

House of Assembly—No 125

As laid on the table and read a first time, 5 May 2021

South Australia

**Heritage Places (Protection of Heritage Places)
Amendment Bill 2021**

A BILL FOR

An Act to amend the *Heritage Places Act 1993*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Heritage Places (Protection of Heritage Places) Amendment Act 2021*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Heritage Places Act 1993*

3—Insertion of Part 4A

After Part 4 insert:

Part 4A—General protection of State Heritage Places

24A—Destruction etc of State Heritage Place requires resolution of Parliament

- 15 (1) Despite any other provision of this Act or any other Act or law, work or activity that—
- 20 (a) occurs wholly or partly on a State Heritage Place; and
 - (b) will, or is likely to, result in the whole or partial destruction, or reduction of the heritage significance, of the State Heritage Place,

must not be undertaken unless the work or activity is approved by resolution of both Houses of Parliament.

- (2) A person who undertakes work or an activity in contravention of subsection (1) is guilty of an offence.

Maximum penalty: \$120 000.

- (3) This section applies to all work or activity undertaken after the commencement of this section (whether or not an approval or authorisation under the *Development Act 1993*, the *Planning, Development and Infrastructure Act 2016*, the *Mining Act 1971*, the *Opal Mining Act 1995*, the *Petroleum Act 2000*, the *Petroleum (Submerged Lands) Act 1982* or the *Offshore Minerals Act 2000* relating to the work or activity had been granted prior to that commencement).

- (4) Nothing in this section limits a provision of any other Act or law that requires an authorisation or other approval (however described) in relation to undertaking work or activity of the relevant kind.

- (5) The regulations may make further provision in relation to the operation of this section (including, to avoid doubt, provisions requiring the Minister to facilitate a matter being put before the Parliament for consideration).

- (6) In this section—

State Heritage Place does not include a place entered in the Register as a provisional entry.

4—Amendment of section 28—Damage to or disposal of objects

Section 28—after subsection (4) insert:

- (5) This section does not apply to the destruction, damaging or disposal of an object occurring in the course of work or activity undertaken in accordance with an approval under section 24A.

5—Amendment of section 36—Damage or neglect

Section 36—after subsection (5) insert:

- (6) This section does not apply to damage resulting from work or activity undertaken in accordance with an approval under section 24A.

- (7) Nothing in this section limits section 24A.

6—Amendment of section 42—General provisions relating to offences

Section 42(7), definition of *prescribed offence*—delete "section 30" and substitute:

section 24A, 30