

Statement of Recommendation from the Executive Director, Heritage Victoria

Australian Queer Archives (AQuA) Collection, PROV H2449
79-81 Fitzroy Street, St Kilda, Port Phillip City
Bunurong Country



Executive Director recommendation

Under section 37 of the *Heritage Act 2017* ('the Act') I recommend to the Heritage Council of Victoria (Heritage Council) that the Australian Queer Archives (AQuA) Collection, located at 79-81 Fitzroy Street, St Kilda, is of State-level cultural heritage significance and should be included in the Victorian Heritage Register (VHR) in the category of Registered Object.

In accordance with section 38 of the Act I include in this recommendation categories of works or activities which may be carried out in relation to the AQuA Collection without the need for a permit under Part 5 of the Act.

I suggest that the Heritage Council determine that:

- the AQuA Collection is of State-level cultural heritage significance and is to be included in the VHR in accordance with section 49(1)(a) of the Act
- the proposed categories of works or activities which may be carried out in relation to the AQuA Collection for which a permit under the Act is not required will not harm the cultural heritage significance of the collection under section 49(3)(a) of the Act.



STEVEN AVERY
Executive Director, Heritage Victoria

Date of recommendation: 15 July 2024

LGBTIQ+ heritage and the VHR

Lesbian, gay, bisexual, transgender, intersex, queer, asexual, sistergirl and brotherboy (LGBTIQ+) people are an integral part of Victoria's social, political and cultural history. Despite this – as an effect of discrimination, exclusion and criminalisation – the lives of queer people and communities have often been difficult to find in the historical record. The voices of legal, religious, medical and political commentators have tended to dominate the public record, rather than the voices of LGBTIQ+ people themselves. Identifying physical fabric related to the historical experiences of LGBTIQ+ communities is additionally challenging. As individuals and communities that were often operating discreetly and with minimal resources, there is very little historic fabric in the built environment that is a direct manifestation of Victoria's queer lives. As such, material culture (objects, documents, artworks) is the primary way Victoria's queer history survives in a tangible way. AQuA is Victoria's and Australia's premier collection of this kind of material. The 'history of the LGBTIQ+ community in Victoria' has been identified as a priority area for enrichment of the VHR. This recommendation addresses the representation of LGBTIQ+ heritage in the VHR.

The process from here

1. The Heritage Council publishes the Executive Director's recommendation (section 41)

The Heritage Council will publish the Executive Director's recommendation on its website for a period of 60 days.

2. Making a submission to the Heritage Council (sections 44 and 45)

Within the 60-day publication period, any person or body may make a written submission to the Heritage Council. This submission can support the recommendation, or object to the recommendation and a hearing can be requested in relation to the submission. Information about making a submission and submission forms are available on the Heritage Council's website.

3. Heritage Council determination (sections 46, 46A and 49)

The Heritage Council is an independent statutory body. It is responsible for making the final determination to include or not include the place or object in the VHR or amend a place or object already in the VHR.

If no submissions are received the Heritage Council must make a determination within 40 days of the publication closing date.

If submissions are received, the Heritage Council may decide to hold a hearing in relation to the submission. The Heritage Council must conduct a hearing if the submission is made by a person or body with a real or substantial interest in the place or object. If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

4. Obligations of owners of places and objects (sections 42, 42A, 42B, 42C, 42D and 43)

The owner of a place or object which is the subject of a recommendation to the Heritage Council has certain obligations under the Act. These relate to advising the Executive Director in writing of any works or activities that are being carried out, proposed or planned for the place or object.

The owner also has an obligation to provide a copy of this statement of recommendation to any potential purchasers of the place or object before entering into a contract.

5. Further information

The relevant sections of the Act are provided at Appendix 1.

Description

The AQuA Collection is Australia's largest and most comprehensive collection of material relating to Australian LGBTIQ+ life and the pre-eminent research collection for LGBTIQ+ histories in Australia. It has had several homes over its lifetime and is now largely housed within the Pride Centre on Fitzroy Street in St Kilda.¹ It comprises over 400,000 items that occupy approximately 650 metres of shelf space. The AQuA Collection is national in scope and has particular importance to Victoria's LGBTIQ+ communities. AQuA has operated continually since 1978 and its collection continues to be refined and expanded. It is volunteer-run and controlled by the communities it represents. The AQuA Collection is publicly accessible to members, researchers and cultural institutions.

AQuA's holdings include audiovisual, ephemera, archival, oral histories, photographic and periodical collections, amongst others. AQuA's audiovisual collection contains material in a range of formats and includes feature films, documentaries, sex education material and more. The ephemera collection comprises small, printed items such as flyers, brochures and postcards. Archival holdings include over 420 sets of organisational records and personal papers that cover subjects including LGBTIQ+ law reform, religious groups and motorbike clubs. The oral history collection comprises more than 500 recordings capturing LGBTIQ+ lives from the 1930s onwards. The photographic collection includes more than 40,000 photographs documenting LGBTIQ+ life in all Australian states, from the 1920s onwards, with the majority post-1970. AQuA's periodicals collection is the world's most comprehensive holding of Australian LGBTIQ+ periodicals.

On the following page are examples of items from the AQuA Collection that are indicative of its diversity and scope. These descriptions and images have been drawn from both the [AQuA website](#) and the publication [A History of LGBTIQ+ Victoria in 100 Places and Objects](#) which was produced by AQuA for Heritage Victoria in 2021.

¹ The size of the collection necessitates some of its contents being held in secure storage.



Geelong Lesbian Group banner, c. 1990s.



1981, 'We're not all straight in the Garden State' badge.



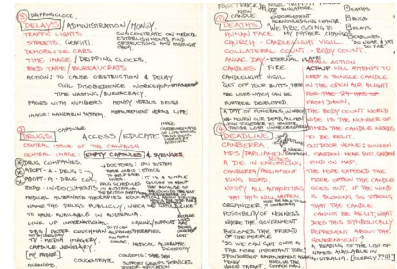
1998, Lesbians and Gays for Reconciliation – Stick with Wik' banner.



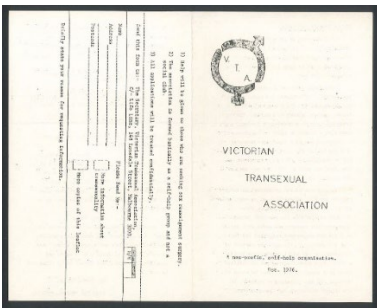
c. 1969, Mae West Club (a kampf venue) sign.²



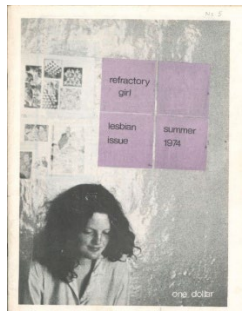
1995-2022, Midsumma Photographic collection.



Early 1990s, notebook compiled by Andrew Hansen of ACT UP, a HIV/AIDS activist organisation.



c. 1976, Victorian Transexual Association brochure.



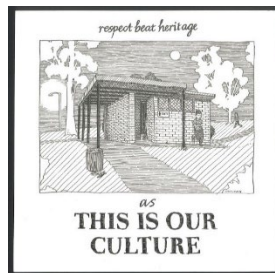
1974, *Refractory Girl* lesbian issue.



