



Queensland

# Queensland Heritage and Other Legislation Amendment Bill 2014





## Queensland

# Queensland Heritage and Other Legislation Amendment Bill 2014

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# 2014

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## 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**

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Queensland Heritage and Other  
Legislation Amendment Act 2014*. 4  
5

**Clause 2 Commencement** 6

This Act commences on a day to be fixed by proclamation. 7

**Part 2 Amendment of Queensland  
Heritage Act 1992** 8  
9

**Clause 3 Act amended** 10

This part amends the *Queensland Heritage Act 1992*. 11

**Clause 4 Amendment of s 2 (Object of this Act)** 12

(1) Section 2(2)(b) and (c)— 13

*omit, insert—* 14

(b) keeping a register of places and areas of 15  
State cultural heritage significance called 16  
the Queensland heritage register; and 17

(ba) requiring the reporting of the discovery of 18  
archaeological artefacts and underwater 19  
cultural heritage artefacts; and 20

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	(c) providing for the identification and management of places of local cultural heritage significance by local governments; and	1 2 3 4
(2)	Section 2(2)(ba) to (f)— <i>renumber</i> as section 2(2)(c) to (g).	5 6
<b>Clause 5</b>	<b>Amendment of s 8 (Functions of council)</b>	7
	Section 8(1)(b)— <i>omit, insert</i> —	8 9
	(b) to encourage interest in, and understanding of, Queensland’s cultural heritage, including, for example, by—	10 11 12
	(i) providing information to the community; and	13 14
	(ii) promoting or supporting events relating to Queensland’s cultural heritage;	15 16
<b>Clause 6</b>	<b>Insertion of new s 8A</b>	17
	After section 8— <i>insert</i> —	18 19
	<b>8A Council’s powers</b>	20
	The council has the powers—	21
	(a) necessary or convenient to perform its functions; or	22 23
	(b) given to it under another provision of this Act or under another Act.	24 25
<b>Clause 7</b>	<b>Amendment of s 13 (Eligibility for membership)</b>	26
	Section 13(3)— <i>omit.</i>	27 28

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[s 8]

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<b>Clause 8</b>	<b>Insertion of new ss 13A and 13B</b>	1
	After section 13—	2
	<i>insert—</i>	3
	<b>13A Minister’s power to obtain criminal history</b>	4
	(1) The Minister may ask the commissioner of the police service for—	5 6
	(a) a written report about the criminal history of a person who is being considered for appointment as a member; and	7 8 9
	(b) a brief description of the circumstances of a conviction mentioned in the report.	10 11
	(2) However, the Minister may make the request only if the person has given the Minister written consent for the request.	12 13 14
	(3) The commissioner of the police service must comply with the request.	15 16
	(4) However, subsection (3) applies only in relation to information in the commissioner’s possession or to which the commissioner has access.	17 18 19
	(5) The Minister must ensure the report is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.	20 21 22
	<b>13B Criminal history is confidential</b>	23
	(1) A person must not, directly or indirectly, disclose to anyone else a report about a person’s criminal history or information contained in the report given under section 13A, unless the disclosure is permitted under subsection (2).	24 25 26 27 28
	Maximum penalty—50 penalty units.	29
	(2) The person may make the disclosure to someone else—	30 31

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	(a) to the extent necessary to perform the person's functions under this Act; or	1 2
	(b) for the purpose of the other person performing a function under this Act; or	3 4
	(c) if the disclosure is authorised under an Act; or	5 6
	(d) if the disclosure is otherwise required or permitted by law; or	7 8
	(e) if the person to whom the information relates consents to the disclosure.	9 10
<b>Clause 9</b>	<b>Amendment of s 27 (Disclosure of interests of members)</b>	11
	Section 27(3)—	12
	<i>insert—</i>	13
	(c) if the matter is a heritage recommendation—make an oral representation to the council under part 4, division 5, subdivision 2 about the recommendation.	14 15 16 17 18
<b>Clause 10</b>	<b>Amendment of s 28 (Disclosure of interests of committee members)</b>	19 20
	Section 28(3)—	21
	<i>insert—</i>	22
	(c) if the matter is a heritage recommendation—make an oral representation to the council under part 4, division 5, subdivision 2 about the recommendation.	23 24 25 26 27
<b>Clause 11</b>	<b>Amendment of s 31 (The Queensland heritage register)</b>	28
	(1) Section 31(2)(b) and (c)—	29

[s 12]

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*omit, insert—* 1

(b) protected areas. 2

(2) Section 31(3)(f) and (g)— 3

*omit, insert—* 4

(f) for a protected area—include a statement  
about the cultural heritage significance of  
the place relevant to the declaration of the  
protected area. 5  
6  
7  
8

(3) Section 31— 9

*insert—* 10

(3A) An entry in the Queensland heritage register for a  
place or area that is the subject of a heritage  
agreement may include— 11  
12  
13

(a) if the person or entity who entered into the  
agreement with the chief executive is  
required to carry out work or do something  
else under the agreement—information  
about the work or thing; or 14  
15  
16  
17  
18

(b) if development is permitted to be carried out  
in the place or area under the  
agreement—information about the  
development. 19  
20  
21  
22

(4) Section 31(3A) and (4)— 23

*renumber* as section 31(4) and (5). 24

**Clause 12 Replacement of s 32 (Register to be available for public inspection)** 25  
26

Section 32— 27

*omit, insert—* 28

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	<b>32 Register to be available online</b>	1
	(1) The chief executive must publish a copy of the Queensland heritage register on the department's website.	2 3 4
	(2) The chief executive must ensure that the copy is available for inspection on the department's website during business hours, free of charge, at—	5 6 7 8
	(a) the department's head office; and	9
	(b) other places the chief executive considers appropriate.	10 11
<b>Clause 13</b>	<b>Amendment of s 33 (Extracts from register)</b>	12
	(1) Section 33, heading, after 'register'—	13
	<i>insert—</i>	14
	<b>and certificate about certain matters</b>	15
	(2) Section 33(1)(b)(i), ', an archaeological place'—	16
	<i>omit.</i>	17
	(3) Section 33(1)(b)—	18
	<i>insert—</i>	19
	(iii) is the subject of an application to have the place entered in or removed from the register; or	20 21 22
	(iv) is an excluded place.	23
<b>Clause 14</b>	<b>Amendment of s 34 (Changing entries in register)</b>	24
	(1) Section 34(2)(a), after 'subsection (1)(b)'—	25
	<i>insert—</i>	26
	, unless the change is a minor change	27
	(2) Section 34(2)(b)—	28

[s 15]

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<i>omit, insert—</i>	1
(b) change a statement mentioned in section 31(3)(e) or (f) under subsection (1)(c), unless the change is a minor change.	2 3 4
(3) Section 34—	5
<i>insert—</i>	6
(3) In this section—	7
<i>minor change</i> means a change that is only to correct a minor error or make another change that is not a change of substance.	8 9 10

<b>Clause 15</b>	<b>Amendment of s 35 (Criteria for entry in register)</b>	11
	Section 35(1)(c)—	12
	<i>insert—</i>	13
	<i>Example of a place for paragraph (c)—</i>	14
	a place that has potential to contain an archaeological artefact that is an important source of information about Queensland's history	15 16 17

<b>Clause 16</b>	<b>Amendment of s 36 (Applying to enter place in, or remove place from, register)</b>	18 19
	(1) Section 36(2)(c) and (d)—	20
	<i>omit, insert—</i>	21
	(c) for an application to enter a place in the register, be accompanied by—	22 23
	(i) a written statement, that is based on and refers to historical research, about how the place satisfies each of the cultural heritage criteria the applicant considers relevant for the place; and	24 25 26 27 28
	(ii) information about the history of the place that is based on and refers to historical research; and	29 30 31



