

**Submission
No 68**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Organisation: Operating Heritage Australia

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NSW Heritage Act Review 2021

Submission to the NSW Legislative Council's

Standing Committee on Social Issues

Operating Heritage Australia is an informal association of representatives of peak bodies representing all types of operating heritage – motor vehicles, rail, maritime, aviation, steam, horse-drawn and machinery.

Operating Heritage is any type of heritage object that is used regularly to demonstrate its original form and function. This is predominantly movable heritage as public buildings and houses tend to be heavily modified in form and function in order to perform modern roles.

Across Australia this sector comprises over 300,000 people and over 3000 clubs and organisations which spend \$2billion and welcome over 3½ million visits each year. In NSW there are over 100,000 people and 1000 clubs, approximately half in regional NSW. These people and organisations are almost entirely self-funded and not represented by the heritage “establishment”.

Whilst the current Act, as framed, is acceptable its application has failed to recognise the importance of movable and intangible heritage.

Of the 1740 items currently listed on the State Heritage Register only 27 are movable items. This is more a reflection of the focus of the traditional heritage establishment than of the Act itself. It is important that the new Act does not re-inforce the current focus on buildings and places.

Intangible heritage, particularly in the form of traditional knowledge and skills, is vital in order to maintain items of technological heritage in operating condition. Whilst current discussion of intangible heritage focusses on artistic and cultural aspects (song, dance, language, religion, cuisine, etc.) it is important that the technical skills which created modern industrial societies are preserved, especially as these skills are dying as societies de-industrialise.

The Discussion Paper fails to mention movable heritage and gives the impression that the NSW Heritage Act is or will be entirely about landscapes, places and buildings.

The new Act must cover movable and intangible heritage.

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

The diversity stipulated in the Act is acceptable. Unfortunately, it has not been achieved in practice.

Too many members are drawn from the traditional heritage establishment and political appointments.

There is not enough “grass-roots” representation. Operating Heritage Australia represents over 80,000 individuals in NSW who own or belong to 1000 organisations which own operating movable heritage (e.g. motor vehicle, rail, aviation, maritime, machinery and steam museums and clubs) and have close relationships with local communities. These individuals and organisations are not adequately represented by the traditional state museums or the galleries, libraries, arts, museums sector which do not understand the specialist needs of this sector (technical, legal and organisational).

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

Aboriginal heritage has been neglected (just as movable heritage has) and needs special attention.

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

Yes, however the application of the Act has resulted in an unbalanced view of heritage – ie. that heritage is old houses.

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

The Act does.

The way it has been applied does not.

The community expects protection to be upheld – not ignored by developers, over-ridden by government or significant items being allowed to be demolished by neglect.

There has been too much emphasis on built heritage and “places”.

The government heritage agency, through lack of resources, has almost no contact with the operating heritage sector. It does not have the knowledge or resources to provide assistance and is focussed on buildings and places.

The Act does not address Intangible Heritage. This is a developing concept. For operators of heritage items, it means the knowledge and skills required to restore, operate and maintain the items and these are becoming increasingly difficult to access. It also includes the stories of the design and use of the items and their impact on local communities as the Australian society was formed. The Act must encourage the preservation of intangible heritage.

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

Most owners and community organisations are entirely self-funded. Small monetary incentives will make a large difference. However, some of the greatest challenges are not financial.

21st century legislation and regulation is making the preservation of operating heritage more difficult. Often, regulating bodies impose inappropriate current “standards” without considering alternative ways to achieve the required result. Government can allow alternative solutions to health, safety, pollution, etc. requirements.

Governments, through TAFE, etc. can ensure that heritage trades and skills are maintained. These skills are vital to keep heritage items operating.

Small community organisations are not large enough to support specialist skills (technical, marketing, financial, etc.) and will benefit from having access to “centres of excellence” which they can call on for training and advice. A re-invigorated Museum of Applied Arts and Sciences and partnerships with state and private organisations with technological expertise could achieve this.

Regarding financial support, the NSW historic vehicle system is an excellent example of a government initiative resulting in a tremendous activation of heritage vehicles. A relatively small amount of foregone revenue has made a tremendous increase in operating heritage activity.

A small amount of money would encourage owners of significant items of operating heritage of all types to restore, maintain and display them in operating condition. As with the historic vehicle system owners would be required to meet strict conditions.

Small community run museums with operating heritage collections would benefit from reduced insurance policies (the largest single expense for most organisations). A well-managed “umbrella scheme would benefit these organisations.

Operating heritage organisations do not often participate in current grant programs. They should be encouraged to be involved.

Focus Question 6: How can we improve incentives within the taxation system to help mitigate the cost of private heritage ownership?

The historic vehicle system is very effective.

Most operating heritage organisations do not have paid employees. In some cases they would benefit from access to crown land (for a museum) or stamp duty rebates (for construction).

Focus Question 7: What sort of initiatives might encourage activation and conservation of heritage through commercial and philanthropic investment?

Recognise movable and operating heritage as “legitimate” heritage as deserving as buildings, art galleries and a institutional museums.

Promote heritage as an integral, and often defining, part of a community. Operating heritage is ideal for this as it brings heritage to life (not just something in a “stuffy old museum”). This will help to encourage sponsors and philanthropists to see heritage as a worthwhile investment.

The case studies described could be applied to movable heritage.

