantling of its fixing supports or mechanisms.

3.4. For the purposes of the Heritage Act, an item will be considered a **'non-fixed' object;** if it is an item that:

- exists as a 'whole' moveable object AND
- is not dependent on its location to be understood as a 'whole' AND
- is not affixed to the place.

3.5. For the purposes of the Heritage Act, an item will be considered a **'fixture'** if it is an item that:

- is fixed to the place AND
- is reliant on being fixed to the place to perform its function.

3.6. Fixtures form part of the registered place and are therefore protected under the Heritage Act. Any removal of, or alteration to them may require approval from Heritage Victoria.

### 4. WHEN IS AN OBJECT INTEGRAL TO A PLACE?

4.1. The Heritage Act does not provide guidance on the circumstances in which an 'object' becomes 'integral to understanding the cultural heritage significance' of a place pursuant to Section 27A and Section 49(1)(ca).

4.2. For the purposes of the Heritage Act, both fixed objects and non-fixed objects can be objects integral.

4.3. Where a fixture also exhibits the characteristics of a fixed object, as outlined in Clause 3.3, it may be identified as an object integral.

4.4. For the purposes of the Heritage Act, an object will be considered integral to a place if:

- it forms a key part of that place, being a component in its design, operation or use that contributes importantly to a richer and more complete understanding of its historical, cultural, technical, aesthetic and/or social meaning at a State level AND
- that contribution can be substantiated through physical, documentary or oral evidence.

4.5. Items may be nominated for registration as 'objects integral':

- when they clearly satisfy the tests set out in Clauses 3.3 or 3.4 as well as the threshold established at Clause 4.4

OR

- if an item has been identified in relation to Clause 4.3, it must also clearly satisfy the test set out in 3.3 as well as the threshold established at Clause 4.4.

# GLOSSARY

Term	Definition
Fixed object	An item that: <ul style="list-style-type: none"><li>• first existed as a 'whole' moveable object AND</li><li>• is not dependent on its location to be understood as a 'whole' AND</li><li>• has been incorporated into a structure or part of a structure through fixing to stabilise, prevent movement, secure from theft, or for decorative purposes AND</li><li>• the removal of which would require the dismantling of its fixing supports or mechanisms.</li></ul>
Non-fixed object	An item that: <ul style="list-style-type: none"><li>• exists as a 'whole' moveable object AND</li><li>• is not dependent on its location to be understood as a 'whole' AND</li><li>• is not affixed to the place.</li></ul>
Fixture	An item that: <ul style="list-style-type: none"><li>• is fixed to the place AND</li><li>• is reliant on being fixed to the place to perform its function.</li></ul>