

**Submission
No 214**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Name: Mr Charles Barton

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FOCUS QUESTION 1

S.8(3) of the present Act allows the appointment of a Council lacking fundamental skills. The kinds of expertise referred to in s.8(3)(b), (c), (e) and (g) are all essential to the functions of the Heritage Council. Thus at least 4 of the appointed members (if the present structure is to continue) should be persons with these skills.

S.8(3)(d) should be repealed and no equivalent provision enacted in the revised Act. It is offensive to have a property developer sitting on the Heritage Council because the aims of a developer and the purposes of heritage conservation can readily be perceived as antagonistic. Similar considerations may apply to s.8(3)(m).

If, in the revised Act, developers and builders are permitted to sit on the Council, then Clause 9(4) of Schedule 2 to the Act (Disclosure of Pecuniary Interest) must be amended by deletion of the words “unless the Minister or the Heritage Council otherwise determines”. Then cl.9(5) would be unnecessary.

FOCUS QUESTION 2

A good place to start would be in s.4 of the Act, by amending the definition of “relic” so that aboriginal relics are not excluded. Otherwise the person referred to in s.8(3A) would appear to have no useful function on the Heritage Council.

If there is an intention to enact fresh separate legislation protecting Aboriginal cultural heritage (with corresponding revision of the *National Parks and Wildlife Act 1974*), such legislation should not be able to be easily swept aside by any provision such as the present s.5.23 of the *Environmental Planning and Assessment Act 1979*.

Charles Robertson Barton OAM

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