



Queensland

Queensland Heritage Act 1992

Queensland Heritage Regulation 2003

Reprinted as in force on 1 July 2006

Reprint No. 2

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 1 July 2006. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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Queensland Heritage Regulation 2003

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Queensland Heritage Regulation 2003

[as amended by all amendments that commenced on or before 1 July 2006]

1 Short title

This regulation may be cited as the *Queensland Heritage Regulation 2003*.

2 Commencement

This regulation commences on 28 November 2003.

3 Definition

In this regulation—

approved form means a form approved by the chief executive under section 9.

4 Application to enter place in heritage register—Act, s 24¹

An application under section 24(1) of the Act to enter a particular place in the heritage register must—

- (a) be in the approved form; and
- (b) adequately identify the place by reference to survey information or a suitable plan; and
- (c) contain a description of the place; and
- (d) contain a statement of the history of the place; and
- (e) contain a statement explaining why the applicant considers the place—
 - (i) is of cultural heritage significance; and

¹ Section 24 was renumbered as section 35 under the *Queensland Heritage Act 1992*, section 68A.

- (ii) satisfies 1 or more of the criteria mentioned in section 23(1)² of the Act; and
- (f) be accompanied by photographs or drawings of the place that support the statement mentioned in paragraph (e).

5 Certificate of immunity—Act, s 32³

- (1) An application under section 32(1) of the Act must be in the approved form.
- (2) For section 32(3)(a) of the Act, the following information is required—
 - (a) a comprehensive description of the place;
 - (b) a comprehensive history of the place;
 - (c) a statement that relates the cultural heritage significance of the place to the criteria mentioned in section 23(1) of the Act;
 - (d) details of the sources from which further information about the place may be obtained;
 - (e) photographs or drawings of the place at the time the application is made.

6 Development by the State—Act, s 34⁴

For section 34(3) of the Act, the details are the following—

- (a) the existing condition of the registered place;
- (b) the history and development of the place;
- (c) a statement that relates the cultural heritage significance of the place to the criteria mentioned in section 23(1) of the Act;

2 Section 23 was renumbered as section 34 under the *Queensland Heritage Act 1992*, section 68A.

3 Section 32 was renumbered as section 43 under the *Queensland Heritage Act 1992*, section 68A.

4 Section 34 was renumbered as section 45 under the *Queensland Heritage Act 1992*, section 68A.

- (d) a description of the proposed development;
- (e) a statement, giving reasons, about the likely effect of carrying out the development on the cultural heritage significance of the place.

7 Application for exemption certificate—Act, s 35⁵

An application under section 35(1) of the Act must—

- (a) be in the approved form; and
- (b) contain the following information—
 - (i) the name and address of the owner of the registered place;
 - (ii) a comprehensive description of the place;
 - (iii) a comprehensive history of the place;
 - (iv) a comprehensive description or drawing of the proposed development;
 - (v) a statement, giving reasons, about the likely effect of carrying out the development on the cultural heritage significance of the place; and
- (c) be accompanied by—
 - (i) photographs or drawings of the place at the time the application is made; and
 - (ii) a conservation policy demonstrating that carrying out the development would not adversely affect the cultural heritage significance of the place.

7A Study must be reported—Act, s 44⁶

A notice under section 44(1) of the Act must—

- (a) be in the approved form; and

5 Section 35 was renumbered as section 46 under the *Queensland Heritage Act 1992*, section 68A.

6 Section 44 was renumbered as section 55 under the *Queensland Heritage Act 1992*, section 68A.

- (b) adequately identify the area proposed to be studied by reference to survey information or a suitable plan; and
- (c) contain a description of the area proposed to be studied.

7B Recommending declaration of protected object—Act, s 46⁷

- (1) This section applies if—
 - (a) a person considers either of the following may be of cultural heritage significance—
 - (i) an object situated on, under or recovered from the surface of land;
 - (ii) the remains of a ship or some other object in, or recovered from, the territorial waters of the State; and
 - (b) recommends to the Minister that the object or remains be provisionally declared to be a protected object.
- (2) The recommendation must—
 - (a) be in the approved form; and
 - (b) contain the following information—
 - (i) the name and address of the person;
 - (ii) a description of the object or remains;
 - (iii) a history of the object or remains;
 - (iv) a statement explaining why the person considers the object or remains are of cultural heritage significance; and
 - (c) be accompanied by photographs or drawings of the object or remains that support the statement mentioned in paragraph (b)(iv); and
 - (d) adequately identify the land or territorial waters by reference to survey information or a suitable plan.

