



1 November 2006

Secretary  
Senate Environment, Communications, Information Technology  
and the Arts Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

BY: Fax: 02 6277 3526  
Email: [ecita.sen@aph.gov.au](mailto:ecita.sen@aph.gov.au)

### **Submission on the Environment and Heritage Legislation Amendments Bill (No 1) 2006**

The History Council of WA is the peak body for history in Western Australia. It represents some 13,000 historians and interested parties throughout the state. Its membership is wide ranging and includes academics, professional historians, heritage professionals, librarians, archivists, family historians and as well as number of corporate groups.

Thank you for the opportunity to comment on the above Bill. It must be said, however, that fifteen days is an extremely short time frame for any group to develop a detailed commentary on this important and complex piece of legislation. This time frame is extremely disappointing, suggesting, at best, a lack of understanding of the limited resources available to community groups and or, at worst, a lack of interest in community response.

Whilst we welcome the opportunity for greater efficiency in the implementation of the Act, it seems clear the amendments in this bill are designed to compensate for the lack of resources in the Department of Heritage, rather than to provide a comprehensive review of the Act.

The History Council of WA is particularly concerned that the changes proposed for the nomination and assessment processes for the National Heritage List are undemocratic, in that they reduce the community's role in the process and increase ministerial power in decision-making.

The following points are of particular concern to the History Council of WA;

- the opportunity for public comment has been reduced
- the opportunity for public scrutiny of the nomination, assessment and listing process has been substantially reduced
- there is no time-scale for decision-making by the Minister, adding great uncertainty to the process.

- the repeal of Section 478 will prevent many community groups from seeking judicial redress for alleged breaches of the EPBC Act.
- there is no longer any requirement for a conservation management plan as the basis for a bilateral agreement
- the mechanism for the Minister to deal with a request for emergency listing has been removed and the new arrangements are solely at the Minister's discretion
- the trigger for the public release of Australian Heritage Commission reports has been removed
- the provisions concerning transitional arrangements are unsatisfactory, as places currently in the pipeline will not be automatically renominated. This means that those nominations already being assessed could potentially be excluded from consideration.

The History Council considers that the above list of concerns represent some of the serious flaws in the proposed legislation and demonstrates that the process should be halted and stakeholders and the community extensively consulted.

Yours sincerely  
Associate Professor Jenny Gregory  
President