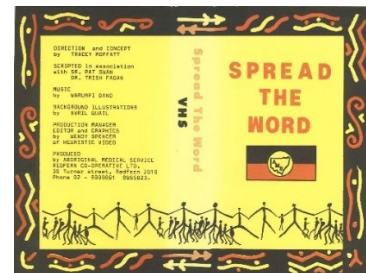
1978, book *Young, Gay and Proud* published by the Melbourne's Gay Teachers and Students Group.



Miss Peninsula sash.



2015, artwork by Sam Wallman



1987, *Spread the Word* HIV/AIDS educational video by Tracey Moffat et al..

² From the 1940s, gay men and other queer people in Australia often described themselves as 'kampf', spelled in that period with a 'k'. Materials held in the AQUA Collection demonstrate the changing ways that people in the LGBTIQ+ community have referred to themselves over time. Some terminology would now be regarded as outdated or inappropriate. Likewise other terms, such as queer, have been largely reclaimed by the communities they were used to denigrate.

History

Gay Liberation Movement

In Australia during the mid-twentieth century, same-sex relationships and gender non-conforming practices were seldom discussed in the public sphere, and certainly not in positive terms. Homosexuality was 'reviled and vilified', and salacious reports in newspapers such as the *Truth* framed public understandings.³ Despite limited public discourse on homosexual relationships, acceptable sexual practices in public and private were strictly defined, under the law and in society more broadly. Both men and women faced serious consequences for being same-sex attracted or gender non-conforming. Homophobic intimidation, threats and violence were a reality on the streets and also 'sanctioned by institutions' such as the police and medical fraternity.⁴

Despite this, from around the 1950s, there was also a gradual emergence of public spaces that catered to kamp men and women.⁵ In the 1960s, the portrayal of homosexuality as a threat to social fabric was interrogated and increasingly critiqued and began to enter more mainstream political discussions. Efforts to initiate law reform targeted at decriminalising (male) homosexuality came with the establishment of the Homosexual Law Reform Society in Canberra in 1969.⁶ The Campaign Against Moral Persecution (CAMP) had a branch in every Australian state the following year.⁷

In the rapidly changing social climate of the 1970s, a highly political, organised, and active gay liberation movement emerged alongside other key social movements. A range of organisations on national and state levels targeted both law reform and broader social change. From the early 1970s, political and activist groups proliferated, focused on single issues or specific identities.⁸ As Steven Angelides has written, 'the 1970s and 1980s were something of a watershed on the politics of gender and sexuality. Feminist and gay and lesbian movements had considerable success in challenging widespread social prejudice and discrimination.'⁹ The Australian Gay Archives (AGA) emerged from this era of political activity.

Formation of the Australian Gay Archives (AGA) and first repositories in Melbourne

From the early 1970s, there was a growing awareness of the value of the records being created as part of Australia's gay liberation movement.¹⁰ Several individuals began taking steps to preserve these records, often independently of each other. In Melbourne, teacher and gay activist Graham Carbery began collecting material related to gay activism, including flyers, periodicals and magazines.¹¹

The creation of an archive to document the emergence and development of the gay liberation movement was discussed at the second National Homosexual Conference in 1976.¹² Also in 1976, Liz Ross and others founded the Gay Librarians Group in Melbourne which began to focus on compiling materials would be core to a collection on homosexuality.¹³ In early 1978, a gay archives group formed in Melbourne. In 1978, the proposal for an Australian Gay Archives (AGA) was formalised at the Fourth National Homosexual Conference. Carbery was key in the archive's establishment, which also involved an Australia-wide network of individuals and organisations collecting and supplying material.¹⁴ From its inception, accessibility of the collection to the community has been key. As Sarah Rood has observed, 'making the collection available to the lesbian and gay community as well as the broader community has been a critical element [of the collection] from its earliest day'.¹⁵ The archives were initially held at Carbery's home in Flemington in inner Melbourne.

³ Graham Willett, 'The Origins of Homosexual Politics in Australia', *Australia's Homosexual Histories: Gay and Lesbian Perspectives 5*, eds David L. Phillips and Graham Willett, 2000.

⁴ Ruth Ford, 'Filthy Obscene and Mad: Engendering Homophobia in Australia, 1940s-1960s', in *Homophobia: as Australian history*, ed Shirleene Robinson, Annandale: The Federation Press, 2008, p. 87.

⁵ See for example, Val's Coffee Lounge on Swanston Street in *A History of LGBTIQ+ Victoria in 100 Places and Objects*, p. 135.

⁶ Graham Willett, 'Gay and Lesbian Movement' in the *Oxford Companion to Australian Politics*, eds Brian Galligan and Winsome Roberts, South Melbourne: Oxford University Press, 2007. Sex between women has never been a crime in Australia.

⁷ Homosexuality was not decriminalised in Victoria until 1980.

⁸ Willett, 'Gay and Lesbian Movement', p. 224.

⁹ Steven Angelides, 'The continuing homosexual offensive: Sex education, gay rights and homosexual recruitment', in *Homophobia an Australian History*, p. 172.

¹⁰ Sarah Rood (Way Back When), *The Australian Lesbian and Gay Archives: Assessment of Significance*, 2010, p. 9; 'Our History', AQuA website <queerarchives.org.au/posts/our-history>.

¹¹ Rood, p. 9; '1977: Graham Carbery', AQuA website, <<https://queerarchives.org.au/posts/our-history/1977-graham-carbery-starts-collecting/>>.

¹² 'Our History', AQuA website <queerarchives.org.au/posts/our-history>.

¹³ AQuA website, <queerarchives.org.au/posts/our-history/liz-ross-bibliographies-and-a-core-collection/>.

¹⁴ Graham Willett, 'Quiet life of service followed moment of fame', *The Age*, 3 October 2017; Rood, p. 9.

¹⁵ Rood, p. 10.

Growth and development of the Archives

From 1981, the archives were located in West Melbourne at The Hub – a premises hosted by Christ's Community Church. From this point, the archives were open to the public at regular times – an arrangement that continues to this day. AGA was incorporated in 1983.



c1982, The AGA collection located at the Hub in West Melbourne.

Source: AQuA website <queerarchives.org.au/posts/our-history/early-1981-the-hub-west-melbourne>, photographer unknown.

From 1989 until 1995 the collection was housed in the basement of Carbery's home in Ivanhoe. In this period, the collection's function as a valuable resource for researchers and academics increased. AGA formally changed its name to the Australian Lesbian and Gay Archives (ALGA) in 1991 to 'better reflect the changes in the way the community described itself.'¹⁶ The 1990s also saw increased public outreach by the archives via participating in community events like Midsumma and undertaking public programming.¹⁷ The collection grew beyond material relating to gay activism of the 1970s. Personal donations, bequests and a collection of oral histories enabled ALGA to represent the experiences of LGBTIQ+ people from periods when queer life was illegal and often covert.



1990, Grahame Carbery in the archives while they were housed in his basement in Ivanhoe.

Source: AQuA website, <queerarchives.org.au/posts/our-history/26-may-1989-ivanhoe>, photographer unknown.

The 1990s and 2000s saw the archives move once again, this time to the Victorian AIDS Council (VAC) in South Yarra to temporary office space occupied by VAC (later Thorne Harbour Health) on St Kilda Road, with additional material accommodated in offsite storage or at members' homes.¹⁸

¹⁶ '1991: The Australian Lesbian and Gay Archives', AQuA website, <queerarchives.org.au/posts/our-history/12-march-1991-the-australian-lesbian-and-gay-archives/>.

