

Queensland



ANNO TRICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE

No. 90 of 1987

An Act to provide for the preservation and management of all components of Landscapes Queensland and the Queensland Estate; to foster dissemination of knowledge of Landscapes Queensland and the Queensland Estate; to promote understanding of the historic continuum evidenced within Queensland and for related purposes

[ASSENTED TO 3RD DECEMBER, 1987]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. **Short title.** This Act may be cited as the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*.

2. **Commencement.** (1) Section 1 and this section shall commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), the provisions of this Act shall commence on a date appointed by Proclamation.

The date so appointed is in this Act referred to as the commencement of this Act.

3. **Arrangement.** This Act is arranged in Parts as follows:—

PART I—PRELIMINARY (ss. 1-6);

PART II—ADMINISTRATION (ss. 7-16);

PART III—PRESERVATION OF LANDSCAPES
QUEENSLAND AND THE QUEENSLAND ESTATE (ss.
17-31);

PART IV—OWNERSHIP AND HANDLING OF
QUEENSLAND ESTATE (ss. 32-40);

PART V—REGISTER OF QUEENSLAND ESTATE (ss. 41-
44);

PART VI—MISCELLANEOUS PROVISIONS (ss. 45-66).

*Division 1—Government Concern for Preservation of Landscapes
Queensland and Queensland Estate (ss. 45-47);*

Division 2—Aids in Administration (ss. 48-55);

Division 3—Offence Provisions (ss. 56-62);

Division 4—General Provisions (ss. 63-66).

4. **Repeals and amendment.** (1) The Acts specified in the first column of the following Table are repealed or amended as indicated in the second column of the Table:—

TABLE

Title of Act	Repeal or Amendment
<i>The Aboriginal Relics Preservation Act of 1967</i>	The whole is repealed
<i>Aborigines Act and Other Acts Amendment Act 1975</i>	Amended by repealing sections 7 and 8 and the heading immediately preceding section 7
<i>Aboriginal Relics Preservation Act Amendment Act 1976</i>	The whole is repealed

(2) The *Aborigines Act and Other Acts Amendment Act 1975*, amended as prescribed by subsection (1), may be cited as the *Aborigines Act and Other Acts Amendment Act 1975-1987*.

5. Interpretation. (1) In this Act, except where a contrary intention appears—

“adviser” means a person authorized to assume the role of Landscapes Queensland Adviser;

“Area” means the area with respect to which a local government authority is authorized to discharge its functions;

“burial remains” does not include—

(a) human remains buried under the authority of the law of Queensland or other State of the Commonwealth of Australia or of a Territory of the Commonwealth;

or

(b) human remains in or from a place recognized as a burial ground for interment of remains buried as referred to in paragraph (a);

“Crown” means the Crown in right of Queensland;

“Crown land” means all land other than—

(a) land alienated by the Crown for an estate in fee simple; and

(b) land in respect of which a right to a grant from the Crown of an estate in fee simple

(i) has accrued to any person;

or

(ii) will accrue to any person upon payment of a sum of money or performance of a development or improvement condition;

“Deputy Under Secretary” means the person holding the appointment Deputy Under Secretary within the Department of Community Services;

-
- “Designated Landscape Area” means any part of Queensland declared by Order in Council for the time being as a Designated Landscape Area and includes any area temporarily declared to be such;
- “indigenous” means pertaining to any people who inhabited any part of Australia before colonization of Australia;
- “item of the Queensland Estate” includes, in relation to any structure or object in, on or under land, the surrounds of the structure or object from which it cannot be separated without destroying or diminishing its value or significance;
- “Landscapes Queensland” means areas or features within Queensland that—
- (a) have been or are being used, altered or affected in some way by man;
 - and
 - (b) are of significance to man for any anthropological, cultural, historic, prehistoric or societal reason,
- and includes any item of the Queensland Estate found therein;
- “local government authority” means any corporation, body or person for the time being charged with the functions of local government with respect to an area of Queensland;
- “Minister” means the Minister of the Crown for the time being charged with the administration of this Act and includes any Minister of the Crown for the time being performing the duties of the Minister;
- “private land” means land that is not Crown land;
- “protector” means a person holding a position as Landscapes Queensland Protector.
- “publish” means in relation to a writing to circulate or disseminate among or to present to the public at large or to any section of the community the writing or substantial portions thereof;
- “Queensland Estate” means evidence of man’s occupation of the areas comprising Queensland at any time that is at least 30 years in the past but does not include any thing—
- (a) made or constructed as a facsimile;
 - (b) made or constructed at or after the commencement of this Act for the purpose of sale;
 - or
 - (c) that is not of pre-historic or historic significance;
- “Register” means the Register of the Queensland Estate maintained under this Act;
- “Under Secretary” means the person holding the appointment Under Secretary within the Department of Community Services.

(2) Where by any provision of this Act the owner of an item of the Queensland Estate may do anything in respect of the item and in a particular case the owner is the Crown the provision shall be construed as if the owner of the item were the Minister of the Crown for the time being charged with control of the item.

6. Transition provision. (1) Upon the commencement of this Act every person who holds an appointment as warden for the purposes of the *Aboriginal Relics Preservation Act 1967-1976* shall cease to hold the appointment and shall surrender to the Under Secretary all authorities in writing issued to that person as a warden.

(2) Subject to subsection (1), a person who immediately before the commencement of this Act holds an office for any purpose of the *Aboriginal Relics Preservation Act 1967-1976*, which office is continued in being for a purpose of this Act, whether under the same or a different title, shall be deemed to have been appointed as referred to in section 8 to the office for the purposes of this Act.

(3) An area declared under section 13 of the *Aboriginal Relics Preservation Act 1967* or that Act as amended as an Aboriginal site shall be deemed to have been declared under section 17 of this Act as a Designated Landscape Area and the provisions of this Act apply in respect of the area accordingly.

An area deemed to be a Designated Landscape Area may continue to be known by the title it bears at the commencement of this Act or by a new title for the time being assigned to it by the Governor in Council.

(4) An area declared under section 15 of the *Aboriginal Relics Preservation Act 1967* or that Act as amended as a temporary Aboriginal site, which continues as such at the commencement of this Act, shall cease to be such a site according to that Act as if this Act had not been enacted and may thereafter be dealt with under this Act as if it had never been so declared.

PART II—ADMINISTRATION

7. Persons administering Act. This Act shall be administered by the Minister and, subject to him, by the Under Secretary, Deputy Under Secretary and such other persons as are from time to time appointed for the purpose.

8. Appointment of officers. The Governor in Council may, by notification published in the *Gazette*, appoint such officers as he considers necessary for the purposes of this Act and may appoint such officers in respect of the whole State or in respect of any part of the State, as he considers desirable.

