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STANDING COMMITTEE ON ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY
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Submission Cover Sheet

Inquiry into ACT's heritage arrangements

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Standing Committee on Environment, Climate Change and Biodiversity
Legislative Assembly of the ACT

RE: INQUIRY INTO THE ACT'S HERITAGE ARRANGEMENTS

KHA Submission

This written submission to the Inquiry into the ACT's Heritage Arrangements is made by the Kosciuszko Huts Association (KHA). Additionally, the KHA would welcome the opportunity to appear before the Committee to answer any questions and add further context to this submission. The KHA would also welcome invitations to attend public hearings.

Who We Are

The Kosciuszko Huts Association is a volunteer association dedicated to the conservation of huts and homesteads in the Australian Alps national parks and reserves of NSW and ACT. The Association provides volunteer labour assistance to both the NSW National Parks and Wildlife Service (NPWS) and ACT Parks and Conservation Service (PCS), endeavours to maintain traditional skills and knowledge, researches and documents history, raises public awareness, and advocates to governments for hut protection and conservation. The Association is responsible for the maintenance, restoration, and reconstruction of many of the huts and homesteads within Namadgi National Park. Operations commenced in NSW in 1971 and in the ACT circa 1990. To the best of our knowledge KHA is the only heritage volunteer body in the ACT that does physical construction type works, whereas other bodies, such as the National Trust, raise money to engage commercial enterprises to do the work. More information can be found at www.khuts.org.

The Heritage Problem

In the context of KHA operations, the ACT heritage apparatus involves three government entities: the ACT PCS, the Heritage Unit (HU), and the Heritage Council (HC).

Heritage operations can be viewed in three distinct periods: circa 1990 to 2004, circa 2004 to 2014, circa 2014 to now. From the KHA's perspective each one of these periods represents a decline in the working relationship between KHA and the HU. Interestingly each one of these periods appears to correspond with legislative changes and staff changes. As the authority and power of the HU has increased the relationship between KHA and the HU has declined. It is now to the point where our Association refuses to deal directly with the HU and will only do so

through ACT PCS. At a personal level the ACT PCS staff we deal with have also expressed frustrations with the HU.

This submission uses four examples that collectively provide evidence of the types of behaviours that the KHA has observed. Further examples can be supplied if required. Each of the examples in this submission represents one of the primary circumstances in which KHA participates in works. These examples are:

- Loss from disaster (namely the 2019-2020 bushfires).
- Routine conservation work within the scope of a conservation management plan (CMP).
- Conservation work requiring a statement of heritage effect (SHE).
- Conservation work supported by a grant.

The types of behaviour KHA has observed with the HU include:

- Non-compliance with Government's own processes and procedures.
- Failure of the HU to provide heritage advice at 'arm's length' from the ACT Government agencies and the associated failure to obtain heritage advice or review from the full Heritage Council in regard to that advice to agencies.
- Over reach of power and authority, and professional arrogance. The HU thinks it is the authority and not the HC. It appears that the HU expects the HC to be no more than a rubber stamp for the opinions of HU members.
- Disrespect and disregard for volunteer effort and community value.
- Illogical and impractical grant processes that are publicly deceptive and have inappropriate and ambiguous governance arrangements.
- The doctrine of 'fabricism' and failure to recognise the place in the whole of physical and cultural landscape. Obsession with only the fabric of the listed place and the listing as it was at a point in time. Failure to acknowledge social value, the values of those with connection to a place, and relevant new and additional evidence.

After examining these four examples, this submission will examine the limitations of the ACT PCS; the limitations of volunteers; a brief comparison with the other three jurisdictions that have mountain huts and homesteads; the resourcing of the HU; and finally, it will provide recommendations for improvement.