¹⁷ Rood, p. 10.

¹⁸ Rood, p. 9; '1996: The Victorian AIDS Council', AQuA website <queerarchives.org.au/posts/our-history/1312-2/>.



1997, the archives housed at the VAC in South Yarra.

Source: AQuA website <queerarchives.org.au/posts/our-history/1312-2/>, photographer unknown.

AQuA today

In 2020, ALGA members voted to change the name of the archives to the Australian Queer Archives (AQuA) to reflect the diversity of queer communities beyond 'gay and lesbian'.¹⁹ The term queer was felt to be 'broadly inclusive' of all the identities and communities represented within the collection. AQuA is now a key tenant within the Victorian Pride Centre on Fitzroy Street in St Kilda. The Pride Centre opened in 2021 and was a Victorian Government initiative to provide a purpose-built centre for Victoria's LGBTIQ+ communities.

AQuA is the largest collection of its type in Australia and one of the oldest continuously operating organisations related to LGBTIQ+ communities.²⁰ It continues to be dedicated to collecting, preserving and celebrating Australia's queer histories. The collection is substantial and diverse. AQuA operates as a community-based, volunteer-run, not-for-profit organisation and is controlled and governed by members of the communities it represents.

The AQuA Collection and significance

A significance assessment undertaken by the Sarah Rood in 2010 found AQuA to be 'the most significant collection relating to the history of homosexuality in Australia, as well as the development of the gay and lesbian community, communities and subcultures, in both Australia and the world.'²¹ The 2021 publication *A History of LGBTIQ+ Victoria in 100 Places and Objects* recognised that 'AQuA has cultural, historical and social importance as the largest and most complete collection of Australian LGBTIQ+ historical materials in the world.'²²

Social Value

As an organisation, AQuA is one of the oldest, continually operating LGBTIQ+ organisations in Victoria. Members of Victoria's LGBTIQ+ communities hold the AQuA Collection and its custodians in high esteem. It is highly visible, accessible, and well-recognised as a valuable repository of community history and identity. The collection's holdings represent LGBTIQ+ communities from across Victoria and beyond, including regional and rural communities.

The attachment of Victoria's LGBTIQ+ communities to the collection is evident in AQuA's paid membership base, which numbers between roughly 350-450 annually, and its location within the new flagship Pride Centre. Members come from across Victoria as well as other states and territories. Membership is affordable and supports community engagement with the collection. Since 1978, volunteers have been drawn from within the LGBTIQ+ community, and donors (as well as prospective donors) also have an attachment to the organisation.

¹⁹ '2020: The Australian Queer Archives', AQuA website, <queerarchives.org.au/posts/our-history/the-australian-lesbian-and-gay-archives-becomes-the-australian-queer-archives/>.

²⁰ Rood, p. 10.

²¹ Rood, p. 39.

²² Graham Willett et al (Australian Queer Archives), *A History of LGBTIQ+ Victoria in 100 Places and Objects*, 2021, p. 181.

Accessibility of the collection to the communities it represents has been key since it was established and is an important part of communities' attachment to the collection. The AQuA Collection is currently accessible to members, researchers and volunteers 2 days per week. The accessibility of the collection is supported by an array of guides, bibliographies and histories produced by AQuA.

The AQuA Collection is highly visible at key community events such as Midsumma, and its public profile is further supported by numerous public outreach activities such as exhibitions, conferences, talks, awards, and publications. A high-quality website and effective social media engagement also support community attachment to the collection.

The AQuA Collection's growing and evolving nature underlines its social significance. Donations and bequests of documents and personal collections from community members demonstrate the collection's importance. Having been formally established in 1978, there is a time depth to this attachment. The AQuA Collection's longevity is a testament to the esteem in which it is held.

As the pre-eminent collection of its type in Australia, researchers and academics recognise and hold it in high esteem.

Selected bibliography

AQuA website <queerarchives.org.au/>.

Davison, Kate, *Lesbian Bisexual Gay Transgender Material Survey*, 2006.

Phillips, David L. and Graham Willett, *Australia's Homosexual Histories: Gay and Lesbian Perspectives 5*, 2000.

Galligan, Brian and Winsome Roberts, *Oxford Companion to Australian Politics*, South Melbourne: Oxford University Press, 2007.

Robinson, Shirleene, *Homophobia: an Australian history*, Annandale: The Federation Press, 2008.

Rood, Sarah (Way Back When), *The Australian Lesbian and Gay Archives: Assessment of Significance*, 2010.

Willett, Graham, et al (AQuA), *A History of LGBTIQ+ Victoria in 100 Places and Objects*, 2021.

Consultation and interviews

Thank you to Tim Jones, Angela Baily and Nick Henderson of the AQuA committee of management for their input into this recommendation.

Further information

Traditional Owner Information

The collection is located on the traditional land of the Bunurong People. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for the land the collection is located on is the Bunurong Land Council Aboriginal Corporation.

Native Title

Native title is the recognition in Australian law that some Aboriginal and Torres Strait Islander people continue to hold rights and interests in land and water. Native title is not granted by governments. It is recognised through a determination made by the Federal Court of Australia under the *Native Title Act 1993* (Cth).

In 2010, acknowledging the difficult nature of having native title determined under the Native Title Act, the Victorian Government developed an alternate system for recognising the rights of Victorian traditional owners. The *Traditional Owner Settlement Act 2010* (Vic) allows the government and traditional owner groups to make agreements that recognise traditional owners' relationship to land and provide them with certain rights on Crown land.

There is no Native Title determination or Recognition and Settlement Agreement over the land the AQuA Collection is located on.

(June 2024)

Victorian Aboriginal Heritage Register

Neither the AQuA Collection nor items within it are included on the Victorian Aboriginal Heritage Register. However, the AQuA Collection includes objects and materials created by and with Aboriginal and Torres Strait Islander people, including the Brotherboy and Sistergirl communities. It holds collection items that document the lives and distinct experiences of First Nations LGBTIQ+ people from across Australia.

(June 2024)

Integrity

The integrity of the collection is excellent. Its cultural heritage values can be easily read in the extant fabric.

(June 2024)

Intactness

The intactness of the collection is excellent.

(June 2024)

Condition

The condition of the collection is very good. Some elements show signs of deterioration, often dependent on the material type (for example, newsprint or cassette tape) and its age.

(June 2024)

Note: The condition of a place or object does not influence the assessment of its cultural heritage significance. A place or object may be in very poor condition and still be of very high cultural heritage significance. Alternatively, a place or object may be in excellent condition but be of low cultural heritage significance.

Heritage Overlay

There is no Heritage Overlay for the AQuA Collection.

Other Overlays

There are no other overlays for the collection.

Other Listings

There are no other listings for the collection.

Other Names

Over its history, the AQuA Collection has been known by several names, including the Australian Lesbian and Gay Archives (ALGA) and the Australian Gay Archives (AGA).

Date of construction/creation

The AQuA Collection was established in 1978 but it includes materials created prior to this era.

Architect//Builder/Designer/Maker

Numerous.

Statutory requirements under section 40

Terms of the recommendation (section 40(3)(a))

The Executive Director recommends that the Australian Queer Archives (AQuA) Collection is included in the VHR.

Information to identify the place or object or land (section 40(3)(b))

Number: PROV H2449

Category: Registered Object.