9. Landscapes Queensland Protectors. (1) A person appointed under section 8 as a Landscapes Queensland Protector shall be appointed for such period not exceeding three years as the Governor in Council thinks fit.

A person shall serve in the position of Landscapes Queensland Protector in an honorary capacity.

(2) A Landscapes Queensland Protector shall cease to hold his appointment as a protector if—

- (a) he resigns his appointment in writing furnished to the Under Secretary;
- (b) his tenure thereof is terminated by notice of the Governor in Council given to him;
- or
- (c) the period for which he was appointed to his position has expired.

(3) If a person whose period of appointment to or previous continuation in a position of a Landscapes Queensland Protector has expired applies in writing to the Under Secretary, within three months from the date of expiry of that period, to be continued in the position as a protector, the Minister may, without reference to the Governor in Council, by notice in writing, continue that person in the position as a protector for such period not exceeding three years as the Minister thinks fit.

(4) Until a person who has made an application referred to in subsection (3) has been duly continued in his position under that subsection it shall not be competent to him to exercise the powers of a protector under this Act and anything done by him purporting to act as a protector after he ceases to hold the position of protector and before his continuance therein under subsection (3) is of no effect.

10. Landscapes Queensland Advisers. (1) The Minister may, by notice in writing, authorize any person to assume the role of Landscapes Queensland Adviser.

A person shall serve in the role of Landscapes Queensland Adviser in an honorary capacity.

(2) The Minister may from time to time require a person who is authorized to assume the role of Landscapes Queensland Adviser to undergo and to complete to the Minister's satisfaction training courses if that person is to continue in that role.

(3) A person authorized to assume the role of Landscapes Queensland Adviser shall cease to be so authorized if—

- (a) he surrenders his authority in writing furnished to the Under Secretary;
- (b) his authorization is terminated by notice of the Minister given to him;
- or
- (c) where he is also a Landscapes Queensland Protector, he ceases to hold the position of a protector.

If a person who has ceased to be authorized to assume the role of Landscapes Queensland Adviser because he has ceased to hold the

position of Landscapes Queensland Protector is continued in that position under section 9 (3) his authority shall revive upon his continuance taking effect unless the Minister determines otherwise and notifies him in writing accordingly.

(4) The role of Landscapes Queensland Adviser is—

- (a) to assist in the manner specified in his certificate of authority officers appointed for the purposes of this Act;
- (b) to recommend to officers appointed for the purposes of this Act concerning matters affecting Landscapes Queensland;
- (c) to establish and maintain within the area assigned to him by his certificate of authority liaison between officers appointed for the purposes of this Act and Local Authorities, persons and associations concerned with matters affecting Landscapes Queensland.

(5) The Minister shall cause to be issued to every person authorized to assume the role of Landscapes Queensland Adviser a certificate of authority, wherein shall be specified—

- (a) the area of the State assigned to that person for service in that role;
- (b) the type of activity that person is expected to perform in that role and the conditions under which such activity is to be performed.

11. Identity cards. (1) Upon the appointment or continuance of a person to or in a position as a Landscapes Queensland Protector or the authorization of a person to assume the role of Landscapes Queensland Adviser the Minister shall cause to be issued to him an identity card wherein shall be specified—

- (a) the full name of the person and that he is a protector or, as the case may be an adviser for the purposes of this Act; and
- (b) in the case of a protector, the expiry date of the period for which he is appointed to or continued in position.

(2) In discharge of his position of protector and in service in his role of adviser a protector or, as the case may be, an adviser shall carry his identity card and produce it upon demand as a means of his identification.

(3) Upon a person ceasing to hold his position of protector or ceasing to be authorized as an adviser he or some person acting on his behalf shall surrender to the Under Secretary the identity card issued to him and, in the case of an adviser, the certificate of authority issued to him.

12. Advisory Committees. (1) To assist him in the administration of this Act the Minister may establish and maintain such advisory committees as he thinks fit comprised of persons having, in the Minister's

opinion, such expertise as he considers appropriate to the preservation of Landscapes Queensland and the Queensland Estate.

(2) A person appointed as a member of such a committee—

(a) shall serve on the committee in an honorary capacity;
and

(b) shall hold his appointment as a member or as chairman or other officer of the committee at the pleasure of the Minister.

(3) An advisory committee shall meet at such times and places within Queensland as it determines to be required for the proper discharge of its functions under this Act.

13. Functions of advisory committees. The functions of an advisory committee established under section 12 shall be—

(a) to tender advice and recommendations to the Minister upon matters pertinent to the preservation of Landscapes Queensland or the Queensland Estate, being matters within the expertise of the committee, that—

(i) are referred to the committee by the Minister;

or

(ii) are, in the committee's opinion, matters that require attention for the preservation of Landscapes Queensland or the Queensland Estate,

and

(b) to inform the Minister of its view with respect to the ownership of any item of the Queensland Estate that may be in dispute, if it is a matter within the expertise of the committee.

14. Regional Landscapes Queensland Committees. (1) A local government authority may make application to the Minister for the establishment for its Area of a Regional Landscapes Queensland Committee.

Any person or association of persons may make application to the Minister for the establishment for an area described in the application of a Regional Landscapes Queensland Committee.

(2) Upon an application referred to in subsection (1) the Minister may cause to be established and maintained a Regional Landscapes Queensland Committee if he is satisfied that there is a sufficient number of persons resident in the Area or described area to which the application relates to ensure the proper functioning of the committee.

(3) A person appointed as a member of a Regional Landscapes Queensland Committee—

(a) shall serve on the committee in an honorary capacity;
and

(b) shall hold his appointment as a member or as chairman or other officer of the committee at the pleasure of the Minister.

(4) A Regional Landscapes Queensland Committee shall meet at such times within its Area as the Minister or his delegate determines to be required for the proper discharge of its functions under this Act.

15. Functions of Regional Landscapes Queensland Committees. The functions of a Regional Landscapes Queensland Committee shall be to tender advice and recommendations to the Minister or to an advisory committee established under section 12 as the Minister may from time to time instruct, with respect to—

- (a) the desirability of declaring an area within the committee's Area to be a Designated Landscapes Area;
- (b) the management and use of Designated Landscapes Areas within the committee's Area for cultural, development, education or tourist purposes;
- (c) the inclusion in the Register of nominated items of the Queensland Estate within the committee's Area;
- (d) such other matters pertinent to this Act and relevant to the committee's Area as are referred to it by the Minister.

