

# Statement of Recommendation from the Executive Director, Heritage Victoria

Ballarat Processional Dragon, PROV H2457  
Sovereign Hill, Bradshaw Street, Golden Point  
Wadawurrung 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 Ballarat Processional Dragon, located at Sovereign Hill, Bradshaw Street, Golden Point 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 Object without the need for a permit under Part 5 of the Act.

I suggest that the Heritage Council determine that:

- the Ballarat Processional Dragon 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 Object for which a permit under the Act is not required will not harm the cultural heritage significance of the Object under section 49(3)(a) of the Act.



**STEVEN AVERY**  
Executive Director, Heritage Victoria

**Date of recommendation: 18 November 2024**

## 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, object or land in the VHR or amend a place, object or land 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, object or land. 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, objects and land (sections 42, 42A, 42B, 42C, 42D and 43)

The owner of a place, object or land 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, object or land.

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

### 5. Further information

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

## Description

The following is a description of the Ballarat Processional Dragon at the time of the site inspection by Heritage Victoria in November 2024

The Ballarat Processional Dragon is a late Qing dynasty (1644-1911) Chinese processional dragon imported from Southern China to Victoria in 1897. The Ballarat Processional Dragon is comprised of the head, tail, horns and remnant original scales of the dragon itself, the associated pearl and teaser, and the head of a processional lion. In cultural terms, the dragon cannot perform in a procession without being accompanied by the lion, the pearl and the teaser.

The Ballarat Processional Dragon is owned by the Ballarat Historical Society and all components are stored and cared for in the Australian Centre for Gold Rush Collections at Sovereign Hill, which is located on the traditional land of the Wadawurrung People.

### *The dragon (head, tail, horns and remnant original scales)*

The dragon itself, commonly known as Loong, is no longer complete and much of the original body has been lost. It comprises several surviving parts: the head and its horns (which are now detached), the tail, and remnants of scales that were once attached to the body. The head consists of a bamboo frame, overlaid with silk and paper mache. The surface of the head is richly detailed and has several areas of kingfisher feather inlay, as well as fringing, pom poms and mirrors. Much of the head has been overpainted in vivid yellow, red and blue. The tail consists of a bamboo frame overlaid with paper mache and painted green. The scales are made of fabric, much of it silk, encircled by a row of small mirrors. A reflective metal plate is at the centre of each scale.

### *The flaming pearl and teaser*

There are also several objects that accompany the dragon. Two are decorated orbs attached to poles. One is known as the 'flaming pearl' and the other is known as the 'teaser'. In a processional dance, the dragon is always led by a person carrying the flaming pearl who is accompanied by a person carrying the teaser.

### *The 1890s lion head*

The head of a processional lion is also closely associated with the dragon. It is constructed of paper mache over a cane frame. The surface is richly painted. It dates from the same period and was likely purchased at the same time as the dragon.

## Description images



*Head, Ballarat Processional Dragon*  
Source: Australian Centre for Goldrush Collections



*Head, Ballarat Processional Dragon*  
Source: Australian Centre for Goldrush Collections



*Detail of head, Ballarat Processional Dragon, showing red glass eye, and decorative detail including kingfisher feather patches (blue), mirrors, and pom poms.*



*Detail of scales, Ballarat Processional Dragon.*



*Flaming pearl and teaser*



*Lion head*

*Source: Australian Centre for Goldrush Collections*

## History

### Chinese immigration and settlement

From 1851, Victoria gained an international reputation as a rich goldfield, and there was an influx of immigrants from China, Europe, North America and elsewhere. In the late 1850s, Chinese people comprised 20% of the adult male population of Victoria. In the goldmining centre of Ballarat, Chinese people comprised about 25% of the population and an extensive Chinese camp was located at Golden Point.<sup>1</sup> Although some Chinese people departed the colony after working the goldfields, many others stayed on to become part of communities in Ballarat and elsewhere. Periods of restrictive immigration legislation through the second half of the nineteenth century aimed to limit Chinese immigration, but it was not until the *Immigration Restriction Act of 1901* that Chinese immigration was significantly curtailed.<sup>2</sup> With the gradual dismantling of the Immigration Restriction Act in the latter decades of the twentieth century, immigration from China to Victoria again increased.