Name: Australian Queer Archives (AQuA) Collection

Location: 79-81 Fitzroy Street, St Kilda

Municipality: Port Phillip City

Proposed extent of registration

The Executive Director recommends that the extent of registration for the Australian Queer Archives (AQuA) Collection be gazetted as:

All of the Australian Queer Archives (AQuA) Collection listed in the catalogue held by the collection's custodians.

Extent of registration

Rationale for the extent of registration

The recommended extent of registration comprises all of the AQuA Collection as it is identified in the catalogue held by the collection's custodians. The AQuA Collection is unusual in terms of the VHR in that it is a 'living collection' that is continually growing and evolving – this is part of its social significance. AQuA is an active collecting institution that continues to acquire both contemporary and historical material. By contrast, other collections included in the VHR, such as the [Harry Johns Collection \(VHR H2435\)](#) and the [CSL \(Commonwealth Serum Laboratories\) Collection \(VHR H2422\)](#) are 'complete'. It is not anticipated that they will grow through the addition of new objects. In recognition of this, the Executive Director has proposed an extent of registration for the AQuA Collection that is not tied to a definitive list of objects but will remain relevant to the collection as it evolves in the future.

The AQuA Collection is located in Melbourne and has particular history associated with Victoria. The first repository was in Flemington. It has always been housed and managed from Melbourne, and it is currently located in the Pride Centre, St Kilda. The collection contains material related to Australia's queer histories, not just Victoria. This reflects the fact that many political movements and organisations were national in scope. It also speaks to the relative size of the LGBTIQ+ community and its historical vulnerability. It is more appropriate for one national collection to serve the community rather than splitting donations and resources across multiple states. The AQuA Collection is of social significance to Victoria's LGBTIQ+ communities, and potentially to LGBTIQ+ people in other states and territories.

The recommended extent of the registration is the same as the nominated extent of registration.

It should be noted that everything in the proposed extent of registration, that is, everything included in the AQuA catalogue now and in the future, is proposed for inclusion in the VHR. A permit or permit exemption from Heritage Victoria is not required for the usual use and management of the collection but an approval from Heritage Victoria may be required if more major change is proposed.

Reasons for the recommendation, including an assessment of the State-level cultural heritage significance of the object(section 40(3)(c))

Following is the Executive Director's assessment of Australian Queer Archives (AQuA) Collection against the tests set out in [The Victorian Heritage Register Criteria and Thresholds Guidelines \(2022\)](#). A place or object must be found by the Heritage Council to meet Step 2 of at least one criterion to meet the State-level threshold for inclusion in the VHR.

CRITERION A: Importance to the course, or pattern, of Victoria's cultural history.

Step 1 Test for Criterion A

No.	Test	Yes/No	Reason
A1)	Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	The AQuA Collection has a clear association with the diverse history of Victoria's LGBTIQ+ people. This includes a range of important phases (eg, 1970s gay liberation), movements (eg, lesbian feminism), events (eg, Pride March) and ways of life (eg, kamp life prior to the gay liberation era).
A2)	Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria?	Yes	The history of Victoria's LGBTIQ+ people and communities is of historical importance having made a strong and influential contribution to the political, cultural and social life of Victoria.
A3)	Is there evidence of the association to the event, phase, period, process, function, movement, custom or way of life in Victoria's cultural history?	Yes	The AQuA Collection comprises material documenting the lives and experiences of LGBTIQ+ people. As such, there is an extremely strong association between the collection and the history of Victoria's LGBTIQ+ people and communities.

If A1, A2 and A3 are all satisfied, then Criterion A is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion A is likely to be relevant.
--------------------------------	-----	---------------------------------------

Step 2 State-level test for Criterion A

No.	Test	Yes/No	Reason
SA1)	Does the place/object allow the clear association with the event, phase, period, process, function, movement, custom or way of life of historical importance to be understood better than most other places or objects in Victoria with substantially the same association?	Yes	The AQuA Collection is Victoria's and Australia's largest and most comprehensive collection of material relating to LGBTIQ+ lives and experiences. As such, it is singular in its ability to enable Victoria's queer histories to be understood.

If SA1 is satisfied, then Criterion A is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion A is likely to be relevant at the State level.
--------------------------------	-----	--

CRITERION B: Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

Step 1 Test for Criterion B

No.	Test	Yes/No	Reason
B1)	Does the place/object have a clear association with an event, phase, period, process, function, movement, custom or way of life of importance in Victoria's cultural history?	Yes	As above, the AQuA Collection has a clear association with the diverse history of Victoria's LGBTIQ+ people.
B2)	Is there evidence of the association to the historical phases etc identified at B1)?	Yes	As above, there is an extremely strong association between the collection and history of Victoria's LGBTIQ+ people and communities.
B3)	Is there evidence that place/object is rare or uncommon, <u>or</u> has rare or uncommon features? See definition of 'rare' on p.6 of the Guidelines .	Yes	<p>B3(i) There is evidence that the collection is rare as a tangible record of Victoria's LGBTIQ+ history.</p> <p>There is little fabric in the built environment that is a direct manifestation of LGBTIQ+ lives and experiences. For much of Victoria's history, queer lives have been concealed. Criminalisation and a range of threats led LGBTIQ+ groups maintaining a discreet or covert presence. Communities did not have the resources or capacity to create purpose-built premises. Use of premises was typically transitory and places important to queer communities may have been demolished or changed their use.</p> <p>B3(ii) There is evidence that the AQuA Collection has rare or uncommon features.</p> <p>Due to the reasons above, much of the physical fabric related to Victoria's LGBTIQ+ communities dates from the gay liberation period onwards. However, the AQuA Collection contains items (including objects, oral histories and personal archives) that relate to queer life prior to the gay liberation era. There are few other reminders of this era. This is a rare and uncommon feature.</p>

If B1, B2 AND B3 are satisfied, then Criterion B is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion B is likely to be relevant.
--------------------------------	-----	---------------------------------------

Step 2 State-level test for Criterion B

No.	Test	Yes/No	Reason
SB1)	Is the place/object rare or uncommon, being one of a small number of places/objects remaining that demonstrates the event, phase, etc identified at B1)?	Yes	The AQuA Collection is rare or uncommon being one of a small number of places or objects remaining that demonstrates the history of Victoria's LGBTIQ+ people. Material culture (objects, archives, artworks) is the primary way this history survives in Victoria. The AQuA Collection is the pre-eminent collection of this material culture in Victoria and Australia.

SB2)	Is the place/object rare or uncommon, containing unusual features, and these features are of note and these features were not widely replicated in Victoria?	Yes	The AQuA Collection is rare or uncommon because it: <ul style="list-style-type: none"> i. contains unusual features; and ii. these features are of note; and iii. these features were not widely replicated in Victoria. <p>As above, the AQuA Collection contains items that relate to the lives and experiences of queer people before the gay liberation era. These features are rare, of note and not widely replicated in Victoria.</p>
SB3)	Is the existence of the class place/object that demonstrates the historical phases at B1) endangered to the point of rarity due to threats and pressures on such places/objects in Victoria? See definition of 'class' on p.6 of the Guidelines .	No	The AQuA Collection is in the class of social history collection. This class is not endangered to the point of rarity due to threats and pressures on such collections in Victoria.

If any one of SB1, SB2 OR SB3 is satisfied, then Criterion B is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion B is likely to be relevant at the State level.
---------------------------------------	-----	--

CRITERION C: Potential to yield information that will contribute to an understanding of Victoria's cultural history.