- 
- (iii) copies or details of material used for the historical research, including, for example, photographs, maps, plans and historical titles information; and
- (iv) a description of the features of the place that contribute to its cultural heritage significance, supported by photographs, drawings or other documents showing the features; and
- (v) a plan showing the relationship between the place's cadastral boundaries, features mentioned in subparagraph (iv) and the boundary proposed for the place; and
- (d) for an application to remove a State heritage place from the register, be accompanied by—
- (i) a written statement, that is based on and refers to the following, about how the place does not satisfy each of the cultural heritage criteria the applicant considers relevant for the place—
- (A) information in the entry for the place in the register;
- (B) historical research; and
- (ii) copies or details of material used for the historical research, including, for example, photographs, maps, plans and historical titles information.
- (2A) An application to remove part of a State heritage place must also include—
- (a) a description of the features of the part proposed for removal, supported by photographs, drawings or other documents showing the features; and

[s 17]

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	(b) a plan showing the relationship between the place's cadastral boundaries, features mentioned in paragraph (a) and the part proposed for removal.	1 2 3 4
(2)	Section 36(2A) to (5)— <i>renumber</i> as section 36(3) to (6).	5 6
<b>Clause 17</b>	<b>Insertion of new s 36A</b>	7
	After section 36—	8
	<i>insert</i> —	9
	<b>36A Non-complying application</b>	10
(1)	This section applies if the chief executive considers an application about a place under section 36(1) does not comply with section 36(2) or (3) (a <i>non-complying application</i> ).	11 12 13 14
(2)	The chief executive must, within 10 business days after receiving the application, give the applicant a notice stating—	15 16 17
(a)	the application does not comply with section 36(2) or (3); and	18 19
(b)	the reasons the chief executive considers it does not comply; and	20 21
(c)	the applicant may make a new application about the place under section 36(1) that addresses the matters mentioned in paragraph (b).	22 23 24 25
(3)	For this Act, a non-complying application is taken not to have been received by the chief executive.	26 27 28
<b>Clause 18</b>	<b>Amendment of s 37 (Particular restriction on application)</b>	29
	Section 37, '1 year'—	30
	<i>omit, insert</i> —	31

---

	5 years	1
<b>Clause 19</b>	<b>Amendment of s 38 (Initial notice of application)</b>	2
	Section 38(1)(c)(v) and (vi)—	3
	<i>omit, insert—</i>	4
	(v) information about the period in which the submission may be given;	5 6
	<i>Note—</i>	7
	See section 41 for the period in which a submission may be given.	8 9
	(vi) that the owner may give the council a written response to the chief executive’s heritage recommendation about the place;	10 11 12 13
	(vii) information about the period in which the response may be given.	14 15
	<i>Note—</i>	16
	See section 50B for the period in which a response may be given.	17 18
<b>Clause 20</b>	<b>Amendment of s 39 (Chief executive to publish notice of application)</b>	19 20
	Section 39(2)(b)(ii) and (iv), ‘the place’—	21
	<i>omit.</i>	22
<b>Clause 21</b>	<b>Replacement of s 40 (Chief executive to keep applications available for inspection)</b>	23 24
	Section 40—	25
	<i>omit, insert—</i>	26
	<b>40 Applications to be available online</b>	27
	(1) The chief executive must publish a copy of each application on the department’s website.	28 29

[s 22]

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	(2)	However, a copy of an application must not include the applicant's personal information, unless the applicant has given written consent to its inclusion.	1 2 3 4
	(3)	The chief executive must ensure that a copy of each application is available for inspection on the department's website during business hours, free of charge, at—	5 6 7 8
	(a)	the department's head office; and	9
	(b)	other places the chief executive considers appropriate.	10 11
<b>Clause 22</b>		<b>Amendment of s 41 (When submission about application may be given to chief executive)</b>	12 13
	(1)	Section 41—	14
		<i>insert—</i>	15
	(2A)	Also, if the later day agreed to by the chief executive and a person or entity (the <i>parties</i> ) under subsection (2) is less than 40 business days after the notice of the application is published, the parties may, at any time before the end of the later day, agree in writing on another day (the <i>latest day</i> ) by which the submission may be given.	16 17 18 19 20 21 22 23
	(2)	Section 41(3), after 'later day'—	24
		<i>insert—</i>	25
		or latest day	26
	(3)	Section 41(2A) and (3)—	27
		<i>renumber</i> as section 41(3) and (4).	28
<b>Clause 23</b>		<b>Amendment of s 46 (Notice of heritage recommendation)</b>	29
		Section 46(2)—	30

- 
- omit, insert—* 1
- (2) The copy of the heritage recommendation must be accompanied by a notice stating the person or entity to whom it is given may, within 10 business days after its receipt— 2
- (a) ask in writing to make oral representations to the council about the recommendation; and 3
- (b) if the person or entity is the owner—tell the council in writing that the person or entity will be giving the council a written response to the recommendation. 4

- Clause 24 Amendment of s 46A (Chief executive may give destroyed place recommendation)** 13
- (1) Section 46A(1), ‘, whether or not on application by a person,’— 14
- omit.* 15
- (2) Section 46A(1)(a)(ii), ‘71(6)’— 16
- omit, insert—* 17
- 71(7) 18

- Clause 25 Insertion of new pt 4, div 5, sdiv 2A** 21
- Part 4, division 5— 22
- insert—* 23

[s 25]

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<b>Subdivision 2A Heritage responses to heritage recommendations</b>	1 2
<b>50A Notice about making heritage response to heritage recommendation</b>	3 4
(1) This section applies if the owner of a place is given a notice under section 46(2) for a heritage recommendation about the place.	5 6 7
(2) The owner may, by notice given to the council, tell the council that the owner will be giving the council a written response (a <i>heritage response</i> ) to the heritage recommendation.	8 9 10 11
(3) The owner must give the notice to the council within 10 business days after receiving the notice mentioned in subsection (1).	12 13 14
<b>50B When heritage response must be given to council</b>	15 16
(1) This section applies if the owner of a place gives the council a notice under section 50A(2).	17 18
(2) The owner must give the heritage response to the council within 20 business days after the owner gives the notice to the council.	19 20 21
(3) However, the owner and council may, at any time before the end of the period mentioned in subsection (2), agree in writing on a day (the <i>later day</i> ) by which the heritage response must be given.	22 23 24 25 26
(4) The later day must not be more than 30 business days after the owner gives the notice to the council.	27 28 29

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<b>Clause 26</b>	<b>Amendment of s 51 (Council to make decision on heritage recommendation)</b>	1 2
(1)	Section 51(1)(b)—	3
	<i>omit, insert—</i>	4
	(b) if the owner of the place the subject of the recommendation gives the council a notice under section 50A(2), or if the council and the owner agree under section 52 to extend the day for making the decision—100 business days after receiving the recommendation.	5 6 7 8 9 10 11
(2)	Section 51(2)(a)—	12
	<i>insert—</i>	13
	(v) if the owner of the place gives the council a heritage response for the recommendation—the heritage response; and	14 15 16 17
(3)	Section 51—	18
	<i>insert—</i>	19
	(4) Also, without limiting subsection (2)(b), the council may, in making the decision, have regard to—	20 21 22
	(a) whether the cultural heritage significance of the place is mainly because of its natural features; and	23 24 25
	(b) whether the place or its natural features are protected or conserved under another law of the State or Commonwealth, and the extent of the protection or conservation under that law.	26 27 28 29 30
	<i>Examples of places for subsection (4)—</i>	31
	1 a national park under the <i>Nature Conservation Act 1992</i>	32 33