16. Delegation by Minister. (1) The Minister may, by writing under his hand, either generally or in a particular case, delegate to the Under Secretary, Deputy Under Secretary or any officer appointed or deemed to be appointed under section 8 for the purposes of this Act all or any of his functions, duties, powers and authorities under this Act as may be therein specified (other than this power of delegation) so that the delegated function, duty, power or authority may be discharged or exercised by the delegate in accordance with the terms (if any) of the instrument of delegation.

(2) The Minister—

- (a) may make such and so many delegations of the same function, duty, power or authority and to such number of persons as he considers necessary or desirable;
- (b) may revoke, by writing under his hand, any delegation made by him.

(3) A delegation made under this section shall not prevent or prejudice the discharge or exercise by the Minister of the function, duty, power or authority, the subject of the delegation.

(4) Until the contrary is proved every act of the Under Secretary, Deputy Under Secretary or officer claiming to be acting pursuant to a delegation made under this section by the Minister shall be deemed to have been lawfully done under the authority of the delegation.

PART III—PRESERVATION OF LANDSCAPES QUEENSLAND AND THE QUEENSLAND ESTATE

17. Designated Landscape Areas. (1) If in relation to any area of Queensland the Governor in Council is satisfied that—

- (a) it is necessary or desirable for the preservation of Landscapes Queensland or the Queensland Estate that entry of persons into the area be prevented or regulated;
 - (b) it is expedient to declare the area under this section;
 - (c) notice of intention to declare the area under this section has been given by the Minister to the Minister for the time being charged with the administration of the *Mining Act 1968-1986* and the latter Minister has provided to the Minister a report on the mineral bearing potential of the area;
 - (d) the appropriate consents required by section 18 to be obtained before the area is declared under this section have been obtained;
- and
- (e) satisfactory arrangements have been or will be made for maintenance of the area as a Designated Landscape Area and for preventing or, as the case may be, regulating the entry of persons into the area,

he may, by Order in Council, declare the area to be a Designated Landscape Area.

In considering the expediency of declaring an area under this section the Governor in Council shall have regard to any prejudice that might be caused thereby to existing lawful use of the area.

(2) The Governor in Council may, by Order in Council—

- (a) enlarge the size of an area declared under subsection (1), if he is satisfied of the matters referred to in that subsection in relation to the enlarged area;
 - (b) reduce the size of an area declared under subsection (1);
- or
- (c) correct any defect in the description or boundaries of an area declared under subsection (1), including the case where such correction would result in an insubstantial enlargement of the area.

(3) For as long as an Order in Council made under subsection (1), as affected (if the case be so) by an Order in Council made under subsection (2), remains in force, the area declared by the order shall be a Designated Landscape Area.

18. Consents required to declaration under s. 17. The consents required to be obtained before an area is declared under section 17 are—

- (a) where the area or part thereof consists of land that is State Forest, Timber Reserve or Forest Entitlement Area or (subject

- to paragraph (b)) land wherein the forest products are or quarry material is the property of the Crown, the consent of the Minister of the Crown for the time being charged with the administration of the *Forestry Act 1959-1984*;
- (b) where the area or part thereof is national park, the consent of the Minister of the Crown for the time being charged with the administration of the *National Parks and Wildlife Act 1975-1984*;
 - (c) where the area or part thereof consists of Crown land, other than land referred to in paragraph (a) or (b), or is environmental park, the consent of the Minister of the Crown for the time being charged with the administration of the *Land Act 1962-1987*;
 - (d) where the area or part thereof consists of private land, the consent of the occupier thereof and, if he is not the owner, the consent of the owner thereof.

19. Temporary Designated Landscape Areas. (1) If the Governor in Council is satisfied that it may become necessary or desirable, and expedient to declare an area to be a Designated Landscape Area and that it is necessary to prevent or regulate the entry of persons into the area in the meantime, he may, by Order in Council, declare the area to be a temporary Designated Landscape Area.

(2) An area declared to be a temporary Designated Landscape Area shall cease to be such—

- (a) upon its declaration as a Designated Landscape Area under section 17;
 - (b) upon its acquisition or resumption by the Crown for the preservation of Landscapes Queensland or the Queensland Estate;
- or
- (c) upon the expiry of three months after its being declared to be a temporary Designated Landscape Area,

whichever event first occurs.

(3) An area that has ceased to be a temporary Designated Landscape Area as referred to in paragraph (c) of subsection (2) shall not be further declared to be a temporary Designated Landscape Area.

(4) Section 17 (1) does not apply in relation to the declaration of an area to be a temporary Designated Landscape Area.

20. Recording and marking of Designated Landscape Areas. (1) The Minister shall cause to be kept a register of all areas declared for the time being to be Designated Landscape Areas in which register shall be recorded—

- (a) such particulars of the area as will enable it to be identified and its boundaries located;
- and
- (b) the date when the area was declared to be a Designated Landscape Area.

(2) Particulars entered in the register of and in relation to an area that has ceased to be a Designated Landscape Area shall be removed from the register.

(3) Upon any area becoming a Designated Landscape Area the Minister—

- (a) may cause the boundaries of the area to be delineated by the erection thereon of suitable notices or boundary marks; and
- (b) may cause to be erected such other structures as he deems necessary to protect the area or the Queensland Estate therein.

(4) For as long as an area continues as a Designated Landscape Area or a structure erected under subsection (3) continues to be necessary, in his opinion, the Minister shall cause all notices, marks or structures erected under subsection (3) to be maintained in a reasonable state of repair.

21. Surveillance of Designated Landscape areas. (1) The Minister may assign to a person holding the position of Landscapes Queensland Protector one or more Designated Landscape Areas, as the Minister thinks fit.

A Designated Landscape Area may be assigned to two or more protectors.

(2) It is the function of a protector to whom is assigned for the time being a Designated Landscaped Area—

- (a) to prevent, as far as is possible, the entry of unauthorized persons into the area in accordance with this Act; and
- (b) to protect all items of the Queensland Estate contained in the area.

22. Termination of Designated Landscape Area. (1) Upon a request in writing of the owner of private land that is a Designated Landscape Area that the land cease to be such an area, if the Minister is satisfied—

- (a) that any loss of the Queensland Estate will not be substantial; and
- (b) that loss of the land as such an area will not be significant to the interests of the State or of the public,

he may cause all or a part of the Queensland Estate thereon or therein to be removed to the Queensland Museum.

(2) When all the Queensland Estate that the Minister desires to be removed from the land in question has been removed the Governor in Council may, by Order in Council, declare that the land in question has ceased to be a Designated Landscape Area whereupon that land shall cease to be such an area.