Focus Question 8: How could tailored heritage protections enhance heritage conservation?

A separate category for world heritage items is acceptable.

Operating Heritage Australia regards operating heritage as having “complex management needs”. They are affected by many pieces of federal and state legislation and regulation. We believe that this can be managed through different mechanisms and does not require a separate category.

We do not support separate categories for “landscapes” or other types of heritage.

Focus Question 9: How should heritage items that are residential properties be accommodated under a proposed category scheme?

Residential properties and privately owned movable items should be assessed for significance using the same process as other types of heritage. Incentives for conservation may need to be offered to private owners (Question 5 above)

Focus Question 10: Would greater community engagement deliver a more robust State Heritage Register?

Yes.

Listing on the State Heritage Register provides the only protection for items of movable heritage (eg. from export under the Protection of Movable Heritage Act). There are currently only 27 movable items out of 1740 listed on the SHR. It is important that more significant movable items are included on the SHR.

The community expects a more balanced heritage inventory.

A streamlined process is appropriate, especially in the early stages to determine items likely to meet significance thresholds.

We recommend involvement of peak operating heritage bodies to determine eligibility for listing. Operating Heritage Australia would be delighted to assist.

Focus Question 11: Would streamlining enhance the listing process?

The concept of periodic but not frequent review is acceptable.

As there are only 27 movable items (around half operating) currently on the SHR we do not see reviewing these items as a priority at this stage.

Operating Heritage Australia would welcome the opportunity to collaborate in setting threshold levels for technological heritage items to ensure that only significant items are listed.

Focus Question 12: How could we improve the current approval permit system?

Streamlining the process is supported.

The process must apply to movable heritage.

We do not support the Minister having the power to make unilateral decisions or over-ride advice of the Heritage Council.

Focus Question 13: Are the current determination criteria for heritage permits still appropriate?

Professionals familiar with the type of heritage (eg. technological) must be involved in assessing proposed work and providing advice. Appropriate monetary threshold limits will need to be set for technological heritage classes).

Focus Question 14: How could we improve heritage consideration within land use planning systems?

This does not apply to operating heritage.

Operating heritage is also affected by state and federal non-heritage legislation (e.g. hazardous work permits, training standards, operating standards). Considering the impact of other legislation and regulations is useful for all types of heritage.

Focus Question 15: Are there opportunities to enhance consideration of heritage at the strategic level?

It is vital that Commonwealth, State and Local Government heritage agencies co-ordinate activities and adopt consistent terminology and values.

Heritage professionals must be educated to address all types of heritage – movable and immovable, tangible and intangible and recognise the different needs of each.

Operating heritage presents additional challenges as it is required to operate in its original form and perform its original function in the 21st century.

Focus Question 16: How could heritage compliance and enforcement be improved?

Penalty and infringement notices could be effective if:

- The offences are simply defined (eg. as with road speeding, drink driving)
- The penalties are severe enough to be a deterrent
- The penalties are enforced often enough to demonstrate that offenders will be held accountable. A points system similar to that applying to motoring offences could also be useful – repeat offenders having licence to practice suspended)

The government must be determined to enforce the system. At present there is a perception that the government doesn't care or is even a major offender.

It is critical that Heritage NSW does not become a police force. Enforcement must be a separate section and not divert funds from other heritage activities.

Focus Question 17: How could understanding of state heritage be enhanced?

Recognise operating heritage as a legitimate form of heritage. Over 80,000 people in NSW (half in regional centres) belong to local organisations caring for movable heritage and receive little support. They part of the local community, are self-funded and support local community organisations and charities.

As well as providing camaraderie and support for the local community they bring large numbers of tourists (see below). They are often overlooked by the galleries and museums establishment and must be supported by promotion, grants and by listening and responding to their concerns.

Focus Question 18: How could we improve heritage tourism or help activate heritage places for tourism?

Without formal support operating heritage organisations in NSW attract almost 1 million visits each year.

The Temora Aviation Museum attracts around 40,000 visitors each year (most staying at least one night) each year to its museum and special events. The economic benefits for a town of 4,600 are enormous.

The Lithgow Small Arms Factory Museum is building its collection of high-volume precision machinery collection and, even before it has been put into operating condition, has attracted widespread interest, visitors and support.

It has been demonstrated that well-managed technological museums with operating exhibits can attract high visitor numbers, often greater than the publicly funded art galleries and museums in their areas.

Vintage and classic car club rallies bring significant income to destinations as well as contributing to local charities (there are over 1000 historic car clubs in NSW) .

Huge additional tourism potential could be unlocked with assistance in the form of professional support for operating heritage organisations such as promotion, access to grants, technical support and other support mentioned in previous questions.

Focus Question 19: How could public heritage buildings be activated to meet the needs of communities?

Operating heritage organisations have little involvement with heritage buildings. The principle of activation applies equally to operating movable heritage.

The greatest assistance needed by operating movable heritage organisations is:

- Insurance coverage at reasonable cost
- Legislation and regulation acknowledging the special needs of operating heritage
- Support for training in heritage skills and general business operation

Encourage and support combined festivals such as Transport Heritage Expo, Heritage Week, etc..

The Western Australian Government provides a venue in Perth for operating heritage organisations to operate under an “umbrella” entity with security, promotion, enforced standards, etc.. A similar system could be investigated for larger NSW centres.