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[s 27]

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	2 a place on the national heritage list under the	1
	<i>Environment Protection and Biodiversity</i>	2
	<i>Conservation Act 1999 (Cwlth)</i>	3
<b>Clause 27</b>	<b>Amendment of s 55 (When council is taken to have made decision)</b>	4
	Section 55(5), definition <i>relevant period</i> , paragraph (b)—	5
	<i>omit, insert—</i>	6
	(b) if the owner of the place the subject of the	7
	recommendation has given the council a	8
	notice under section 50A(2), or if the	9
	council and the owner have agreed, under	10
	section 52, to extend the day for making the	11
	decision on the recommendation—100	12
	business days after the council receives the	13
	recommendation.	14
		15
<b>Clause 28</b>	<b>Amendment of s 56A (Council to make decision on destroyed place recommendation)</b>	16
	Section 56A(2)(a)(ii), ‘71(6)’—	17
	<i>omit, insert—</i>	18
	71(7)	19
		20
<b>Clause 29</b>	<b>Insertion of new pt 4, div 5A</b>	21
	Part 4—	22
	<i>insert—</i>	23
	<b>Division 5A Excluded places</b>	24
	<b>56B Place excluded from entry in Queensland heritage register as State heritage place</b>	25
	(1) The owner of a place may apply to the chief	26
	executive to have the place excluded from entry	27
		28



- 
- in the Queensland heritage register as a State heritage place. 1  
2
- (2) This part applies in relation to the place and the application— 3  
4
- (a) as if the place were a State heritage place and the application were an application under section 36 to have the place removed from the register; and 5  
6  
7  
8
- (b) as if a reference in the part to remove a place from the register were a reference to exclude the place from entry in the register as a State heritage place; and 9  
10  
11  
12
- (c) as if a reference in section 44 to a place staying on the register were a reference to entering the place in the register as a State; and 13  
14  
15  
16
- (d) as if the reference in section 53(2) to a place no longer satisfying any of the cultural heritage criteria were a reference to the place not satisfying any of the cultural heritage criteria; and 17  
18  
19  
20  
21
- (e) as if the reference in section 53(4) to a decision to leave a place in the register were a reference to a decision (an *entry decision*) to enter the place in the register as a State heritage place; and 22  
23  
24  
25  
26
- (f) as if the reference in section 54(3) to a decision mentioned in section 53(4)(a) or (b) included a reference to an entry decision; and 27  
28  
29  
30
- (g) as if the reference in section 55(3) to the council being taken to have decided to leave a place in the register were a reference to the council being taken to have excluded the place from entry in the register as a State heritage place; and 31  
32  
33  
34  
35  
36
-

[s 30]

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	(h) with other necessary changes.	1
	<i>Note</i> —	2
	If the council decides to remove a State heritage place from the Queensland heritage register, or enter a place in the register, application can not be made to have the place entered in, or removed from, the register for at least 5 years—see section 37.	3 4 5 6 7
<b>Clause 30</b>	<b>Omission of s 57 (Certificate of immunity)</b>	8
	Section 57—	9
	<i>omit.</i>	10
<b>Clause 31</b>	<b>Omission of pt 5 (Matters about registration of archaeological places in Queensland heritage register)</b>	11 12
	Part 5—	13
	<i>omit.</i>	14
<b>Clause 32</b>	<b>Amendment of pt 6, hdg (Development in Queensland heritage places)</b>	15 16
	Part 6, heading, after ‘places’—	17
	<i>insert</i> —	18
	<b>and local heritage places</b>	19
<b>Clause 33</b>	<b>Amendment of s 68 (Assessing development applications under the Planning Act—State heritage places)</b>	20 21
	(1) Section 68, heading, after ‘places’—	22
	<i>insert</i> —	23
	<b>other than archaeological State heritage places</b>	24
	(2) Section 68—	25
	<i>insert</i> —	26
	(4) In this section—	27

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	<i>State heritage place</i> does not include an archaeological State heritage place.	1 2
<b>Clause 34</b>	<b>Amendment of s 69 (Assessing development applications under the Planning Act—archaeological places)</b>	3 4
(1)	Section 69, heading, ‘archaeological places’— <i>omit, insert—</i> <b>archaeological State heritage places</b>	5 6 7
(2)	Section 69(1), ‘archaeological place’— <i>omit, insert—</i> archaeological State heritage place	8 9 10
<b>Clause 35</b>	<b>Amendment of s 71 (Development by the State)</b>	11
(1)	Section 71(4)— <i>omit, insert—</i> (4) Subsection (5) applies if—	12 13 14
	(a) the place is a State heritage place, other than an archaeological State heritage place, and the council is satisfied the development would substantially affect the cultural heritage significance of the place; or	15 16 17 18 19
	(b) the place is an archaeological State heritage place and the council is satisfied the development would have a detrimental impact on any archaeological artefact on the place.	20 21 22 23 24
	(4A) The council must publish a public notice stating the following—	25 26
	(a) details of the development;	27
	(b) that a person or other entity may give the council a written submission about the development;	28 29 30

[s 36]

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- (c) where the submission may be given; 1
- (d) that the submission must be given within 20 2  
business days after the notice is published. 3
- (2) Section 71(6), after ‘State heritage place’— 4  
*insert*— 5  
, other than an archaeological State heritage place, 6
- (3) Section 71(9), ‘subsection (4)’— 7  
*omit, insert*— 8  
subsection (5) 9
- (4) Section 71(9), ‘subsection (8)’— 10  
*omit, insert*— 11  
subsection (9) 12
- (5) Section 71(4A) to (9)— 13  
*renumber* as section 71(5) to (10). 14

- Clause 36 Insertion of new s 71A** 15
- Part 6, division 2— 16  
*insert*— 17
- 71A Definitions for div 2** 18
- In this division— 19
- decision-maker*** means— 20
- (a) for a Queensland heritage place—the chief 21  
executive; or 22
- (b) for a local heritage place—the chief 23  
executive officer of the local government for 24  
the local government area in which the place 25  
is situated. 26
- heritage place*** means a Queensland heritage 27  
place or local heritage place. 28

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<b>Clause 37</b>	<b>Amendment of s 72 (Application for exemption certificate)</b>	1 2
(1)	Section 72(1), from ‘Queensland’ to ‘chief executive’— <i>omit, insert—</i> heritage place may apply to the decision-maker for the place	3 4 5 6
(2)	Section 72(2)(b)(i), ‘chief executive’— <i>omit, insert—</i> decision-maker	7 8 9
(3)	Section 72(2)(b)(iii) and (3)(a), after ‘heritage agreement’— <i>insert—</i> or local heritage agreement	10 11 12
(4)	Section 72(2)(b)(iv) and (3)(b), ‘a detrimental impact’— <i>omit, insert—</i> any impact, or only have a minimal impact,	13 14 15
(5)	Section 72(3), ‘Queensland’— <i>omit.</i>	16 17
(6)	Section 72(4), definition <i>relevant person</i> , ‘Queensland’— <i>omit.</i>	18 19
<b>Clause 38</b>	<b>Amendment of s 73 (Inquiry about application)</b>	20
	Section 73, ‘chief executive’— <i>omit, insert—</i> decision-maker	21 22 23
<b>Clause 39</b>	<b>Amendment of s 74 (Deciding application for exemption certificate)</b>	24 25
	Section 74, ‘chief executive’— <i>omit, insert—</i>	26 27

[s 40]