Loss From Disaster (2019-2020 Bushfires)

Two heritage huts were destroyed in the 2019-2020 Bushfires. The Namadgi National Park (NNP) Plan of Management (PoM) defines the process to be followed after such events. The defined process is one of community consultation and values assessment. The PoM defines all the factors to be considered. In practical terms this process is executed by engaging an independent contractor to research and provide recommendations. A contractor was engaged. He consulted widely, including with PCS. His findings supported reconstruction. Interestingly, the contractor's professional position at the start of consultation did not support reconstruction, but his research unearthed a weight of evidence in support of reconstruction on the grounds of social significance.

ACT PCS did not want reconstruction from the outset. Immediately after the fires and well before the consultant was engaged, the ACT PCS advised the KHA that the huts would not be rebuilt. When questioned why they weren't following the process in accordance with the NNP PoM, (or the rebuilding methodology used by the NSW NPWS, the ACT PCS Australian Alps Cooperative Management Program partner) we were advised that the PoM was dated and therefore not relevant. The PoM is statutorily binding on the ACT PCS and remains binding until it is replaced.

It appears to KHA that the HU prepared a report solely on the desired outcome wanted by the ACT PCS. This report was contrary to the findings of the consultant. It appears this HU report was only for the concurrence of the HC Chair. That is, KHA suspects the document was signed by the President out of session on advice of the HU and simply purported to be the HC's position. KHA believes that this should not have occurred. Rather, given the HU report was contrary to the consultant's report, both should have been presented to the full HC for consideration. The contrary nature of the HU position paper ought to have been fully disclosed to the HC. This is a significant governance issue in relation to the role of the Heritage Council (and potentially the operation of the Heritage Act) as to where and in what circumstances the Chair can make conclusions on its behalf.

It should be noted that the consultant had been engaged as part of the post bushfire recovery process conducted by the ACT Government. The consultant found that the weight of social and cultural significance supported reconstruction under Article 20 of the Australia ICOMOS *Burra Charter* 2013.

It should be noted that the HU was in the same directorate as the ACT PCS at the time. The KHA believes that the ACT PCS and the HU cooperated closely on the content of the HU report to the HC Chair. The HU did not consult with any other stakeholders nor, at the time of their report, had they visited the sites. It is hard to see how the HU would have superior evidence to the consultant. The report they did prepared contains factually incorrect and misleading information, as well as inadvertently disclosing that they did not refer to all relevant information in the possession of the ACT Government. This calls into question the credibility of the HU. It appears to KHA that this report was a case of argumentum ad verecundum and sophistry.

The fundamental position of the HU report was that as a lot of fabric was lost then the cultural significance was lost. This position is in direct opposition to Article 20 of the Australia ICOMOS *Burra Charter* 2013. When questioned on the significance in the context of the hut network, landscape settings, and cultural paths and routes of the Australian Alps we were advised that the HC would only consider matters related to the actual listed site and, even then, only in the context of the listing description.

It appears to KHA that the ACT PCS, the HU, and the HC Chair's view of the *Burra Charter* was more consistent with the application of the 1988 Charter rather than the current 2013 charter. The 1988 *Burra Charter* was fabric centric whereas the 1999 and 2013 charters place more emphasis on social and cultural values. In fact, there is an explanatory note at Article 20 specifically dealing with total loss of fabric from fire.

The basis of this breach of public trust and failure in professional conduct stems from an informal arrangement made between the ACT PCS and the Heritage Unit that the HU would always favour the public land managers position over any volunteer position. This attitude is also reflected in the extant grant arrangements. This view has been verbally expressed to me by at least two HU staff.

This example identifies the following:

- Disregard of ACT Government staff (ACT PCS and HU) for their own processes and procedures – these were not convenient for the outcome wanted and so were not followed.
- Lack of independence of the HU – cooperation with one stakeholder so causing an outcome in favour that stakeholder. The fact that the HU was in the same directorate as

the ACT PCS and working to the same management makes it difficult to see how the HU can perform its role at 'arms-length.'

