

**Submission
No 306**

INQUIRY INTO REVIEW OF THE HERITAGE ACT 1977

Organisation: Construction, Forestry, Maritime, Mining & Energy Union

Date Received: 2 September 2021

CFMEU

CONSTRUCTION

2 September 2021

The Honourable Peter Poulos
Chair
Standing Committee of Social Issues

Mr Anthony Hanna
Principal Officer
Upper House Committees

RE: Review of the Heritage Act 1977

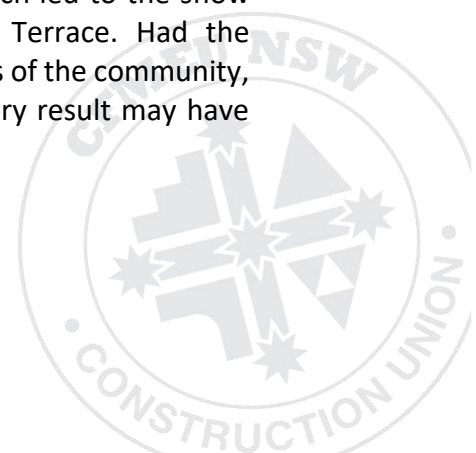
The Construction, Forestry, Maritime, Mining and Energy Union (CFMEU) welcomes the opportunity to make this brief submission.

The CFMEU represents approximately 20 000 members in the building and construction industry. The issue of the State's heritage has been close to our hearts for decades. The CFMEU and its members have a history of activism to protect important heritage buildings through the Green Bans. Most recently, the collaboration of the community in Parramatta and the CFMEU saved Willow Grove and St Georges Terrace from destruction. The CFMEU is proud of its role, and the role of its predecessor unions, in conserving for posterity so much of the built heritage of New South Wales.

Unlike the great cities of Europe, or other parts of the world, Australia is a young nation. Sadly much of our early heritage that of First Nations People and of early settlement have been lost. The preservation of our heritage is important in current and future generations' understanding the history of their country and such an important link to the past. To lose important buildings, parklands and other examples of our heritage is a travesty. Once lost they are gone forever.

In the review of the *Heritage Act 1977*, the CFMEU submits more needs to be done to ensure that meaningful consultation with communities and heritage experts in decisions which effect communities occurs. It was a failure of Government which led to the show down on the decision to destroy Willow Grove and St Georges Terrace. Had the Government properly consulted and taken into consideration the views of the community, regarded more fully the advice of heritage experts, a more satisfactory result may have been reached in a more timely and cost effective way.

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We understand in certain circumstances the NSW Government can act to override the provisions of the Heritage Act. This is a major failure of legislation that has been enacted to preserve our heritage. This must be immediately addressed. Decisions of Government must be subject to the constraints of the *Heritage Act 1977*.

The CFMEU submits that the *Heritage Act 1977* should include provisions that requires meaningful consultation with effected communities, with timely transparent processes which provide people the opportunity to have a real say and make a proper contribution to the planning and decision making process and for legitimate and widely held concerns to be accommodated or cannot be ignored without a significant and proper basis. The bar needs to be higher for Governments to pass should they wish to override the will of the community.

The CFMEU also submits that the *Heritage Act 1977* ensures that destruction of important heritage sites do not occur in the dead of night, as has occurred in Parramatta. Where such action occurs there needs to be serious financial penalties, including the rebuild of what has been destroyed or use of the space in some other way that keeps the asset in Public Hands.

We thank you for the opportunity to make this late submission.

Yours sincerely

Darren Greenfield
State Secretary

