

~~Referral to the Legal Affairs and Community Safety Committee~~

~~Mr DEPUTY SPEAKER (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.~~

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## QUEENSLAND HERITAGE AND OTHER LEGISLATION AMENDMENT BILL

### Introduction

 **Hon. AC POWELL** (Glass House—LNP) (Minister for Environment and Heritage Protection) (12.19 pm): I present a bill for an act to amend the Queensland Heritage Act 1992 for particular purposes and to make consequential amendments of other acts as stated in schedule 1 for purposes related to those particular purposes. I table the bill and explanatory notes. I nominate the Agriculture, Resources and Environment Committee to consider the bill.

*Tabled paper:* Queensland Heritage and Other Legislation Amendment Bill 2014.

*Tabled paper:* Queensland Heritage and Other Legislation Amendment Bill 2014, explanatory notes.

Queensland's cultural heritage is part of our common inheritance and as communities, government, businesses, professional organisations and heritage advocates we all share a responsibility to conserve it for future generations. The places associated with that heritage are unique and, along with our diverse landscapes and ecosystems, set this state apart. Many exciting opportunities exist to ensure these places draw tourists to Queensland, further entice interstate migrants to make this great state their permanent home and reinforce our identity as Queenslanders. It is with pleasure that I introduce the Queensland Heritage and Other Legislation Amendment Bill 2014, which aims to reinvigorate our approach to conserving and promoting our important heritage assets, thereby forging strong connections with what is our living heritage.

This bill better aligns the Heritage Act to its purpose of conserving Queensland's cultural heritage, putting it in the forefront of heritage legislation across Australia. It has five core objectives, which are to (1) facilitate promotion of Queensland's places of cultural heritage significance, (2) streamline the statutory processes associated with entry of places in, and removal of them from, the Queensland Heritage Register, (3) reduce unnecessary regulatory burden on the owners of heritage listed places and further encourage appropriate development of these places, (4) strengthen protections for the state's most important historic heritage places and (5) provide more flexibility to local government in carrying out its important role in identifying and protecting places of local heritage significance.

Wide-ranging consultation on a discussion paper—which occurred in May and June this year and generated about 50 submissions—has informed preparation of this bill and provided clear direction on a number of key issues.

The Queensland Heritage Council, established under the Heritage Act as the independent decision-maker about the Queensland Heritage Register, has participated fully in the review and offered its valuable suggestions. I particularly acknowledge the contribution of the council's chair, Professor Peter Coaldrake, and thank him for that contribution.

In line with the Newman government's open data reform agenda, the bill makes appropriate information about places entered in the Queensland Heritage Register more accessible to the community. This may occur when someone is considering the purchase of a property, deciding to do work on a heritage listed place or researching a school assignment. The reforms also enable greater community participation in the process whereby places are considered for entry in, or removal from, the register. The bill emphasises that the Queensland Heritage Register is the chief instrument by which places of outstanding heritage value to the state are identified and protected. It acknowledges that local government plays a vital role in identifying and establishing appropriate protections for places of local heritage significance. This aligns with the national framework for managing heritage that matches the values of a place to the level of government best positioned to regulate them.

The bill makes improvements to the processes whereby places are nominated to the state register and assessed in terms of the level of their cultural heritage significance. It clearly articulates the standard of information that must accompany an application to ensure a convincing case is made that the place should be investigated further and considered for entry into the register. The bill gives owners the opportunity to make a considered written response to the recommendation made by the department before the Heritage Council makes its decision, and once the Heritage Council makes a

decision about a place no new applications can be made for a period of five years unless substantial new evidence becomes available and development threatens the place.

On the subject of keeping regulatory burden at a minimum, the bill expands an existing fast-track mechanism to ensure minor work that has little impact on the heritage significance of a listed place can be approved without going through the development approval process. The changes in this bill increase the value of exemption certificates and support expansion of the scope of the general exemption, which applies to all places entered in the Queensland Heritage Register as well as to classes of places like war memorials. This will allow the department to increase certainty about agreed ways work can be carried out at heritage listed places without requiring the government's approval or involvement for that aspect of development.

The bill improves the focus of the essential maintenance provision, which was included in the Heritage Act to prevent damage caused by neglect of a heritage listed place. This power was not introduced to punish responsible owners, but to deal with those rare cases where neglect is seen as a shortcut to having a place removed from the Heritage Register. It is being strengthened to ensure it is enforceable and can be used to intervene before any damage caused becomes too expensive to reasonably require someone to repair.

Tightening application requirements; recognising that the registration process, ending with a decision of the Heritage Council, represents a comprehensive consideration of heritage significance; and facilitating regular review of information about existing places will all serve to refocus the state's Heritage Register on our most important places. If such an effort is made to properly identify places, we must also have the means to protect them without encumbering owners who simply wish to keep them in use.

The bill will help safeguard underwater aircraft that were wrecked 75 years or more ago, which means that from 2016 those aircraft wrecked in Queensland waters when World War II's Pacific theatre opened will be protected.

Since 2008, local governments have been required to keep a local Heritage Register under the Heritage Act unless exempted from doing so because its planning scheme already protected local heritage places. This bill makes clear the obligation of local government in relation to local heritage places, but explicitly gives it flexibility on how to fulfil this requirement. It can choose the mechanism best suited to its particular circumstances.

A number of useful green tape reduction tools are extended for use by local government with local heritage places, these being exemption certificates and heritage agreements. The bill similarly extends the power to issue essential repair and maintenance notices to those local governments prescribed by regulation because they have verified their capability to use it.

The bill refurbishes the orders available to the court when penalising those found guilty of damaging or destroying a heritage listed place. Public benefit and education orders are introduced to provide contemporary and effective sentencing options in addition to a fine.

The Newman government will continue to consider and protect this state's treasured past when determining its future. I commend the bill to the House.

### **First Reading**

**Hon. AC POWELL** (Glass House—LNP) (Minister for Environment and Heritage Protection) (12.26 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to the Agriculture, Resources and Environment Committee**

**Mr DEPUTY SPEAKER** (Mr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Agriculture, Resources and Environment Committee.

## **~~LAND SALES AND OTHER LEGISLATION AMENDMENT BILL~~**

~~Resumed from 3 June 2014 (see p. 1942).~~