

**Submission
No 232**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Name: Dr Peter Watts

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Submission to the Standing Committee on Social Issues

in relation to a

Review of the Heritage Act 1977

Dr Peter Watts AM

2 June 2021

I am an architect and landscape architect and have spent my entire career of some 50 years involved in the conservation and management of Australia's heritage – archaeological, built, natural and cultural landscapes and intangible heritage.

For 28 years, between 1981 – 2008, I was the inaugural Director of the Historic Houses Trust of NSW (now Sydney Living Museums). I attach my CV.

I wish to make the following comments:

1. The Heritage Act is a good Act in its aspirations and purpose and requires little change. It would benefit from adding specific references to:
 - a. Aboriginal cultural values:
 - b. intangible cultural values, and
 - c. cultural landscapes.
2. I do not support the proposed division of four categories as outlined on page 14 of the Discussion Paper. This adds unnecessary confusion and 'ranking' means there are places of less significance. A similar system of 'Classification' and 'Recording' operated by the National Trust but was abandoned many years ago for these good reasons.
3. The implementation of the purposes of the Act is generally poor. This is evidenced by:
 - a. The very small number (1,740) of items included on the State Heritage Inventory. Of this more than half (1,329) were added in the first year of operation of the Heritage Act. This would indicate a significant lack of commitment and interest by government to its primary agency responsible for the State's heritage.
 - b. The Heritage Act is currently 'turned off' by State Significant Development Applications. This is very poor public policy.
 - c. The over emphasis on forensic processes for changes to the places on the Register at the expense of dramatically increasing the number of places on the Register.
 - d. The unnecessary dominance of an archaeological emphasis during the assessment process that leads to little information - but at great cost.
 - e. The ever increasing bureaucracy that surrounds the various application processes under the Heritage Act.
 - f. The ever increasing bureaucracy that surrounds the requirement for Ministerial Approval of items to be added to the State Heritage Register.
4. The lack of knowledge, skills and experience of some members of the Heritage Council is of considerable concern. Partly as a consequence there is little respect for the Heritage Council amongst the profession and the community. It is generally regarded as a politically biased organisation lacking proper independence. This should not be the case.

5. The Heritage Council should be an independent statutory authority – as in Victoria. This provides true independence and removes politics from what should be a purely objective and non-party political process. .
6. It is disappointing that the Heritage Council plays a minimal role in leadership of the conservation of the State's heritage. This is possibly a consequence of lack of resources. If so this should be addressed by providing sufficient funds to the Council and the opportunity for it to determine how its funds are spent, rather than requiring ministerial approval.
7. The management of heritage items and assessments during the planning process by local government is generally extremely poor with very little mature and experienced consideration being applied to decision making. The Heritage Act should endeavour to address this matter since it is where decisions about much of the State's heritage assets are ultimately made.