

# Queensland Heritage Register—registering an Archaeological Place

For a place to be entered as an Archaeological Place on the Queensland Heritage Register, it must undergo a registration process.

This fact sheet outlines this process, which is a legislative requirement under the *Queensland Heritage Act 1992*.

## Legislation

Under the Act, for a place to be eligible to be entered in the Queensland Heritage Register as an Archaeological Place it must satisfy the following criteria:

- it must not be a State Heritage Place
- it must potentially contain an archaeological artefact that is an important source of information about Queensland's history.

## The registration process

The *Queensland Heritage Act 1992* sets out the following process for entering a place as an Archaeological Place in the Queensland Heritage Register.

All timeframes outlined in this process are legislative requirements of the Act.

### Step 1—proposal

An archaeological proposal is made by the Department of Environment and Resource Management (DERM) to enter a place in the Queensland Heritage Register.

Under the *Queensland Heritage Act 1992*, only DERM can recommend a place for entry in the Queensland Heritage Register as an Archaeological Place.

### Step 2—notification of proposal

Following a proposal to enter a place as an Archaeological Place in the Queensland Heritage Register, DERM provides notification to the owner of the place and the relevant local government.

This notification of proposal includes an invitation to provide comment on the proposal.

### Step 3—call for submissions

Notification of the proposal is placed in a local newspaper and on the DERM website, in the form of a public notice.

DERM is required to advertise the proposal within 10 business days from the date of notification.

The public notice informs the public of where the proposal can be viewed and invites written submissions from interested parties who wish to provide comment.

Submissions must relate to suitability of the place under the criteria specified in the *Queensland Heritage Act 1992* for entry of an Archaeological Place in the Queensland Heritage Register. They must be made within 20 business days of advertising.

Submissions are considered by DERM when making its assessment and by the Queensland Heritage Council (QHC) when making its decision.

### Step 4—assessment

In the process of assessing the proposal, DERM's Heritage officers undertake further research into the history and significance of the place and give consideration to any submissions that have been received. There is no set timeframe for this assessment process.

### Step 5—recommendation

DERM makes a recommendation to the Queensland Heritage Council (QHC) about whether or not to enter the place as an Archaeological Place in the Queensland Heritage Register.

Within 10 business days, DERM is required to advise this recommendation to owners, the local government and anyone else who made a submission regarding the proposal.

### Step 6—consultation with the QHC

An owner may request to meet with the QHC to make an oral representation to discuss DERM's recommendation.

The QHC will take all reasonable steps to meet with the owner.

### Step 7—the QHC's decision

The QHC is an independent decision-making body, and has the right to make a decision which differs from DERM's recommendation.

Following receipt of DERM's recommendation, the QHC has 60 business days to reach a decision regarding the proposal.

If the QHC decides the Place satisfies one or more of the archaeological criteria set out in the *Queensland Heritage*

*Act 1992*, it may enter the place in the Queensland Heritage Register as an Archaeological Place.

The owner, the local authority and anyone who made a submission in relation to the application is notified of the decision by letter. The decision is advertised in the Queensland Government Gazette.

### **Step 8—appealing the decision**

Owners may appeal the decision in the Planning and Environment Court. An appeal can only be made on the grounds that the place does or does not satisfy the archaeological criteria specified in the Heritage Act.

An appeal must be started within 20 business days of when the decision notice was given or the owner or applicant became aware of the decision.

An appeal is started by lodging a written notice, stating the grounds of the appeal, with the registrar of the court.

For more information about the court process for appealing a QHC decision refer to the *Sustainable Planning Act 2009* at <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)>.

### **Further information**

For more information or advice regarding the process for entering an Archaeological Place on the Queensland Heritage Register:

- contact the Site Registrar 13 74 68 (13 QGOV)
- email <[heritage.registrar@derm.qld.gov.au](mailto:heritage.registrar@derm.qld.gov.au)>.

The following DERM Heritage fact sheets may also assist:

- Fact sheet: H1—The Queensland Heritage Register
- Fact sheet: H8—Oral representation to the Queensland Heritage Council.

DERM Heritage publications can be found on the Heritage Conservation pages of DERM website <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>.

*February 2011*  
*H4*

For general enquiries contact the  
Queensland Government call centre 13 74 68 (13 QGOV)  
or visit [www.derm.qld.gov.au](http://www.derm.qld.gov.au)