

Heritage Council Determination

Determination date	11 November 2024
Place/Object name	Australian Queer Archives (AQuA) Collection
Location	79-81 Fitzroy Street, St Kilda, Port Phillip City, Bunurong Country
VHR number	H2449
Category	Registered Object
Relevant Legislative provision/s	Inclusion in the Victorian Heritage Register in accordance with Section 49(1)(a) of the Heritage Act 2017

DETERMINATION

A Regulatory Committee ('the Committee') of the Heritage Council of Victoria ('the Council') determined on **11 November 2024**, in accordance with section 49(1)(a) of the *Heritage Act 2017* ('the Act'), that the above Object is to be included in the Victorian Heritage Register (the 'VHR') in accordance with the Executive Director's recommendation:

- that the above Object is of State-level cultural heritage significance and is to be included in the VHR in accordance with the extent of registration provided as **Attachment 1** to this determination; and
- categories of works or activities which may be carried out in relation to the Object for which a permit is not required ('permit exemptions') in accordance with **Attachment 2** to this determination.

BACKGROUND

The Australian Queer Archives (AQuA) Collection ('the Object/Collection'), which consists of material related to Australia's LGBTIQ+ people and communities, 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.

On **15 July 2024** the Executive Director made a recommendation to the Council that the Australian Queer Archives (AQuA) Collection be included in the VHR in the category of Registered Object ('the Recommendation'). The Recommendation was publicly advertised on **19 July 2024** for a period of 60 days.

On **3 October 2024**, the Recommendation was considered by the Council at its regular bimonthly meeting. During the meeting the Council agreed that the AQuA collection is of State-level significance, however the Council had additional queries in relation to the extent of registration and exemptions from the need for a permit for the Collection. For this reason, the Council delegated consideration and determination of the Recommendation to a Regulatory Committee ('the Committee') pursuant to section 13 of the Act.

BASIS OF EXECUTIVE DIRECTOR RECOMMENDATION

The Recommendation prepared by the Executive Director detailed the Collection's description, history, social value, integrity, intactness and condition.

The Recommendation additionally provided a comparative analysis which focused on five object comparators with the AQuA Collection, indicative of relevant examples already included in the VHR.

Executive Director's assessment and summary under section (40)(4) of the *Heritage Act 2017*

The Recommendation provided a detailed assessment of the Collection under the criteria and the test set out in [The Victorian Heritage Register Criteria and Thresholds Guidelines \(2022\)](#). The conclusion made after the assessment was that the below four criteria are achieved at a State-level:

- **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.

The Recommendation was that the Collection is of State-level cultural heritage significance and should be included in the VHR in accordance with section 49(1)(a) of the Act.

SECTION 44 SUBMISSIONS

One submission, pursuant to section 44 of the Act was received by the Council during the public advertisement of the Recommendation:

The National Trust of Australia (Victoria) made a submission in support of the Executive Director's Recommendation, including the proposed Statement of Cultural Heritage Significance, Extent of Registration, Permit Policy and Permit Exemptions. No hearing was requested.

REQUEST FOR FURTHER INFORMATION

On **17 October 2024**, the Committee requested further information of the Executive Director to assist with its decision, including clarifications as to:

- how best the permit exemptions might assist the custodians to manage and protect the Collection; and,
- how best the extent of registration might be described to ensure the significance of the Collection as a living collection is captured.

The Executive Director provided a response to the Committee on **23 October 2024**. The Committee is grateful to the Executive Director for the well-considered, thorough and informative response.

COMMITTEE'S FINDINGS

The Committee's decision was reached having considered the information included in the Recommendation, the section 44 submission received in response to the Recommendation and the Executive Director's response to the further information request.

The Committee accepts the Recommendation, the rationale provided in the Recommendation and the Executive Director's response to the further information request.

The Committee notes the historical relevance of community control and the importance of the Collection's status as a 'living collection' as described in the Recommendation.

The Committee understands that ongoing community control is an essential part of the Registration of this collection, and agrees with the Executive Director's proposal to record the collection's status as a 'living collection' in the Statement of Significance. The Committee suggests that the Executive Director may consider how the Statement of Significance could further capture community control as part of the Collection's historical and social significance.

Permit exemptions

The Committee notes and accepts the changes suggested to Permit Exemption 2 as proposed by the Executive Director, including exempting the accessioning of items from the need for a permit. The Committee

further notes and accepts the 5% deaccession limit as agreed upon by the Executive Director in conjunction with the Collection's custodians.

Extent of Registration

To appropriately capture the significance of the Collection as a living collection that will grow and evolve, the Committee has given consideration to the Extent of Registration. To capture the living nature of the Collection, the Committee finds that including the words '*and managed*', in addition to those proposed by the Executive Director is appropriate.

The Committee determines that the extent of registration for the Collection should read: '*All of the Australian Queer Archives (AQuA) Collection listed in the catalogue held and managed by the collection's custodians*'.

The Committee acknowledges the Executive Director's satisfaction with existing AQuA Collection practices, documentation and governance.

Conclusion

The Committee is of the view that the Australian Queer Archives (AQuA) Collection is of State-level cultural heritage significance and should be included in the VHR in accordance with section 49(1)(a) of the Act; and that the proposed categories of works or activities which may be carried out in relation to the Object for which a permit is not required (specific permit exemptions) would not harm the cultural heritage significance of the Object.



Professor Philip Goad
Chair, Heritage Council of Victoria

Attachment 1

Extent of Registration

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

Attachment 2

Permit exemptions

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 VHR. General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which do not harm its cultural heritage significance, to proceed without the need to obtain approvals under the Act.

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 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

5. 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.
6. 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.
7. 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.
8. 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.
9. 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. If there are reasonable grounds to believe that the remains are Aboriginal, the Victorian Aboriginal Heritage Council must be notified as soon as practicable, 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 Victorian Aboriginal Heritage Council (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 accessioning and 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.