

**Submission
No 293**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Organisation: NSW Department of Education

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NSW Department of Education Submission to the NSW Legislative Council Standing Committee on Social Issues - Review Of The Heritage Act 1977

Introduction

The NSW Department of Education is the state agency with the largest number of heritage listings on its Section 170 Heritage and Conservation Register. The Department's register contains a rich, varied, and many times rare, collection of cultural heritage.

The Department is committed to ensuring, on behalf of the public of NSW, its preservation, conservation and appropriate adaptation in accordance with the *Heritage Act 1977* and the *Australia ICOMOS Burra Charter (Burra Charter)*.

The Department's submission addresses points 1(a), 1(b), 1(c), 1(d)(i), (iii) and (iv), and (e) of the Standing Committee's Terms of Reference by addressing the following sections of the '*Review of NSW Heritage Legislation - April 2021*' (*Discussion Paper*):

- 4. *Heritage Identification and Listing*
- 5. *Streamlining Heritage Processes*
- 7. *Publicly Owned Heritage*

Section (4): Heritage Identification and Listing and Section (5): Streamlining Heritage Processes

The Department does not support the scope of the reform to the *Heritage Act 1977* as outlined in these sections of the *Discussion Paper* and considers many proposals discussed to be unwarranted, noting that many current processes used by state agencies are well known, well established, and fit-for-purpose. These processes complement the nature, scale and complexity of state agency asset bases, but many times lack the allocation of sufficient resources to be fully effective.

The Department values the role of Heritage NSW, and supports a well-resourced information, assessment and compliance role for Heritage NSW in the management of state agency heritage assets.

The Department does not support further change to the current heritage management system, for example, proposed changes to the category of 'state significance'. The Department feels that the current system already has the flexibility required to distinguish what is significant within an item of state, or local, significance and processes to manage the adaptation of the item. This is done either via a Heritage Inventory Sheet, Conservation Management Strategy or Conservation Management Plan. *Standard Exemptions* are applied by default to items of state significance and *Site-Specific Exemptions* are able to always be negotiated based on evidence (contained within the heritage management documents cited) with Heritage NSW. The *Discussion Paper* omits this long-standing process in its examples. By amending this aspect of the *Heritage Act 1977*, the process will inversely become less flexible.

The Department does not support a move to more self-regulation/self-assessment. Such changes, for example the recent changes to the *Standard Exemptions*, created an onus on self-assessment. This created some uncertainty in the Department's asset management processes, and shifted heritage management risk to the Department and its officials.

The Department finds the existing heritage application process for development to items of state or local significance to be a pragmatic and appropriate. The Department has adopted the *Burra Charter* as required, and has sought to implement its principles, which are underpinned by the requirement for heritage applications.

Section (7): Publicly Owned Heritage

The Department, as the state agency with the largest amount of heritage listings on its Section 170 Heritage and Conservation Register, considers its heritage assets as being fully activated as centres of excellent public education.

Many of the Department's heritage assets have already given between 40 and 150 years of service to NSW, are remarkably flexible, and will continue to give valued service to the educational needs of children. This is provided suitable maintenance for such assets is carried out in an appropriate, skilful and timely manner so as to continue their enduring contribution to schools and the communities in which they reside.

The Department does not support change to current state agency heritage management provisions in the *Heritage Act 1977*, supporting regulations and policies. The Department considers the current processes well known, well established, and fit-for-purpose. Changes to the current heritage management system could result in causing a disruption to the Department's current asset management systems and processes.

As noted previously, heritage management issues, as stated in the *Discussion Paper*, have omitted current heritage management processes which already allow for the adaptation of items of state or local significance, in accordance with the principles contained in the *Burra Charter* as adopted by the Department.

Conclusion

The Department would like to thank the Standing Committee for its consideration of its submission regarding the review of NSW heritage legislation. The Department would welcome further consultation and discussions with Heritage NSW and all NSW agencies to identify more effective solutions, and work collaboratively to assist and improve the process for heritage management.