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	decision-maker	1
<b>Clause 40</b>	<b>Amendment of s 75 (Chief executive may give exemption certificate without application)</b>	2 3
(1)	Section 75, heading, ‘Chief executive may give’— <i>omit, insert—</i>	4 5
	<b>Giving</b>	6
(2)	Section 75(1)— <i>omit, insert—</i>	7 8
(1)	The decision-maker for a heritage place may give a person an exemption certificate to carry out development mentioned in section 72(3) on the place.	9 10 11 12
(3)	Section 75— <i>insert—</i>	13 14
(2A)	The power of the chief executive officer of a local government to give an exemption certificate under this section includes the power to give a certificate (also a <b>general exemption certificate</b> ) in relation to all local heritage places in the local government’s area or a class of local heritage places in the area.	15 16 17 18 19 20 21
(4)	Section 75— <i>insert—</i>	22 23
(5)	The chief executive officer of a local government may give a general exemption certificate under this section by publishing a notice in a newspaper circulating generally in the local government’s area that—	24 25 26 27 28
(a)	states the general exemption certificate has been given; and	29 30
(b)	includes a brief description of the exemption; and	31 32

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	(c) states where the general exemption certificate may be viewed.	1 2
	(6) The chief executive officer must ensure that a copy of a general exemption certificate is available for inspection during business hours, free of charge, at the local government's public office.	3 4 5 6 7
	(7) A general exemption certificate may be made available in written or electronic form.	8 9
(5)	Section 75(2A) to (7)— <i>renumber</i> as section 75(3) to (8).	10 11
<b>Clause 41</b>	<b>Amendment of s 76 (Compliance with conditions of exemption certificate)</b>	12 13
(1)	Section 76, 'Queensland'— <i>omit.</i>	14 15
(2)	Section 76, penalty— <i>omit, insert—</i>	16 17
	Maximum penalty—	18
	(a) for an exemption certificate given by the chief executive—1000 penalty units; or	19 20
	(b) for an exemption certificate given by the chief executive officer of a local government—100 penalty units.	21 22 23
<b>Clause 42</b>	<b>Amendment of pt 7, hdg (Heritage agreements)</b>	24
	Part 7, heading, after 'agreements'— <i>insert—</i>	25 26
	<b>and local heritage agreements</b>	27

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[s 43]

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<b>Clause 43</b>	<b>Amendment of s 80 (Heritage agreements)</b>	1
(1)	Section 80, heading, after ‘agreements’—	2
	<i>insert—</i>	3
	<b>or local heritage agreements</b>	4
(2)	Section 80(1), ‘a heritage agreement’—	5
	<i>omit, insert—</i>	6
	an agreement (a <i>heritage agreement</i> )	7
(3)	Section 80—	8
	<i>insert—</i>	9
	(1A) The chief executive officer of a local government may enter into an agreement (a <i>local heritage agreement</i> ) for a local heritage place with—	10 11 12
	(a) the owner of the place; or	13
	(b) with the owner’s consent, another person or entity who has an interest in the place.	14 15
(4)	Section 80(2), after ‘heritage agreement’—	16
	<i>insert—</i>	17
	or local heritage agreement	18
(5)	Section 80—	19
	<i>insert—</i>	20
	(4) The chief executive officer of a local government may change or end a local heritage agreement for a local heritage place—	21 22 23
	(a) if the agreement was entered into with the owner of the place—by agreement with the owner; or	24 25 26
	(b) if the agreement was entered into with another person or entity—by agreement with the person or entity and owner.	27 28 29
(6)	Section 80(1A) to (4)—	30



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*renumber* as section 80(2) to (5). 1

<b>Clause 44</b>	<b>Replacement of s 81 (Provisions of heritage agreement)</b>	2
	Section 81—	3
	<i>omit, insert—</i>	4
	<b>81 Provisions of heritage agreement or local heritage agreement</b>	5 6
	(1) A heritage agreement or local heritage agreement may contain any provision to promote—	7 8
	(a) the conservation and appropriate management of the heritage place; or	9 10
	(b) for a Queensland heritage place—public appreciation of the importance of the place to Queensland’s cultural heritage; or	11 12 13
	(c) for a local heritage place—public appreciation of the importance of the place to local cultural heritage.	14 15 16
	(2) A heritage agreement or local heritage agreement may, for example—	17 18
	(a) restrict the use of the heritage place; or	19
	(b) require specified work or work of a specified kind to be carried out in accordance with specified standards in the heritage place; or	20 21 22 23
	(c) restrict the nature of work that may be carried out in the heritage place; or	24 25
	(d) provide that the heritage place is to be available for public inspection at specified times and regulate charges that may be made for admission to the heritage place; or	26 27 28 29
	(e) provide for financial, technical or other professional advice or assistance to the	30 31

[s 45]

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	owner with respect to the maintenance or conservation of the heritage place; or	1 2
	(f) provide for a review of the valuation of the heritage place; or	3 4
	(g) specify development that may be carried out in the heritage place for which an exemption certificate will be issued.	5 6 7
	(3) In this section—	8
	<i>heritage place</i> means a Queensland heritage place or local heritage place.	9 10
<b>Clause 45</b>	<b>Amendment of s 82 (Enforcement of heritage agreement—Planning and Environment Court order)</b>	11 12
	(1) Section 82, heading, after ‘agreement’—	13
	<i>insert</i> —	14
	<b>or local heritage agreement</b>	15
	(2) Section 82(1)(a), after ‘agreement’—	16
	<i>insert</i> —	17
	or local heritage agreement	18
<b>Clause 46</b>	<b>Replacement of pt 8 (Interim protection orders and notices about maintaining State heritage places)</b>	19 20
	Part 8—	21
	<i>omit, insert</i> —	22

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<b>Part 8</b>	<b>Notices about essential repair and maintenance of State heritage places and local heritage places</b>	1 2 3 4 5
<b>83</b>	<b>Application of pt 8</b>	6
(1)	This part applies to a local government prescribed by regulation.	7 8
(2)	The Minister may recommend to the Governor in Council the making of a regulation under subsection (1) only if the Minister is satisfied the local government has appropriate procedures in place for exercising a power under section 84 in relation to the local government.	9 10 11 12 13 14
<b>84</b>	<b>Decision-maker may give notice about essential repair or maintenance work</b>	15 16
(1)	This section applies if the decision-maker for a heritage place reasonably believes—	17 18
(a)	it is necessary to carry out essential repair or maintenance work on the place; and	19 20
(b)	the work is required to be carried out to protect the place from damage or deterioration caused by weather, fire, vandalism or insects.	21 22 23 24
(2)	The decision-maker may give the owner of the place a notice (a <i>repair and maintenance notice</i> ) requiring the owner to carry out the essential repair or maintenance work stated in the notice.	25 26 27 28
(3)	Before giving the repair and maintenance notice, the decision-maker must take reasonable steps to consult with the owner of the place about the	29 30 31

[s 46]

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essential repair or maintenance work the	1
decision-maker believes necessary to carry out.	2
(4) The repair and maintenance notice must state the	3
following—	4
(a) the essential repair or maintenance work the	5
decision-maker requires to be carried out on	6
the heritage place;	7
(b) that the decision-maker believes the work is	8
necessary to prevent damage to, or	9
deterioration of, the place;	10
(c) the reasons for the decision-maker's belief;	11
(d) that the owner of the place must carry out	12
the stated work within the stated reasonable	13
period;	14
(e) that it is an offence to fail to comply with	15
the notice unless the owner has a reasonable	16
excuse.	17
(5) The stated period for subsection (4)(d) must not	18
be less than 20 business days after the owner	19
receives the repair and maintenance notice.	20
(6) The owner of the place must comply with the	21
repair and maintenance notice unless the owner	22
has a reasonable excuse.	23
Maximum penalty—	24
(a) for a repair and maintenance notice given by	25
the chief executive—	26
(i) for an individual—100 penalty units;	27
or	28
(ii) for a corporation—1000 penalty units;	29
or	30
(b) for a repair and maintenance notice given by	31
the chief executive officer of a local	32
government—	33

