



10 July 2023

Mr Andrew Roberts
Director, Heritage Tasmania
Department of Natural Resources and Environment Tasmania
GPO Box 618
HOBART 7001

Via email: enquiries@heritage.tas.gov.au

Dear Mr Roberts,

Historic Cultural Heritage Act 1995 - Draft Amendments

Thank you for your letter of 8 June 2023, inviting comment on the draft amendments to the above legislation. Having considered the material provided we find the draft amendments generally appropriate and reasonable and leave it to others in their respective fields of expertise to pass judgment.

However, with regard the proposed inclusion **Part 8A – Heritage Objects**, the following comments are made:

1. Critically, the text does not adequately define 'objects'. A definition does not appear specifically in the body of the Act, but it is referred to obliquely in the Tasmanian Heritage Council Practice Note No.7 'Conserving Moveable Cultural Heritage' which includes as objects: 'Any equipment, furniture, fittings and articles in or on, or historically or physically associated or connected with, any building or item.' It further gives examples as: 'Furniture, tableware, ceremonial or commemorative objects, textiles, soft furnishings and ornaments'. This broad definition would thus include liturgical vestments and church metalwork, for example chalices and candlesticks.
2. If 'objects' are defined as above, then the reality of usage would be unacceptably curtailed in practice. As an example, a crozier of major heritage significance designed by Pugin, might be used by the Archbishop only occasionally, being removed briefly from its 'registered' location and then returned. Such usage would be rendered impractical if obliged to conform to the protocol set out in the draft Act.
3. It is clear from the definition of cultural significance criteria in the Act that the bar for entry into the 'register' can be very low. A minimum of one criterion needs to be satisfied, the one being effectively a cover all for churches is Part 4, Section 16, namely: '(f) the place has a strong or special association with a particular community or cultural group for social or spiritual reasons'.

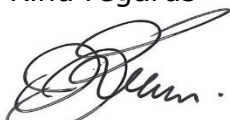
In practice, this could be applied to virtually all the furnishings in a church and would set the place 'in aspic'. This proposed amendment to the Act needs revisiting in terms of cultural significance criteria to reduce the level of bureaucratic involvement in the process.

4. Section 63B, sub-section 2A of the draft amendments permits the removal of objects, 'if the object was at risk or the safety of persons, or property, were at risk.' However, there might be other legitimate practical reasons for removal. One which the Archdiocese has experienced has been that individual parishes have not always been able to afford the insurance premium on objects with certified valuations. In such cases the items have been transferred to the Archdiocese of Hobart Archives and Heritage Collection.

Accordingly, while the intention behind the new Section 8A is appreciated, especially as it might pertain to the intended protection of historic cultural patrimony of specific locations, it needs to be recognised that our places of worship do not operate as mere museums. In this regard, reasonable practical judgements regarding the casual use or otherwise of our liturgical inventory cannot be so curtailed by location such as to prevent items being used freely as required for the purposes intended and most importantly for the edification of the wider Catholic faithful.

We recommend therefore that the amendments, especially with regard Part 8A, be revisited so as to deliver a desirable and appropriate degree of deference for appropriate 'heritage' objects in their proper heritage context while not reducing the character and operation of our places of worship to mere museums.

Kind regards



Michael McKenna
Vice Chancellor