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To: [Roberts, Andrew](#); [Boersma, Ian](#)
Cc: [Nash, Mike](#); [Guo, Xin](#); [Stephenson, John](#)
Subject: Comments - proposed amendments to the Historic Cultural Heritage Act 1995 (HCHA)
Date: Monday, 10 July 2023 4:11:02 PM
Attachments: [image001.jpg](#)
[image002.png](#)

Hi Andrew and Ian

It was excellent to see the proposed amendments to the *Historic Cultural Heritage Act 1995* progressing, and to have the opportunity to provide some comment. The amendments should help deal with some long-standing issues such as broadening the application of Part 6 to adjacent THR properties. It was also excellent to see proposed amendments to create some further efficiencies in the administration the Heritage Register, including more efficient removal of superseded entries and a broader ability to amend entries under s94.

While not wishing to provide a public submission, I've provided some comments below on the basis of both my experience with the management of the Register, and in my current roles as part of a land management agency and as a THC delegate. The comments largely focus on the proposed amendments in relation to movable heritage. I recognise how difficult it is to develop effective provisions for the management of moveable heritage, particularly given the legacy issues of so many existing poorly detailed THR entries. However, I did have some concerns regarding the proposed provisions and believe they would benefit from some further consideration and refinement.

Happy to further discuss any of the comments below if this would be helpful

Kind regards

Annita

Comments

- **S3 – amendment to the definition of ‘place’ regarding objects, and the insertion of definition for ‘heritage objects’**
 - The proposed amendment to the definition of ‘place’ to include objects that contribute to the historic cultural heritage significance of the place provides useful clarity. However, it does not resolve the current ambiguity of how ‘objects’ under the definition of ‘place’ intersect with general goods and chattels on privately-owned properties such as family-owned rural estates where many items including historic paintings, furnishings etc could be said to satisfy this definition. This may continue to be problematic both for owners, but also for the Heritage Council in seeking to apply the Act consistently and transparently.
- **S3 – insertion of definition of ‘object’**

Many of the objects that the Heritage Council may seek to register as a ‘Heritage Object’ will actually be a collection or group of objects, some of which may not be formally inventoried but only broadly characterised. This might include not only a catalogued

collection resulting from archaeological survey or excavation but also poorly recorded and characterised object groups such as the contents of a blacksmith shop or machinery shed where it is not practicable for HT officers or the owner to inventory each object.

Consideration should be given to ensuring the definition of 'object' is sufficiently broad to be applicable to collections or un-inventoried groups of objects.

- **Part 6 – application to objects and/or heritage objects**

- The amendments seem ambiguous as to whether Part 6 will apply to 'objects' as well as 'Heritage Objects'. The current definition of 'works' is defined in part as changes to the 'fabric of a place'. Since the proposed amended definition of 'place' include reference to 'objects' rather than 'heritage objects', it suggests that Part 6 provisions should apply to all objects that meet the definition of 'place', not only those registered as 'Heritage Objects'.
- If Part 6 is taken to apply to both 'objects' and 'Heritage objects', will the amendments set up parallel pathways for heritage approvals relating to objects whereby owners could be required to get both 'minor works approvals' and 'handling approvals' for similar work on similar objects on the basis that some objects have been designated as 'heritage objects' and others haven't.
- If it is intended that Part 6 provisions will not apply to objects unless they are registered as 'Heritage Objects', how will the Heritage Council manage significant objects in relation to the large number of existing entries that currently do not include reference to objects or collections?
- If it is intended that Part 6 provisions only apply to 'Heritage Objects', what provisions of the Act would prevent objects/machinery etc being collected from surface archaeological sites and removed if they were not registered as 'heritage objects'?

- **S63 - registering and removing objects**

- S3 defines 'heritage objects' only as objects registered in accordance s63A(1) and s63A(2). For clarity, it would be helpful if s63A(1) and (2) identifies which provisions of the Act (eg s94 or as part of an entry under Part 4) must be followed to properly register or remove an object from an entry.
- s63(A)(2)(b) seems to set up a secondary process to remove an object when its associated place ceases to be entered in the Register. For simplicity and clarity, it may be useful to substitute a provision to note that an object should be taken to be removed from the Register if its associated place ceases to have an entry.

- **S63 - retrospectively registering objects**

Can objects be retrospectively registered as 'heritage objects' if they have already been physically removed from a place? The majority of current THR entries do not have sufficient information to understand what objects exist that should be registered as 'heritage objects'. There is strong potential that the Heritage Council would only become aware of such items (through social media or auction sites) after they have been removed from the property. Would the THC have any course of action at this point? If the item could be registered retrospectively, could owners appeal this on the basis that while the object had a long-term historical and physical association with the property, it was not physically located there at the time of registration?

- **s94(4)(a) – right of appeal against entry or removal of heritage object in an entry**

Are there limitations on the grounds of an appeal under the proposed s94(4)(a) against inclusion or removal of a heritage object? For instance, there are limitations with regard to appeals against the entry of a place in the THR – such appeals can only be made on the basis that the place does not satisfy any of the registration criteria on which the entry is based ((s)27(3)). Would these same limitations apply to appeals under s94(4)(a) or could owners appeal the registration of a heritage object on the basis of non-heritage grounds such that it impinges on their private property rights.

Administration of amendment provisions

- **Delegations**

Will delegations for the issuing of handling approvals for heritage objects be made to the THC's list of current delegates?



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