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(i)	for an individual—75 penalty units; or	1
(ii)	for a corporation—750 penalty units.	2
	<i>Note—</i>	3
	If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 160A, to have also committed the offence.	4 5 6 7
(7)	In this section—	8
	<b><i>decision-maker</i></b> means—	9
(a)	for a State heritage place—the chief executive; or	10 11
(b)	for a local heritage place—the chief executive officer of the local government for the local government area in which the place is situated.	12 13 14 15
	<b><i>essential repair or maintenance work</i></b> , in relation to a heritage place, means work of a minor nature that, if carried out on the place, would help to prevent damage to, or deterioration of, the place.	16 17 18 19
	<i>Examples—</i>	20
	• repairing wall or roof frames	21
	• re-fixing loose wall or roof boards	22
	• removing potential fire hazards	23
	• maintaining existing fire management systems	24
	• putting locks on doors and windows	25
	• boarding up insecure openings in an unoccupied building	26 27
	• shutting down electricity or gas services to an unoccupied building	28 29
	• taking steps for managing or eradicating termites or other insects	30 31
	• cleaning and repairing gutters and downpipes	32
	<b><i>heritage place</i></b> means a State heritage place or local heritage place.	33 34

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[s 47]

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	<b>85 Report to chief executive about repair and maintenance notice</b>	1 2
	(1) This section applies if the chief executive officer of a local government has given the owner of a local heritage place a repair and maintenance notice under section 84 in a financial year.	3 4 5 6
	(2) The chief executive officer must give the chief executive a notice stating the following before 1 August in the next financial year—	7 8 9
	(a) that it gave the repair and maintenance notice to the owner;	10 11
	(b) whether the owner complied with the notice.	12
<b>Clause 47</b>	<b>Amendment of pt 9, hdg (Discovery and protection of archaeological artefacts)</b>	13 14
	Part 9, heading, after ‘artefacts’—	15
	<i>insert—</i>	16
	<b>and underwater cultural heritage artefacts</b>	17
<b>Clause 48</b>	<b>Amendment of pt 9, div 1, hdg (Offences relating to archaeological artefacts and shipwrecks)</b>	18 19
	Part 9, division 1, heading, ‘shipwrecks’—	20
	<i>omit, insert—</i>	21
	<b>underwater cultural heritage artefacts</b>	22
<b>Clause 49</b>	<b>Amendment of s 89 (Requirement to give notice about discovery of archaeological artefact)</b>	23 24
	(1) Section 89, heading, ‘of archaeological artefact’—	25
	<i>omit.</i>	26
	(2) Section 89(1), after ‘artefact’—	27
	<i>insert—</i>	28

---

	or underwater cultural heritage artefact	1
(3)	Section 89(2)(a) to (c)—	2
	<i>renumber</i> as section 89(2)(b) to (d).	3
(4)	Section 89(2)—	4
	<i>insert</i> —	5
	(a) be in the approved form; and	6
<b>Clause 50</b>	<b>Amendment of s 90 (Offence about interfering with discovery)</b>	7
		8
(1)	Section 90, heading, ‘discovery’—	9
	<i>omit, insert</i> —	10
	<b>archaeological artefact</b>	11
(2)	Section 90(1), ‘a thing’—	12
	<i>omit, insert</i> —	13
	an archaeological artefact	14
(3)	Section 90(2), ‘thing’—	15
	<i>omit, insert</i> —	16
	archaeological artefact	17
<b>Clause 51</b>	<b>Amendment of s 91 (Offence about interfering with shipwreck)</b>	18
		19
(1)	Section 91, heading, ‘shipwreck’—	20
	<i>omit, insert</i> —	21
	<b>underwater cultural heritage artefact</b>	22
(2)	Section 91(1), ‘a shipwreck’—	23
	<i>omit, insert</i> —	24
	an underwater cultural heritage artefact	25
(3)	Section 91(2)—	26

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[s 52]

---

*omit.*

1

<b>Clause 52</b>	<b>Amendment of pt 9, div 2, hdg (Provisions about ownership of particular archaeological artefacts)</b>	2 3
	Part 9, division 2, heading, ‘archaeological’—	4
	<i>omit.</i>	5
<b>Clause 53</b>	<b>Replacement of pt 9, div 2, sdiv 1, hdg (Declaration of ownership)</b>	6 7
	Part 9, division 2, subdivision 1, heading—	8
	<i>omit, insert—</i>	9
	<b>Subdivision 1 Preliminary</b>	10
	<b>91A Definition for div 2</b>	11
	In this division—	12
	<i>artefact</i> means an archaeological artefact or underwater cultural heritage artefact.	13 14
	<b>Subdivision 1A Declaration of ownership</b>	15
<b>Clause 54</b>	<b>Amendment of s 92 (Declaration about ownership of particular archaeological artefacts)</b>	16 17
	Section 92, ‘archaeological’—	18
	<i>omit.</i>	19
<b>Clause 55</b>	<b>Renumbering of pt 9, div 2, sdivs 1A to 3</b>	20
	Part 9, division 2, subdivisions 1A to 3—	21
	<i>renumber</i> as part 9, division 2, subdivisions 2 to 4.	22



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<b>Clause 56</b>	<b>Replacement of pt 11, div 1 (Preliminary)</b>	1
	Part 11, division 1—	2
	<i>omit, insert—</i>	3
	<b>Division 1</b>	4
	<b>Identifying places of local cultural heritage significance</b>	5
		6
	<b>112 Local government to identify places in planning scheme or local heritage register</b>	7
		8
	(1) A local government must identify places in its local government area that are of cultural heritage significance for the area—	9
		10
		11
	(a) in its planning scheme; or	12
	(b) in a register (a <i>local heritage register</i> ) kept by the local government.	13
		14
	(2) Subsection (1)(a) applies despite the Planning Act, section 88(1)(a).	15
		16
	<b>Division 1A</b>	17
	<b>Chief executive’s recommendation about a place</b>	18
		19
	<b>112A Chief executive may recommend place becomes a local heritage place</b>	20
		21
	(1) This section applies if the chief executive is satisfied a place is of cultural heritage significance for a local government area.	22
		23
		24
	(2) The chief executive may, by notice given to the local government for the area, recommend the local government take the action mentioned in section 112(1) the local government considers appropriate to conserve the cultural heritage significance of the place.	25
		26
		27
		28
		29
		30

[s 57]

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	(3) The notice must include—	1
	(a) enough information to identify the location and boundaries of the place; and	2 3
	(b) a statement about the cultural heritage significance of the place; and	4 5
	(c) information to support the statement.	6
	<b>112B Local government to act on chief executive's recommendation</b>	7 8
	(1) This section applies if—	9
	(a) the chief executive gives a local government a notice about a place under section 112A(2); and	10 11 12
	(b) the local government keeps a local heritage register.	13 14
	(2) The local government must propose to enter the place in the register.	15 16
<b>Clause 57</b>	<b>Replacement of s 113 (Local government to keep register)</b>	17 18
	Section 113—	19
	<i>omit, insert—</i>	20
	<b>113 Form and availability of local heritage register</b>	21
	(1) A local government may keep its local heritage register in the form, including electronic form, it considers appropriate.	22 23 24
	(2) A local government must ensure its local heritage register, or a copy of its local heritage register, is available for inspection during business hours, free of charge, at the local government's public office.	25 26 27 28 29

