



ACT Heritage Council

Ms Anne Cahill Lambert AM
Chair
ACT Remuneration Tribunal
PO Box 964
Civic Square ACT 2608

Dear Ms Cahill Lambert

Annual review of the remuneration and allowances to be paid, and other entitlements to be granted, to part-time holders of statutory offices referred in accordance with section 10 of the Remuneration Tribunal Act 1995

This submission is made on behalf of the appointed members of the ACT Heritage Council in response to this forthcoming review. It seeks an increase in the remuneration of members to better reflect the importance placed on Council's work by the legislature, the high level skills required of its members, and the complexity of the tasks it undertakes.

The Heritage Council is created under section 16 of the *Heritage Act 2004*. Whilst draft amendments to the Act have been tabled by the Minister, it is not proposed that its membership would change nor would its work alter to any significant degree.

The Council's membership includes two ex-officio office holders – the conservator of fauna and flora and the chief planning executive, appointed under subsection 17(1). The very senior level of those two ex-officio members is an indication of the significance of the work of Council as understood by the ACT Legislative Assembly.

The Heritage Act also requires the appointment of three community members and a further six expert members from relevant disciplines, in accordance with subsections 17(3) and (4). Of the current appointees, no fewer than four hold doctorates and others hold or have held significant positions in the private and public sectors, and in academia. A brief summary of current members' qualifications and experience can be found on the Heritage Council's website (www.environment.act.gov.au/heritage/act_heritage_council). The fact that the majority of members are experts means that, in order to use their knowledge for the benefit of the ACT community by undertaking this public office, they may forego the remuneration they would otherwise gain from consultancy work and the like. This can be a significant detriment for which the current remuneration does not adequately compensate.

The statutory work of the Heritage Council falls into the following main categories: registration of objects and places because of their heritage significance; giving advice about the effect of proposed development on heritage significance; preparing guidelines about conserving heritage significance; and approving conservation management plans. It deals with places and objects of Aboriginal heritage, natural heritage and historic heritage. Members will, from time to time, be dealing with such diverse issues as the appropriate methodology for mechanical excavation of potential Aboriginal deposits, the conservation options for heritage-registered geological formations disturbed by road construction, or possible prudent and feasible sub-division alternatives to minimise impact on heritage places.

Members also play a substantial role in the review of and preparing advice about major developments, including high-level negotiations.

In undertaking those tasks Council members must read and comprehend large volumes of material; they frequently contribute to drafting and editing of heritage documentation; they attend meetings, both public and private, dealing with heritage matters; and are also involved with public promotion of heritage values throughout the ACT community.

The work of Council has increased over the past two years. This is illustrated at Table 1 which shows a significant rise in the number of meetings held across the years.

Meetings	Year		
	2010 - 2011	2011 - 2012	2012 - 2013
Full Council meetings	6	9	7
Task force (Committee) meetings	15	18	22
Total Meetings	21	27	29

These meetings have resulting in an increased number of decisions about the registration of places and objects under Part 6 of the Act. Both provisional registration and final registration lead to gazetted decisions and the provisional registration process can be particularly complex and time-consuming. As a consequence, there has been a reduction in the backlog of outstanding matters which had built up over previous years. Table 2 illustrates this effort.

Registration Decisions	Years		
	2010 - 2011	2011 - 2012	2013 - 2014
Nominations	11	15	5
Provisional Registration	17	38	51
Final Registration	13	25	10
Total Registration Decisions	30	63	61

Decisions of the Heritage Council can have long-lasting impact in relation to property development and use, and upon the interests of property holders. For this reason alone they are seen as important decisions. It is therefore not surprising but rather significant that others with whom the Council members need to deal from time to time in the course of conducting Council business are likely to be much more highly remunerated. Examples include property developers, their architects and lawyers, and members of bodies such as the Land Development Agency.

Heritage Council decisions may be contested by interested parties. Controversy may erupt in the media requiring informed responses from the Council Chair, Deputy-Chair or other members. An additional and onerous task of members is to give expert or other evidence from time to time during review of heritage decisions in the ACT Civil and Administrative Tribunal. Participation can involve preparation of a witness statement, consultation with lawyers, a mediation session of up to a day, and attendance at 2-4 days of hearings. This is a demanding responsibility for part-time office holders. In the current calendar year to date there are or have been four appeals involving the Council.

these bodies are not determinative but only advisory, and are not required to comply with onerous statutory obligations. We observe further that Council members have not, at least in recent years, sought to have their remuneration reviewed. Yet the Council's work is lessening neither in complexity nor volume, nor is it likely to do so in the foreseeable future. Public interest, scrutiny and even legal challenge are, on the other hand, increasing. We believe that a reassessment of the appropriate remuneration for appointed members of the ACT Heritage Council is warranted.

Thank you for your consideration of this submission. We are happy to meet with you and would be willing to answer any questions or provide any further information that would assist.

Yours sincerely

A handwritten signature in black ink, appearing to read "Duncan Marshall", with a long horizontal flourish extending to the right.

Duncan Marshall
Chair
ACT Heritage Council

23 September 2013