



The Hon. Don Harwin MLC

Leader of the Government in the Legislative Council
Special Minister of State
Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts
Vice-President of the Executive Council

The Hon. Shayne Mallard, MLC
Chair, Standing Committee on Social Issues
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr ~~Mallard~~ *Shayne*

Thank you for your letter dated 12 May 2021 on behalf of the Standing Committee on Social Issues requesting a revised Terms of Reference for an inquiry into the *Heritage Act 1977*.

I have considered the request to amend the Terms or Reference to include the following additional matters:

- inserting the following words at the end of sub-paragraph (b) of paragraph 1: 'and the protection of heritage.'
- inserting the following new sub-paragraph after sub-paragraph (c) of paragraph 1: '(d) the case for stand-alone First Nations heritage laws in New South Wales.'

I accept the amendment to sub-paragraph (b) of paragraph 1 with the insertion of 'and the protection of heritage.'

However, with respect to the second amendment, the NSW Government is currently consulting with key Aboriginal stakeholders on Aboriginal Cultural Heritage management and it would be inappropriate to supplant the important role of that consultative process.

You would appreciate that progression of the Aboriginal Cultural Heritage reforms can only occur with the appropriate engagement of the Aboriginal community and critical stakeholders. All parties are eager to finalise this reform process, which I anticipate will result in a White Paper before it goes to a Parliamentary Committee for inquiry and report.

The amended terms of reference are attached for the Committee's consideration.

Yours sincerely

Don Harwin MLC

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DATE: **12.5.21**

Enc:

Attachment A: Review of NSW Heritage Legislation: Amended Terms of Reference