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10th April 2010

The Honourable Peter Garrett AM MP
Minister for Environment Protection, Heritage and the Arts
Parliament House
Canberra ACT 2600

Dear Minister

I write to provide Australia ICOMOS' comments on the 2009 Report of the Independent Review of the EPBC Act 1999.

Australia ICOMOS welcomes the report and many of its findings. In particular, we support the findings to:

- provide greater leadership in heritage;
- address resourcing issues;
- clarify, simplify and streamline the Act, especially in the case of heritage generally and listing processes in particular;
- improve transparency in heritage listing processes; and
- simplify management planning aspects.

However, we remain concerned about a number of other issues, such as:

- the review's apparent unwillingness or inability to seriously address the failure of the EPBC Act to adequately protect cultural heritage, especially given the complexity of the current Act and the proposals to include four additional heritage Acts within the EPBC Act;
- the demise in the status of the AHC with the disappearance of its separate Act;
- the several instances where the review takes a theoretical view which ignores reality (eg. the perceived benefits of including heritage within the environment Act versus the reality of this situation), or where there is no sound research basis for the review findings (eg. the proposed future form of management plans);
- the issue of the actual effectiveness of heritage protection is not addressed at all; and
- the review fails to address the need to develop a strategic overview of listing activity in Australia, and resolve the future of the Register of the National Estate in this context.

In addition, we note that while there are a number of formal recommendations, the report text contains many more implicit recommendations which are not highlighted. This makes responding to the very large report more difficult.

It is also noted the review did not address a large number of the detailed issues raised by heritage groups such as Australia ICOMOS and the Australian Council of National Trusts. Your Department has advised that these issues will be addressed by some other process. We would appreciate advice about what this process is, and what opportunities will be available to review proposed responses to these detailed issues.

I would be grateful for an early opportunity to meet with you to discuss our views and the Government's forthcoming response.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. McIntyre-Tamwoy', with a stylized, flowing script.

Susan McIntyre-Tamwoy
President, Australia ICOMOS