



Position re Heritage Amendment Bill, 2009

Professional Historians Association (NSW) Incorporated

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PHA (NSW) Position re Heritage Amendment Bill 2009

Preamble

The Professional Historians' Association (NSW) – PHA (NSW) – is alarmed at the probable impact of the proposed Heritage Amendment Bill, 2009. Of particular concern is the downgrading of the role of the history profession in the assessment and management of heritage in NSW. We believe the Heritage Amendment Bill, 2009 will result in a return to the 'bad old days' prior to the Heritage Act, 1977.

Heritage protection as a social movement arose in Australia because of the activities of developers, whose antipathy to heritage and dedication to economic gain and 'development' created resistance among communities and individuals wishing to promote less materialistic values. Far from recognising this history, the Bill will designate three places on the Heritage Council to 'experts' who promote the development values which have led to the destruction of innumerable heritage places.

PHA (NSW) is concerned at the contradiction between the Bill's stated aim of informing and educating about heritage, and the removal of expertise in heritage from the peak NSW heritage body, the Heritage Council. Similarly it is of concern that the recently announced thematic listings approach to heritage assessment will founder unless trained historians have a critical role in implementing this innovation.

At the same time we welcome some sections of the Heritage Amendment Bill, 2009, such as the new Section 79c that will allow 'stop work' orders to prevent harm to heritage items to be more speedily implemented than at present.

Proposed changes that concern PHA (NSW)

- **Loss of designated position for a historian on the Heritage Council**

History is the foundation stone of heritage assessment. No valid assessment of the significance of a site, building, object or collection can be made unless there is some understanding of its history. Lack of historical input will seriously downgrade the importance of history on the peak body for heritage assessment in NSW. The expertise of historians underpins all other disciplines in heritage assessment. PHA (NSW) is seriously concerned that the Bill does not make provision for a designated position for a historian on the Heritage Council, as it does at present. Respected

professional historians at the peak of their profession have been advising state governments about heritage issues since 1920. This proposed Bill diminishes the standing of historians in an important area of public intellectual life in which their expertise and public profile are essential.

- **Failure of the Heritage Amendment Bill, 2009 to define expertise**

The effect of the proposed legislation is that the Heritage Council will have 11 members instead of 15. Six of these will be drawn from a list of ‘persons who, in the opinion of the Minister, possess qualifications, knowledge and skills’. The implementation of this clause could lead to the sidelining of expertise and the co-opting of Heritage Council members with relatively low qualifications in history or other heritage disciplines.

- **Composition of the Heritage Council**

If the proposed legislation is enacted the list of experts from which members of the Heritage Council may be drawn will be expanded. Although historians, archaeologists, architects, planners and unions *may* still be represented, new ‘disciplines’, three of which include property, property planning or property economics, will be included. The likely outcome of this would be a Heritage Council weighted heavily in favour of development-based disciplines and a diminution of historical and other heritage expertise.

- **Changes to the heritage assessment process**

It is of grave concern to PHA (NSW) that this Bill requires that issues associated with undefined cases of economic hardship be considered at the assessment stage. This will undermine the rigorous process of assessment and is not in line with best practice in the Australian and international context.

- **Changes to the Section 170 register**

Government departments and agencies are currently required to assess their holdings for possible inclusion in the S170 heritage register. Under the provisions of this Bill the S170 register will be required to include only a representative sample of heritage buildings/sites. An undefined ‘representative number’ means the inevitable loss of important heritage places, especially in small rural communities.

- **National Trust representation on the Heritage Council**

PHA (NSW) is concerned that the sole body designated with a place on the Heritage Council is the National Trust. Where we admire the National Trust for its assiduous and continuous preservation of places, it is a body with two areas of vulnerability. Firstly it draws some \$500 000 per annum - much of its running costs - from the State Government, making its position vulnerable. Secondly, although many members and staff maintain expertise in heritage theory and practice, the National Trust’s

constitution does not provide it with the intellectual foundations for rigorous research and publication into heritage. Rather it must undertake this on an occasional basis as funds are available. Its constitutional focus is preservation. Both these factors leave the National Trust vulnerable to pressure.

Conclusion

History gives meaning to heritage places by telling the story of the triumphs, struggles, joys and tragedies of the people associated with a particular site. These stories have the power to resonate with the people of NSW in a more immediate and sometimes subtle way than aesthetic, architectural and technical values. While these aspects of heritage are important, they need to sit on a firm bedrock of lively, thought-provoking and professional history – a vital component of heritage assessment.

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