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<b>Clause 58</b>	<b>Omission of s 115 (Chief executive may recommend entering place in local heritage register)</b>	1 2
	Section 115—	3
	<i>omit.</i>	4
<b>Clause 59</b>	<b>Amendment of s 116 (Local government to propose entry of place in, or removal of place from, local heritage register)</b>	5 6 7
	Section 116(2)—	8
	<i>omit.</i>	9
<b>Clause 60</b>	<b>Amendment of s 117 (Notice of proposal)</b>	10
	Section 117(2)(b)(iv), ‘the place’—	11
	<i>omit.</i>	12
<b>Clause 61</b>	<b>Amendment of s 118 (Local government to consider submissions and other information)</b>	13 14
	(1) Section 118(a)(ii)—	15
	<i>omit, insert—</i>	16
	(ii) if the chief executive gave a notice to the local government under section 112A(2)—the information about the place included in the notice; and	17 18 19 20
	(2) Section 118(b), ‘to the application’—	21
	<i>omit.</i>	22
<b>Clause 62</b>	<b>Replacement of pt 11, div 4, hdg (Code for IDAS for local heritage places)</b>	23 24
	Part 11, division 4, heading, after ‘places’—	25
	<i>insert—</i>	26
	<b>on local heritage registers</b>	27

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[s 63]

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<b>Clause 63</b>	<b>Amendment of s 121 (Code for IDAS)</b>	1
	Section 121(1), after ‘place’—	2
	<i>insert</i> —	3
	on a local heritage register	4
<b>Clause 64</b>	<b>Amendment of s 122 (Changing entries in register)</b>	5
	(1) Section 122(2)(a), after ‘subsection (1)(b)’—	6
	<i>insert</i> —	7
	, unless the change is a minor change	8
	(2) Section 122(2)(b), after ‘subsection (1)(c)’—	9
	<i>insert</i> —	10
	, unless the change is a minor change	11
	(3) Section 122—	12
	<i>insert</i> —	13
	(3) In this section—	14
	<i>minor change</i> means a change that is only to	15
	correct a minor error or make another change that	16
	is not a change of substance.	17
<b>Clause 65</b>	<b>Amendment of s 124 (Provision about entitlement to claim compensation)</b>	18
	(1) Section 124(1) and (2), ‘on’—	19
	<i>omit, insert</i> —	20
	in	21
	(2) Section 124—	22
	<i>insert</i> —	23
	(5) However, an owner is not entitled to claim	24
	compensation under the Planning Act, section	25
	704 in relation to the change more than once.	26
		27

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<b>Clause 66</b>	<b>Insertion of new s 154AA</b>	1
	Part 12, division 3, before section 154—	2
	<i>insert</i> —	3
	<b>154AA Definition for div 3</b>	4
	In this division—	5
	<i>current entry application</i> , for a place, means an application—	6
	(a) to have the place entered in the Queensland heritage register as a State heritage place; and	7
	(b) in relation to which the council has not made a decision, and is not taken to have made a decision, under section 53 or 55.	8
		9
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<b>Clause 67</b>	<b>Replacement of s 154 (Stop orders)</b>	14
	Section 154—	15
	<i>omit, insert</i> —	16
	<b>154 Minister may make stop order</b>	17
	(1) The Minister may make an order (a <i>stop order</i> ) requiring a person to stop stated work or an activity, or prohibiting a person from starting stated work or an activity, at a place that is not a State heritage place.	18
		19
		20
		21
		22
	(2) The Minister may make the order—	23
	(a) if the Minister is satisfied on reasonable grounds that—	24
		25
	(i) the place is likely to satisfy 1 or more of the cultural heritage criteria; and	26
		27
	(ii) the work or activity would destroy or substantially reduce the cultural heritage significance of the place; and	28
		29
		30

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- (b) whether or not there is a current entry application for the place. 1  
2
- (3) If the Minister makes a stop order in relation to a place for which there is not a current entry application, the chief executive must make an application to enter the place in the register under section 36. 3  
4  
5  
6  
7
- (4) The Minister may make an order (also a *stop order*) requiring a person to stop stated work or an activity, or prohibiting a person from starting stated work or an activity, at a State heritage place if the Minister is satisfied on reasonable grounds that— 8  
9  
10  
11  
12  
13
- (a) the work or activity is not authorised by a development approval; and 14  
15
- (b) the work or activity would destroy or substantially reduce the cultural heritage significance of the place. 16  
17  
18
- (5) A stop order must be served personally or by affixing it in a prominent position in the place. 19  
20
- (6) However, the Minister must not make a stop order in relation to an excluded place in the period mentioned in section 37 that an application can not be made to have the place entered in the register. 21  
22  
23  
24  
25
- 154A Form and content of stop order** 26
- A stop order in relation to a place must— 27
- (a) include enough information to identity the place; and 28  
29
- (b) state the following— 30
- (i) the work or activity to which the order relates; 31  
32

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(ii) the name of the owner of the place (if known);	1 2
(iii) the reasons for making the order;	3
(iv) when the order takes effect;	4
(v) if there is a current entry application or application by the chief executive mentioned in section 154(3) for the place—that the order ends on the date stated in the notice, or the day the council makes (or is taken to make) a decision in relation to the application, whichever happens first;	5 6 7 8 9 10 11 12
(vi) if the place is a State heritage place—that the order ends on the date stated in the notice.	13 14 15
<b>154B Duration of stop order</b>	16
(1) A stop order takes effect when it is served.	17
(2) A stop order in relation to a place for which there is a current entry application or application by the chief executive mentioned in section 154(3) ends on the earlier of the following—	18 19 20 21
(a) the day, not more than 60 business days after the day the order is served, stated in the order;	22 23 24
(b) the day the council makes a decision, or is taken to have made a decision, under section 53 or 55 in relation to the application.	25 26 27
(3) A stop order in relation to a State heritage place ends on the day, not more than 60 business days after the day the order is served, stated in the order.	28 29 30 31

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<b>Clause 68</b>	<b>Amendment of s 160A (Executive officer may be taken to have committed offence)</b>	1 2
	Section 160A(4), definition <i>deemed executive liability provision</i> , dot points—	3 4
	<i>omit, insert</i> —	5
	• section 84(6)	6
	• section 104(1)	7
	• section 164B(4)	8
	• section 164C(8).	9
<b>Clause 69</b>	<b>Amendment of s 161 (Who may appeal)</b>	10
	(1) Section 161(1)(c)—	11
	<i>omit.</i>	12
	(2) Section 161—	13
	<i>insert</i> —	14
	(3) To remove any doubt, it is declared that—	15
	(a) for a decision on a heritage recommendation for an application to enter a place in the Queensland heritage register as a part of a State heritage place, the person may appeal only about the decision relating to the part; and	16 17 18 19 20 21
	(b) for a decision on a heritage recommendation for an application to remove part of a State heritage place from the Queensland heritage register, the person may appeal only about the decision relating to the part.	22 23 24 25 26
<b>Clause 70</b>	<b>Amendment of s 162 (Grounds for appeal)</b>	27
	(1) Section 162(1), after ‘satisfy’—	28
	<i>insert</i> —	29