### Charity and parade tradition

The provision of health and welfare services in the colony of Victoria often relied upon benevolent organisations rather than the government. Communities raised funds for these causes through several means, including fairs and carnivals in which parades were often a feature. From the 1860s, these events were a regular part of community life. Victoria's Chinese communities were prominent participants in these charitable activities. As Pauline Rule has noted, 'it was the Chinese, more than any other community of non-British immigrants, who established a generous tradition of assisting the charitable causes of the white settler society'.<sup>3</sup>

From at least the mid-1860s, Chinese communities are recorded as playing a major role in processions attached to fundraising in places like Ararat, Castlemaine and Ballarat. Chinese participants would often form a ceremonial procession, wearing elaborate costumes and carrying associated regalia, such as banners. The Chinese contingent at the 1874 Beechworth Carnival included at least 200 people.<sup>4</sup> In 1886, some 400-500 Chinese people from across Victoria paraded through Melbourne in efforts to raise money for the Women's Hospital. This reflected both the size of the Chinese population in Victoria at the time and the enthusiasm of the community to play a role in civic life and fundraising for charitable causes. It is also a result of considerable organisational skill and financial investment. The participation of Chinese communities in these activities 'became an essential aspect of their successful fundraising'.<sup>5</sup>

### Processional dragons

In Chinese culture and tradition, the dragon is an impressive supernatural animal and an important symbol. They are powerful beings and a potent symbol of wisdom and good fortune and have historically been closely associated with imperial authority.<sup>6</sup> Processional dragons (which are all male) were designed to participate in important cultural events and have long been used across China, and particularly in southern China, as part of important occasions such as Lunar New Year. The dragons are woken and enlivened by carriers as part of a dragon dance. The pearl and teaser are essential to undertaking the dragon dance and the dragon is accompanied by lions, which provide protection.<sup>7</sup> The examples of processional dragons exported to Australia and elsewhere in the nineteenth and twentieth centuries were produced in specialised factories in places like Guangzhou and Foshan in southern China.<sup>8</sup> The dragons were often created as part of a suite of objects which included other processional items, such as banners, and richly patterned costumes for participants. Processional dragons and their associated cultural traditions have spread across the world as part of successive eras of Chinese migration.

<sup>1</sup> Geoffrey Serle, *The Golden Age: A History of the Colony of Victoria 1851-1861*, University of Melbourne Press, 1963, p. 320; BDGS, <https://www.ballaratgenealogy.org.au/research-2/chinese>.

<sup>2</sup> Pauline Rule, 'Chinese Engagement with the Australian Colonial Charity Model', in John Fitzgerald and Hon-ming Yip (eds), *Chinese Diaspora Charity and the Cantonese Pacific, 1850-1949*, Hong Kong University Press, 2020, p. 138.

<sup>3</sup> Pauline Rule, 'Chinese Engagement with the Australian Colonial Charity Model', p. 138.

<sup>4</sup> Loong, Chinese Dragon, contextual history <<https://vhd.heritagecouncil.vic.gov.au/places/14363>>.

<sup>5</sup> Pauline Rule, 'Chinese Engagement with the Australian Colonial Charity Model', p. 142.

<sup>6</sup> Leigh McKinnon, 'Report on the Ballarat Chinese Temple and Processional Collection', 2017.

<sup>7</sup> Leigh McKinnon, 'Report on the Ballarat Chinese Temple and Processional Collection', 2017.

<sup>8</sup> Leigh McKinnon, 'Report on the Ballarat Chinese Temple and Processional Collection', 2017.

## Processional dragons in Victoria

In Victoria, Chinese participants in fairs, carnivals and parades drew on various cultural and religious traditions. It was not until the 1890s that processional dragons were known to be incorporated into these displays. There was a concentrated period of activity around processional dragons in Victoria in the late nineteenth century and early twentieth century. Victoria's first Chinese processional dragon, (which no longer survives) was imported from southern China and used in the Easter parade in Bendigo between 1892 and 1898.<sup>9</sup> The second dragon (the subject of this report) was imported by Ballarat's Chinese community and arrived in 1897. The Bendigo community imported two further dragons in 1900 and 1901. The second, also known as Loong (VHR H2120), still survives and is included in the VHR. The Melbourne-based Chinese community received its first dragon in time for the celebration of the opening of the Federal Parliament in Melbourne in May 1901. This dragon also survives and is held by the See Yup Society at the See Yup Temple (VHR H0219).<sup>10</sup> The dragon parade tradition became closely associated with the 'efforts of the Chinese-Australian community to engage with Australian civic life'.<sup>11</sup> Processional dragon practices in Victoria were particularly distinctive in the way they did not just reflect traditional Chinese cultural practices but were integrated into very Australian aspects of community life.<sup>12</sup>

