

Queensland Heritage (Protected Areas) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 139

made under the

Queensland Heritage Act 1992

General Outline

Short title

Queensland Heritage (Protected Areas) Amendment Regulation 2018

Authorising law

Sections 103 and 178 of the *Queensland Heritage Act 1992*

Policy objectives and the reasons for them

The objective of the *Queensland Heritage Act 1992* (Heritage Act) under subsection 2(1) is to provide for the conservation of Queensland's cultural heritage for the benefit of the community and future generations. Part 10, section 103 of the Heritage Act provides for an area containing a place of cultural heritage to be declared a protected area under a regulation.

The objective of the *Queensland Heritage (Protected Areas) Amendment Regulation 2018* (the amendment regulation) is to extend the declaration of the Burke and Wills Expedition Plant Camp ('Plant Camp') as a protected area for a further three years from 1 September 2018, which will provide continued protection of this historically significant archaeological place.

Achievement of policy objectives

The amendment regulation extends the declaration of the ‘Plant Camp’ in Queensland’s Diamantina Shire as a protected area under section 103 of the Heritage Act for a further three years, from 1 September 2018.

In December 2008, approximately 11 625 hectares of Durrie Station was declared a protected area under the Heritage Act and outlined in Schedule 1AA of the *Queensland Heritage Regulation 2003*, to protect the ‘Plant Camp’ site and associated historical artefacts.

Following the expiry of the *Queensland Heritage Regulation 2003* and the commencement of the *Queensland Heritage Regulation 2015* (the regulation), a new declaration of the ‘Plant Camp’ as a protected area was included in Schedule 1 of the regulation and in accordance with section 5 of the regulation ceases to be a protected area three years after the commencement of the regulation.

Re-declaration will continue protection of this historically significant archaeological place, which is associated with the Burke and Wills Expedition of 1860-61 that crossed the continent from south to north. The three year extension will enable a comprehensive investigation to be carried out. The investigation should identify the potential for any remaining artefacts and recover the artefacts from the place. The 2021 timeframe provides some prudent contingency given the remote nature of the site, seasonal conditions and potential for flooding events.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the policy objectives of the Heritage Act.

Inconsistency with policy objectives of other legislation

The amendment regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

Continuing the ‘Plant Camp’ protected area declaration for a further three years will control access to the site, will help to regulate activities and ensure that an important part of Australia’s and Queensland’s cultural heritage is properly investigated and managed. The costs of implementing the amendment regulation will be met from existing resources.

Consistency with fundamental legislative principles

The amendment regulation has been drafted having regard for the fundamental legislative principles defined in section 4 of the *Legislative Standards Act 1992* and is consistent with them.

Consultation

In accordance with the *Queensland Government Guide to Better Regulation* (the Guidelines), the Office of Best Practice Regulation (OBPR) was consulted in relation to the proposed amendment. OBPR has confirmed that the proposal would not benefit from further analysis under the Guidelines as the amendment will not increase the regulatory burden and there are no potential adverse impacts.

Following preliminary consultation with S Kidman & Co Pty Ltd, the lessees of the land, the Department of Environment and Science wrote to S Kidman & Co Pty Ltd on 29 June 2018 to obtain support for the proposed extension of the protected area declaration. On 26 July 2018, S Kidman & Co Pty Ltd responded to the department with support for the proposed amendment.

No changes to the amendment regulation were required as a result of the consultation.