Step 1 Test for Criterion C

No.	Test	Yes/No	Reason
C1)	Does physical fabric and/or documentary evidence and/or associated oral history or cultural narratives relating to the place/object indicate a likelihood that the place/object contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources?	No	Although the AQuA Collection contains a wealth of material that would benefit from further exploration, study and analysis, this is nature of collections of this type. The cultural heritage values of the collection are better considered under other criteria.
C2)	And, from what we know of the place/object, is the physical evidence likely to be of an integrity and/or condition that it could yield information through detailed investigation?	N/A	See above.

If both C1 AND C2 are satisfied, then Criterion C is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion C is likely to be relevant.
---------------------------------------	----	---------------------------------------

CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural places and objects

Step 1 Test for Criterion D

No.	Test	Yes/No	Reason
D1)	Is the place/object one of a class of places/objects that has a clear association with an event, phase, period, process, function, movement, custom or way of life in Victoria's history?	N/A	In the Executive Director's view, that although the AQuA Collection has the characteristics of a social history collection, its cultural heritage values are better considered under other criteria.
D2)	Is the event, phase, period, process, function, movement, custom or way of life of historical importance, having made a strong or influential contribution to Victoria?	N/A	
D3)	Are the principal characteristics of the class evident in the physical fabric of the place/object?	N/A	

If D1, D2 AND D3 are satisfied, then Criterion D is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	No	Criterion D is not likely to be relevant.
--------------------------------	----	---

CRITERION E: Importance in exhibiting particular aesthetic characteristics.

Step 1 Test for Criterion E

No.	Test	Yes/No	Reason
E1)	Does the physical fabric of the place/object clearly exhibit particular aesthetic characteristics? See definition of 'aesthetic' on p.5 of the Guidelines	Yes	Holdings within the AQuA Collection clearly exhibit a broad range of aesthetic characteristics associated with a wide range of creative expression, such as street photography, costume design, and poster design.

If E1 is satisfied, then Criterion E is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion E is likely to be relevant.
--------------------------------	-----	---------------------------------------

Step 2 State-level test for Criterion E

No.	Test	Yes/No	Reason
SE1)	Are the aesthetic characteristics 'beyond the ordinary' or are outstanding as demonstrated by:	No	While the aesthetic characteristics of individual items within the AQuA Collection contribute to its overall significance, they could not be considered beyond the ordinary or outstanding. The collection as a whole does not have acknowledged or acclaimed aesthetic qualities.

- Evidence from within the relevant discipline (architecture, art, design or equivalent); and/or
- Critical recognition of the aesthetic characteristics of the place/object within a relevant art, design, architectural or related discipline within Victoria; and/or
- Wide public acknowledgement of exceptional aesthetic qualities of the place/object in Victoria expressed in publications, print or digital media, painting, sculpture, songs, poetry, literature, or other media?

If SE1 is satisfied, then Criterion E is likely to be relevant at the State level

Executive Director's Response: No Criterion E is not likely to be relevant at the State level.

CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Step 1 Test for Criterion F

No.	Test	Yes/No	Reason
F1)	Does the place/object contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created?	No	The AQuA Collection contains many items that exhibit creative intent, including posters, artworks, and costumes. While these items contribute to the collection's significance, they could not be said to represent creative achievements for the time in which they were created. They demonstrate conventional creative techniques expected of their era of creation.
F2)	Does the physical evidence demonstrate a high degree of integrity?	N/A	

If both F1 and F2 are satisfied, then Criterion F is likely to be relevant (but not necessarily at the State level)

Executive Director's Response: No Criterion F is not likely to be relevant.

CRITERION G: Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons

Step 1 Test for Criterion G

No.	Test	Yes/No	Reason
G1)	Does the place/object demonstrate social value to a community or cultural group in the present day in the context of its cultural heritage significance? Evidence must be provided for all three facets of social value listed here:		

See definitions of 'social value' and Criterion G terms in the Guidelines

i)	Existence of a community or cultural group; <u>and</u>	Yes	There is ample evidence of the existence of LGBTIQ+ communities in Victoria.
ii)	Existence of a strong attachment of a community or cultural group to the place or object; <u>and</u>	Yes	There is evidence of a strong attachment between Victoria's LGBTIQ+ communities and the AQuA Collection. This is seen, for example, in AQuA's membership numbers, volunteer engagement, financial support, donations and bequests, visibility at LGBTIQ+ events, outreach and public programming, online and social media engagement, accessibility of the collection for research and wide knowledge of the collection's existence within communities.
iii)	Existence of a time depth to that attachment.	Yes	There is evidence of the attachment dating to at least 1978, when the archives were formally established.

If all facets of G1 are satisfied, then Criterion G is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion G is likely to be relevant.
--------------------------------	-----	---------------------------------------

Step 2 State-level test for Criterion G

No.	Test	Yes/No	Reason
SG1)	Is there evidence that the social value resonates across the broader Victorian community as part of a story that contributes to Victoria's identity?	Yes	<p>SG1(i) The social value of the AQuA Collection is part of a story in Victoria that contributes to Victoria's identity. LGBTIQ+ people and communities are and have been central to Victoria's political, social and cultural life.</p> <p>SG1(ii) There is evidence that the social value of the AQuA Collection resonates across the broader Victorian community. It has maintained a high level of recognition and esteem in Victoria's LGBTIQ+ communities over many years. The AQuA Collection contains materials that represent LGBTIQ+ people and groups from across Victoria. Its membership is drawn from across the state. Its online presence and extensive outreach activities support the state-wide resonance of communities' attachment to the collection. It is the pre-eminent research collection in its field and attracts researchers from across Victoria and beyond.</p>

If all facets of SG1 are satisfied, then Criterion G is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion G is likely to be relevant at the State level.
--------------------------------	-----	--

CRITERION H: Special association with the life or works of a person, or group of persons, of importance in Victoria’s history.

Step 1 Test for Criterion H

No.	Test	Yes/No	Reason
H1)	Does the place/object have a direct association with a person, or group of persons who has made a strong or influential contribution in their field of endeavour?	Yes	<p>AQuA (the organisation)</p> <p>H1(i) The AQuA Collection is directly associated with the organisation currently known as AQuA. The organisation and its predecessors established the collection and ensured its survival and development.</p> <p>Groups and individuals represented in the collection</p> <p>H1(i) The AQuA Collection is directly associated with many groups and individuals. It includes more than 420 archival collections of organisational records and personal papers. This includes, for example, the records of Society Five (gay rights and social support organisation – previously known as CAMP), Liz Ross (socialist activist and historian), Janet Rice (former senator for Victoria), Parent and Friends of Lesbians and Gays (PFLAG) Victoria, Midsumma (festival and arts organisation), Homosexual Law Reform Coalition (HLRC), Melbourne Gay Liberation, Dennis Altman (writer, academic and activist).</p> <p>H1(ii) Many of these groups and individuals have made a strong or influential contribution to their fields within Victoria and beyond.</p>
H2)	Is there evidence of the association between the place/object and the person(s)?	Yes	<p>AQuA (the organisation)</p> <p>There is plentiful evidence of the association between AQuA as an organisation and the AQuA Collection.</p> <p>Groups and individuals represented in the collection</p> <p>There is evidence of the association between the AQuA Collection and a multitude of groups and individuals. AQuA holds the records of these people and groups.</p>
H3)	Does the association relate: <ul style="list-style-type: none"> • directly to achievements of the person(s); <u>and</u> • to an enduring and/or close interaction between the person(s) and the place/object? 	Yes	<p>AQuA (the organisation)</p> <p>H3(i) The association relates directly to the achievements of AQuA. The predecessors of the organisation now known as AQuA established the collection, and have ensured its survival and development. The sustained efforts of the organisation have ensured the collection has developed into the primary collection of its type in Australia.</p> <p>H3(ii) There is an enduring and close interaction between the AQuA Collection and AQuA as an organisation.</p> <p>Groups and individuals represented in the collection</p> <p>H3(i) Archival collections within the AQuA Collection relate directly to the achievements of LGBTIQ+ individuals and organisations. They chronicle the emergence and evolution</p>

of important organisations and the influential work of important individuals.

