

# EXPLANATORY MEMORANDUM

## HERITAGE OF WESTERN AUSTRALIA AMENDMENT BILL 2009 (No. E079-1)

(Introduced by Mr Hyde, MLA)

### Part 1 – Preliminary

#### **Clauses 1 and 2**

Provide, respectively, for the short title and commencement of the Act.

### Part 2 – Amendments to the *Heritage of Western Australia Act 1990*

#### **Clause 3. Act Amended**

This identifies the Act amended by this Part.

#### **Clause 4. Section 79 amended**

The penalties in section 79 have been increased to \$1 000 000 and the daily penalty to \$50 000.

#### **Clause 5. Section 79A inserted**

Section 79A was inserted to provide a provision regarding repairs for unauthorised development. Subsection (1) defines unauthorised development as any development in contravention of an Order under Part 6 or commenced, continued or carried out without prior Council approval. The penalties are the same as those now provided for in section 79.

As Section 80 of the Act already provides a moratorium on development for 10 years where a person is convicted of an offence which constitutes a contravention of an Order under Part 6 of the Heritage Act, no additional development moratorium was incorporated into the Amendment Bill.