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	at least 1 of	1
(2)	Section 162(2)—	2
	<i>omit.</i>	3
<b>Clause 71</b>	<b>Insertion of new pt 13A</b>	4
	After part 13—	5
	<i>insert—</i>	6
	<b>Part 13A</b>	<b>Evidence and particular</b>
		<b>court orders</b>
		7
		8
	<b>164A Evidence</b>	9
(1)	In a proceeding for an offence against this Act, a certificate purporting to be signed by the Minister stating any of the following matters is evidence of the matter—	10 11 12 13
	(a) a place or thing is in Queensland waters;	14
	(b) a place is in a stated protected area.	15
(2)	In a proceeding for an offence against this Act, a certificate purporting to be signed by the chief executive stating any of the following matters is evidence of the matter—	16 17 18 19
	(a) a stated document is—	20
	(i) a copy of a part of, or an extract from, the Queensland heritage register; or	21 22
	(ii) an order, decision or requirement, or a copy of an order, decision or requirement, given or made under this Act; or	23 24 25 26
	(iii) a notice, or a copy of a notice, given under this Act; or	27 28

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(iv) a record or document, or a copy of a record or document, kept under this Act;	1 2 3
(b) on a stated day, a stated person was given a stated notice, order or requirement under this Act.	4 5 6
<b>164C Non-development orders</b>	7
(1) This section applies if the owner of a Queensland heritage place is convicted of an offence involving the destruction of, or damage to, the place.	8 9 10 11
(2) The court may, on application by the prosecution, make an order prohibiting the carrying out of development on the place for the period of not more than 10 years stated in the order.	12 13 14 15
(3) The order is in addition to the imposition of a penalty and any other order under this Act.	16 17
(4) The registrar of the court must give a copy of an order under this section to the registrar of titles.	18 19
(5) The registrar of titles must keep records that show the land is subject to the order.	20 21
(6) The registrar of titles must keep the records in a way that a search of the freehold land register will show the land is subject to the order.	22 23 24
(7) An order under this section—	25
(a) attaches to the land; and	26
(b) binds the owner, the owner's successors in title and any occupier of the land.	27 28
(8) A person must not contravene an order under this section.	29 30
Maximum penalty—17,000 penalty units.	31
<i>Note—</i>	32

- 
- If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 160A, to have also committed the offence. 1  
2  
3  
4
- (9) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or any other law. 5  
6  
7
- (10) In this section— 8  
*offence* means— 9
- (a) an offence against this Act; or 10
- (b) an offence against the Planning Act, section 578 or 580 in relation to development on a Queensland heritage place. 11  
12  
13
- 164D Education and public benefit orders** 14
- (1) If a person is convicted of an offence, the court may, on application by the prosecution, make either or both of the following orders against the person— 15  
16  
17  
18
- (a) an education order; 19
- (b) a public benefit order. 20
- (2) The order must state the period within which the person must comply with the order. 21  
22
- (3) The order is in addition to the imposition of a penalty and any other order under this Act. 23  
24
- (4) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or any other law. 25  
26  
27
- (5) In this section— 28  
*education order* means an order requiring the person against whom it is made to conduct a stated advertising or education campaign to promote compliance with this Act or the Planning Act, section 578 or 580. 29  
30  
31  
32  
33

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	<i>offence</i> means—	1
	(a) an offence against the following—	2
	• section 76	3
	• section 84(6)	4
	• section 89	5
	• section 90	6
	• section 91	7
	• section 104	8
	• section 155; or	9
	(b) an offence against the Planning Act, section 578 or 580 in relation to development on a Queensland heritage place.	10 11 12
	<i>public benefit order</i> means an order requiring the person against whom it is made to carry out a stated activity—	13 14 15
	(a) to restore or enhance a Queensland heritage place; or	16 17
	(b) for the public benefit.	18
<b>Clause 72</b>	<b>Omission of s 167 (Evidence)</b>	19
	Section 167—	20
	<i>omit.</i>	21
<b>Clause 73</b>	<b>Amendment, relocation and renumbering of s 169 (Restoration orders)</b>	22 23
	(1) Section 169(1), ‘, in addition to imposing a penalty for the offence,’—	24 25
	<i>omit.</i>	26
	(2) Section 169—	27
	<i>insert—</i>	28

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	(1A)	The order must state the period within which the person must comply with the order.	1 2
	(1B)	The order is in addition to the imposition of a penalty and any other order under this Act.	3 4
	(3)	Section 169— <i>insert—</i>	5 6
	(3A)	This section does not limit the court’s powers under the <i>Penalties and Sentences Act 1992</i> or any other law.	7 8 9
	(4)	Section 169— <i>relocate</i> to part 13A and <i>renumber</i> as section 164B(1) to (7).	10 11
<b>Clause 74</b>		<b>Omission of s 170 (Non-development order)</b>	12
		Section 170— <i>omit.</i>	13 14
<b>Clause 75</b>		<b>Amendment of s 171 (Immunity)</b>	15
		Section 171— <i>insert—</i>	16 17
	(3)	This section does not apply to a person who is a State employee within the meaning of the <i>Public Service Act 2008</i> , section 26B(4).	18 19 20
		<i>Note—</i>	21
		For protection from civil liability in relation to State employees—see the <i>Public Service Act 2008</i> , section 26C.	22 23 24
<b>Clause 76</b>		<b>Amendment of s 173 (Chief executive may make guidelines)</b>	25 26
	(1)	Section 173(1)(c), after ‘division 2’— <i>insert—</i>	27 28

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	by the chief executive	1
(2)	Section 173—	2
	<i>insert</i> —	3
(1A)	The chief executive may, after consultation with the council and local governments, make guidelines to provide guidance to local governments about identifying or managing local heritage places.	4 5 6 7 8
(3)	Section 173(1A) and (2)—	9
	<i>renumber</i> as section 173(2) and (3).	10
<b>Clause 77</b>	<b>Amendment of s 174 (Recording of particular matters)</b>	11
(1)	Section 174(1)(a), (4)(a) and (5)(a), ‘or an archaeological place’—	12 13
	<i>omit</i> .	14
(2)	Section 174(1)(c), ‘section 80(3)’—	15
	<i>omit, insert</i> —	16
	section 80(4)	17
<b>Clause 78</b>	<b>Amendment of s 175 (Delegation by Minister or chief executive)</b>	18 19
	Section 175(2), ‘83, 87’—	20
	<i>omit, insert</i> —	21
	84	22
<b>Clause 79</b>	<b>Insertion of new s 175A</b>	23
	After section 175—	24
	<i>insert</i> —	25

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	<b>175A Chief executive officer of local government may not delegate power under pt 8</b>	1 2
	The chief executive officer of a local government may not delegate the officer’s powers under part 8.	3 4
<b>Clause 80</b>	<b>Insertion of new pt 15, div 4</b>	5
	Part 15—	6
	<i>insert—</i>	7
	<b>Division 4</b>	8
	<b>Transitional provisions for Queensland Heritage and Other Legislation Amendment Act 2014</b>	9 10 11
	<b>196 Definitions for div 4</b>	12
	In this division—	13
	<i>amending Act</i> means the <i>Queensland Heritage and Other Legislation Amendment Act 2014</i> .	14 15
	<i>pre-amended Act</i> means this Act as in force immediately before the commencement.	16 17
	<b>197 Archaeological place taken to be State heritage place etc.</b>	18 19
	(1) Subsection (2) applies to a place if, immediately before the commencement—	20 21
	(a) the place is an archaeological place under the pre-amended Act; and	22 23
	(b) the entry in the Queensland heritage register for the place includes a statement mentioned in the pre-amended Act, section 31(3)(f) (the <i>original statement</i> ).	24 25 26 27
	(2) The place is taken to be a State heritage place.	28

