

Reg. No.	145 EC
File No.	
Ack.	
Action Officers	/ LH
Response due	

South Australian HERITAGE COUNCIL

11 August 2014

Hon Ian Hunter MLC
Minister for Sustainability, Environment and Conservation
GPO Box 1047
ADELAIDE SA 5001

Dear Minister Hunter

Premier's Review of Boards and Committees

On 8 July 2014, the Premier wrote to the Chair of the South Australian Heritage Council (Council) and the South Australian Heritage Council Register Committee (Register Committee) advising that a review of all South Australian government boards and committees had commenced.

Thank you for the opportunity to provide advice to you in response to the Premier's review. This letter provides an overview of the independence and efficiency benefits derived, and the opportunities that will achieve smarter and more consultative ways to achieve the outcomes for Government, and supports retention of the Council and its Register Committee.

The Council is established under the *Heritage Places Act 1993* (Act). The Act is directly related to the *Development Act 1993*, but is separate to deal with specific aspects of managing and safeguarding the historic environment. Under the Act the Council must establish a committee to advise and assist it in the process of listing a State Heritage Place. The Council's Register Committee makes decisions on the provisional listing of places in the State Heritage Register and the Council makes decisions on the confirmation of places as State Heritage Places.

The Council has carefully considered the objectives of the Act and the roles it has under it, and objectively examined whether other governance mechanisms could achieve the same or improved outcomes for the South Australian community, business and citizens.

The Council is charged with responsibility for providing advice on built and natural heritage to the Minister responsible for the Act and to the Minister responsible for the *Development Act 1993*.

It is responsible for managing the State Heritage Register which requires decisions on the listing of places as State Heritage Places. It is responsible for making decisions in regard to the protection and conservation of State Heritage Places.

Heritage is highly valued by the South Australian community and of great importance to the economic development of South Australia as a key element of tourism. Smart management of heritage and its adaptive reuse is an enabler for development that is seen by citizens as moving forward while still being connected with the best of the past. Heritage is part of vibrant cities, part of connected communities and a point of difference for South Australia, particularly in the Adelaide CBD. It is a strong contributor to the success of the 30-year Plan for Greater Adelaide.

Heritage decisions however, are often required in an environment of heightened emotions and polarised views.

The Council has members drawn from the community and local government with recognised and diverse skills relevant to heritage decisions such as history, architecture, law, archaeology and property development. The Council has a transparent, objective and independent-of-Government process for decision making which engages with the community and with heritage owners.

Its Register Committee has members drawn from the community with exceptional levels of the relevant skills and experience to objectively consider the case put forward by a nominator and by heritage assessment reports before making a decision to provisionally list in the State Heritage Register. With the benefit of owner and community engagement, the Council confirms or removes the listing. While the Council could undertake the provisional listing and confirmation process in full, it strongly believes that the current governance arrangement with a separate and independent role for its Register Committee adds greatly to the rigour, effectiveness and timeliness of the process.

Similarly the Council believes that its independence from Government is critical to the Minister responsible for the Act being in a position to effectively exercise rights under the Act, demonstrably not 'take sides' in the inevitable debates on development vs heritage, or not be drawn into the politics of opposing lobby and advocacy groups.

The independence of the Council and its advice, protects the Minister and Government from the risk of hasty and ill prepared decisions being made and later regretted, for example demolition which leads to public outcry or litigation. The Council's processes are transparent, rigorous and predictable and good for investment and development confidence.

The membership of the Council offers an efficient and cost effective way to gain immediate access to genuine heritage knowledge and skill, to a range of ideas and to the specialist advice required to inform decision making under the Act. There are decades of relevant experience around the Council table. Access to the same expert resource through either government employees or consultants would be very much more costly to Government.

The Council functions effectively with a very lean administrative support framework, doing much of its own policy and process development through sub-committees. These policies and processes ensure efficiency in its decision making.

The Council membership brings to the table its connections with the community and at all times is looking to engage South Australians in their heritage. It has championed a strategic plan 'Heritage Directions' which points to the need to engage and educate, it has recognised the outstanding work of volunteers through its 'Heritage Heroes' program. It has established a web site and promoted the development of an electronic State Heritage Register to give far greater access to the information contained in it. The Council has regretted the demise of the schools program, newsletters, heritage forums, the heritage grants program and heritage advisory services. Notwithstanding the Council believes that it is achieving real value from the resources made available to heritage in South Australia.

Looking forward and with modest new resources, the Council sees opportunities to establish partnerships with organisations such as International Council on Monuments and Sites, the Australian Institute of Architects, the National Trust and History SA to promote some of these agendas. It also sees opportunities to explore sponsorship and philanthropy as new resource sources.

Also looking forward the Council is keen to find ways to reach more people and engage them in consultation processes which will allow a fuller understanding of the community's views on provisional listing, heritage protection, what is seen as heritage by people from culturally diverse backgrounds and what young people see as important. Engaging people through social media, the YourSay website and perhaps on-line surveys will contribute to smarter ways of achieving the outcomes delivered by the Council.

The decision making functions of the Council could alternatively be undertaken under various models including:

- Minister with departmental advice;
- Minister with ad hoc professional advice;
- Minister with advice through community engagement; or
- government department acting administratively.

Each of these models could be made to work, but the Council submits that it is unlikely that any could fully achieve the benefits afforded to Government from its statutory council/committee established under the Act.

It is submitted that the Council and its Register Committee be retained so that the valuable benefits derived from the current governance arrangements are preserved, summarised as:

- objective and independent decision making which engages with the community and with heritage owners;
- facilitation of the Minister responsible for the Act effectively exercising rights under the Act unfettered by the politics of heritage vs development;
- transparent, rigorous and predictable processes that are good for investment and development confidence;
- cost effective and immediate access to genuine heritage knowledge, skills and experience;
- efficient functioning, lean administrative support and value from the resources made available to heritage management;
- connections with the community through membership and the Council's consultation processes; and
- commitment to new ways of engaging South Australians in their heritage.

There is a strong case in support of an exemption to the policy for the South Australian Heritage Council and the South Australian Heritage Council Register Committee, and the Council advocates that you argue the exemptions.

Once again, and on behalf of the Council, I thank you for this opportunity to put forward a response to the Premier's planned reform of boards and committees. Should you require further information, please contact me on [REDACTED]

Yours sincerely



Judith Carr

Chair, South Australian Heritage Council

Chair, South Australian Heritage Council Register Committee