- Complicity of the HC in supporting the bad behaviour of the HU and ACT PCS.
- Disregard and disrespect for the community – by total disregard for the community representations to the consultant.
- Obsession only with fabric and the place as it was detailed in the listing at a point in time - rather than the overall significance of the place in the in light of contemporary evidence on the place's significance in a whole-of-landscape and cultural setting. Disregard for articles of the *Burra Charter* that did not accord with the outcomes wanted by ACT PCS and the HU

Routine Conservation Work Within the Scope of a Conservation Management Plan (CMP)

Shortly after the introduction of the 2014 amendments to the Heritage Act, changes were implemented at the ground level where all proposed works, regardless of how minor and regardless, if they were within the scope of the Conservation Management Plan (CMP) were to be referred by ACT PCS to the HU for approval. A staff member at the HU advised the current KHA President, that PCS were simply responsible for land management and had no authority for ongoing decision on the huts. This view was blatantly contrary to the then legislative construct. Nonetheless NNP staff complied with the requirement.

Current legislation provides that where routine works are carried out within the scope of the extant CMP then approvals should be with the asset manager. Where works are proposed outside the scope of the CMP then a statement of heritage effect is required.

This is not what was happening. Circa 2016 the HU required the ACT PCS to seek approval of all works from the HU. This wouldn't have been a problem if turn-around times were reasonable. They weren't. Despite KHA submitting workparty proposals many months in advance approvals wouldn't be obtained until within one or two weeks of the scheduled works. This left no time to procure materials or schedule workers who invariably have to prepare equipment, take time off work, and travel long distances. Please note that KHA needs long lead times to procure sympathetic materials as they often have to be sourced second hand and are not readily available commercially (unless by special order with long lead times – e.g., Z700 corrugated galvanised steel)

A HU representative justified this approach to me on the basis that the 2014 legislative amendments provided that the HC was the ultimate and sole arbiter on the interpretation of a CMP, and the HC decision could only be overturned by the ACT Supreme Court. I very much doubt that the HU application of this was what was intended by the legislators and regardless the HU is not the HC and by its own position should have referred all minor maintenance work proposals to the HC for them to decide on. They did not do this, and if they did it would have been an unworkable arrangement.

This was an impractical position by the HU and provides one insight into why the HU is unable to effectively manage its work load.

Making this situation worse was the fact that HU officials knew that the ability to appeal to the ACT Administrative and Civil and Administrative Tribunal, had been removed from the legislation in 2014. HC decisions can now only be appealed to the ACT Supreme Court. It is easy to see how a public official knowing this would be well aware that the ability of a volunteer association to

challenge the abuse of their authority was markedly lessened, thus emboldening them to behave with impunity.

This example identifies the following:

- Over reach of power and authority by HU staff – by claiming responsibility for operational management activities for which they were not responsible.
- Gross contempt of volunteer time and effort - by untimely decisions that made it impossible for the volunteers to achieve the outcomes.
- Failure of ACT Government processes to check abuse of power.

Conservation Works Requiring a Statement of Heritage Effect (SHE)

In February 2018 our Association undertook works at Demanding Hut to replace three (3) rotten stumps. We discovered that the whole substructure was termite infested. Termites were in the stumps, main structural posts, bottom plates, floor joists, and floorboards. The scope of work to remediate this was outside the resources we had on hand and outside the scope of the existing CMP. Immediate action was taken to crib the building to make it safe, stop further work, and notify the ACT PCS. These immediate actions were undertaken with a view to ACT PCS initiating the preparation of a statement of heritage effect and taking immediate action to treat the termites in order to prevent further loss of fabric.

A consultant was engaged and a SHE prepared and submitted by about the middle of the year. In that time no action was taken to treat the termites. It is understood that the HU would not permit treatment of termites until they had considered the consultant's report. It took over a further year for a decision to be made. We have been advised that during that period the HU kept asking questions by email of the consultant. We understand that eventually the consultant, in frustration, attended the HU to answer questions directly. At his visit he found that the HU had not read his report. The report answered the questions they were asking. The ongoing degradation still had not been arrested.

