

Queensland



QUEENSLAND HERITAGE AMENDMENT BILL 1998

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1998

A BILL

FOR

An Act to amend the Queensland Heritage Act 1992

The Parliament of Queensland enacts—

1

Short title

2

Clause **1.** This Act may be cited as the *Queensland Heritage Amendment Act 1998*.

3

4

Commencement

5

Clause **2.** This Act commences on a day to be fixed by proclamation.

6

Act amended

7

Clause **3.** This Act amends the *Queensland Heritage Act 1992*.

8

Amendment of s 3 (Objects of this Act)

9

Clause **4.** Section 3(1)(c), ‘of’—

10

omit, insert—

11

‘in relation to’.

12

Amendment of s 10 (Composition of the council)

13

Clause **5.(1)** Section 10(1), ‘12’—

14

omit, insert—

15

‘9’.

16

(2) Section 10(4)(c)—

17

omit.

18

(3) Section 10(4)(f), ‘7’—

19

omit, insert—

20

‘5’.

21

	Amendment of s 13 (Proceedings at meetings)	1
Clause	6. Section 13(2)(a), ‘6’—	2
	<i>omit, insert—</i>	3
	‘5’.	4
	Amendment of s 14 (Disclosure of interest)	5
Clause	7.(1) Section 14(1)(a) and (3), ‘direct or indirect pecuniary interest’—	6
	<i>omit, insert—</i>	7
	‘material personal interest’.	8
	(2) Section 14—	9
	<i>insert—</i>	10
	‘ (4) A member of the council has a material personal interest in a matter	11
	if the member has, or should reasonably have, a realistic expectation that,	12
	whether directly or indirectly, the member or an associate stands to gain a	13
	benefit or suffer a loss depending on the matter’s outcome.	14
	‘ (5) In this section—	15
	“ associate ” means—	16
	(a) a spouse or other member of the member’s household; or	17
	(b) an entity of which the member or the member’s nominee is a	18
	member; or	19
	(c) a partner of the member; or	20
	(d) an employer of the member; or	21
	(e) a person prescribed as an associate under a regulation.’.	22
	Amendment of s 15 (Delegation)	23
Clause	8.(1) Section 15(1)(b), ‘to’—	24
	<i>omit.</i>	25
	(2) Section 15(1)—	26

insert—

‘(c) a local government.’.

Amendment of s 24 (Proposal to make entry in register)

Clause **9.(1)** Section 24(2)—

omit, insert—

‘(2) An application to enter a place in the heritage register must be accompanied by the information and documents prescribed under a regulation for this subsection.

‘(2A) If the council is, on its own initiative or on application by a person, considering whether a place should be entered in the heritage register, the council must give a written notice to the owner of the place that—

- (a) states the council is considering entering the place in the register; and
- (b) if an application has been made to enter the place in the register—is accompanied by a copy of the application; and
- (c) states that the owner may give written submissions to the council about the proposed entry of the place in the register within 60 days after the giving of the notice.

‘(2B) Also, the council must give a written notice to the local government for the area in which the place is located stating that—

- (a) the council is considering entering the place in the register; and
- (b) the local government’s advice about the proposed entry is sought, including, for example, whether or not, under the *Integrated Planning Act 1997*, the place is subject to a development approval or a development application for the place is under consideration by the local government; and
- (c) if the local government wishes to give advice about the proposed entry, the local government may give a written submission to the council within 28 days after the giving of the notice.

‘(2C) If the local government does not give a written submission to the council within 28 days advising whether or not the place is subject to a development approval under the *Integrated Planning Act 1997*, the local

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government is taken to have advised the council the place is not subject to a development approval under that Act.’.	1 2
(2) Section 24(3), ‘The council’—	3
omit, insert—	4
‘In addition, the council’.	5
(3) Section 24(4), after ‘If’—	6
insert—	7
‘, after considering the submissions (if any) made about the proposed entry of the place in the register,’.	8 9
(4) Section 24—	10
insert—	11
‘(5) However, if the local government has, under subsection (2B), advised the council the place is subject to a development approval under the <i>Integrated Planning Act 1997</i> , the council must not provisionally enter the place in the heritage register while the approval remains in force.’.	12 13 14 15
Insertion of new s 30A	16
Clause 10. After section 30—	17
insert—	18
‘Amendment of entry in register	19
‘30A. The procedure in this part for entering a place in, or removing a place from, the heritage register does not apply to an amendment of an entry in the register about a place if the amendment is to—	20 21 22
(a) correct an error in the entry; or	23
(b) record a change in ownership of the place; or	24
(c) record a change in the street address of the place; or	25
(d) record additional historical information about the place; or	26
(e) make a change prescribed under a regulation for this section.	27
<i>Examples of paragraph (a)—</i>	28
1. Correcting an error in the real property description of the place.	29

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2. Correcting an error of historical fact in the statement of the history of the place.’.

Insertion of new pt 5, div 1AA

Clause **11.** Part 5, before division 1—
 insert—

‘Division 1AA—Interpretation

‘Extended meaning of development for pt 5

‘**32A.** In this part, development is taken to be carried out in relation to a registered place if it is carried out on a place any part of which adjoins the registered place and the development is likely to cause physical damage to buildings on, or the landscape or natural features of, the registered place.’.

Amendment of s 37 (Development by the Crown)

Clause **12.(1)** Section 37(2), from ‘The’ to ‘then’—
 omit, insert—

‘If the proposed development would have a substantial effect on the cultural heritage significance of the place, the council must’.

(2) Section 37(2)(b)—

omit, insert—

‘(b) inviting written representations from interested members of the public within 21 days of publication of the notice.’.

(3) Section 37(3), ‘any objections lodged’—

omit, insert—

‘all written representations made’.