H3(ii) Although the AQuA Collection holds the records of important groups and individuals Victoria's history this is the nature of archives as places of deposit. It could not be said that this amounts to an enduring or close interaction between the individuals and groups and the AQuA Collection more broadly.

If all facets of H1, H2 AND H3 are satisfied, then Criterion H is likely to be relevant (but not necessarily at the State level)

Executive Director's Response:	Yes	Criterion H is likely to be relevant (for its association with AQuA as an organisation).
--------------------------------	-----	--

Step 2 State-level test for Criterion H

No.	Test	Yes/No	Reason
SH1)	Are the life or works of the person/persons important to Victoria's history?	Yes	The work of AQuA is important in Victoria's history. The organisation has been of primary importance to the collection, documentation, conservation and celebration of Victoria's queer histories since 1978.
SH2)	Does this place/object allow the association between the person or group of persons and their importance in Victoria's history to be readily appreciated better than most other places or objects in Victoria?	Yes	The AQuA Collection allows the association between AQuA as an organisation and their importance in Victoria's history to be readily appreciated more than most other places or objects in Victoria.

If SH1 and SH2 are satisfied, then Criterion H is likely to be relevant at the State level

Executive Director's Response:	Yes	Criterion H is likely to be relevant at the State level (for its association with AQuA as an organisation).
--------------------------------	-----	---

Comparisons

Examples of collections included in the VHR

CUNNINGHAM DAX COLLECTION

KENNETH MYER BUILDING, THE UNIVERSITY OF MELBOURNE

H2201

The Cunningham Dax Collection is of historical and social significance to the state of Victoria and was included in the VHR in 2008. The Collection comprises some 12,000 art works created by people who have experienced mental health issues and also includes some archival material such as photographs, documents, and records associated with the history of psychiatric services in Victoria. The Cunningham Dax Collection is historically significant for its association with the long professional life of Dr Eric Cunningham Dax, and his achievements in mental health reform in Victoria. It is also of significance as a record of the lived experiences of hospital patients in Victoria from the 1950s to the 1960s and of people experiencing mental illnesses and psychological trauma since then. It is the only collection of its type and size in Australia and one of four such collections in the world.



CSL (COMMONWEALTH SERUM LABORATORIES) COLLECTION

10 CAMERON STREET, COBURG AND 11 NICHOLSON STREET, CARLTON AND 2 BOOKER STREET, SPOTSWOOD

H2422

The CSL (Commonwealth Serum Laboratories) Collection is historically significant for its association with the improvement of public health in Victoria and Australia. Established in Parkville in 1916, CSL was the nation's first domestic manufacturer of essential medicines and vaccines, later expanding its role into research and development. The collection provides insight into the diverse work of CSL since the early twentieth century, including its critical role in responding to public health crises such as the Spanish influenza pandemic. The CSL Collection is scientifically and technically significant for its ability to illustrate the immense manufacturing capabilities of CSL, as well as its adaptation of existing biotechnology for specifically Australian purposes.



TATURA WORLD WAR II INTERNMENT AND POW CAMPS COLLECTION

49 HOGAN STREET, TATURA

H2373

The Tatura World War II Internment and POW Camps Collection consists of an assemblage of approximately 1,700 heritage objects and archival materials made and used by internees and prisoners of war (POWs) in the seven World War II internment camps at Tatura. The Tatura World War II Internment and POW Camps Collection is significant for its ability to demonstrate the little known or recorded history of war camps in Victoria. The Tatura World War II Internment and POW Camps Collection is of social significance for its association with former internees and POWs and their descendants, particularly with Victoria's German community. It was included in the VHR in 2017.



HARRY JOHNS COLLECTION

MUSEUMS VICTORIA, 11 NICHOLSON STREET,
CARLTON AND AUSTRALIAN SPORTS MUSEUM,
MELBOURNE CRICKET GROUND, BRUNTON AVENUE,
EAST MELBOURNE

H2435

The Harry Johns Collection being 85 objects including a truck related to the Harry Johns Boxing Troupe is of cultural heritage significance to Victoria. It is historically significant for its association with tent boxing. Tent boxing was a working-class pursuit and around half of tent boxers were Aboriginal men. The collection provides insight into the history and organization of tent boxing in Victoria and its place in working class, rural and Aboriginal life. The collection is rare, being one of a small number of heritage places or collections remaining that demonstrates the history of tent boxing.



BALLAARAT MECHANICS INSTITUTE COLLECTION

113-121 STURT STREET, BALLARAT CENTRAL

H2096

The Ballaarat Mechanics Institute Collection is of historical significance as the largest and most intact collection of material relating to Mechanics Institutes in Victoria. The collection includes not only some rare and valuable items but also demonstrates the tastes and interests of the inhabitants of a major regional centre in Victoria. The Institute's own records document the development of the collection and offer an insight into the activities of a Mechanics Institute from its beginnings in the mid-nineteenth century.



Place and objects included in the VHR for their association with LGBTIQ+ history

FAIRFIELD HOSPITAL (FORMER)

101 YARRA BEND ROAD, FAIRFIELD

H1878

The former Fairfield Hospital is historically and socially significant as an institution responsive to the needs of patients during epidemics of infectious diseases for almost 100 years as it developed from isolation hospital to internationally recognised research and treatment centre. Its innovative responses to the challenge of caring for HIV/AIDS patients and their families from 1983 to 1996 included the establishment of the AIDS Memorial Garden in 1988.



MELBOURNE AIDS MEMORIAL QUILT

31-51 COMMERCIAL ROAD, SOUTH YARRA

H2418

The Melbourne AIDS Memorial Quilt consists of 209 quilt panels (sewn onto 27 fabric backing blocks, typically in groups of eight), each made by a family member or volunteer from 1988 onwards to commemorate a person or group who died from an AIDS-related condition. It is of historical and social significance to Victoria and was included in the VHR in 2022. It is historically significant as one of the most important artefacts of the AIDS crisis in Victoria. It is an important and enduring examples of community art in Victoria, specifically quilt making. It is also of social significance for its strong, special, and continuing association with particular social groups affected by the AIDS crisis and their families. This includes the LGBTIQ+ community – particularly gay and bisexual men – and other communities at risk such as blood transfusion recipients, IV drug users, men who have sex with men (MSM), and sex workers, as well as those who cared for and still mourn them.