Overall, it took about two years to agree to treating a termite infestation and reconstructing the damaged and un-serviceable fabric. Their failure to make this timely decision resulted in that hut suffering greater loss of fabric. It also left the hut in a highly vulnerable state as the ember protection surrounding the base of the hut had been removed to allow sufficient ground footprint for the temporary cribbing. The temporary cribbing being necessary for the support of the structure in the absence of sound stumps. The decision took so long that the cribbing itself became infested with termites. The hut lost its level and started to rack. In other words, the inertia of either one or both of the HU and HC breached the fundamental principle of preventing ongoing degradation to a structure.

I believe it was well within the ACT PCS remit to take immediate action to prevent further degradation by treating the termites, but they would not do so because of what appeared to be 'fear' of the HU.

In this example exercise of power by the HU and adherence to their application of process took precedence over heritage outcomes.

Conservation Works Supported by a Grant

In 2015 a grant was awarded to KHA for works to be undertaken on the Orroral Woolshed after significant storm damage. I inherited management of this Grant after changes in appointments within KHA. The Grant had already been approved and execution of works was underway.

The actual on-ground works involving ACT PCS staff, the heritage consultant, a specialist contractor, and volunteers, worked exceptionally well. In fact, it was a model of how works should be undertaken. It is the only time I have seen ACT PCS staff actively engaged with the volunteers for the full duration of a works activity.

The higher-level management involving the HU, ACT PCS management, and KHA was one of the most bizarre project governance arrangements I have ever experienced and an unpleasant experience. The Woolshed is a government owned and managed asset, but the responsible Government entity cannot apply for grants. They have to use an incorporated community association as a proxy so that it appears the money is going to the community and not back to the Government (when in fact it is ultimately going back to the Government). The Territory enters into a legally binding deed with the community association. This deed holds the community association responsible and accountable for the prosecution of the works and expenditure of funds. In practice the HU have an arrangement with PCS whereby PCS have ultimate effective control but no accountability or responsibility under the deed.

In effect the Territory enters into a legally binding agreement with a second party to do the Territories work for it but does not allow the second party to control the works but causes control to revert back to the Territory whilst holding the second party accountable. What an absurd arrangement.

Such a confused governance arrangement causes all sorts of ambiguity about who is responsible for what and when. Verbally we were advised ACT PCS would do all the administration and reporting as they were controlling the project but when that didn't happen we were contacted by the HU and told we were accountable and if ACT PCS didn't do it we would have to get them to do it or do it ourselves, even if it meant we had to take time of our paid work to do it. Also, a number of things were done by ACT PCS that were not in accordance with the deed (including expenditure) and the Association was told by the HU that we were responsible and had to sort it out.

Throughout that grant process I received ever changing advice from the HU on what was could or could not be included in the final acquittal. They would not provide their advice in writing. After submitting the acquittal in accordance with their most recent advice, I received an officious email that what was done was wrong. Interestingly, written advice was provided after the submission but not before when I requested it.

I reported all my concerns in my final report and no follow up action was taken either by the HU or PCS.

This grant arrangement is wrong. ACT PCS is the land manager. ACT PCS should run the project, but they should also be the accountable party. As such, they should be the grant applicant. Interested community organisations should write letters of support for the proposed grant, rather than the other way around. The volunteer association can provide labour support, but the ACT PCS should manage the grant and associated monies. Parks have paid staff who can manage this effort.

The current method of using a community organisation as a proxy to make it look like money is going to the public when in fact it is going to a government asset is wilfully deceptive. Other jurisdictions, have arrangements where Government land managers can apply for and obtain grants.

This experience demonstrates the officiousness nature of the HU, the conflict of interest by the HU as a government entity in the same directorate as the ACT PCS, and contempt and disregard for volunteer time and effort.

