22 May 2012

Ms Petula Samios
Director, Heritage Branch
Office of the Environment and Heritage
Locked Bag 5020
PARRAMATTA NSW 2124

Via email: heritage@heritage.nsw.gov.au

Dear Ms Samios,

Submission on Draft Heritage Regulations 2012 and Regulatory Impact Statement

Australia ICOMOS welcomes the opportunity to make a submission addressing the proposed changes to The Heritage Regulation 2005. This submission provides written comments on the Public Consultation Draft of the Heritage Regulation 2012 (Draft Heritage Regulation 2012) and the accompanying Regulatory Impact Statement.

ICOMOS is a non-government professional organisation that promotes expertise in the conservation of cultural heritage. Australia ICOMOS, formed in 1976, is one of over 100 national committees throughout the world. Our mission is to lead cultural heritage conservation in Australia by raising standards, encouraging debate and generating innovative ideas. We regularly provide feedback and advice on heritage policy and philosophy to the Australian Government as well as the State and Territory Governments. We aim to have a representative on our Executive Committee from each state and territory. Our current NSW representative is Ms Kerime Danis.

In line with Australia ICOMOS’ role in advocating best heritage practice in heritage management we support the proposed changes to the Heritage Regulation, namely the introduction of Division 2 and Division 3 to Part 3 of the Regulations. However, while doing so we would like to draw attention to a small but often overlooked aspect – the definition of “ruin” which has been noted on page 4 of the Draft Heritage Regulation 2012 as: “ruin has the same meaning as it has in section 118 of the Act (the Heritage Act 1977)”.

Unfortunately the definition of ruin in the Act is not any clearer: “(4) In this section:"ruin" means a building or work that is listed, and identified as a ruin, on the State Heritage Register”.

It is our opinion that the importance of having “ruin” defined, even if broadly, to avoid having differences of opinion of what constitutes a “ruin” will facilitate administrating and policing the regulation better.

In terms of the Regulatory Impact Statement, Australia ICOMOS concurs with the findings that the cost benefit analysis of the proposed regulations will provide for “the equitable and adequate funding of the Heritage Branch and its activities”. Nevertheless we would like to emphasise that cost recovery is justified as long as the owners of the heritage items are seeking and having expert advice from the Heritage Branch.
We thank you for the opportunity of being part of this process and value ongoing involvement in developing sound conservation philosophy and practice throughout New South Wales. Should you wish to discuss any matters in relation to cultural heritage please do not hesitate to contact us at our Secretariat address.

Yours sincerely,

Dr Jane Harrington
President, Australia ICOMOS