Being imported in the same period and participating in the same events, all three late Qing dynasty processional dragons can be considered closely related. Leigh McKinnon, researcher at the Golden Dragon Museum in Bendigo, has dubbed them 'brother dragons'.<sup>13</sup> Dragons and their associated assemblages were enormously expensive and represented a major investment by Chinese communities. The purchase of a dragon was a major achievement. As such, they were often shared and moved around the State for various events. Participation of the colourful Chinese dragons became an increasingly popular element of local celebrations and charitable activities. Victoria is somewhat unusual in Australia and internationally in the degree to which it embraced dragon procession traditions. Dragon parades appear to have gradually replaced the ceremonial processions of earlier decades.

### Ballarat's processional dragon

In January 1897, Ballarat's Chinese community purchased a processional dragon and additional items of regalia from a factory in southern China. Similarities with Loong, the processional dragon in Bendigo of a similar age, suggest this may have been the Sing Cheung workshop in Foshan, although no maker's mark has been found on the Ballarat dragon.<sup>14</sup> The Ballarat dragon was commissioned for Queen Victoria's Diamond Jubilee in June 1897, an important civic event in Victoria, which was celebrated in Ballarat with a grand procession. The dragon and associated regalia were put on display at the Chinese temple (also known as the Joss House) in Ballarat prior to being paraded. A column in the *Ballarat Star* noted that amongst the 'gorgeous display' of banners, flags and costumes, 'the dragon is the centrepiece, exquisitely worked in gold and jewels'.<sup>15</sup> Chinese communities also participated in events to recognise the Duke and Duchess of York's visit to Victoria in 1901 to open the Federal Parliament. The Bendigo, Melbourne and Ballarat dragons – the brother dragons – were central to this and are linked by this history. Ballarat's dragon adorned a welcome arch in Ballarat constructed to celebrate the visit of the Duke and Duchess of York to the city.<sup>16</sup>

As well as these important civic events, the Ballarat Processional Dragon was a feature of fundraising events and loaned to raise funds for charitable causes in Melbourne in both 1900 and 1903.<sup>17</sup> During the early years of its use in Ballarat it appears to have been closely associated with the Ballarat Soy Woy, a benevolent Chinese association. He was also regularly used in other community events, such as Lunar New Year, and in Easter parades.

The Ballarat dragon was paraded in community celebrations such as Ballarat's Begonia Festival from the 1930s until the 1960s, after which he passed to the ownership of the Ballarat Historical Society. Changes made to the dragon in the mid-twentieth century are indicative of the community's efforts to keep him in good repair and maintain cultural traditions. He

<sup>9</sup> Sophie Couchman and Leigh McKinnon, 'The surprisingly Australian history of Chinese dragon parades', *The Conversation*, <<https://theconversation.com/the-surprisingly-australian-history-of-chinese-dragon-parades-221594>>.

<sup>10</sup> 'Unravelling the tale of Melbourne's mystery Chinese dragon', *Museums Victoria*, <<https://museumsvictoria.com.au/article/melbourne-mystery-dragon/>>.

<sup>11</sup> Couchman and McKinnon, 'The surprisingly Australian history of Chinese dragon parades'.

<sup>12</sup> Pauline Rule, 'Chinese Engagement with the Australian Colonial Charity Model'; Couchman and McKinnon 'The surprisingly Australian history of Chinese dragon parades'.

<sup>13</sup> Leigh McKinnon, 'Report on the Ballarat Chinese Temple and Processional Collection', 2017.

<sup>14</sup> Leigh McKinnon, 'Report on the Ballarat Chinese Temple and Processional Collection', 2017.

<sup>15</sup> 'Ladies Column', *The Ballarat Star*, 19 June 1897.

<sup>16</sup> Couchman and McKinnon, 'The surprisingly Australian history of Chinese dragon parades'.

<sup>17</sup> Couchman and McKinnon, 'The surprisingly Australian history of Chinese dragon parades'.