23. Offence to interfere with Designated Landscape Areas. (1) A person shall not destroy, damage, move or interfere with any notice,

structure or boundary mark in or on the boundary of a Designated Landscape Area, unless he does so under the authority of the Minister.

Penalty: 40 penalty units.

(2) Where a person has been found or has pleaded guilty of an offence defined in subsection (1), whether or not it imposes any penalty in respect thereof, the court may order that person to pay to a person specified by the court a sum assessed by the court on account of expenses shown to it to have been incurred in connexion with repairing, restoring or re-erecting the notice, structure or boundary mark as a consequence of the offence.

(3) An order made under subsection (2)—

- (a) shall be deemed to be an order for the payment of money made under the *Magistrates Courts Act 1921-1982* and shall be enforceable as such an order under that Act; and
- (b) shall not prejudice the right of the Crown, the Minister or any other person to recover in full expenses to which the order relates by any other process of law, except that the same amount of such expenses shall not be recoverable more than once.

24. Offence to trespass on Designated Landscape Area. (1) A person shall not be in a Designated Landscape Area except with and in accordance with the subsisting permission of an authorized person.

Penalty: 20 penalty units.

(2) For the purposes of subsection (1) the following persons are authorized persons:—

- (a) where the Designated Landscape Area or part thereof in question is national park, the Minister of the Crown for the time being charged with the administration of the *National Parks and Wildlife Act 1975-1984* or the Director of National Parks and Wildlife or the Director's delegate;
- (b) where the Designated Landscape Area or part thereof in question is Crown land, other than land referred to in paragraph (a), the Minister or his delegate and the lessee or his agent authorized to give the relevant permission;
- (c) where the Designated Landscape Area or part thereof in question is private land, the Minister or his delegate and the owner or lawful occupier thereof or the owner's or occupier's agent authorized to give the relevant permission.

25. Incidents of permissions granted. (1) A permission of an authorized person referred to in section 24 to be upon a Designated Landscape Area—

- (a) may be granted in respect of a particular person or members of a class of person;
- (b) shall cease to subsist upon its being revoked by the authorized person or his successor or, in the case of a permission of

an authorized person other than the Minister or his delegate, revoked by the Under Secretary (he being hereby empowered so to do in his absolute discretion);

(c) shall not be construed to authorize any person to take, deface, damage, excavate, conceal, expose or interfere with any part of the Queensland Estate;

and

(d) shall be subject to such conditions as are specified in the instrument of permission.

(2) Subject to subsection (3), revocation of such a permission may be effected by notice in writing—

(a) given, in the case of permission granted in respect of a particular person in connexion with his conduct of a business, to the proprietor for the time being of that business;

(b) given, in the case of permission granted in respect of a particular person otherwise than as referred to in paragraph (a), to that person or if that be impracticable published as prescribed by paragraph (c);

or

(c) published twice, in any other case, in a newspaper circulating in the area in which the Designated Landscape Area is situated.

(3) Where revocation of such a permission is to be in accordance with paragraph (c) of subsection (2) the revocation shall become effectual upon the expiry of 28 days after the second publication of the notice of revocation.

26. Acquisition of land by Crown. (1) If the Minister is satisfied, in relation to a particular area that consists of private land, that Landscapes Queensland or any item of the Queensland Estate cannot be properly preserved or managed by the maintenance of the area as a Designated Landscape Area he may issue his certificate to that effect.

(2) Where a certificate has been issued under subsection (1) in relation to private land, the Crown is authorized to take or acquire by purchase that land for the purpose of the preservation of Landscapes Queensland or, as the case may be, the Queensland Estate.

27. Exploration etc. of Queensland Estate. (1) The Minister may—

(a) cause to be performed surveys, excavation, examination or research of or upon Designated Landscape Areas or in respect of any part of Landscapes Queensland or the Queensland Estate;

and

(b) authorize the removal of any part of the Queensland Estate from its location in the field to the Queensland Museum.

(2) A person who desires to perform systematic field exploration to establish the existence of the Queensland Estate shall make application

in writing to the Minister for a permit that authorizes him to perform the exploration and shall in connexion with the application furnish to the Minister such information as is prescribed or as the Minister requires.

(3) A person who desires to perform any systematic survey or any excavation, examination or research of or upon any Designated Landscape Area or in respect of Landscapes Queensland or the Queensland Estate shall make application in writing to the Minister for a permit that authorizes him to perform the work and shall in connexion with the application furnish to the Minister such information as is prescribed or as the Minister requires.

(4) To determine whether an application made under subsection (2) or (3) should be granted regard shall be had to—

- (a) the qualifications of the applicant to effectively attain the purpose to which the application relates;
 - (b) the financial resources of or available to the applicant for use in attaining the purpose to which the application relates and the applicant's ability to effectively attain that purpose;
 - (c) the desirability of performing the work to which the application relates;
 - (d) whether consultation, sufficient in the Minister's opinion, has been undertaken with all persons who might be affected by the performance of the work to which the application relates;
- and
- (e) all other matters that appear to the Minister to be relevant to the application.

28. Permit to explore etc. Landscapes Queensland and Queensland Estate. (1) If an application under section 27 (2) or (3) is granted, the Minister shall cause to be issued to the applicant a permit that authorizes the applicant to pursue the purpose to which the application relates.

A permit shall specify—

- (a) the full name of the person to whom it is issued;
- and
- (b) the location of the area, place or object in respect of which is to be performed the work for which the permit is issued.

(2) Subject to subsection (3), while a permit remains in force the person to whom it is issued and all persons acting in aid of him in performing the work for which it is issued are authorized—

- (a) to enter upon and to be in the area in which that work is to be performed together with such vehicles and equipment as are needed for the purpose that the holder of the permit is thereby authorized to pursue;
- (b) to pass through (together with such vehicles and equipment as are referred to in paragraph (a)) at reasonable times and

in a reasonable manner other land as may be necessary to gain entry upon the area referred to in paragraph (a);
and

- (c) in the area referred to in paragraph (a), to pursue in a proper manner the purpose that the holder of the permit is thereby authorized to pursue and, subject to this Act, to interfere with and remove any part of the Queensland Estate found therein, as may be necessary to attain that purpose.

(3) A permit—

- (a) shall not be in force for any period in excess of 12 months from the date of its first issue, or from the date of any renewal thereof;
- (b) shall be of no force or effect in respect of the area of land in which is to be performed the work for which the permit is issued unless, before the permit was issued in the first instance—
 - (i) in the case of Crown land that is in the occupation of any person, the consent of the occupier thereof was obtained to the issue of the permit;
 - or
 - (ii) in the case of private land, the consent of the occupier thereof was obtained to the issue of the permit and, where he is not the owner of the land, the consent of the owner thereof was also obtained to the issue of the permit;
- (c) does not authorize any person to wilfully or negligently destroy or damage any property except where such destruction or damage is necessarily incidental to the work for which the permit is issued;
- (d) does not render unnecessary compliance with the provisions of any other Act that regulates entry upon land of any particular description.