ACT PCS

In addition to the problem with the HU there are also systemic problems within the ACT PCS.

ACT PCS staff members are trained in natural resource management and visitor management. They get minimal to no training in heritage or traditional building techniques. To expect them to also know heritage, traditional construction techniques, construction law, and construction WHS compliance is a reach too far. It is also unreasonable to expect volunteers to know all this (which is in practice what has to happen). ACT PCS staff also have an extremely high turnover relative to Victoria and NSW. This compounds the knowledge and skills problem.

KHA struggles to get ACT PCS staff to be present at the start-work toolbox meeting let alone to be present for the duration of works so that problems can be worked through as they appear. ACT PCS advises that this is because of workload and lack of resources. There is likely a lot of truth in this, but we also feel there are other reasons. We feel they lack confidence in their knowledge and skills and so are reluctant to take accountability for decisions during the works. The absence of ACT PCS staff from a worksite does create legal complexity for volunteers under the Heritage Act (please see section below on volunteers). The legal liability that can accrue to the volunteers doing work is a massive disincentive.

The KHA works with the ACT PCS to develop an annual plan of works for NNP but other ACT parks and reserves in the ACT have no regular maintenance programme. Because there is no annual inspection and maintenance program in these other parks and reserves the degradation of structures has to be markedly advanced before the problem is noticed. There used to be a volunteer group that worked out at Glenburn/Burbong but they ceased operating due to frustration with the HU. The coordinator advised me that on one occasion a HU member threatened to take him to court.

Despite KHA volunteers having the highest WHS risk profile any volunteer worker, and high compliance requirements (building and heritage), there is no specific volunteer management for this. This contrasts with the dedicated volunteer programmes for wildlife (Wildlife Assist), visitor management (Visitor Assist), natural resources (Parkcare), and Ranger Assist. KHA is currently managed in the nature conservation Parkcare Program, which is largely irrelevant to the type of work KHA does. A resourced 'Huts Assist' program is required to cover all ACT Parks and Reserves.

The volunteer management team has little understanding of built heritage requirements. This is also mirrored in the work, health, and safety (WHS) requirements with respect to construction volunteers and the ACT PCS as a PCBU is currently non-compliant with this legislation despite direction from the Regulator in 2016 to resolve it, and despite a formally minuted agreement

signed in 2017, shortly after the Regulators direction. This contrasts with the relatively low risk nature conservation volunteers where the ACT PCS does meet its obligations. If something as black and white as WHS legal compliance is not understood, how can it be expected that they would understand the highly subjective world of heritage?

ACT PCS could resolve all of the above by establishing a permanent full-time or one or more permanent part-time positions that manages heritage, heritage works, and heritage volunteers across all ACT Parks and Reserves, and funding that program. Such staff skills within the ACT PCS, when combined with better use of approvals exemptions, will also assist in lessening the staffing and approvals needs within the HU and HC. It will also alleviate pressure on rangers and field staff within the ACT PCS. This 'Huts Assist' model could be based on the Wildlife Assist model. In respect of heritage works in various operational areas the model could work like the Fire Management Team in terms of division of responsibility. The current NSW Kosciuszko National Park (KNP) huts management framework also provides an excellent example of heritage management on public land.

Volunteers

Heritage volunteers are usually people who have attachment to a place and are keen to conserve the place using traditional techniques, but they are not professionals and not necessarily skilled artisans, nor are they experts in heritage, WHS, or building law. It is unreasonable to expect them to carry the burden they currently do.

Volunteers are not interested in lots of administration and compliance paperwork. They want to turn up, feel like they are doing good work and make a positive contribution. They don't want to have to take legal responsibility for things they are not being remunerated for. The current Heritage Act makes volunteers legally accountable for works performed, and as such the absence of ACT PCS staff when works are being performed puts volunteers in an unfair position.

