



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY
Dr Marisa Paterson MLA (Chair), Ms Jo Clay MLA (Deputy Chair), Mr Ed Cocks MLA

Submission Cover Sheet

Inquiry into ACT's heritage arrangements

Submission Number: 005

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**Submission to the Review of the ACT Heritage Council by the ACT Legislative Assembly
Standing Committee on Environment, Climate Change and Biodiversity**

Dear Dr Paterson,

Thank you for your letter of 6 December 2022 advising of the Committee's decision to 'investigate what can be improved, specifically in relation to the functions, structure, administration, and operation of the ACT Heritage Council, including the adequacy of governance arrangements between the ACT Heritage Council and ACT Heritage Unit, and their roles and responsibilities'.

I served as member, Deputy Chair and Acting Chair of the inaugural Council from 1992 to 1997, and as a member, Deputy Chair and Chair between 2017 and my resignation in November 2022. I was appointed to Council roles by four heritage ministers, from Labor, Liberal and most recently the Greens Party. I also taught heritage courses at ANU, conducted many private archaeological consultancies, and held executive positions in the Commonwealth government in relation to historic heritage management, historic shipwrecks, movable cultural heritage, Australia's world heritage committee term and Pacific focal point role, Aboriginal and Torres Strait Islander heritage protection, heritage economics and legislative reform of the EPBC, ATSIHP and Historic Shipwrecks acts. I note that I am voluntary curator of the Gillespie Collection at the Hall Heritage Centre, so my examples of on-ground issues will tend to reflect that interest.

Based on this experience, I would like to make some short comments to assist the very welcome work of your Committee.

1. As heritage listings have grown, funding for staff has been inadequate to allow reasonable timelines for advice to owners and developers of heritage places. Staff often have to be drawn from the small listing-assessment team to help provide advice that has statutory deadlines, slowing down the processing of nominations. The reputation of the heritage function is thus diminished.
2. Heritage management plans prior to development are a great way to get good heritage outcomes without the costs of late interventions or adjustments. This should be a standard approach, especially when a project has a government proponent. Government should lead by example. And the timeframes for their review for endorsement by Council need to be greatly shortened.
3. Funding of staff has been insufficient over many years to enable strategic work by Council. This includes modernising guidelines and other activity that could reduce reactive workloads. Strategic work would also involve studies of classes of places, to enable systematic identification of those deserving formal assessment. It is much better to do this than to impact development aspirations by nominations at the final moment.
4. The heritage database has become unreliable, and is very clunky and old fashioned. It needs urgent investment, including off-line time for knowledgeable staff to guide its development. A reliable source of data will reduce staffing burdens.
5. The heritage web presence should be inviting and delightful for the community. Sadly, it is neither. It deserves investment.

6. There is a case for a dedicated Secretariat team for Council, to allow focus on Council work.
7. In any case, the rules for conduct of Council business, and Council's relationship with secretariat officers, should be set out in regulations. For example:
 - a. Council members should be explicitly governed by the ACT government integrity framework, its values and standards of behaviour.
 - b. Council members' additional responsibilities in relation to, for example, declarations of interest.
 - c. It should be clear who has the determinative role in establishing Council task forces, their membership, and chair.
 - d. It should be clear who has the determinative role in expenditure of funds available for Council activity.
 - e. It should be clear who has the determinative role in setting the agenda for formal Council Meetings and Task Forces. This is needed to ensure an adequate coverage of different heritage areas of interest (Ngambri-Ngunnawal, historic, built, geological etc) and priority issues in the limited time available.
8. Given the flow and topics of Council's work, there are some positions that seem to be essential, rather than optional for Council. These include the Indigenous and general community representatives, an architect and archaeologist.
9. Given that decision making is made by Council as a whole, it would be useful to include, in the criteria for Council membership selection, the ability to work in teams. Due diligence in this regard would note the prospective members' record in government, advisory board or council roles.
10. Compliance and enforcement activity in relation to listed heritage places appears to be very limited. A good compliance strategy and risk analysis needs to be prepared and implemented in consultation with expert compliance officers. A greater presence, even in the issuing of warnings, is essential to prevent the gradual erosion of heritage values.
11. Knowledge of maintenance needs of Government-owned and managed heritage places is needed in the ACT, and the preparation of maintenance schedules. This includes places like Tuggeranong schoolhouse and Ginninderra Police Station and review of the management of fragile heritage places that are not occupied or used permanently, like Ginninderra Blacksmiths Workshop. This is essential to retard deterioration and manage the risk of loss to disasters like fire and termites.
12. I strongly recommend great care in any legislative policy development to ensure wide consultation by Council with all Aboriginal communities that have historical associations with areas of the Australian Capital Territory.

Yours Sincerely

Dr Ken Heffernan

28 February 2023