29. Renewal of permit. (1) The person to whom a permit is issued under section 28 (1) may, from time to time, make application to the Minister for renewal of the permit.

Every such application shall be made before the expiry of the permit sought to be renewed.

(2) Every application for renewal of a permit shall be dealt with as if it were an application for a permit in the first instance, except that the appropriate consents referred to in section 28 (3) need not be obtained.

30. Revocation of permit. By notice in writing given to a person to whom a permit is issued under section 28 (1) the Minister may—

- (a) revoke the permit, which shall thereupon cease to be in force;
- (b) require the person to surrender the issued permit to the Minister or as he directs;

and

- (c) require the person to restore any area or place to which the permit relates to a condition nominated by the Minister or to replace any object of a kind to which the permit relates in a location specified by the Minister and to restore the location to a condition nominated by the Minister.

31. Duties of permit holder. (1) A person to whom is issued a permit under section 28 (1) shall furnish to the Minister, within the time or times specified in the permit, progress reports of the work performed under the authority of the permit in such form and detail as the Minister requires.

A person may not disclose in a progress report furnished by him or otherwise, except where subsection (3) applies, any information given to him or knowledge acquired by him concerning any anthropological or archaeological matter that is of a sacred or secret nature in the understanding of indigenous people.

(2) A person who has completed work under the authority of a permit issued to him under section 28 (1) shall restore the area to which the permit relates to a condition nominated by the Minister within a time specified by the Minister.

(3) A person who has performed work under the authority of a permit issued to him or to another under section 28 (1) and who publishes a writing in relation to that work shall, as soon as is practicable thereafter, furnish to the Minister, free of charge, a copy of the writing.

(4) A person who has collected any item of the Queensland Estate under the authority of a permit issued to him or to another under section 28 (1) shall submit it to the Director of the Queensland Museum at a place and in a manner required by the Minister.

PART IV—OWNERSHIP AND HANDLING OF QUEENSLAND ESTATE

32. Indigenous rights unaffected by Act. No provision of this Act shall be construed to prejudice—

- (a) rights of ownership had by a traditional group of indigenous people or by a member of such a group in a part of the Queensland Estate that is used or held for traditional purposes;

or

- (b) free access to and enjoyment and use of a part of the Queensland Estate, where such access, enjoyment or use is sanctioned by traditional custom relating to that part, by a person who usually lives subject to the traditional custom of a group of indigenous people.

33. Ownership of Queensland Estate generally. (1) All parts of the Queensland Estate—

(a) that constitute evidence of occupation of any part of Queensland by indigenous persons;

or

(b) in respect of which there is no identifiable legal owner, are and shall be deemed to have always been the property of the Crown.

(2) Subsection (1) applies in respect of all evidence of occupation by indigenous persons notwithstanding that it was found or is to be found in, on or under private land.

(3) Movable items, being part of the Queensland Estate, shall not be taken to have an identifiable legal owner for the purposes of subsection (1) by reason only that they were found or are to be found in, on or under land owned or occupied by any person.

(4) Subsection (1) does not apply in relation to indigenous burial remains to which section 34 applies or in relation to an object evidencing occupation of any part of Queensland by indigenous persons that has been removed from its location in, on or under land and which—

(a) being one found within Queensland, was at the commencement of *The Aboriginal Relics Preservation Act of 1967* in the possession of some person or association and has not been abandoned in Queensland since that time;

(b) being one found outside Queensland, has not been abandoned in Queensland since it was found;

(c) has been returned to a person under section 22 (1) of *The Aboriginal Relics Preservation Act of 1967* or that Act as amended or under section 37 of this Act or in lieu of being returned has been disposed of under the relevant section as directed by the Minister so as to pass ownership thereof;

or

(d) has been at some time the subject of a transaction in accordance with the law applicable at that time as an object and has thereby become the property of some person and has not been abandoned in Queensland since that time.

(5) Subsection (1) does not apply in relation to an item, being part of the Queensland Estate, that does not evidence occupation of any part of Queensland by indigenous persons and which has been removed from its location in, on or under land at some time before the commencement of this Act.

34. Ownership of certain burial remains. (1) This section applies to burial remains in respect of which it is shown to the Minister's satisfaction that there exists familial or traditional links between the remains and a traditional group of indigenous people or any indigenous person or persons, being a group existing or a person or persons living at the time ownership of the remains is in question.

(2) Burial remains to which this section applies are the property of the traditional group or the person or persons with whom the links referred to in subsection (1) are shown to exist, notwithstanding in whose possession they may be.

(3) The Minister shall not be satisfied of the existence of links referred to in subsection (1) unless he is satisfied that full and sufficient consultation concerning the matter has occurred between the group or the person or persons claiming ownership of the burial remains and appropriate officers appointed or deemed to be appointed under section 8 and, if there is an advisory committee under this Act whose expertise relates to the matter, that committee.

(4) Subsection (2) applies in respect of burial remains notwithstanding that they were found or are to be found in, on or under private land.

35. Duties respecting burial remains. (1) A person who has in his control Queensland Estate that consists of indigenous burial remains shall submit them to the Minister or as he directs, regardless of whose property the remains are, for examination and classification.

(2) A person who or whose employee uncovers any indigenous burial remains shall forthwith notify the Minister or a protector of the occurrence.

It is a defence to a charge of a failure to comply with this subsection to show that the person charged did not know and could not be reasonably expected to know that the objects uncovered were such burial remains.

36. Duty respecting Queensland Estate taken under permit. (1) A person who, under the authority of a permit issued to him under section 28 (1), removes any Queensland Estate from the location where he finds it shall, as soon as is practicable, submit it to the Minister or as he directs, for examination and classification.

37. Disposal of Queensland Estate submitted to Minister. (1) When an item of the Queensland Estate submitted to the Minister or as he directs for examination and classification has been examined and classified, the Minister shall determine whether it is the property of the Crown in accordance with this Act and—

(a) if the Minister determines that it is the property of the Crown, he shall further determine whether it should be retained by the Crown;

or

(b) if the Minister determines that it is not the property of the Crown it shall be returned—

(i) to the owner of the item of Queensland Estate if that owner has been established to the Minister's satisfaction and he wants the item;

or

- (ii) to the person who submitted the item for examination and classification, if provision (i) is not applicable, and if he wants the item.