Other collections related to LGBTIQ+ communities in Victoria (not in the VHR)

It is noted that in addition to the collection below, major collecting institutions in Victoria, such as Museums Victoria and the State Library of Victoria hold material relevant to Victoria's LGBTIQ+ communities. This is detailed in Kate Davison, *Lesbian Bisexual Gay Transgender Material Survey*, 2006.

VICTORIAN WOMEN'S LIBERATION AND LESBIAN FEMINIST ARCHIVE

UNIVERSITY OF MELBOURNE ARCHIVES

The Victorian Women's Liberation and Lesbian Feminist Archive was founded in 1983. The reasons for its formation were similar to AGA, in that women involved in women's liberation movement realised that there was value in preserving the material they were creating. It includes 128 collections which focus on individual women, groups and organisations from the 1970s onwards. It is currently housed at the University of Melbourne Archives.



Summary of Comparisons

The Melbourne AIDS Memorial Quilt (VHR H2418) is the only place or object included in the VHR primarily for its associations with Victoria's queer communities, and its ongoing social significance to these communities. The registration of the Fairfield Hospital (VHR H1878) recognises the AIDS Memorial Garden as a significant feature of the place. Although other places in the VHR, such as St Marks Anglican Church in Fitzroy (VHR H0553) may have associations that are important to LGBTIQ+ communities, these may not be central to the place's cultural heritage significance at the state level. As discussed in reference to Criterion B, communities that have experienced exclusion may have little fabric reflecting their history and identities in the built environment. In this case, material culture (eg, documents, ephemera, objects) may be the primary way the history of this community is reflected in a tangible way. The AQuA Collection is Victoria's and Australia's pre-eminent collection of material related to LGBTIQ+ history and life and is therefore in a unique position to represent this history in the VHR.

Summary of cultural heritage significance (section 40(4))

Statement of significance

What is significant?

The Australian Queer Archives (AQuA) Collection, which consists of material related to Australia's LGBTIQ+ people and communities, is of cultural heritage significance to the State of Victoria. The collection was formally established in 1978 and has grown, under several different names, since that time. It comprises diverse material types, including ephemera, artworks, audiovisual material and objects.

How is it significant?

The AQuA Collection is of historical and social significance to the State of Victoria. It satisfies the following criterion for inclusion in the VHR:

Criterion A

Importance to the course, or pattern, of Victoria's cultural history.

Criterion B

Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

Criterion G

Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.

Criterion H

Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

Why is it significant?

The AQuA Collection is historically significant as Victoria's and Australia's largest and most comprehensive collection of materials related to LGBTIQ+ people and communities. The substantial collection represents the diverse lives and experiences of LGBTIQ+ people, communities and sub-cultures and is unparalleled for its ability to enable these histories to be seen, studied and interpreted. Its establishment in 1978 was an outcome of the influential gay liberation movement of the 1970s and provides an ongoing link to this era. The collection has been housed in Victoria since its inception and Victorians have been key in its establishment, evolution and longevity. [Criterion A]

The AQuA Collection is rare and uncommon for its ability to demonstrate Victoria's LGBTIQ+ histories. The contents of AQuA Collection survive as rare tangible record of Victoria's queer histories. The AQuA Collection items related to people's lives prior to the gay liberation era, when queer lives were criminalised, stigmatised and hidden, are particularly notable for their rarity. [Criterion B]

The AQuA Collection is socially significant to Victoria's and Australia's LGBTIQ+ communities. As the only collection of its type in Australia, it has been an important touchstone of community identity since its establishment. The collection maintains a prominent profile in Victoria's LGBTIQ+ communities and both the organisation and its collection are held in high esteem. It is publicly accessible and has evolved to become an invaluable resource for both academics and the queer community more broadly. AQuA is one of Victoria's oldest continually operating LGBTIQ+ community organisations. [Criterion G]

The AQuA Collection is significant for its association with the Australian Queer Archives – the organisation responsible for the establishment, survival and growth of the collection. As the primary organisation that has collected and conserved material related to LGBTIQ+ lives and experiences since 1978 it is an important organisation in Victoria's history. Initially known as the Australian Gay Archives (AGA), and subsequently as the Australian Lesbian and Gay Archives (ALGA), it has been community-based, non-profit and volunteer-run since the archive's establishment. The size, breadth and depth of the collection are a testament to the sustained efforts of the organisation over many decades. [Criterion H]

Recommended permit exemptions under section 38

Introduction

A [heritage permit](#) is required for all works and activities undertaken in relation to VHR places and objects. Certain works and activities are [exempt from a heritage permit](#), if the proposed works will not harm the cultural heritage significance of the heritage place or object.

Permit Policy

1. The AQuA Collection is controlled by the communities it represents and this control is part of its cultural heritage significance. Inclusion in the VHR should support the community-led control of the collection. This is reflected in the proposed permit exemptions.
2. The permit exemptions are intended to support the ongoing day-to-day management of the collection. If a major change to the collection is proposed (such as complete relocation of the entire collection or deaccessioning of a significant percentage of the collection), or the collection is substantially damaged (for example, by flood or fire), contact should be made with Heritage Victoria.

Permit Exemptions

General Exemptions

General exemptions apply to all places and objects included in the Victorian Heritage Register (VHR). General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the Heritage Act 2017.

Places of worship: In some circumstances, you can alter a place of worship to accommodate religious practices without a permit, but you must notify the Executive Director of Heritage Victoria before you start the works or activities at least 20 business days before the works or activities are to commence.

Subdivision/consolidation: Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the Planning and Environment Act 1987 and the application for the planning permit was referred to the Executive Director of Heritage Victoria as a determining referral authority, a permit is not required.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#).

Specific Exemptions

The exempt works and activities below are not considered to cause harm to the cultural heritage significance of the Australian Queer Archives (AQuA) Collection subject to the following guidelines and conditions:

Guidelines

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.

4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.
5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor.
7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the *Heritage Act 2017* must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

Conditions

1. All works or activities permitted under specific exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its cultural heritage significance.
2. If during the carrying out of works or activities in accordance with specific exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its cultural heritage significance, including but not limited to historical archaeological remains, such as features, deposits or artefacts, then works must cease and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the *Aboriginal Heritage Act 2006*) must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006*.
4. If during the carrying out of works or activities in accordance with specific exemptions any munitions or other potentially explosive artefacts are discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
5. If during the carrying out of works or activities in accordance with specific exemptions any suspected human remains are found the works or activities must cease. The remains must be left in place and protected from harm or damage. Victoria Police and the State Coroner's Office must be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Emergency Control Centre must be immediately notified on 1300 888 544, and, as required under s.17(3)(b) of the *Aboriginal Heritage Act 2006*, all details about the location and nature of the human remains must be provided to the Secretary (as defined in the *Aboriginal Heritage Act 2006*).

Exempt works and activities

1. Usual use and management of the collection (including, but not limited to, conservation activities, exhibition, loans and digitisation) in keeping with the practices, policies and procedures established by the AQuA Collection's custodians.
2. Usual deaccessioning of items in the collection in keeping with the practices, policies and procedures established by AQuA's custodians, provided it does not result in the deaccessioning of more than 5% of the collection in a 12-month period.
3. Storage of collection items in locations other than the Pride Centre, and movement of items between locations, provided all locations are secure and do not cause or contribute to deterioration.

Appendix 1

Heritage Council determination (section 49)

The Heritage Council is an independent statutory body that will make a determination on this recommendation under section 49 of the Act. It will consider the recommendation after a period of 60 days from the date the notice of recommendation is published on its website under section 41.

