

[Act 1996 No 129]



New South Wales

Heritage Amendment Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

Overview of Bill

The object of this Bill is to amend the *Heritage Act 1977*:

- (a) to change the constitution of the Heritage Council to ensure a skills oriented composition of members, and
- (b) to make other consequential amendments.

* Amended in committee — see table at end of volume.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Heritage Act 1977* as set out in Schedule 1.

Schedule 1 Amendments

Reconstitution of the Heritage Council

At present the Heritage Council consists of 12 members of whom 10 are appointed by the Minister. The other 2 members are ex officio members, being the Government Architect and the Director-General of National Parks and Wildlife.

The amendments to the Act contained in this Bill will increase the number of members of the Heritage Council to 15, introduce a new method for appointing 6 of the members and give the Minister a discretion to appoint members from additional areas of expertise.

The method of appointment and qualifications of 8 of the members will not be changed by the Bill. They are the person appointed as Chairperson of the Heritage Council, the representative of the National Trust of Australia (NSW), the representative of the Department of Urban Affairs and Planning, the representative of the Labor Council of New South Wales, the representative of the Royal Australian Historical Society, the representative of the Royal Australian Institute of Architects and the Royal Australian Planning Institute, the Government Architect and the Director-General of National Parks and Wildlife.

The Director of the New South Wales Heritage Office becomes an ex officio member of the Heritage Council.

The 6 remaining members of the Heritage Council are to be appointed from a range of areas of expertise, some of which are presently found in the Act and some of which are new areas that will be introduced by this Bill. These new areas are aboriginal heritage, corporate promotion, moveable heritage, natural heritage and rural interests. These areas of expertise are added to the existing areas of local government, property rights of citizens, conservation of environmental heritage, and the building, development and property industry.

Schedule 1 [3] makes the principal amendment and **Schedule 1 [1], [2], [5], [6], [11], [13]** and **[14]** make consequential amendments.

Term of office

At present the term of office of a member of the Heritage Council is 3 years. A member may be reappointed. The amendment to the Act contained in **Schedule 1 [4]** will allow the Minister to appoint a member for a maximum period of 3 years with one reappointment being possible for a maximum period of 3 years.

Other amendments

Amendments to the Act made by **Schedule 1 [7], [8], [9]** and **[10]** will allow for the appointment of a member of the Heritage Council as Deputy Chairperson.

The number required for quorum is increased from 7 to 8 by the amendment made by **Schedule 1 [12]**.

Schedule 1 [15] and **[16]** make savings and transitional provisions as a consequence of the amendments to the Act.