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(3)	As soon as practicable after the commencement, the chief executive must—	1 2
(a)	enter the place in the Queensland heritage register as a State heritage place; and	3 4
(b)	include in the entry for the place the original statement as the statement mentioned in section 31(3)(e).	5 6 7
(4)	However, the place is taken to have been entered in the Queensland heritage register as a State heritage place on the day it was entered in the register as an archaeological place.	8 9 10 11
(5)	This section applies in relation to the place despite section 34.	12 13
<b>198 Local governments prescribed under the pre-amended Act, s 112</b>		14 15
(1)	This section applies to a local government that, immediately before the commencement, was prescribed by regulation for the pre-amended Act, section 112.	16 17 18 19
(2)	The requirement under section 112(1)(a) for the local government to identify places of cultural heritage significance in its planning scheme does not apply to the local government until the earlier of the following happens—	20 21 22 23 24
(a)	the local government amends its planning scheme under the Planning Act;	25 26
(b)	the local government reviews its planning scheme under the Planning Act, chapter 3, part 2, division 4.	27 28 29
<b>199 Non-application of particular provisions to local governments</b>		30 31
(1)	This section applies to a local government if—	32



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(a)	because of section 198 the requirement under section 112(1)(a) for the local government to identify places of cultural heritage significance in its planning scheme does not apply to the local government; or	1 2 3 4 5
(b)	the local government identifies, under section 112(1)a), places of cultural heritage significance in its planning scheme.	6 7 8
(2)	Section 112B and part 11, divisions 2 to 5 do not apply in relation to the local government.	9 10
<b>Clause 81</b>	<b>Amendment of schedule (Dictionary)</b>	11
(1)	Schedule, definitions <i>archaeological criteria</i> , <i>archaeological place</i> , <i>archaeological submission</i> , <i>heritage agreement</i> , <i>interim protection order</i> , <i>local heritage place</i> , <i>maintenance notice</i> and <i>stop order</i> —	12 13 14 15
	<i>omit.</i>	16
(2)	Schedule—	17
	<i>insert</i> —	18
	<i>aircraft</i> includes any marine concretions and accretions that are attached to the aircraft.	19 20
	<i>archaeological State heritage place</i> means a State heritage place in relation to which the statement in the Queensland heritage register about the place's cultural heritage significance relates only to the place's potential to contain an archaeological artefact or underwater cultural heritage artefact.	21 22 23 24 25 26 27
	<i>artefact</i> , for part 9, division 2, see section 91A.	28
	<i>criminal history</i> , of a person, means the person's criminal history as defined under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> to the extent the criminal history relates to indictable	29 30 31 32

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offences or offences against this Act, other than spent convictions.	1 2
<i>current entry application</i> , for a place, for part 12, division 3, see section 154AA.	3 4
<i>decision-maker</i> , for part 6, division 2, see section 71A.	5 6
<i>enter</i> —	7
(a) in relation to entering a place in the Queensland heritage register, includes enter the place in the register as part of a State heritage place; and	8 9 10 11
(b) in relation to entering a place in a local heritage register, includes enter the place in the register as part of a local heritage place.	12 13 14
<i>excluded place</i> means a place that, under part 4 as applied by section 56B, is excluded from entry in the Queensland heritage register as a State heritage place.	15 16 17 18
<i>heritage agreement</i> see section 80(1).	19
<i>heritage place</i> , for part 6, division 2, see section 71A.	20 21
<i>heritage response</i> see section 50A(2).	22
<i>historic aircraft wreck</i> means the remains of an aircraft or part of the remains of an aircraft that—	23 24
(a) is in Queensland waters; and	25
(b) has been in the waters for at least 75 years.	26
<i>historic shipwreck</i> means the remains of a ship or part of the remains of a ship that—	27 28
(a) is in Queensland waters; and	29
(b) has been in the waters for at least 75 years.	30
<i>historic underwater article</i> —	31

- 
- 1 *Historic underwater article* means an article— 1  
2
- (a) that appears to have— 3
- (i) formed part of an aircraft or ship; 4  
or 5
- (ii) been installed or carried on an 6  
aircraft or ship; or 7
- (iii) been constructed or used by a 8  
person associated with an aircraft 9  
or ship; and 10
- (b) that— 11
- (i) is in Queensland waters; and 12
- (ii) has been in the waters for at least 13  
75 years. 14
- 2 An article is an *historic underwater article* 15  
whether or not the article— 16
- (a) is attached to the remains of an aircraft 17  
or ship, a reef or anything else; or 18
- (b) is located in, on or below the surface of 19  
a seabed or other land. 20
- local heritage agreement*** see section 80(2). 21
- local heritage place*** means a place that— 22
- (a) is of cultural heritage significance for a local 23  
government area; and 24
- (b) is identified as a place of cultural heritage 25  
significance in the local government's 26  
planning scheme or on the local 27  
government's local heritage register. 28
- public office***, of a local government, means the 29  
local government's public office under the *Local* 30  
*Government Act 2009*. 31

[s 81]

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<i>remove</i> —	1
(a) in relation to removing a State heritage place from the Queensland heritage register, includes remove part of the State heritage place from the register; and	2 3 4 5
(b) in relation to removing a place from a local heritage register, includes remove part of the place from the register.	6 7 8
<i>repair and maintenance notice</i> see 84(2).	9
<i>ship</i> includes—	10
(a) any vessel used in navigation by water; and	11
(b) any marine concretions and accretions that are attached to the ship.	12 13
<i>spent conviction</i> means a conviction—	14
(a) for which the rehabilitation period under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> has expired under that Act; and	15 16 17
(b) that is not revived as prescribed by section 11 of that Act.	18 19
<i>stop order</i> see section 154(1) and (4).	20
<i>underwater cultural heritage artefact</i> means—	21
(a) an historic aircraft wreck; or	22
(b) an historic shipwreck; or	23
(c) an historic underwater article.	24
(3) Schedule, definition <i>archaeological artefact</i> —	25
<i>insert</i> —	26
3 <i>Archaeological artefact</i> does not include an underwater cultural heritage artefact.	27 28
(4) Schedule, definition <i>feature</i> , paragraph (b), after ‘archaeological artefact’—	29 30
<i>insert</i> —	31



<b>Schedule 1</b>	<b>Consequential amendments</b>	1
	section 82	2
	<b>Airport Assets (Restructuring and Disposal) Act 2008</b>	3
1	<b>Section 54(3)—</b>	4
	<i>omit, insert—</i>	5
	(3) In this section—	6
	<i>local heritage place</i> means a place on a local heritage register within the meaning of the <i>Queensland Heritage Act 1992</i> .	7 8 9
	<b>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</b>	10 11
1	<b>Section 73(2)(c), ‘registered place’—</b>	12
	<i>omit, insert—</i>	13
	Queensland heritage place	14
	<b>Public Interest Disclosure Act 2010</b>	15
1	<b>Schedule 2, entry for Queensland Heritage Act 1992, third dot point—</b>	16 17
	<i>omit, insert—</i>	18
	• section 164B(4) (Restoration orders)	19

<b>Sustainable Planning Act 2009</b>		1
<b>1</b>	<b>Section 10(1), definition <i>building work</i>, paragraph 2(b), after ‘artefacts’—</b>	2 3
	<i>insert—</i>	4
	or underwater cultural heritage artefacts	5
<b>2</b>	<b>Schedule 3, definition <i>local heritage place</i>—</b>	6
	<i>omit, insert—</i>	7
	<i>local heritage place</i> means a place on a local heritage register within the meaning of the <i>Queensland Heritage Act 1992</i> .	8 9 10

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