

**Submission
No 165**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

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Submission to the Standing Committee on Social Issues for its Review of the NSW Heritage Act 1977

It is most appropriate for this review to take place now, as it is obvious that there are significant shortcomings in current arrangements for the preservation and conservation of our State's heritage assets in a coherent and consistent manner.

Not being lawyer, I phrase this submission not by reference to the terms of the Act, but by reference to the needs of our community – i.e. all sectors of NSW society.

“Heritage” assets/items/places represent the State's story, history, identity, culture, sense of place – and therefore are important. As such, they should all be identified, and many/most of them should be (1) protected and (2) conserved, not only for the present, but importantly for the benefit of future generations – for their education and enjoyment.

“Heritage” assets/items/places often provide a valuable focus for tourism – both from within Australia and also from overseas. In other words, heritage items can, if suitably maintained, be a source of major economic benefit to the community in which they are located.

Some of the key issues which I believe the Committee should address are:

There must be comprehensive identification – and then a public listing/register (on a State Heritage Register) - of ALL “heritage” assets/items/places throughout the State.

Extreme care should be taken in the application of “categories” in the State Heritage Register, as categorisation could be used a device to subvert the intention of the overall approach to the heritage law.

Government – both State and local – should be compelled to register all “heritage” assets/items/places that are under their control/ownership on the State Heritage Register.

Government – both State and local – should have a binding obligation to maintain properly all “heritage” assets/items/places under their control/ownership, and that obligation should include the provision of adequate resourcing for the proper maintenance of each item involved.

Strict controls/limits on the declaration of “State significant developments” – or other comparable classifications that could subvert the “normal” rules and regulations – should be included in the Act, to reduce/eliminate the temptation for public officers easily to override the provisions of the *Heritage Act*.

The NSW Heritage Council (if that is the correct terminology) should be a genuinely independent body. Importantly, it should be structured to include a majority of members who have (documented) formal, professional qualifications and expertise in heritage areas, and who are widely recognized in their fields, e.g. heritage architects, heritage engineers, archaeologists, etc, as well as representatives of major organisations actively involved in heritage, e.g. the National Trust (NSW). So-called/self-styled “consultants” in heritage matters should not be eligible! Bureaucrats also seldom have the required professional background to perform the function of a member of the Heritage Council appropriately; any role they have in the Council should be purely administrative.

The Heritage Council should be sufficiently well funded to enable it to perform its brief properly.

The *Heritage Act* should provide criteria for sympathetic re-use of heritage items. Such an approach could be applied to ensure the long-term sustainability and integrity of the item as part of our heritage.

The Act should place a requirement on the Government to take punitive action in response to any destruction (either active or passive) of heritage assets.

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