

## **HERITAGE BILL 2016**

### *Introduction and First Reading*

Bill introduced, on motion by **Mr A.P. Jacob (Minister for Heritage)**, and read a first time.

Explanatory memorandum presented by the minister.

### *Second Reading*

**MR A.P. JACOB (Ocean Reef — Minister for Heritage)** [12.07 pm]: I move —

That the bill be now read a second time.

It is with great pleasure that I introduce the Heritage Bill 2016. This bill will create a new heritage act to replace the current Heritage of Western Australia Act. Western Australia was the last Australian state to establish heritage legislation, passing the Heritage of Western Australia Act in 1990. This was in response to the community's demands that the wholesale destruction of heritage places, particularly in Perth, be addressed by the Parliament. Almost as soon as the current act came into operation 25 years ago, it was found to have many flaws and shortcomings and was expensive to administer. It contains complex and redundant assessment and consultation processes, inflexible development referral requirements, countless ambiguities and arcane language that is hard to comprehend.

At least three previous reviews of the heritage act have attempted to address some of these issues, but none has delivered the much needed reform required to meet the needs of the Western Australian community today and into the future. This bill does just that. It has been carefully developed through three phases of stakeholder and public consultation undertaken since 2011 by the State Heritage Office on behalf of the Heritage Council of WA. It brings forward the elements of the current act that have served us well, while addressing its shortcomings by introducing new features that reflect contemporary heritage management principles and practice. Recognising and conserving cultural heritage is central to the purpose of heritage legislation. It promotes the identification, recognition and protection of those special places that tell the story of the state's history and development. They are the familiar landmarks that give the community a sense of place and a foundation for the development for future generations. These places offer tangible links, through physical elements, and intangible links, through stories and associations, between the past and the present.

A total of 1 353 such places of outstanding cultural heritage value to all Western Australians have been entered in the state register over the past 25 years, and this important work will continue under this bill. In response to stakeholder and community feedback, the sorts of places that will be considered for entry in the state register are clarified, as are the key features that contribute to their cultural heritage significance through a definition of "place" that is consistent with national and international standards. The bill also adopts new, clear heritage assessment criteria that are widely accepted in all Australian jurisdictions.

This bill simplifies the cumbersome listing processes of the current act through the introduction of a one-step process to assess and recommend the entry of a place in the state register. This will significantly reduce the time and cost of entering a place in the register while enhancing engagement with owners, stakeholders, local governments and the wider community throughout the assessment process. There will be more certainty for property owners when a place is nominated for entry in the register through regulations that will set a time limit within which the Heritage Council must decide whether the nomination warrants full assessment. Regulations will also limit how long the minister may take to decide on a Heritage Council recommendation to register a place. Further, the bill specifies that an owner must be notified of, and consulted in regard to, any action proposed or taken under the act that may affect the owner's property.

Greater openness and transparency is delivered through reforms such as the requirement for the Heritage Council to publish its advice when recommending the entry of a place in the state register to the Minister for Heritage. The minister's decision will also be published to ensure that stakeholders and the wider community are fully informed. Improved certainty and predictability for owners, decision-makers and stakeholders is delivered through development referral processes that will promote sustainable and adaptive reuse of state registered places. More clarity will be provided by clearly setting out the scope of the Heritage Council's authority in respect of proposals that may affect registered places, and the obligations of decision-makers, such as local government planning authorities, development assessment panels and the WA Planning Commission, in regard to that advice. Regulations ensure that the Heritage Council's advice, although limited to heritage conservation matters, will be fully taken into account in planning and other decisions. An expanded role for the State Administrative Tribunal and simplified processes will make it easier to access reviews of decisions and enforcement where necessary. The result will be better and more consistent heritage outcomes for all Western Australians.

This bill also recognises that the state government is custodian of more than one-third of places entered in the state register. Regulations will enable the Heritage Council to prepare guidelines to help state agencies identify and manage heritage assets. Regulations will also feature the longstanding government heritage property disposal process policy to ensure that the heritage values of heritage places earmarked for disposal are assessed and protected where necessary in the transition to new ownership.

More protection for registered places is achieved by encouraging owners to take care of their heritage places through a mix of deliverable incentives, such as grants, and meaningful disincentives. In addition to the 2011 amendments to the Heritage Act that increased penalties for deliberate destruction from a mere \$5 000 to \$1 million, this bill introduces a repair order, which is common in all Australian jurisdictions. This will enable the Minister for Heritage, under strict conditions, to address genuine cases of demolition by neglect by requiring an owner to make the place safe and secure.

This bill responds to the lack of clarity surrounding the purpose, compilation and maintenance of municipal heritage inventories, which have caused widespread concern amongst local governments and their communities. Established inventories will remain in the form of local heritage surveys, which for many local governments now serve a wider purpose than providing source information to assist in the establishment of heritage lists under local planning schemes.

This bill recognises that public sector governance has moved on significantly since 1990 by adopting a skills-based Heritage Council membership, clarifying its role and functions, and providing for contemporary management practices for dealing with conduct of meetings, conflicts of interest and financial management.

The Heritage Council of Western Australia has worked closely with the State Heritage Office on this bill, and has formally endorsed the legislation introduced in this place today. The introduction of the Heritage Bill 2016 meets a commitment that was made by the Liberal–National government in 2013 to bring to Parliament heritage legislation that is open, transparent, simple to operate and understand, and reflects best practice in the recognition and protection of heritage places.

I commend this bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman**.