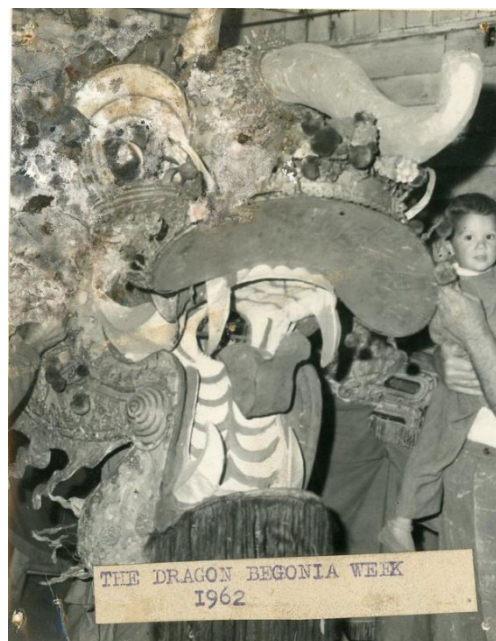


is now housed and cared for at Sovereign Hill as part of the Australian Centre for Gold Rush Collections. The Ballarat Processional Dragon is the oldest surviving processional dragon in Australia and one of the oldest surviving examples in the world. The pearl and teaser are one of only two known surviving sets in Australia dating from the era, the other being associated with Bendigo's Loong and included in the VHR as part of that registration. The lion head, likely imported along with the dragon, is thought to be the oldest surviving lion head in Australia. It is particularly valuable in that it includes a maker's mark which sheds light on the design and creation of these items in the late nineteenth century.

## Historical images



1901, the Ceremonial Dragon draped across the arch on Main Street, Ballarat, welcoming the Duke and Duchess of York to Ballarat as part of Federation celebrations.  
Source: Australian Centre for Gold Rush Collections



1962, Ballarat's Processional Dragon in Ballarat's Begonia Festival.  
Source: Ballarat Historical Society collection



1962, the Ballarat Processional Dragon in Ballarat's Begonia Festival parade.  
Source: Ballarat Historical Society collection



1962, Ballarat Processional Dragon in Ballarat's Begonia Festival parade.  
Source: Ballarat Historical Society collection

## Selected bibliography

Couchman, Sophie and Leigh McKinnon., 'The surprisingly Australian history of Chinese dragon parades', *The Conversation*, <<https://theconversation.com/the-surprisingly-australian-history-of-chinese-dragon-parades-221594>>.

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Serle, Geoffrey., *The Golden Age: A History of the Colony of Victoria 1851-1861*, University of Melbourne Press, 1963, p. 320; BDGS, <https://www.ballaratgenealogy.org.au/research-2/chinese>.

## Consultation and interviews

The Executive Director thanks the following organisations and people for sharing their knowledge about the Ballarat Processional Dragon and providing input during the preparation of this assessment:

- Staff from the Australian Centre for Goldrush Collections at Sovereign Hill
- The Chinese Australian Cultural Society Ballarat
- The Ballarat Historical Society
- Leigh McKinnon
- Dr Sophie Couchman.

## Further information

### Traditional Owner Information

The Object is located on the traditional land of the Wadawurrung people. Under the *Aboriginal Heritage Act 2006*, the Registered Aboriginal Party for this land is the Wadawurrung Traditional Owners 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 currently no Native Title Determination or Agreement under the Traditional Owner Settlement Act over the land the object is located on.

### Victorian Aboriginal Heritage Register

The object is not included in the Victorian Aboriginal Heritage Register.

### Integrity

In heritage terms, 'integrity' refers to the degree to which the cultural heritage values of the Object can be read in its physical fabric.

The integrity of the Object is very good. The cultural heritage values of the Ballarat Processional Dragon can be easily read in the extant fabric.

Although the object has lost intactness over time, and been altered, key components survive and can be readily interpreted. The integrity of the dragon is enhanced by the objects that accompany the dragon, being the pearl, teaser and lion head.

(November 2024)

## **Intactness**

In heritage terms, 'intactness' refers to how much original or early physical fabric remains.

Overall, the intactness of the object is fair. Original physical fabric from the dragon, including areas of the body, has been lost over time. The dragon's head, tail and remnants of the scales survive. Much original physical fabric survives on these elements, even though it may have been overpainted or obscured. As the dragon is a fragile object that was in active use by the community over many decades, community members have made repairs and introduced new fabric over time. These have supported its ongoing cultural use. This includes overpainting of the head and tail. The lion head appears to be highly intact, although the body no longer exists. Although the pearl and teaser have also been overpainted by community members and potentially lost some of their decorative elements, both items are reasonably intact.

(November 2024)

## **Condition**

The condition of the Ballarat Processional Dragon is good. A major conservation project was carried out in 2019 on the dragon's head and fabric by the Grimwade Centre for Cultural Materials Conservation.

