

# **Appendix M**

## Cultural heritage register



# Appendix

## Chapter 16 – Cultural heritage

### Relevant Legislation and Organisations

#### Queensland state legislation

The *Aboriginal Cultural Heritage Act 2003* (Queensland) establishes a 'duty of care for activities that may harm Aboriginal cultural heritage'. Section 23 of the Act specifies the duty of care requirements for cultural heritage. This states that 'a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage'.

The *Queensland Heritage Act 1992* protects places of cultural heritage significance relating to Queensland's history since settlement. Protection is offered to places that have been entered on the Queensland Heritage Register. Criteria for entry are listed in the Act. Part 7 of the Act relates to historical archaeology, historical archaeological studies, and the protection of archaeological objects and areas of cultural heritage significance.

The *Integrated Planning Act 1997* (Queensland) sets out the principles and processes by which local and state government authorities deal with planning and development issues. Proposed development of places entered in the Queensland Heritage Register under s35 must be assessed and approved under the provisions of schedule 8 of the Integrated Planning Act before any development can commence.

#### Federal legislation

The *Environment Protection and Biodiversity Conservation Act 1999* protects the environment, particularly matters of National Environmental Significance. The Commonwealth Heritage List comprises natural, Indigenous and historic heritage places on Commonwealth lands and waters or under Australian Government control.

The *Environment and Heritage Legislation Amendment Act (No. 1) 2003*, which amends the *Environment Protection and Biodiversity Conservation Act 1999*, includes national heritage as a new matter of National Environmental Significance and establishes the national and Commonwealth heritage lists.

The *Australian Heritage Council Act 2003* established a new heritage advisory body and retains the Register of the National Estate.

The major role of the *Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984* is to preserve and protect areas and objects of significance to Aborigines and Islanders.

The *Commonwealth Native Title Act 1993* recognises and protects native title.

## **Legislation for the control of human remains**

Under the *Coroners Act 2003* (Queensland) the State Coroner has the function to oversee and coordinate coronial services in Queensland, ensure that all deaths and suspected deaths concerning which a coroner has jurisdiction to hold an inquest are properly investigated, ensure that an inquest is held whenever it is required, and issue guidelines to coroners to assist them in the exercise or performance of their functions.

Human remains may also be subject to the *Queensland Heritage Act 1992* (Queensland), the *Aboriginal Cultural Heritage Act 2003* (Queensland) (if Aboriginal), and local government regulations.

## **Cultural and heritage organisations**

The Burra Charter provides guidance for the conservation and management of places of cultural significance and defines the basic principles and procedures to be followed in the conservation of heritage places. It was adopted by the Australian National Committee of International Council on Monuments and Sites on 19 August 1979 as the standard for best practice.

The National Trust of Queensland's major activities include managing heritage properties in Queensland, identifying, researching and assessing places of heritage significance and carrying out advocacy for the protection of heritage places. National Trust listings carry no legal requirements.