

## **Professional Historians Association Vic (PHA) Comments on the Heritage Act Review 2015**

PHA (Vic) welcomes the opportunity to comment on the proposed amendments to the Heritage Act 1995. This is a very important opportunity and one that we welcome eagerly. The Professional Historians Association of Victoria is a dynamic community of historians who communicate history in diverse ways. Heritage is a crucial part of our history, playing a vital role in Victoria's identity, culture, economy and knowledge. Our 147 members are continually adding, contributing and participating in the heritage sector in a variety of ways from writing significance assessments to local histories, site and land histories, archeological surveys and family histories – just to name a few.

The discussion paper and the consultation sessions offered by Heritage Victoria were very useful. The hard work and thought put into these proposed changes is evident, and those involved should be commended for their efforts.

PHA (Vic) has some thoughts and comments to offer on the proposed changes. In addition, PHA (Vic) supports the changes and suggestions put forward by the History Council of Victoria and the Royal Historical Society of Victoria.

### **Improving Heritage Registration Process**

#### **2. Reform to the Heritage Nomination Process with regards to limitations**

We agree that the proposed limitations placed on nominations to help ease the workload of the Heritage Council: (*Proposal 2, part e, page 3 of the Discussion Paper*)

*To specify that places and objects cannot be re-nominated for five years if the nomination has been rejected or if the Heritage Council determines not to register a place or object; an exception will apply if significant new information is presented that was not available at the time the decision was made.*

In particular, PHA (Vic) supports the inclusion of an exception as recognition of the remarkable advancement of digitizing public records and other archives that could provide new insight into the significance of a heritage asset.

#### **6. Improving Heritage Registration Processes with regards to objects significant to place**

PHA (Vic) was very pleased to see the addition of objects that contribute to the significance of place (*Proposal 6, page 5 of the Discussion Paper*) proposed as an amendment to the Heritage Act. The recognition of the significance of objects in their own right is very important, but recognizing their importance in relation to places and sites is also very valuable. We encourage Heritage Victoria and the Heritage Council to further develop this aspect of the proposed amendment with key partners and stakeholders, particularly to ensure that Victoria's criteria also aligns with national standards for significance assessment of objects and other best practice guidelines for significant objects.

## **Simplifying Heritage Permit and Consent Process**

### **1. Reform to the Heritage Nomination Process with regards to Local Council Involvement**

PHA (Vic) supports the proposed amendment to increase the role of local government in the operation of the Act (*Proposal 1, page 7 of the Discussion Paper*).

As well as increasing the role of local councils in the permit process, PHA (Vic) suggests that local government should also have a greater role in the nomination of heritage objects, sites and places. In order to avoid situations such as the case of Gough Whitlam's birth place ('Whitlam House to Face the Bulldozer', *The Age* 29 June 2015), PHA (Vic) suggests that further consideration be given to the nomination process itself.

One of our members commented that:

*It is scandalous that in so many cases places of the highest significance (i.e. on the VHR) are permitted to be modified in ways that would not even be conceivable for a 'contributory' place in a municipal heritage area.*

We propose that all nominations should be assessed at a local level first, then progress to state level secondly, so that all nominations that meet the local significance threshold are captured at that level *in the first instance*. This is as opposed to the current situation of being recommended to local significance *after* failing to meet the state threshold.

### **4. Ensure a clear role for the National Trust in permit matters**

PHA (Vic) welcomes further clarification of the role of the National Trust in the Heritage Act (*Proposal 4, page 8 of the Discussion Paper*). The knowledge and expertise the National Trust offers on Victorian history and heritage is hard to match and this clarification can only help to strengthen the Heritage Act and the long-term future of heritage places and objects.

## **Other Changes**

### **Restoration of Third Party Appeal Rights**

One issue these proposed amendments do not yet address is the issue of third party appeal rights regarding permit applications. The restoration of third party appeal rights would be a move towards clarifying the role of not only the National Trust, but also other special interest groups, such as local historical societies or associations like the Professional Historians Association of Victoria. Many of our members have extensive experience working in heritage, several of them having served on the Heritage Council of Victoria. Allowing the addition of third party appeal rights regarding permit applications would maintain two additional areas of expertise outside of the Heritage Council, to ensure that any changes to our built and environmental heritage do not impact negatively or cause any irreparable damage (e.g.: demolition).

### **Recognition of intangible heritage**

PHA (Vic) realizes that intangible heritage is by nature a difficult concept to qualify and perhaps something that cannot be 'registered' on the Victorian Heritage Register under the current form of the Act. However, we endorse the work of heritage practitioners in this area and encourage Heritage Victoria and the Heritage Council to consider how this form of heritage can be better understood and preserved. We feel that this is one of the potential future issues to be addressed by the heritage community, and see the Heritage Act Review 2015 as an opportunity for the Victorian Government to take a leading and strategic role in preserving and/or recognising these forms of heritage.

### **Community Consultation**

PHA (Vic) would strongly encourage Heritage Victoria to consider a second round of consultation comprising a prioritised and revised proposal of amendments that includes public submissions. It would appear that a great number of suggestions have been made that go well beyond the processing and operational amendments proposed by Heritage Victoria.

### **Staffing**

While we understand this is probably outside the scope of the review, we also wish to mention our concern at the extraordinary decrease in Heritage Victoria staff and the huge and important workload the reduced staff now have to handle. This under-resourcing and under-valuing of the work that Heritage Victoria does is concerning not only in terms of the Act but also the state's heritage more generally.

**Lucy Bracey**

**On behalf of the Professional Historians Association of Victoria**