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Our Ref:

Consultation on the Definition of a Charity  
Board of Taxation  
c/- The Treasury  
Langton Crs  
Parkes  
ACT 2600

### **SUBMISSION BY THE NSW HERITAGE OFFICE ON THE DRAFT CHARITIES BILL**

This submission is made on behalf of the NSW Heritage Council. Whilst the NSW Heritage Council is not a charitable body, as the key heritage agency in NSW, we believe it is imperative that potential impact on heritage places afforded by the draft Charities Bill be realised for places of national, state and local heritage value.

The submission accepts and supports the premise that 'the advancement of culture' is included in the Bill as 'a charitable purpose'. The submission focuses on par 1.77 of the Explanatory Material, which states that the 'advancement of culture', relevantly, includes 'the protection and preservation of national monuments, areas of national interest and national heritage sites and buildings', words taken verbatim from Ch.21 of the Charities Inquiry Report. It is acknowledged that the words 'without limitation' are included, but they do not remove concern that the use of the word 'national' is too restrictive. It would exclude a very substantial number of items on state and territorial registers and possibly all locally listed items, all of which deserve the postulated protection.

The Heritage Council of NSW believes that it is through the conservation of all places of heritage significance to Australians, be they identified on the national, State or local government heritage lists that we will achieve society's aim of conserving what is of value to present generations for the future. It is only through conserving not just our monuments but our collective heritage – large and small, local or national that we will achieve the intent of the national, state and territorial legislation in relation to heritage.

In addition, places of national heritage value have the greatest opportunity to secure funding or are in government ownership. Locally valued places, which can play a central role in that community's connection to the past, have far fewer options to secure monies for their conservation. This is where charitable status can provide sometimes the only solution to securing a heritage places future.

The benefits of charitable building trusts managed by local communities are well documented in Europe, particularly in the UK. It has been clearly demonstrated how such trusts can act as

a catalyst for broader support for heritage conservation and the subsequent economic and urban regeneration of an area, with all the flow on environmental, social and cultural benefits.

Given the national list will be limited to a relatively few number, many of which enjoy relative severe means of funding, the Charities Bill in its draft form will have limited benefit to heritage conservation.

It is also submitted that the advancement of culture should be defined to include, without limitation, 'the protection and preservation of **heritage places and items** that are on the **national, state, territorial or local government registers**'. It is also suggested that the terminology for describing heritage places be aligned with that commonly used in Australian legislation as suggested above. In Australia we rarely now use the word monument preferring "heritage place or item".

The NSW Heritage Office welcomes the inclusion of heritage in this draft Bill and congratulates you on this major step forward. If we can be of further assistance in clarifying any of the issues raised here in please contact Susan Macdonald at the NSW Heritage Office on 9873 8553.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Collins', with a stylized flourish at the end.

**Michael Collins**  
Chair  
NSW Heritage Council

9 September, 2003