(2) An item of the Queensland Estate that is to be retained by the Crown shall be kept and preserved, as far as circumstances permit, in the Queensland Museum.

(3) If an item of Queensland Estate is not returnable in accordance with paragraph (b) of subsection (1) the item may be disposed of as the Minister directs.

38. Particular steps to preserve Queensland Estate. The Minister may—

- (a) on behalf of the Crown, acquire by purchase or gift any item of the Queensland Estate for the purpose of its preservation;
- and
- (b) cause such structures to be erected and such other steps to be taken as are necessary or desirable to preserve any item of the Queensland Estate acquired by him.

39. Loan of Queensland Estate. (1) Notwithstanding that a particular item of the Queensland Estate is to be retained by the Crown, if an advisory committee established under this Act whose expertise relates to that item so recommends, the Minister may permit any person to take possession of that item for such time and for such purpose as the Minister approves and, if necessary, to remove that item from Queensland.

The Minister may attach conditions to any permission he gives under this subsection.

- (2) A person to whom permission is given under subsection (1)—
 - (a) is authorised to deal with the item of the Queensland Estate in accordance with the permission;
 - and
 - (b) shall comply in all respects with the conditions (if any) attached to the permission.

40. Continued use of surface. Where any item of the Queensland Estate is situated on the surface of—

- (a) land held on any tenure that entitles the holder thereof to use and enjoy the surface thereof;
- or
- (b) land in respect of which a person is entitled to use and enjoy the surface thereof,

the entitlement to use and enjoy the surface shall not be prejudiced by the existence of the item of the Queensland Estate in so far as the use

and enjoyment can be had without damaging, concealing or interfering with the item of the Queensland Estate.

PART V—REGISTER OF QUEENSLAND ESTATE

41. **Maintenance of Register.** There shall be maintained a Register of the Queensland Estate in which shall be entered particulars of items of the Queensland Estate approved by the Governor in Council as items of great significance to Queensland's history and as items that should be preserved.

42. **Nominations for entry in Register.** (1) Nominations for entry of particulars of items of the Queensland Estate in the Register may be initiated by any person or association of persons.

(2) Every nomination—

- (a) shall be made in writing to the Minister;
- (b) shall be accompanied by data in support of it;
and
- (c) shall be entered in a list, which the Minister shall cause to be maintained.

The Minister may require such further data to be provided as he thinks necessary.

(3) If the Minister is satisfied in respect of a nomination made to him that—

- (a) the item to which it relates is of sufficient historical significance to Queensland's history as to warrant entry in the Register;
- (b) the location of the item has been established and suitable arrangements have been or are being made to identify the location;
- (c) where the owner or occupier of the item is other than the Crown, the consent of the owner or occupier or that of his agent to entry of particulars of the item in the Register has been obtained in writing;
- (d) where the owner or occupier of the item is the Crown, the consent of the Minister of the Crown for the time being charged with control of the item to entry of particulars of the item in the Register has been obtained in writing;
- (e) all other consents considered by the Minister to be desirable have been obtained in writing;
- (f) guidelines for the proper management and the preservation of the item to which it relates have been agreed between the Minister and persons who, in the Minister's opinion, are the appropriate persons;
and
- (g) having regard to all other matters that in the Minister's opinion are relevant to the proper management and the

preservation of the item to which it relates, it is practicable that particulars of the item should be entered in the Register, the Minister may submit the nomination and his recommendation thereon for approval by the Governor in Council.

43. **Removal from Register.** (1) Particulars of an item of the Queensland Estate that are entered in the Register shall not be removed therefrom except with the approval of the Governor in Council first had and obtained.

(2) Upon the completion of the sixth year following establishment of the Register and of each sixth year thereafter the Minister shall cause a review of the Register to be made with a view to determining whether any and which entries should be removed from the Register.

If a review discloses that any entry should be removed from the Register the Minister may submit his recommendation thereon to the Governor in Council.

(3) Where the owner or prospective owner of an item of which particulars are entered in the Register is a person other than the Crown, that person may make application in writing to the Minister that those particulars be removed from the Register, whereupon, if the item is located in, on or under land—

- (a) The Minister shall cause to be published in a newspaper circulating throughout Queensland and in another newspaper circulating in the area in which the land is situated notification of the application and therein invite any objections to the removal to be made to him or as he therein directs within one month of a date therein nominated;
and
- (b) after the expiry of the period of one month aforesaid, if, having regard to any objections made, the Minister is satisfied that removal of the particulars in question from the Register would not be a significant loss to the record of the Queensland Estate, he may submit the matter of the application and his recommendation thereon to the Governor in Council.

(4) Where an application is made by the owner or prospective owner of an item of the Queensland Estate for removal from the Register of particulars of that item being an item that is not located in, on or under land, the Minister may submit the matter of the application and his recommendation thereon to the Governor in Council if he is satisfied that the removal of the particulars from the Register would not be a significant loss to the record of the Queensland Estate.

(5) Where particulars of an item of the Queensland Estate have been removed from the Register and the item is located in, on or under land, the Minister shall cause notification of the removal—

- (a) to be published in a newspaper circulating in the area in which the land is situated;

and

- (b) to be given to the local government authority for the Area that includes that land.

(6) For the purposes of subsections (3) and (4) a person shall not be taken to be a prospective owner of an item of the Queensland Estate unless he satisfies the Minister that he is bound by a contract to acquire the item or, if the item is one of which ownership would pass with ownership of land in, on or under which the item is located, that he is bound by a contract to acquire that land.

44. Owner's initiative re items in Register. (1) If the owner of an item of which particulars are entered in the Register proposes to do an act that might destroy, damage, deface, excavate, expose, conceal or interfere with the item, he shall first present his proposals in writing to the Minister who shall refer the proposals to the relevant advisory committee for its recommendations thereon.

(2) Upon receipt by him of the advisory committee's recommendations the Minister shall refer the proposals to the Governor in Council.

If in the opinion of the Governor in Council the act proposed to be done is likely to result in—

destruction of the item;

or

interference with the item to such an extent that it would lose its historical significance to Queensland's history,

the Governor in Council shall approve its removal from the Register.

(3) If the Governor in Council approves the doing of the act proposed but does not approve the removal of the item from the Register, the Minister, in accordance with recommendations of the relevant advisory committee, shall set such standards and guidelines by which the act is to be done as he thinks necessary to protect the item.

PART VI—MISCELLANEOUS PROVISIONS

Division 1—Government Concern for Preservation of Landscapes Queensland and Queensland Estate

45. Function of local government. (1) The preservation of Landscapes Queensland or the Queensland Estate is a function of local government in relation to which a Local Authority has and may exercise the powers and authorities had by it for the purposes of local government of its Area in accordance with the Minister's request.

