

HERITAGE BILL 2017

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)**, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [10.47 pm]: I move —

That the bill be now read a second time.

It is with great pleasure that I introduce the Heritage Bill 2017. This bill fulfills the McGowan Labor government's commitment to progressing modern heritage legislation in the Parliament. It repeals the Heritage of Western Australia Act 1990, which was passed at a time when Perth had seen the wholesale destruction of heritage places, and overhauls unnecessarily complex, inflexible and unclear assessment and consultation processes. This bill brings Western Australia into line with the rest of the country by addressing demolition by neglect—the lack of maintenance or protection of a place listed in the state Register of Heritage Places. There is currently no power under the act to force owners to maintain and protect their property, with compulsory acquisition by the state being the only option, and one which has, for various reasons, never been used. The bill enables the Minister for Heritage, under strict conditions, to now address genuine cases of demolition by neglect by requiring an owner to make their place safe and secure. These repair orders will, however, be subject to review by the State Administrative Tribunal to protect against undue hardship.

Greater protection for state registered places will also be achieved through a mix of incentives, such as grants and access to technical assistance, as well as meaningful disincentives for owners of registered places. Penalties for deliberate destruction will remain at \$1 million. Regulations will be developed to enable the Heritage Council of Western Australia to prepare guidelines to help state agencies identify and manage the more than one-third of the 1 300 places entered on the state register that are under government custodianship, and ensure that heritage places earmarked for disposal are assessed and protected where necessary in the transition to new ownership.

The bill removes the current requirement for a two-step—interim and permanent—registration process, to significantly reduce the time and cost of entering a place onto the register. If this amendment had been in effect for the assessment and registration process of the west end in Fremantle—the largest single precinct to be state heritage listed to date—it would have removed the need for the Heritage Council to undertake a second round of stakeholder consultation and the requirement to place another memorial on the title. For this process alone, it would have saved the state approximately seven months and \$120 000.

Via regulations, owners will also be provided with greater certainty with time limits set for certain aspects of the assessment process, including for the Heritage Council to decide whether a place warrants full assessment, and for the minister to recommend a place for entry into the register. The bill also increases transparency by requiring publication of the Heritage Council's advice to the minister, and the minister's decision.

Under the current act, pending or recently approved development applications are currently cancelled when a place is entered into the state register, forcing owners and developers to reapply with little means of compensation. This bill enables the Heritage Council to suspend rather than cancel applications or recent approvals while they are reassessed with respect to the place that has become state-registered. It also enables certain development proposals for registered places, such as minor works, to be exempt from referral to the Heritage Council.

In response to stakeholder feedback, greater consistency will be achieved in the adoption of nationally recognised criteria for the assessment of heritage places and the Burra Charter definition of cultural heritage to clarify, but not expand beyond, the scope of the act. In addition, this bill overcomes many of the common misconceptions and uncertainties around the current requirement for local governments to prepare and regularly review inventories of heritage buildings. Existing inventories will transition to local heritage surveys with increased flexibility for local governments to include “places” of cultural significance rather than “buildings”, as prescribed under the current act. The bill also clarifies the purpose of these surveys as repositories of information on places of local heritage interest, to better equip local governments to make informed decisions about heritage matters.

Lastly, this bill reflects public sector governance best practice by adopting a skills-based membership for the Heritage Council and clarifying its role and functions, and providing for contemporary management practices regarding meetings, conflicts of interest and financial management.

Over the past 25 years, our attitude towards cultural heritage has undergone a dramatic makeover. Heritage is now largely seen as an asset rather than a liability, as evidenced by the many homes, bars, restaurants and community spaces that have given heritage-listed places a new lease of life.

This bill has been carefully developed through three phases of consultation undertaken since 2011 by the former State Heritage Office on behalf of the Heritage Council. It also contains some minor amendments, mostly administrative, that were identified since the 2016 bill was introduced by the former state government.

Passage of the Heritage Bill 2017 will result in legislation that is open, transparent, simple to operate and understand, and reflects best practice in the recognition and protection of heritage places. Stakeholders have been calling for modern heritage legislation for many years, and I am privileged to be delivering that on behalf of the McGowan state government. We committed to continuing to work with the community and stakeholders to further recognise the value of our heritage buildings, reactivate and conserve them for future generations, and enhance the Western Australian story and our sense of place.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 1515.]

Debate adjourned, pursuant to standing orders.

House adjourned at 10.53 pm