(November 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**

N/A

## **Other Overlays**

N/A

## **Other listings**

There are no other listings for the Object.

## **Other Names**

Loong

## **Date of construction/creation**

1897

## Statutory requirements under section 40

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

The Executive Director recommends that the Ballarat Processional Dragon is included in the VHR.

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

**Number:** H2457

**Category:** Registered Object

**Name:** Ballarat Processional Dragon

**Location:** Sovereign Hill, Bradshaw Street, Golden Point

**Municipality:** Ballarat City

### Proposed extent of registration

The Executive Director recommends that the extent of registration for the Ballarat Processional Dragon be gazetted as:

All the components of the 1897 Ballarat processional dragon which include original elements (whether in part or in full) being the head, tail, horns and remnant original scales; the associated pearl and teaser; and the 1890s lion head.

## 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 Ballarat Processional Dragon 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 object has a clear association with the history of Chinese migration to Victoria and the participation of Chinese communities in civic and community life.
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	Chinese migration to Victoria since the 1850s has had a strong and influential effect on Victoria's cultural identity and is of importance to Victoria's history.
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	There is evidence of the association between the object and the historical pattern of Chinese migration to Victoria and the participation of Chinese communities in civic and community life. There is evidence of the association in the physical fabric of the object itself. The dragon is a Chinese cultural object brought from China to Victoria to enable cultural practices to be continued and adapted. There is also evidence in documentary sources.

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.
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#### 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 Ballarat Processional Dragon is the oldest surviving processional dragon in Victoria and Australia, being imported in 1897 and actively used until the 1960s. He is one of only three in Australia known to date from the period, and one of only four worldwide. As such, he holds a special place in the history of Chinese communities in Victoria and enables this history to be understood better than other places and objects. The surviving assemblage of the dragon, pearl, teaser and lion well represents the practice and adaptation of Chinese cultural traditions within Victoria.

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 object has a clear association with the history of Chinese migration to Victoria and the participation of Chinese communities in civic and community life.
B2)	Is there evidence of the association to the historical phases etc identified at B1)?	Yes	As above, there is evidence of this historical association in the physical fabric of the object, and in documentary sources.
B3)	Is there evidence that place/object is rare or uncommon, <u>or</u> has rare or uncommon features?	Yes	<p>B3(i) There <u>is</u> evidence that the object is rare or uncommon.</p> <p>It is one of few late Qing dynasty dragons surviving in world. The pearl and teaser set it is paired with is also rare, as is the lion head.</p> <p>B3(ii) There is no evidence that the object has rare or uncommon features. Although few processional dragons from the era survive, they tend to share common characteristics.</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)?	No	The Ballarat Processional Dragon is not rare or uncommon, being one of a small number of places/objects remaining that demonstrate Chinese migration to Victoria and the participation of Chinese communities in civic and community life. There are many places and objects in Victoria that share this association.
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?	No	The Ballarat Processional Dragon is rare as an object but does not contain unusual features.

<b>SB3)</b>	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?	Yes	The Ballarat Processional Dragon dates from 1897 is of the class of late Qing dynasty Chinese processional dragons. This class is endangered to the point of rarity due to their fragility and the practice of destroying processional dragons (usually by burning) once they have reached the end of their useful life. The Ballarat example is a rare surviving example in a Victorian, Australian and global context.
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If **any one** of SB1, SB2 OR SB3 is satisfied, then Criterion B is likely to be relevant at the State level

<b>Executive Director's Response:</b>	Yes	Criterion B is likely to be relevant at the State level.
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### 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
<b>C1)</b>	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?	Yes	The: 1) physical fabric and 2) documentary evidence and 3) associated oral history or cultural narratives relating to the Ballarat Processional Dragon indicate a likelihood that the object contains evidence of cultural heritage significance that is not currently visible and/or well understood or available from other sources. Analysis carried out during conservation activities in 2019 yielded information about materials, construction techniques and repairs and maintenance used for processional dragons.
<b>C2)</b>	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?	Yes	From what we know of Ballarat Processional Dragon the physical evidence is likely to be of an integrity and condition that it could yield information through detailed investigation.

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

<b>Executive Director's Response:</b>	Yes	Criterion C is likely to be relevant.
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#### Step 2 State-level test for Criterion C

No.	Test	Yes/No	Reason
<b>SC1)</b>	Does the information that might be obtained through investigation have the potential to yield knowledge of significance to Victoria?	No	The information that might be yielded through investigation has the potential to be important to understanding the materials and techniques used in the creation and maintenance of processional dragons. It does not have potential to yield knowledge of significance to Victoria.

