

Officer: Paul McKinlay

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Our reference:

Your reference:

Dear Ms Kate McGuckin,

Re: Queensland Heritage and Other Legislation Amendment Bill 2014

The Sunshine Coast Council would like to thank the Transport Housing and Local Government Committee for the opportunity to provide comments on the Queensland Heritage and Other Legislation Amendment Bill 2014 (the Bill).

The comments provided are from Council officers and do not reflect the views and opinions of the Sunshine Coast Council.

The efforts made to date to simplify and clarify the complex issues associated with heritage through changes to the Queensland Heritage Act are commended.

The following comments are provided on the Bill to ensure the amended Act better meets its intentions.

Clause 19 – Amendment of s 38 (Initial notice of application)

Section 38(1)(c)(iv) & (v) refers to relevant parties providing submissions. Section 38(c)(vi) & (vii) refer to relevant parties providing written responses. For communication and registering purposes, are they considered identical?

These two communication methods need clarification.

Clause 29 & 30 – Insertion of new pt 4, div 5A & Omission of s 57

These clauses define and clarify the process to be followed for the exclusion of identified heritage places. These appear to be already covered by current clauses 36 and 37 of the existing Act. What is the purpose of these additions? Does this change the maximum time

period that the particular heritage place remains excluded – i.e. until a new application to include the heritage place may be reconsidered?

Further clarification is required s to the purpose of replacing the original clauses for the exclusion of identified heritage places.

Clauses 36 to 43 inclusive, and Part 8 (local government responsibilities)

As stated in our earlier submission on the discussion paper *Our heritage: A collaborative effort*, the changes to recognise the role local governments play in maintaining and protecting local cultural heritage is supported. However, providing local government with additional powers and responsibility with respect to local heritage should only be implemented when it is certain that those local governments possess the resources and expertise to meet those additional responsibilities.

Local governments who commonly suffer from low resourcing levels in professional skills, staffing, finances and budgets for heritage projects would benefit from assistance from the Qld State Government. This in turn would benefit the communities both State and local governments serve.

Clause 37 – Amendment of s 72 (Application for exemption certificate)

This clause updates Section 72(2)(b)(iv) & (3)(b) to replace the term ‘detrimental impact’ with ‘minimal impact’. No definition is provided as to what constitutes a ‘minimal impact’.

A definition should be provided as to what constitutes a ‘minimal impact’.

Clause 41 – Amendment of s 76 (Compliance with conditions of exemption certificate)

Section 76(2)(b) sets the maximum penalty for non-compliance with an exemption certificate. The penalty for an exemption certificate given by the chief executive officer of a local government is 100 penalty points, compared to 1000 penalty points for an exemption certificate given by the chief executive of the Qld Heritage Council.

This disparity in penalty points has the effect of making heritage artefacts nominated by local government appear of less value than those nominated by the state government. Local heritage registered places should be provided the same level of protection as those of state significance.

Non-compliance penalty points for both local government and state government exemption certificates should be aligned to identify their equivalent value to the community.

Again, thank you for the opportunity to provide comments on the Bill. Should there be any questions associated with this submission, please contact me on [REDACTED] or email [REDACTED]

Yours Sincerely,

[REDACTED]
Paul McKinlay

Social Policy Officer

Regional Strategy and Planning Department

Sunshine Coast Council