(2) The performance of the function of local government referred to in subsection (1) shall be in accordance with—

- (a) any agreement made by the local government authority with the owner of the item of Landscapes Queensland or of the Queensland Estate for preservation of the item;
- (b) any agreement made by the local government authority with the Minister for preservation of such item that is not inconsistent with an agreement referred to in paragraph (a); and
- (c) any request of the Minister that is not inconsistent with an agreement referred to in paragraph (a) or (b).

46. Public purposes. The preservation of Landscapes Queensland or the Queensland Estate shall be deemed to be a public purpose within the meaning of the *Land Act 1962-1987*.

47. Acquisition of land. The preservation of Landscapes Queensland or the Queensland Estate shall be deemed to be a purpose for which land may be taken under and subject to the *Acquisition of Land Act 1967-1986*.

Division 2—Aids in Administration

48. Power of entry. (1) If in the discharge of a duty or the exercise of a power under this Act it becomes necessary that a person engaged therein should enter upon any land or into any place then, subject to subsection (2), that person is authorized, without further authority than this subsections to enter and be upon that land or in that place as often and for as long as is necessary for the purpose.

(2) The authority conferred by subsection (1) does not extend to authorizing entry or presence in any dwelling-house without the authority of a warrant under section 49.

(3) In subsection (2) the expression “dwelling-house”—

- (a) includes a part of any building, which part is used for residential purposes;
- (b) does not include the curtilage of any dwelling-house.

49. Entry under warrant. (1) Any justice who is satisfied, upon the complaint of a person holding the position of Landscapes Queensland Protector or of an officer appointed or deemed to be appointed under section 8, that the protector or officer suspects on reasonable grounds that in any dwelling-house there is an item of the Queensland Estate had in possession in contravention of this Act or of any Act repealed by this Act may issue his warrant directed to the protector or officer to enter the place specified in the warrant for the purpose of exercising therein the powers conferred by this Act on a protector or officer.

(2) A warrant issued under subsection (1) shall be, for a period of one month from the date of its issue, sufficient authority for the protector or officer and all persons acting in aid of him—

- (a) to enter the place specified in the warrant;
and
- (b) to exercise therein the powers conferred by this Act on a protector or officer.

50. Power of search. A person holding the position of Landscapes Queensland Protector or an officer appointed or deemed to be appointed under section 8 and all persons acting in aid of either of them may search any place lawfully entered by the protector or officer for the purposes of this Act and the baggage and effects of any person that are found thereon or therein.

51. Assistance by police. If a member of the Police Force is acting for the purposes of this Act upon the request of a person holding the position of Landscapes Queensland Protector or of an officer appointed or deemed to be appointed under section 8, whether he is acting in the company of that protector or officer or otherwise, he shall have and may exercise the powers of a protector and shall be deemed to be acting in discharge of his duty as a member of the Police Force.

52. Power to protect Queensland Estate. A person holding the position of Landscapes Queensland Protector and an officer appointed or deemed to be appointed under section 8—

- (a) may require any person found by him committing an offence against this Act or whom he suspects on reasonable grounds to have committed or to be about to commit an offence against this Act to state and adduce evidence of the person's full and correct name and usual place of residence;
- (b) may require any person whom he suspects on reasonable grounds to have damaged or to be likely to damage the Queensland Estate to leave a Designated Landscape Area;
or
- (c) may seize any item of the Queensland Estate that he suspects on reasonable grounds to have been obtained or to be held in contravention of this Act or of any Act repealed by this Act and may retain the item for the purposes of an investigation into the legality of the possession of the item by the person or association from whom he has seized it.

53. Recognition of skills related to Queensland Estate. (1) The Minister may, from time to time, call for nominations to be submitted to him of persons possessing skills related to the preservation or appreciation of the Queensland Estate.

All nominations submitted shall be accompanied by such data as the Minister requires.

(2) Where in the Minister's opinion a person (whether one nominated under subsection (1) or not) possesses skills that are applied by the person to a sufficiently high level of competence in some activity of significance to the preservation or appreciation of the Queensland Estate the Minister may confer on that person an award called a Queensland Estate Award.

(3) Subject to the approval of the Minister, there may be granted to a recipient of a Queensland Estate Award such assistance as the Minister thinks appropriate to the circumstances to enable the recipient to apply, enhance or propagate the skills in respect of which the award was conferred on him.

54. Modes of service. A notice or other writing required by this Act to be given to any person shall be taken to have been duly given if—

- (a) it is served personally on the person to whom it is directed or, in the case of a body corporate, on its secretary or a member of its governing body;
- or
- (b) it is sent by prepaid post letter to the place of residence or of business of the person to whom it is directed last known to the Under Secretary.

55. Evidentiary provision. (1) A certificate purporting to be made by the Minister or by some person on his behalf to the effect that anything therein specified is an item of the Queensland Estate or that particulars of anything therein specified are entered in the Register shall be admitted in any proceedings as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.

(2) A certificate purporting to be made by the Minister or by some person on his behalf or a statement in a complaint that charges the commission of an offence against this Act to the effect that—

- (a) an area therein described is or was at a material time a Designated Landscape Area;
- (b) a place therein referred to is or was at a material time in a Designated Landscape Area;
- or
- (c) a person therein named is or was at a material time a protector,

shall be admitted in any proceedings as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.

Division 3—Offence Provisions

56. Offences concerning Queensland Estate. (1) A person shall not be in possession of an item of the Queensland Estate of which the

Crown is the owner except under the authority of the Crown or of this Act.

(2) A person shall not take, destroy, damage, deface, excavate, expose, conceal or interfere with an item of the Queensland Estate unless—

- (a) if the item is one of which particulars are not entered in the Register—
 - (i) he does so under the authority of this Act;
or
 - (ii) he is the owner of the item or does so under the owner's authority;
- (b) if the item is one of which particulars are entered in the Register—
 - (i) he does so under the authority of this Act;
or
 - (ii) being the owner of the item he does so in accordance with standards and guidelines set by the Minister under section 44;
or
 - (iii) he is a person who does so under the authority of an owner who has lawful authority such as is referred to in subparagraph (ii) so to do.

(3) A person shall not do an act in a Designated Landscape Area that is likely to endanger an item of the Queensland Estate in, on or under the area unless, if the act had affected the item, that person would not thereby be liable to punishment pursuant to subsection (2).

(4) It is a defence to a charge of an offence defined in subsection (1), (2) or (3) to prove that at the time of the alleged offence the defendant did not suspect and could not be reasonably expected to suspect that the thing to which the charge relates was an item of the Queensland Estate.

