

Heritage (Amendment) Bill

EXPLANATORY MEMORANDUM

- Clause 1 states the purpose of the Act.
- Clause 2 provides for the commencement of the Act. Section 4 of the Act, which amends section 214(4) of the **Heritage Act 1995**, is deemed to have come into operation on 5 December 1995, the day on which the **Heritage Act 1995** received the Royal Assent. The remainder of the Act comes into operation on the day on which it receives the Royal Assent.
- Clause 3 makes several consequential amendments to section 45 of the **Mineral Resources Development Act 1990**.
- In section 45(1)(a)(xi) the words "or included in the Heritage Register established under the **Heritage Act 1995**" are omitted. These words are unnecessary as sub-paragraph (xiii) protects places and objects (including buildings) in the Heritage Register.
 - Section 45(3) is amended to omit the reference to buildings included in the Heritage Register as buildings are covered in new sub-sections (4A) and (4B).
 - New sub-sections (4A) and (4B) are inserted to provide that the Heritage Council, in the case of places or objects on the Heritage Register, and the Executive Director, in the case of archaeological sites on the Heritage Inventory, may consent to work within areas prohibited under section 45(1)(a)(xiii) of the **Mineral Resources Development Act**.
- Clause 4 amends the incorrect reference to the "**Heritage Buildings Act 1981**" in section 214(4) of the **Heritage Act 1995**. There is no such Act. The Act intended to be amended by section 214(4) is the **Historic Buildings Act 1981**.
- Clause 5 makes amendments to correct errors and omissions in the **Heritage Act 1995**.
- In section 29(2) the word "with" should appear after the words "in accordance".

- Section 74(1)(b) incorrectly refers to works and activities specified "in the permit". The sub-section should empower the Executive Director to determine to issue the permit for some of the proposed works and activities specified "in the application".
- Section 78(3) should provide that "A direction [rather than a "A direct"] has no force or effect unless it is given no later than 7 clear days before the date fixed for commencement of the hearing of the appeal."