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If SC1 is satisfied, then Criterion C is likely to be relevant at the State level

Executive Director's Response:	No	Criterion C is not likely to be relevant at the State level.
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## CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural places and objects

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### 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?	Yes	The Ballarat Processional Dragon belongs to the class of late Qing dynasty processional dragons.  Its heritage significance largely relates to its age and rarity. These are characteristics best considered under Criteria A and B.
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.
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## CRITERION E: Importance in exhibiting particular aesthetic characteristics.

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### 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?	Yes	The physical fabric of the object clearly exhibits aesthetic characteristics particular to Chinese processional dragons in its form, materials and decorative detail.

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.
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## Step 2 State-level test for Criterion E

No.	Test	Yes/No	Reason
SE1)	<p>Are the aesthetic characteristics 'beyond the ordinary' or are outstanding as demonstrated by:</p> <ul style="list-style-type: none"> <li>Evidence from within the relevant discipline (architecture, art, design or equivalent); and/or</li> <li>Critical recognition of the aesthetic characteristics of the place/object within a relevant art, design, architectural or related discipline within Victoria; and/or</li> <li>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?</li> </ul>	No	<p>There is no evidence that the aesthetic characteristics of the object are 'beyond the ordinary' or are outstanding. The Ballarat Processional Dragon is a striking and dramatic object, and his aesthetic characteristics are appreciated by those with knowledge of the object. However, there is no evidence of wide public acknowledgement of his aesthetic characteristics, or critical recognition.</p>

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.
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## 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 Ballarat Processional Dragon does not contain physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created. It reflects established artisanal practices found in southern China during the period.
F2)	Does the physical evidence demonstrate a high degree of integrity?	NA	NA

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.
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## 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
<b>G1)</b>	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:		
i)	Existence of a community or cultural group; <u>and</u>	Yes	There is evidence there is a Chinese community in Ballarat. It comprises people who are part of families that have lived in the area for multiple generations, as well as those who have migrated from China more recently. The community also includes people without Chinese heritage who wish to promote and celebrate Ballarat's Chinese heritage.
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 this community and the Ballarat Processional Dragon  The Chinese community maintain knowledge about the dragon and its history and is involved in decisions about his management. They also observe ceremonial practices associated with the dragon.
iii)	Existence of a time depth to that attachment.	Yes	There is evidence of the attachment dating to the dragon's arrival in Ballarat.
<b>If <u>all facets</u> of G1 are satisfied, then Criterion G is likely to be relevant (but not necessarily at the State level)</b>			
<b>Executive Director's Response:</b>		Yes	Criterion G is likely to be relevant.

### Step 2 State-level test for Criterion G

No.	Test	Yes/No	Reason
<b>SG1)</b>	Is there evidence that the social value resonates across the broader Victorian community as part of a story that contributes to Victoria's identity?	No	SG1(i) The social value of the Ballarat Processional Dragon is part of a story in Victoria that contributes to Victoria's identity.  Chinese migration to Victoria is widely acknowledged as an important part of Victoria's history and evolution.  SG1(ii) There is not sufficient evidence that the social value of the Ballarat Processional Dragon resonates across the broader Victorian community. He is primarily of social value to the Ballarat Chinese community.
<b>If <u>all facets</u> of SG1 are satisfied, then Criterion G is likely to be relevant at the State level</b>			
<b>Executive Director's Response:</b>		No	Criterion G is not 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	H1(i) There is a direct association between Ballarat Processional Dragon and the Chinese community of Ballarat.  H1(ii) This community has made a strong or influential contribution by maintaining and promoting cultural traditions, like many migrant groups.
H2)	Is there evidence of the association between the place/object and the person(s)?	Yes	There is an association between the Ballarat Processional Dragon and the Chinese community of Ballarat.
H3)	Does the association relate: • 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	H3(i) The association between the Ballarat Processional Dragon and the Chinese community of Ballarat relates to its achievements in, for example, maintaining and adapting cultural traditions.  H3(ii) The association relates to a close and enduring interaction between the Chinese community of Ballarat and the Ballarat processional dragon.