⁷ Section 46 was renumbered as section 57 under the *Queensland Heritage Act 1992*, section 68A.

7C Recommending declaration of protected areas—Act, s 49⁸

- (1) This section applies if a person recommends to the Minister that an area containing protected objects or a place of cultural heritage significance be declared to be a protected area.
- (2) The recommendation must—
 - (a) be in the approved form; and
 - (b) contain the following information—
 - (i) the name and address of the person;
 - (ii) a description of the area;
 - (iii) a history of the objects or place;
 - (iv) a statement explaining why the person considers the area should be declared to be a protected area; and
 - (c) be accompanied by photographs or drawings of the area that support the statement mentioned in paragraph (b)(iv); and
 - (d) adequately identify the area by reference to survey information or a plan.

8 Declaration of protected areas—Act, s 49

- (1) The area within 400m of the intersection of parallel of latitude 24°56.929' south and meridian of longitude 153°18.211' east, on the shore of Fraser Island between Waddy Point and Orchid Beach, is declared to be a protected area.
- (2) The latitude and longitude are worked out using the system called the 'World Geodetic System 1984' or 'WGS 84'.

9 Approved forms

The chief executive may approve forms for use under this regulation.

⁸ Section 49 was renumbered as section 60 under the *Queensland Heritage Act 1992*, section 68A.

10 Fees

The fees payable under the Act are in the schedule.

11 Repeal of regulation

The *Queensland Heritage Regulation 1992* is repealed.

Schedule**Fees**

section 10

	\$
1 Certified copy of an entry in the heritage register (Act, s 32(1)(a))	28.50
2 Certificate about whether property affected by an entry in the heritage register or otherwise affected by the Act (Act, s 32(1)(b))	28.50
3 Application for certificate of immunity (Act, s 43(3)(b)) .	574.00
4 Application for permit to enter a protected area (Act, s 62(2)(d))	114.00

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2006. Future amendments of the Queensland Heritage Regulation 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	28 November 2003	
1A	2004 SL No. 41	30 April 2004	
1B	2004 SL No. 116	2 July 2004	
1C	2005 SL No. 152	1 July 2005	
1D	2006 SL No. 164	1 July 2006	R1D withdrawn, see R2
2	—	1 July 2006	

5 List of legislation

Queensland Heritage Regulation 2003 SL No. 268

made by the Governor in Council on 6 November 2003

notfd gaz 7 November 2003 pp 757–60

ss 1–2 commenced on date of notification

remaining provisions commenced 28 November 2003 (see s 2)

exp 1 September 2014 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Queensland Heritage Amendment Regulation (No. 1) 2004 SL No. 41

notfd gaz 23 April 2004 pp 1543–4

ss 1–2 commenced on date of notification

remaining provisions commenced 30 April 2004 (see s 2)

Environmental Legislation Amendment Regulation (No. 1) 2004 SL No. 116 pts 1, 6

notfd gaz 2 July 2004 pp 705–7

ss 1–2 commenced on date of notification

remaining provisions commenced 2 July 2004 (see s 2)

Environmental Legislation Amendment Regulation (No. 1) 2005 SL No. 152 pts 1, 7

notfd gaz 1 July 2005 pp 763–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2005 (see s 2)

Environmental Legislation Amendment Regulation (No. 1) 2006 SL No. 164 pts 1, 7

notfd gaz 30 June 2006 pp 1060–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2006 (see s 2)

6 List of annotations

Study must be reported—Act, s 44

s 7A ins 2004 SL No. 41 s 4

Recommending declaration of protected object—Act, s 46

s 7B ins 2004 SL No. 41 s 4

Recommending declaration of protected areas—Act, s 49

s 7C ins 2004 SL No. 41 s 4

Declaration of protected areas—Act, s 49

prov hdg sub 2004 SL No. 41 s 5(1)

s 8 amd 2004 SL No. 41 s 5(2)

SCHEDULE—FEES

amd 2004 SL No. 41 s 6

sub 2005 SL No. 152 s 15; 2006 SL No. 164 s 17