

**Submission  
No 23**

## **INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977**

**Organisation:** Sue Rosen Associates

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To:

The Standing Committee on Social Issues

I make this submission as a heritage professional with 33 years experience in the industry and a heritage related PHD. I'm a professional member of ICOMOS, of the Professional Historian's Association; a former member of the History Advisory Panel to the Heritage Council and former co-convenor of the ICOMOS National Scientific Committee on Cultural Landscapes and Routes, and a former member of the executive of the Oral History Association of NSW, and a former member of the State Archives Customer Council. I am the owner/director of a heritage consultancy providing advice on both Aboriginal and non-Aboriginal sites, ranging from native title, heritage impact statements, conservation management plans, historical research, expert evidence, interpretation studies and plans – all of which involve working with communities with the aim of achieving enduring outcomes. We advise local government, state agencies and the private sector.

**Question 1:** What should be the composition, skills and qualities of the Heritage Council of NSW?

The Heritage Council should be comprised of representatives of the fields currently identified in the Act. It is important that representatives of all disciplines are included in each Council term. It is crucial that the Council members are recognized experts with at least 10 years professional experience in the heritage field and post graduate qualifications at masters level or above or a recognized equivalence. They should be members of ICOMOS at the professional level. They need to have a deep knowledge gained through both study and experience.

**Question 2:** How should Aboriginal Cultural Heritage be acknowledged and considered within the Heritage Act?

The Act should protect both Aboriginal and non-Aboriginal Heritage, with the principles of protection concerning Aboriginal sites and management by custodians also applied to non-Aboriginal Heritage. At present there is a kind of cultural apartheid at work. An apartheid related to both race and class which offers protection for elite Non-Aboriginal sites, but does not embrace non-urban and working class heritage or their non-urban or working class proponents. People not fluent in 'heritage speak' have difficulty being heard and their concerns seriously assessed. The Act should be strengthened to foster and support Aboriginal management and custodianship of their cultural sites and provide for an equivalent treatment for non-Aboriginal sites particularly at a grass roots level and in rural communities.

**Question 3:** Are the objectives of the Heritage Act still relevant?

Yes. Most certainly.

**Question 4:** Does the Act adequately reflect the expectations of the contemporary NSW community?

The Act reflects the values of people who wish to live in a place that reflects their heritage and culture and demonstrates its evolution as a distinctive place to which they belong. It does not reflect the values of people who are looking merely to make a buck and move on; who have no commitment to an area.

Prior to Covid, Australians travelled widely to experience the culture of other countries, while their own place was being homogenised and aesthetically degraded. The dollar value of sites is cited as the reason for the demolition of high quality and distinctive residential and commercial structures. Yet, Central Paris, has a high Euro value, but the French are not tearing down their distinctive buildings to put up enormous towers – despite the economic advantages it would provide the developer.

**Question 5:** How can the NSW Government legislation better incentivise the ownership, activation and adaptive reuse of heritage?

The complaint that I hear from owners of heritage items is that while the state requires them to conserve their sites there is no sharing of the burden of providing for the community good. I believe that exemptions from stamp duty, land tax and local government rates supplemented with grants supported with expeditious advice should be made available to offset the requirement to conserve. The financial incentive should be substantial, with owners audited to ensure that they are in fact using the funds to protect a community asset and provide a benefit to the broader community either locally or at a state level.

There is also the matter of the provision of service guidelines which Heritage NSW should be required to adhere to. Currently this is impossible because of funding and resource cuts. As it stands even locating someone who could provide particular advice is difficult and Heritage NSW's technical publications and guidelines are in some instances decades out of date.

The answer to many of the questions, lies in creating and resourcing an office staffed by industry experts with established expertise, based on training, experience and deep knowledge who are capable of working in an interdisciplinary manner with other experts outside their discipline. They should be free to express opinions that are not in agreement with government policy without fear for their jobs. I believe Heritage NSW has been “dumbed down” and depowered. I believe that significant numbers of staff are far from experts and have little understanding of the implementation of the Burra Charter or indeed something as simple as managing a tendering process that adheres to the legal guidelines associated with it. There have been abuses of power.

Addressing funding and skill and expertise shortfalls would allow Heritage NSW to become a true hub for heritage knowledge, expertise and excellence; a resource that would allow the aims of the Heritage Act to be achieved.

Regards

Dr Sue Rosen

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