**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.
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**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?	No	The life and works of the Ballarat Chinese community are primarily of importance to Ballarat. The community's role in purchasing, using and caring for the dragon can be acknowledged under Criterion A.
SH2)	Does this 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?	N/A	

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

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

### Other processional dragons in the VHR

#### LOONG, CHINESE DRAGON

**GOLDEN DRAGON MUSEUM, 5-11 BRIDGE STREET,  
BENDIGO, GREATER BENDIGO CITY**

**H2120**

Loong, Chinese Dragon, held in the Golden Dragon Museum in Bendigo, dates from at least 1901. He was imported from southern China and participated in Bendigo's Easter Parade for many decades. Loong is historically significant as an important object associated with the consolidation of the Chinese community in Victoria and their participation in philanthropic and civic activities.



### Examples of other processional objects included in the VHR

#### EIGHT HOUR DAY TRADE UNION BANNERS

**MUSEUM OF VICTORIA, 11 NICHOLSON STREET,  
CARLTON, MELBOURNE CITY**

**H2086**

The Eight Hour Day Trade Union Banners are of historical and social significance for their important associations with the history of trade unionism in Victoria. The banners have historical significance as rare surviving examples of 19th and early 20th century trade union banners. Although hundreds of banners were produced for use in Eight Hour Day (later Labour Day) processions, relatively few are known to survive and this collection represents the only substantial collection in Victoria and one of only two major Eight Hour Day banner collections in Australia.



#### BANNER OF THE AMALGAMATED MINERS' ASSOCIATION OF AUSTRALASIA - MALDON NO. 14 BRANCH

**93 HIGH STREET, MALDON, MOUNT ALEXANDER  
SHIRE**

**H2384**

The Banner of the AMAA, Maldon No. 14 Branch is significant as the earliest known surviving trade union banner in Victoria. The Banner of the AMAA, Maldon No. 14 is historically significant for its association with the AMAA, one of the earliest unions in Victoria. The Banner of the AMAA, Maldon No. 14 is important in demonstrating the union's political and social aspirations and well as the non-oppositional labour and capital ethos that was the defining feature of the first Australian gold mining unions.



## Places and objects with historical associations with Victoria's Chinese community in the VHR

A list below represents a selection of the places associated with Victoria's Chinese community included in the VHR. A complete list is available [here](#).

### CHINESE TEMPLE (SEE YUP SOCIETY TEMPLE)

**76 RAGLAN STREET, SOUTH MELBOURNE, PORT PHILLIP CITY**

**H0219**

The See Yup Society Temple, South Melbourne, was the most important centre of Chinese worship in Victoria in the nineteenth century and integral with the turbulent history of the Chinese people in Victoria in that era. The building group, unique in Victoria as an historical document and architecturally important as an outstanding work by architect George Wharton, is notable for the apparent axial and spatial qualities and the successful fusion of classical with traditional details and statuary.



### BRIGHT CHINESE CAMP SITE

**14-20 DELANY AVENUE, BRIGHT, ALPINE SHIRE**

**H2370**

As one of the camps created as part of a system of Chinese protectorates and segregated Chinese camps, the establishment of the Bright Chinese Camp demonstrates the Victorian Government's response to the hostility and violence directed towards the Chinese during the 1850s and 1860s. The Bright Chinese Camp is a rare example of a nineteenth-century Chinese camp where there is a very high likelihood that the sub-surface archaeological record has survived undisturbed. The Bright Chinese Camp is of archaeological significance and has the potential to be most intact archaeological place of its kind in Victoria.



### CHINESE MISSION CHURCH

**196 LITTLE BOURKE STREET, MELBOURNE, MELBOURNE CITY**

**H2175**

The Chinese Mission Church is of historical significance as an early Chinese Mission church in Victoria. It is historically significant for its links to early religious and social life of Chinese people in Victoria, and as a place continuously for worship and as a focal point for the Christian Chinese community since 1872. It is of historical significance for its association with Chinese settlement in Victoria and as tangible evidence of the lives and enterprises of Chinese immigrants who came in large numbers to the Victorian goldfields during the second half of the nineteenth century.



## CHINESE KILN & MARKET GARDEN

**40 THUNDER STREET, NORTH BENDIGO , GREATER BENDIGO CITY**

**H2106**

The archaeological site of the Chinese Kiln and Market Garden, Bendigo North, contains the partially demolished remains of a Chinese cross-draught brick kiln and artefacts associated with the use of the kiln between 1859 and the 1880s. The Chinese Kiln and Market Garden is of archaeological significance to the State of Victoria being the only known surviving Chinese brick kiln in Victoria and possibly in Australia. Chinese brick kilns are considered extremely rare outside the Chinese mainland.

