

**Submission
No 154**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Name: Professor Sybil Jack

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To:

The Standing Committee on Social Issues

I make this submission as a retired academic who in the late 1960s and 70s was deeply involved in establishing Historical archaeology at Sydney University and served on the National Trust historical archaeology Committee for over a decade. I contributed to ICOMOS in Australia and have published in various of the critical journals. In my retirement I have maintained an interest in heritage in Australia and elsewhere. Now that there is a hierarchy of Heritage bodies from the World Heritage down it is crucial that there is an appropriate public institution at each level. Australia is an active member of the World Heritage Council and it is desirable that there be effective links between the councils from the World Heritage council down.

Question 1: What should be the composition, skills and qualities of the Heritage Council of NSW? If one reads the existing heritage acts at various levels and in different countries it is clear that there are well established ideas if not rules about this. The need for experts with considerable professional experience in the various areas heritage covers who have no existing commitment to any private body with a financial interest in the area seems obvious. A possibility that a non-professional with a wider understanding of community needs should also be included needs to be considered. I would hope that an effective relationship between all the levels of heritage management could be added to the role of the Council.

Question 2: How should Aboriginal Cultural Heritage be acknowledged and considered within the Heritage Act? Aboriginal responsibility for their own sites over and above the more obvious importance of the sites in relation to their age and culture probably means that a distinct link to the numerous aboriginal groups in NSW should be established.

Question 3: Are the objectives of the Heritage Act still relevant? They are relevant but as they are being developed to meet new problems such as climate change they may need to be extended.

Question 4: Does the Act adequately reflect the expectations of the contemporary NSW community? It undoubtedly reflects a significant part of the community but the problems of some parts of the NSW economy means that the government needs to provide better for the needs of groups who perceive themselves as disadvantaged by the introduction of laws that will make some economic activity illegal so that heritage can be preserved. This is an aspect of the heritage position that requires a NSW wide discussion of the bureaucratic structure of property management. The questions that follow which suggest minor changes are probably inadequate as the survival of the culture will need more than small adjustments to the personal taxation system. The right balance is unlikely to result from commercial or philanthropic charitable action however useful private grants can be in specific instances. I find the later questions therefore unanswerable until the more fundamental issues have been determined.

Cheers

Sybil Jack