




Heritage Bill 2016

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09 November 2016 ASSEMBLY Second reading

RICHARD WYNNE

*** DAILY HANSARD PROOF ONLY - DO NOT QUOTE ***

Mr WYNNE (Minister for Planning) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* under standing orders:

The Heritage Bill 2016 will implement the government's election commitment as outlined in *Keeping it Liveable, Labor's Plan for Your Community* which flagged the review of the Heritage Act 1995 to strengthen protection of our built heritage.

The Heritage Bill will modernise and improve processes and protections provided under the Heritage Act 1995. It will simplify key statutory processes to reduce regulatory burden and provide clarity and certainty for all users. It will also improve compliance and enforcement to ensure higher level protection for state significant heritage and provide an appropriate fee structure for heritage approvals, appeals and penalties.

Importance of Victoria's heritage

Heritage is an integral part of our lives. From the grandeur of Flinders Street station and Parliament House in Melbourne, to the rustic craftsmanship of the Murtoa Stick Shed and beauty of the Macedon Avenue of Honour in regional Victoria, our heritage places and objects offer a lens to understand our past, and provide a wide range of benefits.

Heritage is one of the most rapidly expanding tourism segments in terms of visitor numbers globally, and is a major attraction for both Melbourne and regional Victoria.

The latest available tourism data indicates Victoria's heritage places were visited by over 1.9 million people. Tourists visiting Victorian heritage places spent approximately \$2.4 billion and supported 184 800 jobs.

By attracting tourists, heritage places and precincts are desirable to a range of businesses. Research undertaken at Maldon and Castlemaine in the goldfields, for example, found that visitors were attracted by a combination of specific heritage attractions, the ambience of heritage streetscapes, and opportunities for eating and shopping.

Heritage places are used for a variety of purposes including as residences, commercial properties, community centres, tourist attractions, government buildings and churches. Overall, 91 per cent of state-listed heritage places are occupied or in use.

Socially, heritage assets have the ability to make contributions to an area's liveability and identity. In many cases, they are places that are a focus for community activities, such as public halls, schools, mechanics institutes, churches and parks. Heritage assets also often include local landmarks that people identify with a town or area, such as significant buildings, monuments and bridges.

The Allen Consulting Group found that 80 per cent of Victorians consider that historic houses in their area are an important part of their area's character and identity. They also discovered that the vast majority of Victorians consider heritage to be an important part of Australia's identity and culture.

Background: *The Heritage Act 1995*

Victoria has a proud legacy of heritage protection. It was the first Australian state or territory to enact heritage legislation in 1974 and has remained a national leader in the identification, conservation and management of heritage.

The Heritage Act 1995 is Victoria's principal legislation for the identification and management of heritage places and objects of state significance, historical archaeological sites and maritime heritage.

With 2016 marking the 21st year of the Heritage Act's operation it is timely to review and modernise its scope.

The Heritage Act provides protection for historic heritage place and objects of state significance. This includes historic buildings, structures and precincts; gardens, trees and cemeteries; historic archaeological sites; cultural landscapes; shipwrecks and associated relics; and significant objects.

The Heritage Act does not manage places of local significance which are protected by heritage overlays in local planning schemes.

The Heritage Act creates the Victorian Heritage Register ('the register') which lists and protects heritage places and objects that are significant to the history and development of Victoria. There are currently 2400 places and objects, and 620 shipwrecks included on the register.

The executive director of Heritage Victoria ('the executive director') recommends whether a place or object should be included in the register and the final decision is made by the Heritage Council of Victoria.

Works or activities that may impact a registered place or object require a permit from the executive director. It is recognised that if significant places are to have a future, they need to be used and cared for. Alterations are often required to keep pace with modern life, but they must respect the importance of the place.

The Heritage Act establishes the heritage council, an independent statutory body which decides which places and objects are added to the register, and reviews permit decisions. The Council also advises the Minister for Planning and promotes public understanding of Victoria's cultural heritage, including community education and information programs.

The Heritage Act also establishes the Heritage Inventory ('the inventory') which is a listing of all known historic archaeological sites and relics in Victoria. Consents are required from the executive director to disturb all archaeological sites and relics.

Shipwrecks are protected in Victoria under the Heritage Act and the commonwealth Historic Shipwrecks Act 1976 (also administered by Heritage Victoria). All shipwrecks and shipwreck relics that are at least 75 years old are automatically protected by these two laws.

Changes to the Heritage Act

The Heritage Bill 2016 will repeal and re-enact with amendments the Heritage Act 1995

Some key amendments include:

- a) reforming the heritage nomination process to allow the executive director of Heritage Victoria to reject a nomination which has no reasonable case for inclusion in the register and allowing the nominator to request a review of the decision. This will allow for nominations which have no reasonable prospect of success to be quickly dismissed without costs to all parties;
- b) enabling more selective protection of Victoria's archaeology by including only significant sites over 75 years old on the inventory (rather than all sites over 50 years old) and introducing review rights for consents to disturb an archaeological site. This will ensure that the inventory is a transparent and useful management tool, and that Victoria's significant archaeological sites are appropriately protected into the future;
- c) providing a greater role for local government in permit processes, including a clearer opportunity to comment on permit applications and allowing local government to be heard in any permit review before the heritage council. This will allow for local heritage concerns and issues to be appropriately considered in permit decisions;

- d) introducing a fee for the review of permit decisions to recognise costs and deter opportunistic requests;
- e) removing 'undue financial hardship' considerations in permit decisions to avoid outcomes determined on the basis of transient information;
- f) increasing maximum penalties for unauthorised works to deter damage to heritage places and objects;
- g) new compliance and enforcement tools tailored to protect heritage including introducing infringement notices to reduce the likelihood of works being undertaken without a permit; providing for a stop order tool to halt unauthorised works without a permit or permit exemption; and addition of a rectification order tool to allow a party to undertake corrective works without the need to prosecute an offence; and
- h) changes to the membership of the heritage council to increase its expertise including: new membership categories for people with recognised skills in financial management and planning; and an Aboriginal person with relevant experience or knowledge of cultural heritage, acknowledging that many registered places and objects have shared values.

Public consultation on the proposed changes to the Heritage Act occurred between June and August 2015. This included a mail-out of information to more than 5000 stakeholders; public forums in Melbourne, Ballarat, Bendigo, Traralgon, Warrnambool and Wangaratta attended by more than 200 people; and targeted meetings with more than 50 key stakeholders including government departments and agencies, industry and community organisations.

More than 125 submissions were received with broad support for the proposed changes.

In early 2016, copies of submissions were made available on-line on the Department of Environment, Land, Water and Planning's website and a report titled *Revitalising the Heritage Act 1995 — Issues and Policy Paper* was published which provides an overview of submissions and other issues raised during the consultation process.

Conclusion

The Heritage Bill will ensure that the state's heritage assets are continued to be protected and managed into the future.

Importantly it will allow the community to engage with a simpler regulatory system and provide greater certainty to owners and managers of state-listed heritage places and objects.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 23 November.