

WHL52 26th October, 2006

Email submission to:- ecita.sen@aph.gov.au

The Secretary, Senate Environment, Communications Information Technology and the Arts Legislation Committee.

**Inquiry into the provisions of the Environment & Heritage Legislation
Amendment Bill (No. 1) 2006 (closing 27th October, 2006)**

(hearings 3rd & 6th November, 2006)

by

Kath Crilly

This email is by way of a summary of the following points, with the relevant documents attached. All of these records have previously been published and should not be considered confidential. It is my hope that these comments can be reviewed as constructive criticism. Australia's heritage protection is lagging far behind the international community.

- **Deficiencies of the National Heritage Listing process**

File attached 'sub026.rtf' - 17kb 2 pages, is the first South Australian submission sent to the recent Productivity Commission Enquiry into **The Conservation of Australia's Historic Heritage Places.**

In my interview with the Commissioners of this enquiry, I pointed out the deficiencies of the listing and assessment process, from the point of view of a nominator of a potential NHL historic site in Adelaide. Unfortunately, none of my concerns have been addressed into these failings in the 400 PAGES! of amendments proposed. Indeed, my concerns, and I might add the majority of the 418 submissioners to this PC Enquiry, are very well expressed in the **Hon. Peter Andren's speech to the Federal Parliament on the 19th October 2006** (see file attached - ParlepbcAndren.htm 55kb)

This speech parallels the ramming through of the Adelaide Park Lands bill (29 Nov 2005), without adequate debate or public information, and almost no knowledge of the existing Acts; or of the legal status of Crown Land; the exception of DEDICATED land, or the ownership questions being adequately addressed by the misinformed, self-interested bureaucrats drafting the legislation. The South Australian Government sent DR418 dated 17th February, (the last submission received and not included in the REPORT), from which the following paragraph is extracted—

PC Dr418 17-2-06 page 10 - Paul Holloway, Minister for Planning - John Hill, Minister for Environment & Conservation

"There is also a statutory mechanism, which allows the responsible Minister to direct the removal of a provisional Register entry (not a confirmed one) if its confirmation is judged to be contrary to the 'public interest'. That provision has been used rarely but is an appropriate way of leaving heritage judgements with the listing body

while allowing the Government an opportunity to take non-heritage issues (eg a major highway planned to traverse a proposed heritage place) into account."

My comments on the PC REPORT of July 2006 are addressed in the 3 page file PC21-7sum.doc. There is a 27 page summary of all the submissions and transcripts if you wish to see it.

- **The complete failure of COAG 1997 & SA legislators**

An advertisement from the Govt of SA appeared in the paper on the 9th Sept 2006 for a Director, COAG Reform, (will fax), and the Release of The Draft Crown Land Management Bill 2006.

My only comment about this CL takeover bill is that it validates all of my fears about the threat to historic dedicated public land, and all of the issues regarding constitutional legal problems as addressed in Mr. Desmond Hanlon's submission No. 33 CAHHP. **The definition of Crown Land in the CL Act 1929 has been misrepresented so as to exclude the clause 'except dedicated land'**; the Advisory Information is obsolete by the Land Management Corporation charter of 2002, and the Planning Minister now proposes to give himself the fee simple of all Crown Land in South Australia including our beaches—a power that even the Monarch never ever had over any land in South Australia.

I would be available at any time to answer any questions relating to any thing to do with these statements or of the heritage listing 'system' in South Australia, and I would also add, that this is how the whole thing should have been handled in the first place.

Kath Crilly

Historical Records Researcher