Overall, the reliance on time poor ACT PCS staff combined with well-intentioned but non-expert volunteers coupled with an officious HU that has over extended its reach will continue to cause problems and increase dissent within the volunteer community. The way to fix this is to set up a properly resourced 'Huts Assist' program, reform the culture of the HU, and change the grant process. This would alleviate responsibility from existing generalist ranger and field staff for heritage, alleviate responsibility from ACT PCS natural resource volunteer management staff from having to manage the 'out of place' hut maintenance volunteers, help the ACT PCS to develop and consolidate its heritage knowledge, and remove the need for any interaction between the HU and volunteers.

Comparison with Other Jurisdictions

In addition to being President of the KHA, I am also a member of the Victorian High Country Huts Association (VHCHA), and the Mountain Hut Preservation Society (MHPS) of Tasmania. From experience with these three states the ACT jurisdiction is by far the most confusing, inconsistent, and frustrating experience of them all.

NSW has the legal framework most similar to the ACT in terms of the heritage, WHS, and construction law. KNP has the best developed huts conservation program of all the jurisdictions. Within KNP there is a staff member dedicated to the management of huts, including the

volunteer program. That person has access to NSW NPWS heritage professionals in Sydney. Furthermore, there are two carpenters who are dedicated to routine restoration and reconstruction works. These carpenters are augmented by contractors when required. Volunteers are used for the regular maintenance works.

In addition to the above routine operational program, a second program with an additional ranger as manager, and an additional two dedicated carpenters, for post fire rebuilds has been established. This ranger manages the volunteer labour required to support the carpenters. In effect this post bushfire reconstruction team mirrors the business-as-usual team.

When comparing the ratio of huts and homesteads across all ACT parks and reserves to those across NSW KNP and applying that ratio to the NSW KNP hut workforce it is easy to justify the equivalent of one or two dedicated PCS staff to manage heritage and the associated volunteers.

NSW NPWS is also the grant applicant for heritage grants for works. Likewise, the Australian Alps Cooperative Management Program (an inter-jurisdictional body consisting of Vic, NSW, ACT, and Federal representatives) can apply for grants. In these circumstances the KHA writes letters of support for these grants but is not the grant recipient.

Resourcing of the HU

It is hard for the KHA to accept the assertion that the HU does not have sufficient human resources to prosecute their function. It appears to KHA that the HU has inserted itself into operational matters for which it is not responsible. The examples provided throughout this document support this assertion. This would have impacted their ability to perform their core functions. Cultural and business process reform ought to be the first step and only after the culture and the processes are resolved should augmentation of human resources be considered.

Recommendations

Recommendations to Address the issues identified above fall into three groups:

- Provide for heritage skilled staff within ACT PCS and establish a 'Huts Assist' Program and huts strategy.
- Legislative amendments.
- Training and procedural actions.

Providing heritage skilled staff within ACT PCS and establishment of a 'Huts Assist' Program and huts strategy:

- PCS should establish a permanent full-time or one or more permanent part-time positions that are responsible for the management of heritage. In addition to these personnel, financial resources should be provisioned to meet heritage conservation of huts and homesteads across all ACT parks and reserves.
 - Responsibilities would include approvals and compliance, heritage works management (see second dot point under *Proposed legislative changes*, below) and management of a volunteer 'Huts Assist' Program (see *Establish a 'Huts Assist' program*, below).
 - Ideally the staff engaged would have both theoretical and practical skills (e.g., carpentry) in respect of heritage. They should not simply be the normal run of 'heritage theoreticians' that appear to dominate the HU.