Making a submission to the Heritage Council (section 44)

Within the period of 60 days, any person or body with a real and substantial interest in the place or object may make a submission to the Heritage Council regarding the recommendation and request a hearing in relation to that submission. Information about making a submission and submission forms are available on the Heritage Council's website. The owner can also make a submission about proposed permit exemptions (Section 40(4)(d)).

Consideration of submissions to the Heritage Council (section 46)

(1) The Heritage Council must consider—

- (a) any written submission made to it under section 44; and
- (b) any further information provided to the Heritage Council in response to a request under section 45.

Conduct of hearings by Heritage Council in relation to a recommendation (section 46A)

(1) The Heritage Council may conduct a hearing in relation to a recommendation under section 37, 38 or 39 in any circumstances that the Heritage Council considers appropriate.

(2) The Heritage Council must conduct a hearing if—

- (a) a submission made to it under section 44 includes a request for a hearing before the Heritage Council; and
- (b) the submission is made by a person or body with a real or substantial interest in the place, object or land that is the subject of the submission.

Determinations of the Heritage Council (section 49)

(1) After considering a recommendation that a place, object or land should or should not be included in the Heritage Register and any submissions in respect of the recommendation and conducting any hearing, the Heritage Council may—

- (a) determine that the place or object is of State-level cultural heritage significance and is to be included in the Heritage Register; or

(ab) in the case of a place, determine that—

- (i) part of the place is of State-level cultural heritage significance and is to be included in the Heritage Register; and
- (ii) part of the place is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or

(ac) in the case of an object, determine that—

- (i) part of the object is of State-level cultural heritage significance and is to be included in the Heritage Register; and
- (ii) part of the object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or

- (b) determine that the place or object is not of State-level cultural heritage significance and is not to be included in the Heritage Register; or

- (c) in the case of a recommendation in respect of a place, determine that the place or part of the place is not to be included in the Heritage Register but—
 - (i) refer the recommendation and any submissions to the relevant planning authority or the Minister administering the Planning and Environment Act 1987 to consider the inclusion of the place or part of the place in a planning scheme in accordance with the objectives set out in section 4(1)(d) of that Act; or
 - (ii) determine that it is more appropriate for steps to be taken under the Planning and Environment Act 1987 or by any other means to protect or conserve the place or part of the place; or
 - (ca) in the case of a recommendation in respect of an object nominated under section 27A, determine that the object, or part of the object, is to be included in the Heritage Register if it is integral to understanding the cultural heritage significance of a registered place or a place the Heritage Council has determined to be included in the Heritage Register; or
 - (d) in the case of a recommendation in respect of additional land nominated under section 27B, determine that the additional land, or any part of the additional land, is to be included in the Heritage Register if—
 - (i) the State-level cultural heritage significance of the place, or part of the place, would be substantially less if the additional land or any part of the additional land which is or has been used in conjunction with the place were developed; or
 - (ii) the additional land or any part of the additional land surrounding the place, or part of the place, is important to the protection or conservation of the place or contributes to the understanding of the place.
- (2) The Heritage Council must make a determination under subsection (1)—
- (a) within 40 days after the date on which written submissions may be made under section 44; or
 - (b) if any hearing is conducted, within 90 days after the completion of the hearing.
- (3) A determination made under subsection (1)(a), (ab), (ac), (ca) or (d)—
- (a) may include categories of works or activities which may be carried out in relation to a place, object or land, or part of a place, object or land, for which a permit under this Act is not required, if the Heritage Council considers that the works or activities would not harm the cultural heritage significance of the place, object or land; and
 - (b) must include a statement of the reasons for the making of the determination.
- (4) If the Heritage Council determines to include a place, or part of a place, in the Heritage Register, the Heritage Council may also determine to include land that is not the subject of a nomination under section 27B in the Heritage Register as part of the place if—
- (a) the land is ancillary to the place; and
 - (b) the person who owns the place, or part of the place—
 - (i) is the owner of the land; and
 - (ii) consents to its inclusion.
- (5) If a member of the Heritage Council makes a submission under section 44 in respect of a recommendation, the member must not take part in the consideration or determination of the Heritage Council.
- (6) The Heritage Council must notify the Executive Director of any determination under this section as soon as practicable after the determination.

Obligations of owners (section 42, 42A, 42B, 42C, 42D)

42 Obligations of owners—to advise of works, permits etc. on foot when statement of recommendation given

- (1) The owner of a place, object or land to whom a statement of recommendation has been given must advise the Executive Director in writing of—

- (a) any works or activities that are being carried out in relation to the place, object or land at the time the statement is given; and
- (b) if the place, object or land is a place or additional land, any application for a planning permit or a building permit, or any application for an amendment to a planning permit or a building permit, that has been made in relation to the place or additional land but not determined at the time the statement is given; and
- (c) any works or activities that are proposed to be carried out in relation to the place, object or land at the time the statement is given.

(2) An advice under subsection (1) must be given within 10 days after the statement of recommendation is given under section 40.

42A Obligations of owners before determination or inclusion in the Heritage Register—to advise of permits

(1) This section applies if—

- (a) an owner of any of the following is given a statement of recommendation—
 - (i) a place or object nominated under section 27;
 - (ii) an object nominated under section 27A;
 - (iii) land nominated under section 27B; and
- (b) any of the following occurs within the statement of recommendation period in relation to the place, object or land—
 - (i) the making of an application for a planning permit or a building permit;
 - (ii) the making of an application for an amendment to a planning permit or a building permit;
 - (iii) the grant of a planning permit or building permit;
 - (iv) the grant of an amendment to a planning permit or building permit.

(2) The owner must advise the Executive Director in writing of—

- (a) the making of an application referred to in subsection (1)(b)(i) or (ii), within 10 days of the making of the application; or
- (b) a grant referred to in subsection (1)(b)(iii) or (iv), within 10 days of the owner becoming aware of the grant.

42B Obligations of owners before determination or inclusion in the Heritage Register—to advise of activities

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period it is proposed that activities that could harm the place, object or land be carried out.

(2) The owner, not less than 10 days before carrying out the activities, must advise the Executive Director in writing of the proposal to do so.

42C Obligations of owners before determination or inclusion in the Heritage Register—to advise of proposal to dispose

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) within the statement of recommendation period a proposal is made to dispose of the whole or any part of the place, object or land.

(2) The owner, within 10 days after entering into an agreement, arrangement or understanding for the disposal of the whole or any part of the place, object or land, must advise the Executive Director in writing of the proposal to do so.

42D Obligations of owners before determination or inclusion in the Heritage Register—requirement to give statement to purchaser

(1) This section applies if—

- (a) an owner of a place, object or land is given a statement of recommendation; and
- (b) the owner proposes to dispose of the whole or any part of the place, object or land within the statement of recommendation period.

(2) Before entering into an agreement, arrangement or understanding to dispose of the whole or any part of the place, object or land during the statement of recommendation period, the owner must give a copy of the statement of recommendation to the person who, under the proposed agreement, arrangement or understanding, is to acquire the place, object or land or part of the place, object or land.

Owners of places and objects must comply with obligations (section 43)

An owner of a place, object or land who is subject to an obligation under section 42, 42A, 42B, 42C or 42D must comply with that obligation.

Penalty: In the case of a natural person, 120 penalty units;
 In the case of a body corporate, 240 penalty units.