



Advocacy Toolkit

The Guide to Advocacy

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About the National Trust of Australia (Queensland)

National Trust of Australia (Queensland) is defined by the charitable purpose ***‘to promote and advance the conservation, protection and understanding of Australia’s natural and cultural heritage, including the heritage of First Nations People for public benefit and education.’***

As a community-based charity, National Trust advocates for the preservation of special places, environments, and wildlife.

Advocacy is an important part of the National Trust’s core purpose of conservation, and we collaborate with communities to help bring attention to important heritage issues.

National Trust in Queensland advocates for special places in several ways through a number of programs.

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OBTAINING INDEPENDENT LEGAL ADVICE

This publication is intended only to provide a summary and general overview of relevant matters. It is not intended to be comprehensive, nor does it constitute legal advice. While care has been taken to ensure the content is current, we do not guarantee its currency. You should seek legal or other professional advice before acting or relying on any of the content.

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Introduction

About this Advocacy Guide

The National Trust Advocacy Toolkit is a complimentary online resource created by the National Trust of Australia (Queensland) to assist communities in advocating for the preservation of culturally significant heritage sites. This Advocacy Guide aims to offer a general overview of the procedures involved in nominating a site for inclusion in the Queensland Heritage Register. It is not meant to replace the comprehensive guidelines provided by the Department of Environment, Science and Innovation (DESI) and the Queensland Heritage Council.

About the Register

Places which are of special cultural significance to the state of Queensland can be nominated to be included in the Queensland Heritage Register (the Register). As of 2024, there are approximately 1,800 places included in the Register.

Once a place is included in the Register, a permit or permit exemption is required from the Department of Environment, Science and Innovation (DESI) before any works or alterations can be undertaken on it. It can still be sold or used for a different purpose.

> [Search the Register](#)

Criteria for inclusion in the Queensland Heritage Register

To be included in the Register, a place or object must meet at least one of the Queensland Heritage Council's eight criteria for assessment, and other thresholds, as set out in its guidelines for inclusion.

These thresholds include a 'significance threshold', which is the minimum level of state cultural heritage significance that a place must have to justify its inclusion in the Register.

There is no minimum age for a place to be included in the Register.

The Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance, 2013)

The Burra Charter was first adopted in 1979 at the historic South Australian mining town of Burra. Minor revisions were made in 1981 and 1988, with more substantial changes in 1999. Following a review this version was adopted by Australia ICOMOS in October 2013. The review process included replacement of the 1988 Guidelines to the Burra Charter with Practice Notes which are available at: australia.icomos.org. The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places) and is based on the knowledge and experience of Australia ICOMOS members. The Australian National Committee of ICOMOS (Australia ICOMOS) was formed in 1976. It elects an Executive Committee of 15 members, which is responsible for carrying out national programs and participating in decisions of ICOMOS as an international organisation.

To be included in the Register the heritage value must be to wider Queensland (to a state-level cultural heritage significance), not just to a particular locality or municipality. Places of local cultural heritage significance are protected in planning schemes by the application of the Heritage Overlay.

Check with your local council to find out whether a place is included in a Heritage Overlay.



[Read more about the Heritage Council's Register Criteria and Threshold Guidelines here](#)

Protecting significant cultural heritage before Registration

Interim Protection Orders & Stop Orders

To apply for an Interim Protection Order, contact the Queensland Department of Environment and Science through heritage@des.gov.au

If there is an immediate or imminent threat to a place of potential state-level cultural heritage significance, but an application to enter in the Register has not been received by the Department of Environment, Science and Innovation, you may apply for a Stop Order.

If the Minister is of the opinion that it is necessary to do so to protect a place of cultural heritage significance, the Minister may make a Stop Order requiring a person to stop any work or activity or prohibiting a person from starting any work or activity, that may destroy or reduce the cultural heritage significance of the place. A Stop Order is in force, unless revoked, generally for 40 business days from the time of service of the notice.

In presenting a case for a Stop Order you must make a strong argument that the place is significant to the wider state. Strengthen your request by comparing the place you believe needs protection to similar places that are included in the Register.

You must also show an 'imminent threat', which includes situations where:

- a demolition permit has been issued
- a planning permit has been issued by the responsible authority for the redevelopment of that land;
- there is evidence of plant and equipment being mobilised for the purposes of demolishing the place;
- there is evidence of an imminent proposal to destroy, remove or disassemble a feature of a place;
- there are known proposals to relocate any feature of a place to another location.

Demonstrating heritage value to a locality or municipality, but not to wider Queensland, is not enough. If a place or feature of a place is important to your local area but potentially not of state-level significance, contact your local council for advice.

> [As a useful for local significance is - Identify and assessing places of local cultural heritage significance in Queensland find out more here](#)

How to nominate for inclusion in the State Heritage Register

Anyone can nominate for inclusion in the Register, the owner's permission is not required but the owner can make submissions during the process.

To nominate, use the Department of Environment, Science and Innovation's prescribed application form, [available here](#).



