

Queensland Heritage Amendment Regulation 2019

Explanatory notes for SL 2019 No. 32

made under the

Queensland Heritage Act 1992

General Outline

Short title

Queensland Heritage Amendment Regulation 2019 (the amendment regulation)

Authorising law

Sections 83 and 178 of the *Queensland Heritage Act 1992*

Policy objectives and the reasons for them

The object of the *Queensland Heritage Act 1992* (the 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.

The object is achieved, under paragraph 2(2)(d), by providing for the management of places of local cultural heritage significance by local governments, and under paragraph 2(2)(g) by providing for appropriate enforcement powers to help protect Queensland's cultural heritage.

Part 8 of the Act provides for the chief executive of a local government to give notices about essential repair and maintenance work in relation to local heritage places.

Achievement of policy objectives

The amendment regulation achieves the policy objectives by giving Brisbane City Council (BCC) the power to give essential repair and maintenance notices under the Act.

The Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts has considered a report prepared by BCC in respect of the matters described in section 4 of the *Queensland Heritage Regulation 2015*. The Minister is satisfied BCC has appropriate procedures in place for exercising a power under section 84 of the Act to give essential repair and maintenance notices.

Making the amendment regulation is reasonable and appropriate, because appropriate procedures are in place and the amendment regulation is the only means to enable BCC to give essential repair and maintenance notices.

Consistency with policy objectives of authorising law

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

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

There are no alternative ways to achieve the policy objectives, because section 83 of the Act requires a local government to be prescribed by a regulation in order to give essential repair and maintenance notices.

Benefits and costs of implementation

The amendment regulation gives BCC a discretion to give repair and maintenance notices which will supplement other enforcement tools available to BCC. BCC will have greater flexibility to manage and protect local heritage places.

BCC will be responsible for the costs of any additional compliance activity.

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

BCC requested to be prescribed under the Act to give essential repair and maintenance notices.

In accordance with *The Queensland Government Guide to Better Regulation* (the Guidelines), the Queensland Productivity Commission (QPC) was consulted in relation to the amendment regulation. QPC has confirmed that the amendment regulation is excluded from further regulatory impact analysis under the Guidelines under exclusion category (I) – regulatory proposals that have already undergone an extensive impact assessment process.