- ACT PCS should invest in further training of these staff, for example through courses at the Longford Academy.
- In respect of roles and responsibilities across ACT operational areas the model could work like the Fire Management Team in terms of division of responsibility. As such it will alleviate pressure on rangers and field staff within the ACT PCS, where it is already demonstrated they don't have the resources to dedicate to heritage conservation.
- Such staff skills within the ACT PCS, when combined with better use of approvals exemptions, will also assist in lessening the staffing and approvals needs within the HU and HC.
- The current NSW Kosciuszko National Park (KNP) huts management framework provides an excellent example of heritage management on public land and can serve as a starting point for the ACT.
- Establish a 'Huts Assist' program as the current inclusion of built heritage volunteers in the natural resource program is failing. This 'Huts Assist' model could be based on the Wildlife and Volunteer Assist models currently in use at Tidbinbilla Nature Reserve and should leverage the superior huts management framework in use in KNP. In addition to heritage, and like other volunteer assist programs this 'Assist program' would need to manage WHS and other training requirements required by both law and the PCS as the person conducting a business or undertaking (PCBU).
- PCS could resolve all of the above by establishing a permanent full-time or one or more permanent part-time positions that manages heritage, heritage works, heritage volunteers across all ACT Parks and Reserves, and funding that program.
 - This 'Huts Assist' model could be based on the Wildlife Assist model. In respect of heritage works in various operational areas the model could work like the Fire Management Team in terms of division of responsibility.
 - The current ACT Wildlife and Visitor Assist programs coupled with the current NSW huts management framework provide excellent models for this.
- Development of an overall huts conservation strategy like that prepared by Godden, Mackay, Logan (GML) for Kosciuszko National Park in 2006. This strategy would consider all huts in the overall physical and cultural landscape rather than the current fabric and site only view. It would include a comprehensive maintenance program and a repeatable methodology, inclusive of social and cultural values, for decision making on replacement (full, partial, none) after either partial or full loss of fabric. This document would form the basis upon which the Huts Assist program would manage works (see second dot point under *Proposed legislative changes*, below).

Proposed legislative changes include:

- Legislative changes to ensure the independence of the HU. The HU must be arms-length from asset management agencies and in a separate chain of management to land managers and development approvers.
- Legislative changes to provide exemptions from approval under the Heritage Act for conservation work in accordance with an approved CMP, in accordance with the overall hut conservation strategy, and in association with in-house PCS heritage advice provided by the dedicated staff resources previously described.
- Inclusion of criminal penalties in the Heritage Act for public officials who act outside of their authority, and who attempt to pervert the integrity of a process.
- Repeal of aspects of the Heritage Act which give too much absolute authority to the HC (which in effect means the HU can act with impunity), specifically repeal the legislation that does not allow a body impacted by a HC decision to appeal to the ACAT or

alternatively introduce an appellate process that provides for independent review of HC decisions without the time and cost of a complainant having to go to the Supreme Court.

- Amend the Act to provide protection from prosecution to volunteers undertaking an approved conservation activity as part of an approved volunteer program.
- Amend the grant process so that a public land manager can be the grant applicant with support from the community demonstrated by letters from the community.

Training and procedural actions include:

- Cultural reform needed within the HU.
- Change the management structure within Government so that the HU is genuinely independent of ACT Government staff responsible for land management and development, so as to prevent undue influence by staff seeking particular outcomes.
- Appropriate training of HU staff on working with volunteers. Officious and overbearing attitude is not conducive to good government-public relations. Volunteers are not 'big corporates.'
- Ensure that in any future situation where heritage consultant advice to the ACT Government recommends a different action to that of the view of the relevant ACT government agency that the full Heritage Council is involved in reviewing and advising on that situation.

Additional resourcing of the HU should only be considered following a full review of its role in relation to supporting the Heritage Council and the staff needs and skills to undertake that role. In particular the review should examine business practices and procedure, the agencies culture, where it sits in the ACT Government structure, and the extent to which that organisational structure provides for undue influence by other government officials.

If you have any queries in respect of this submission, I can be contacted at [REDACTED] or via phone on [REDACTED]. Per the beginning of this letter, I would welcome the opportunity to appear before the Committee to answer any questions and provide further context to this submission.

Regards.

Simon Buckpitt
President