Assessing cultural heritage significance - using cultural heritage criteria DEHP 2013

Preparing your application for entry in the Register

Review the Guideline publication, assessing cultural heritage significance—Using the cultural heritage criteria and follow these tips for preparing your nomination.

> **[Guideline: Assessing cultural heritage significance – Using the cultural heritage criteria find out here](#)**

01 Respond to the Heritage Council's criteria for assessment

There are eight criteria used to assess a place for inclusion in the Register, and your nomination must demonstrate how the place qualifies for at least one of these criteria. The guidelines provide a detailed explanation of each criterion, as well as illustrated examples of places included in the Register, under each criterion.

Usually, places included in the Register qualify for more than one criterion. However, a place only needs to satisfy one criterion to qualify. When preparing your nomination, select the most relevant criteria and concentrate your arguments on those. Successful nominations make strong arguments under a few criteria, rather than less convincing arguments across several criteria.

Make sure you show how the place can meet the basic test for each relevant criterion, as set out in the guidelines.

Consider how trees and/or vegetative landscape contribute to the significance of the place and include within your description.

02 Demonstrate the place meets the criterion/criteria at a state level

You must also show that the importance of the place goes beyond its importance to your local community or region, and that it meets the criteria at a state level. Using the Guideline publication, assessing cultural heritage significance, you need to identify the cultural heritage significance of the place through significance indicators, then apply threshold indicators to determine the level of significance.

Whether a place is of state-level significance is determined using this two-stage process. Key words or phrases will be 'is important in demonstrating', 'has potential to yield' and 'has a strong or special association with'.

One way to demonstrate this is to compare the place to similar places already included in the Register.

> **[To find similar places, search the Register here](#)**

03 Support your application for entry in the Register with evidence

Research the place you are nominating. If you need assistance, consider contacting your local historical society. Providing the Department of Environment, Science and Innovation (DESI) with as much information as possible will help them to assess your nomination more efficiently.

Your application for entry in the Register is assessed

Your application for entry needs to be fully made, that is it needs to include all that is required in the approved application form. Your application must:

- Include the details, required by the form, to enable the Department of Environment, Science and Innovation (DESI) to give the Heritage Council a heritage recommendation of the application.
- Be accompanied by a statement of how the place satisfies one (1) or more of the cultural heritage significance *and*
- Provide information on the history of the place including, for example, copies of photographs, maps, plans, historical titles information and other relevant publications to support your statement of how the place satisfies one (1) or more of the cultural heritage significance *and*
- Include a description of the features of the place that contribute to its cultural heritage significance, supported by photographs, drawing or other documents.

Should you wish to, you may withdraw the application at any time before the Heritage Council decides on a heritage recommendation for the application.

If the nomination is accepted, the nominator of the place, the owner, and the local council will be notified.

> [Applications published on the Department's website can be found here](#)

Departmental staff will then undertake a detailed assessment to decide whether the place is of potential state-level heritage significance for inclusion in the Register. A heritage recommendation will then be made. Time frames apply in this regard.

The Department will assess the application in relation to the heritage criteria contained in s.35 of the Queensland Heritage Act 1992 (the Act) and make a recommendation to the Queensland Heritage Council about whether the place is of state-level heritage significance and therefore suitable for entry in the Heritage Register. The Queensland Heritage Council, an independent body, then decides whether the place should be entered in the Heritage Register.

The Chief Executive of the Department (or a delegate) makes their recommendation to the Heritage Council on a specific date. Time frames apply consequent to that date.

At the time the Chief Executive of the Department (or a delegate) makes their recommendation to the Heritage Council, they must provide a statement to you (as the nominator of the place or object), the owner and the local council. The statement must include, amongst other things, the reasons for the recommendation, including an assessment of the state-level cultural heritage significance of the place or object.

The Department of Environment, Science and Innovation (DESI) does not publish its recommendations to enter (or otherwise) publicly on their website, only the applications to enter.

> [Find published applications to enter \(prepared by the nominator\) here](#)



First Chance:

Making a written submission to any application to enter in the Register

01 Check that your submission will be in time

When applications to enter are publicised on the website, an accompanying public notice will indicate a date by which written submissions must be received. This is usually 20 business days.

The Department will accept submissions after the public notice closing date. Any subsequent action in the Planning and Environment Court cannot be joined by a person or group whose submission was received after the closing date.

02 Prepare your written submission

Written submissions should be lodged with:

Executive Officer, Heritage Branch
Department of Environment, Science and Innovation
GPO Box 2454
Brisbane QLD 4001
Or emailed to heritage@des.gov.au

Any person or entity may write a submission to the chief executive about these applications. Submissions must be made on the basis that a place either does or does not satisfy the cultural heritage criteria.

Submissions are on the public record.



[Copies of submissions may be able to be viewed here](#)

General Style Tips

Tips

Remember these important tips when writing your submission.

Be Succint

Be succinct. Submissions which are concise and to the point will be received well. Edit your submission and ask someone to proofread it before you submit it.