(5) A person who contravenes subsection (1), (2) or (3) commits an offence against this Act and is liable to a penalty of 100 penalty units.

57. Order to make good damage. (1) Where a person has been found or has pleaded guilty of an offence defined in section 56, the court, whether or not it imposes any penalty, may order that person to pay to a person specified by the court a sum assessed by it by way of restitution or on account of expenses shown to it to have been incurred in connexion with repairing, restoring or re-erecting the item of the Queensland Estate in question or any other thing destroyed or damaged in the course of or for the purpose of committing the offence.

(2) An order made under subsection (2)—

(a) shall be deemed to be an order for the payment of money made under the *Magistrates Courts Act 1921-1982* and shall be enforceable as such an order under that Act;

and

(b) shall not prejudice the right of the Crown, the Minister or any other person to recover in full expenses to which the order relates by any other process of law, except that the same amount of such expenses shall not be recoverable more than once.

(3) Liability to a penalty under subsection (1) is in addition to and not in substitution for any other liability at law that the offender may incur by reason of his act in question but he shall not be twice punished in respect of the one act.

58. Forfeiture of Crown property. (1) Where a person has been found or has pleaded guilty of an offence that consists wholly or partly in taking or being in possession of an item of the Queensland Estate, the property of the Crown, and the item has been recovered, the court shall order that the item be delivered to the Under Secretary.

This subsection applies and shall be given effect whether the offence is one against this Act or under any other Act or law.

(2) An item of the Queensland Estate delivered to the Under Secretary under an order referred to in subsection (1) shall be dealt with as follows:—

(a) if it is an item that was unlawfully taken from a National Park, it shall be surrendered to the Minister for the time being charged with the administration of the *National Parks and Wildlife Act 1975-1984*;

(b) if it is any other item, it shall be dealt with as if it had been submitted to the Minister for examination and classification under Part IV.

59. Offences touching administration. (1) A person shall not assault a person holding the position of Landscapes Queensland Protector or an officer appointed or deemed to be appointed under section 8 who is discharging his duty or exercising a power for the purposes of this Act or attempting so to do or a person acting in aid of either of them.

Penalty: 40 penalty units or imprisonment for six months or both.

(2) A person shall not—

(a) fail to comply with a requisition directed to him for the purposes of this Act by a person holding the position of Landscapes Queensland Protector or having the powers of a protector or by an officer appointed or deemed to be appointed under section 8;

(b) in response to a requisition such as is referred to in paragraph (a), give information that is false or misleading;

or

- (c) obstruct or hinder a protector or officer, such as is referred to in paragraph (a) in the discharge of his duty or exercise of his powers for the purposes of this Act.

Penalty: 10 penalty units or imprisonment for three months or both.

60. General offence. A person who contravenes or fails to comply with a provision of this Act commits an offence against this Act and, subject to section 62, is liable, if no other penalty is prescribed for the offence, to a penalty of 20 penalty units.

61. Prosecution proceedings. Proceedings by way of prosecution for an offence against this Act shall be taken in a summary way under the *Justices Act 1886-1986* upon a complaint laid within one year after the commission of the offence or within six months after commission of the offence comes to the complainant's knowledge, whichever period is the later to expire.

62. Liability of corporate persons. (1) Notwithstanding any other provision of law, if a body corporate commits an offence against this Act, it is liable to a penalty of 1000 penalty units in lieu of the penalty prescribed for that offence by any other provision of this Act.

Division 4—General Provisions

63. Museum Board's possession of items of Queensland Estate. (1) Where pursuant to this Act any item of the Queensland Estate—

- (a) has been removed to the Queensland Museum;
 (b) has been submitted to the Director of the Queensland Museum;

or

(c) is to be kept and preserved in the Queensland Museum, the item shall be taken to be in the possession of the Board of the Queensland Museum which, in respect of the item, shall have the functions and may exercise the powers conferred on the board by the *Queensland Museum Act 1970-1985*, by its by-laws or by this Act.

(2) The provisions of the *Queensland Museum Act 1970-1985* and the by-laws of the Board of the Queensland Museum apply in relation to any item of the Queensland Estate in possession of the board pursuant to this Act.

(3) Notwithstanding subsections (1) and (2) the Board of the Queensland Museum shall not permit the destruction of any item such as is referred to in subsection (1) without the consent of the Minister first had and obtained.

64. This Act additional to all other laws. (1) This Act is in addition to and not in substitution for or in diminution of the operation of the provisions of any other law:

Provided that, if a provision of any by-law or ordinance of a local government authority is inconsistent with a provision of this Act, the

latter shall prevail and the former shall, to the extent of the inconsistency, be of no force and effect.

(2) Where an act or omission that is an offence under this Act is also an offence of the same description under another law, the person who commits the offence may be proceeded against under this Act or under the other law but so that he is not twice punished for the same act or omission.

65. Act not applicable to Queensland Museum collections. No provision of this Act shall be construed to operate in relation to any item of the Queensland Estate—

in the possession of the Board of the Queensland Museum at the commencement of this Act;

or

received by the Board of the Queensland Museum at any time after the commencement of this Act, independently of this Act,

or to affect the ownership of any such item.

66. Regulations. The Governor in Council may make regulations not inconsistent with this Act with respect to—

- (a) the functions and authorities of Landscapes Queensland Protectors, Landscapes Queensland Advisers or of members of advisory committees established under this Act, and the manner of discharging those functions and authorities;
- (b) recoupment of out-of-pocket expenses to Landscapes Queensland Advisers and to members of advisory committees and Regional Landscapes Committees established under this Act;
- (c) maintenance of the Register;
- (d) maintenance of a record of persons qualified to carry out tasks for the purposes of this Act;
- (e) permits referred to in section 27 and applications for such permits;
- (f) guidelines for the proper management and preservation of the Queensland Estate;
- (g) steps to be taken and standards to be met in conserving, handling, identifying, recording and assessing items of the Queensland Estate, whether in the field or following collection thereof;
- (h) requirements for submitting or delivering items of the Queensland Estate for the purposes of this Act and for the provision of photographs and other supporting material;
- (i) disposal of items of the Queensland Estate collected under this Act or submitted for the purposes of this Act and the expenses of such disposal;
- (j) access to and disclosure of unpublished material relating to Landscapes Queensland or the Queensland Estate;
- (k) forms to be used for the purposes of this Act;
- (l) charges to be paid for the purposes of this Act;
- (m) all matters that are required or permitted by this Act to be

- prescribed and in respect of which no other means of prescription are provided for;
- (n) all matters that are necessary or convenient for the administration of this Act or for achieving the objects and purposes of this Act.