The Chinese Kiln and Market Garden is of historical significance for its association with Chinese settlement in Bendigo and as tangible evidence of the lives and enterprise of Chinese immigrants who came in large numbers to the Victorian goldfields during the second half of the 19th century.



## NUM PON SOON SOCIETY BUILDING

**200-202 LITTLE BOURKE STREET, MELBOURNE, MELBOURNE CITY**

**H0485**

The Num Pon Soon Building was constructed as a clubhouse for the Sam Yup Society which later became known as the Num Pon Soon Society. The society, one of the earliest district associations established in Victoria, helped miners and others from the Num Hoi, Pon Yu and Soon Duc districts in the Guangdong province of China. It is significant for its strong associations with Chinese immigration to Victoria and is a tangible link to the Chinese who came in large numbers to the Victorian goldfields during the second half of the 19th century. It is architecturally significant as a distinctive example of a Classical style building with Chinese influences



## Summary of Comparisons

There is one Chinese processional dragon already included in the VHR. Loong, Chinese Dragon (VHR H2120) is more intact than the Ballarat Processional Dragon. More of the body and its components survive and more of its original materials are visible. The Ballarat Processional Dragon pre-dates Loong by several years and this differentiates him from the dragons imported for Federation celebrations in 1901. He is Victoria's and Australia's earliest surviving processional dragon and is singular in this regard.

There are several places already included in the VHR that are associated with the Chinese community's presence in Victoria. These are varied in type and range from cemeteries and archaeological sites to religious and commercial buildings. Most date from the mid-nineteenth century and are associated with the rapid increase in Chinese migration to Victoria in the 1850s and 1860s. Few represent the participation of Chinese communities in Victorian civic and community life in the way the Ballarat Processional Dragon does. The Ballarat Processional Dragon can be considered of equivalent or greater significance than the range of places and objects with similar associations already included in the VHR.

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

### Statement of significance

#### What is significant?

The Ballarat Processional Dragon is a late Qing dynasty (1644-1911) Chinese processional dragon, housed at Sovereign Hill in Ballarat. Dating from 1897, surviving elements of the dragon include the head, horns, tail and parts of the body being fabric scales. The dragon is accompanied by the pearl and teaser, and by a lion head, which are important ceremonial objects closely associated with the dragon's function.

#### How is it significant?

The Ballarat Processional Dragon is of historical significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

##### 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.

#### Why is it significant?

The Ballarat Processional Dragon is historically significant as the oldest surviving Chinese processional dragon in Victoria and Australia, as well as one of the oldest surviving examples in the world. The dragon, which was manufactured in southern China, was purchased by Ballarat's Chinese community in 1897. He was paraded at important civic occasions, such as Ballarat's celebration of Queen Victoria's Diamond Jubilee, and was displayed during the visit of the Duke and Duchess of York to the city in 1901. In Victoria, processional dragons were associated with Chinese communities' involvement in fundraising efforts for charitable causes, and the Ballarat Processional Dragon was paraded as part of numerous fundraising events in Ballarat and elsewhere. He continued to be paraded until the 1960s. The Ballarat Processional Dragon is a testament to the importance of Chinese migration to Victoria, and the ongoing participation of the Chinese community in Victoria's civic life, particularly in fundraising for charitable causes. The Ballarat Processional Dragon is an important demonstration of the continuation and adaptation of Chinese cultural practices within Victoria. [Criterion A]

The Ballarat Procession Dragon is significant as a rare surviving example of a late Qing dynasty Chinese processional dragon. Dragons are constructed of delicate and often organic materials. They are fragile and subject to damage and deterioration and unlikely to survive any length of time. Additionally, it is a traditional practice to destroy processional dragons once they have reached the end of their useful life. It is highly uncommon for a processional dragon of such an age to survive. [Criterion B]

## 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

N/A

### 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.

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 works and activities below are not considered to cause harm to the cultural heritage significance of the Ballarat Processional Dragon 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 Aboriginal Heritage Council (as defined in the *Aboriginal Heritage Act 2006*).

### Exempt works and activities

The following exemptions must be in accordance with the National Standards for Australian Museums and Galleries and/or in accordance with the accepted collection management standards, policies and procedures of the Sovereign Hill Museums Association.

1. Usual use, management, conservation, display and care of items, including relocation within Sovereign Hill's facilities.
2. The conservation or analysis of items where the custodian employs conservators qualified to accepted industry standards.
3. Temporary relocation to a site other than Sovereign Hill for the purposes of carrying out professional conservation.

## 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.