Choose your best arguments

Choose your best arguments—give your time to your strongest arguments and be ruthless and cut out weaker arguments, which may take the focus away from your main argument.

Avoid personal grievances

Avoid personal grievances. Personal attacks on the character of the owner, special interest groups, or the property manager are not relevant to the Heritage Council's considerations and will distract attention from your genuine objections.

03 Where appropriate - request a hearing

Generally, only the owner or someone with a 'real or substantial interest' in a place or object can request a hearing (contact the Heritage Council for further information).

Second Chance:

Making an oral presentation to the Heritage Council

01 Prepare your submission

If you made an initial submission on an application to enter by the public notice date (within the deadline), you will be advised of the recommendation by the Chief Executive (or delegate) and provided with a copy of their recommendation. You will also be notified of an opportunity to make an oral representation to the Heritage Council. This may be in person or by teleconference.

Time frames apply.

While you can simply rely on your initial submission, this is an opportunity to expand it by introducing more detail, including new material or arguments.

Allow yourself plenty of time: your oral presentation may require new visual and documentary information, and you may also wish to engage an expert to produce an expert witness report (see below), and this can take time.

02 In your oral presentation, clearly respond to the eight (8) criteria for assessment

For a place to be included in the Register, it must meet at least one of the Queensland Heritage Act's eight criteria for assessment. Your oral presentation should respond to at least one criterion. See 'Preparing your nomination', above.

03 Request to participate through an oral presentation

As a submitter, you will have been sent two PDF documents, Fact sheet – Oral representation to the Queensland Heritage Council and an Oral representation application form. The Department of Environment, Science and Innovation (DESI) will advise you of an anticipated Heritage Council meeting date for your presentation.

04 Submitt all materials by the relevant deadlines

Check the closing dates by which you need to have submitted any of your oral representation material.

> **[Dates for the Heritage Council meetings are listed here](#)**



When to engage in an expert

Engaging an expert witness to support your submission is not essential, but it can help to strengthen your case. If you wish to rely on expert evidence, a report by the expert should be submitted by the relevant date. If you engage an expert witness to provide evidence at the registration hearing, they must be available to attend in person or via teleconference to present their evidence and be cross-examined.

The role of an expert witness is different from that of a submitter. An expert witness has established credentials in a field, usually through a combination of qualifications and professional experience. While an expert might be hired by a property owner or submitter, their duty is to provide fair and impartial evidence to the Heritage Council and not to advocate for the party relying on their evidence.

You can find heritage experts in a range of fields. Sometimes experts may provide pro-bono or discounted services to community groups, but you should be prepared to raise funds. Always ask what fees will be charged.

Oral presentations are managed by the Heritage Council's secretariat, The Department of Environment, Science, and Innovation (DESI). Contact them prior to the hearing if you have any questions about the process. Oral presentations are made during the Heritage Council meetings and are less formal than a court environment.

The Chair of the Heritage Council will begin by explaining how things will run. The Chair will make sure people stay to the time allocated for their presentations. Heritage Council members may ask questions at the conclusion of your presentation.

You can choose to present your submission yourself or to be represented by someone else (such as a lawyer).

If you are using prepared digital information, ensure you are familiar with its sequencing and the information you are trying to convey.

Tips for your presentation

Stay within your allotted time allowance.

Reflect the main arguments of the written material you have lodged—the more time you spend in preparation (including reviewing expert evidence and other submissions) the better you will be able to focus on these.

- Use images and plans where this is useful to help you make your argument.
- You can include images in your written submission or prepare a visual presentation in a program such as Microsoft PowerPoint to show at the presentation.
- Avoid including images, maps, or plans which do not support your main arguments or are difficult to see at a distance.
- A few key images can be more effective than a lengthy or repetitive slideshow of historic images.

Heritage Council's Determination

After considering a recommendation that a place should or should not be included in the Register as well as any submissions in respect of the recommendation and conducting any hearing into the submissions, the Heritage Council may determine that:

- the place, or part of the place, *is* of state-level cultural heritage significance and is to be included in the Register, or
- the place, or part of the place, *is not* of state-level cultural heritage significance and is not to be included in the Register.

In the case of a recommendation relating to a place, the Heritage Council may determine that the place is not to be included in the Register but refer the recommendation and any submissions to the relevant planning authority (the relevant municipal council) for consideration for an amendment to a planning scheme (applying a Heritage Overlay to the place).

From the date the heritage recommendation was made, the Heritage Council has 60 business days (100 days with owner consent) to decide whether a place is or is not entered in the Queensland Heritage Register. The Heritage Council has the discretion to make a decision which differs from the Department's heritage recommendation.

If you are a submitter, the Heritage Council must notify you in writing of its decision.

> **The decision will also be published on the Queensland Government website**

Owners, or person entitled under S56(2) of the Queensland Heritage Act 1992, may appeal a Heritage Council decision to the Planning and Environment Court. This appeal may only be on the grounds that the place does not satisfy at least one of the cultural heritage criteria. Time limits apply as to when an appeal must be started.



NATIONAL TRUST
Queensland

Thank
You

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