6 January 2020

Professor Graeme Samuel AC
Chair
Independent Review of the EPBC Act
GPO Box 787
Canberra ACT 2601

Dear Professor Samuel

Independent Review of the EPBC Act

On behalf of Australia ICOMOS I write to provide an initial submission regarding your review of the EPBC Act.

ICOMOS – the International Council for Monuments and Sites – is a non-government professional organisation that promotes expertise in the conservation of cultural heritage. ICOMOS is also an Advisory Body to the World Heritage Committee under the World Heritage Convention. Australia ICOMOS, formed in 1976, is one of over 100 national committees throughout the world. Australia ICOMOS has over 700 members in a range of heritage professions. We have expert members on a large number of ICOMOS International Scientific Committees, as well as on expert committees and boards in Australia, which provides us with an exceptional opportunity to see best-practice internationally. We have a particular interest in Australia’s World and National Heritage sites.

The purpose of this initial submission is to raise several overarching issues with the review process. We have seen the discussion paper, and will provide a further detailed submission in due course.

We are very pleased to note that the review will consider the actual effectiveness of the Act in achieving good heritage outcomes on-ground. This is vital to the review, and was unfortunately not considered in the previous review in 2009 regarding heritage outcomes.

The considerable challenge will be sourcing meaningful data on effectiveness in the heritage sector. In this regard, the Commonwealth State of the Environment (SoE) Reports may not be helpful for several reasons. For example, earlier reports considered the actual condition of a sample of heritage places, but these largely fell outside of the protective scope of the EPBC Act, being places owned or managed by the private sector or other levels of government. In the last SoE Report, even this data was not available because of resource constraints on that process.

In addition, the EPBC Act operates with a fair degree of self-assessment already, and there is no known audit of such assessments and actual on-ground heritage outcomes.

It is not fully clear in the scope, but the review should also consider resourcing for management of the Act and the effectiveness of heritage outcomes. Resourcing has substantially reduced since the early period when heritage was brought under the Act, and this has had a detrimental impact on the protection and management of Australia’s heritage. The last SoE report does have information on this decline in resources, but the impact is not fully clear.

One of the many challenges for the review will be to understand heritage issues and their regulation. This is a somewhat specialised field. It is noted there is Indigenous heritage expertise on the review panel, and the Australian Heritage Council will also provide advice, all of which is welcomed. However, Australia ICOMOS would strongly encourage the review to consider enhancing the dedicated heritage expertise within the...
review process itself. The review outcomes can only be strengthened and improved by the availability of additional expertise.

It is understood this review will consider the outcomes from the 2009 review. While this is a positive step, Australia ICOMOS strongly suggests key previous heritage submissions should also be considered, especially those by Australia ICOMOS and the Australian Council of National Trusts. The previous review recommendations included some worthwhile recommendations, many of which were endorsed but never enacted. In addition we urge that some major issues should be revisited (eg. a simple separate heritage Act rather than continued inclusion in a massive and confusing omnibus environmental Act, and heritage-focused mechanisms rather than environment-focused mechanisms that have been ‘retrofitted’ to apply to cultural heritage).

Finally, the 2009 review did not deal with a lot of the detail related to heritage matters but only a select number of generally higher-level matters. This is consequently a timely opportunity to consider a range of operational and strategic initiatives that could create more effective and meaningful outcomes for the protection and management of heritage places.

I look forward to providing you with a further detailed submission, but as a key cultural heritage stakeholder, Australia ICOMOS would welcome an opportunity to meet with you to provide further comment. I look forward to hearing from you should that opportunity be available.

In the meantime please feel free to contact me if Australia ICOMOS can be of further assistance.

Yours sincerely

{signature}

Helen Lardner
President