




Speech By
Hon. Andrew Powell

MEMBER FOR GLASS HOUSE

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QUEENSLAND HERITAGE AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. AC POWELL** (Glass House—LNP) (Minister for Environment and Heritage Protection) (8.43 pm), in reply: I thank all members of the House this evening who have contributed to the debate on the Queensland Heritage and Other Legislation Amendment Act. I will use this opportunity to address some of the questions and queries raised by members and to acknowledge some of the contributions made by others. If I can start by referring to the speeches by the member for South Brisbane and the member for Warrego, who both raised a number of the key issues that the committee reported on, and perhaps provide a bit of extra information.

Firstly, the member for South Brisbane raised the issue of whether we release publicly the identity of the nominee of a place coming on the Heritage Register. I will confess that this is something I have tried to grapple with personally and have actually sought views on more broadly. We made very clear in the original consultation paper, *Our heritage: a collaborative effort*, the broader views of the community and those interested in heritage matters around whether we should make it mandatory for the name of the person that is making a nomination to be made publicly available. It is fair to say that the resounding response was no. There were only six submissions out of the 48 that we received during that consultation period that were supportive of us publicly naming the nominee. The main reason that many of the submitters were against doing so was the fear of potential retribution or retaliation if a nominee's details were made public. For a place like Brisbane that might not mean much, but if you are making a nomination in a small country town the ramifications when you are literally living right next door to the person who has made the nomination could be quite significant. It is something we did give a lot of consideration to, but we have decided to go with the feedback from the majority of the submitters and continue to allow anonymous nominations.

The second matter that the member for South Brisbane raised was whether we would review the minor changes to the heritage listing element of the bill. I am happy to report to the member for South Brisbane that I will ask my department to report to the Queensland Heritage Council on an annual basis on how that is going so that the Heritage Council itself can keep an eye on whether it is being used as it is intended to be used.

Both the member for South Brisbane and the member for Warrego raised the issue of whether a five-year moratorium is too long. That is something that we took into consideration both when preparing the bill in the first place but also upon receiving the committee's recommendations. It is not a decision we have made lightly but it is something that we have thought through. The primary reason that we have kept it at five years is that there is virtually no chance that substantial new evidence will be found before this period ends. If I can just give the House a bit more information—this is not going to disadvantage owners wishing to remake an application to have their state heritage place removed from the register. An owner of a place dissatisfied with a decision to enter their property in the register first has a right to appeal it in the Planning and Environment Court. When the Queensland Heritage and Other Legislation Amendment Act, which is now the bill, commences, this restriction will apply to all places entered in the register after that date and will apply after a first application is made

proposing removal of a place from the register. The level of scrutiny given to an application throughout the registration process, as improved with this bill, means there is really no chance that significant information will be missed.

One of the advantages of the digital revolution has been that it has literally transformed historical research and the way historical research is done. The department has access to decades worth of comparative analysis and data. The intention behind increasing the restriction period from one to five years was to have the length of the period more accurately reflect the frequency with which applications are remade after a decision of the Heritage Council.

During drafting of the bill, consideration was given to introducing provisions that would provide for substantial new evidence to be accepted and then used to initiate a new application before the end of the proposed five-year moratorium period. This proposal would have resulted in a substantial new subprocess being established. This is because it involves a decision about whether new information represents substantial new evidence and then the question of rights of appeal is triggered and whether an opportunity to speak to the decision maker before a decision is made should be allowed. What I can say is that very few applications are remade after a decision of the Heritage Council, hence why we are sticking with the five-year moratorium.

I thank the member for Toowoomba South for his contribution this evening. Toowoomba Open House was indeed a huge success this year. It was great to be there at the launch of it some weeks before it actually occurred. I also appreciate the member's comments in terms of red-tape reduction, particularly acknowledging that this bill not only reduces red tape but also strengthens the protection for our heritage registered properties.

I thank the member for Nanango for her contribution. I understand that she and the member for Gregory will be proposing that we heritage list the member for Warrego. I am not sure whether the amendments that we are moving this evening will actually allow us to heritage list an individual, but perhaps we could move an amendment for a special occasion to heritage list the member for Warrego.

The member for Nanango also mentioned the town of Nanango which her electorate is named after. I must confess that I have a personal affinity with the town. My wife grew up in Nanango. I was married in Nanango. I think all of the heritage listed properties in that town that the member mentioned my wife was—I will not say forced—encouraged to visit during school excursions at both primary and high school.

I thank the member for Algeester for his contribution, and particularly for enlightening us on the heritage significance of mango trees. That was a very worthwhile contribution.

Mr Shorten: Queensland icon.

Mr POWELL: A Queensland icon. Every Queensland house should have one or two. I thank the member for picking up on the additional opportunities we are giving owners to have their say on heritage listing and what they can do with a heritage listed property once it is listed. He also acknowledged the red-tape-reduction measures.

I thank him and the member for Gladstone for their contribution with regard to aircraft wrecks. We made the decision to be consistent with Commonwealth legislation which is that we will list those after 75 years. That means that by 2016 all of our World War II aircraft will be covered. If there is a concern that a site is being pilfered or raided in the meantime, there is the opportunity for that specific site to go through the nomination process to go on the state heritage list sooner. That will naturally occur after the expiry of 75 years. That is how we are addressing that.

I thank the Deputy Premier for enlightening us on the amendments that I will shortly be moving in the consideration in detail stage.

Before I conclude, I thank the staff from the Department of Environment and Heritage Protection for their work, particularly Fiona Gardner, Cathy Chambers, Sean O'Keefe, Tyson McCulloch, Louise McHugh, Kaitlin Nichols and Paddy Waterson. They have certainly worked incredibly hard on the preparation of this bill. As I mentioned in my second reading speech, their efforts were acknowledged by the committee, for which I thank the chair and his team. It is due recognition of a considerable amount of effort by the team to ensure that this process runs as smoothly as it can, given that it can be a somewhat contentious issue.

This bill is the outcome of extensive consultation with the community, with property owners, with industry and with local government. This process has brought to light a number of issues that require further consideration and consultation. I hope this represents the opening of a new era of

partnership and collaboration. I look forward to pursuing the direction set out not only in the hopefully amended act but also in the revised Queensland heritage strategy. This bill reforms our historic heritage legislation to streamline requirements for all stakeholders while also strengthening the mechanisms for protecting Queensland's cultural heritage into the future. I commend the bill to the House.