

31 August 2026



Environment Institute
of Australia and
New Zealand Inc.

The Hon Penny Sharpe MLC Minister for Heritage
Ms Sally Barnes Chair, Heritage Council of NSW
Mr Sam Kidman Executive Director, Heritage NSW

RE: Heritage Specialists Register — request to suspend the Expressions of Interest and redesign

Dear Minister, Chair and Executive Director,

The Environment Institute of Australia and New Zealand (EIANZ) writes through its Heritage Special Interest Section (SIS) and Certified Environmental Practitioner (Heritage) Specialist Environmental Advisory Committee (SEAC) to express our concern regarding the Heritage Specialists Register in its present form. We understand this matter is on the agenda for discussion at the Heritage Council meeting in September.

In February 2026, the Heritage Council resolved to dissolve the Approvals Committee, Heritage Advisory Panel and Technical Advisory Panel and establish the Register to incorporate their expertise. The Information Pack confirms that specialists will act individually, receive no formal appointment or decision-making authority, provide unpaid technical comments, and have those comments inform Heritage NSW advice and Heritage Council deliberations. The March 2026 minutes confirm there will be "no deliberation between specialists."

For context, EIANZ represents more than 4,000 members across Australia and New Zealand, including a substantial number of heritage professionals. We support Heritage NSW having timely access to high-quality specialist expertise. However, we do not support a mechanism whereby this expertise is obtained through a standing pool of unpaid professionals whose advice may be used in the State's statutory, regulatory and operational heritage functions.

We respectfully request that the Expression of Interest process be suspended before applications close on 9 September 2026 and that the Register not proceed until its design, governance and remuneration model has been independently reviewed — that is, reviewed by a qualified party external to Heritage NSW, with the scope of the review agreed in consultation with professional bodies — and properly consulted upon. EIANZ strongly recommends that Heritage NSW further consider the need for proper governance and remuneration for the panel. We would be happy to assist in that regard. EIANZ is hesitant to recommend to our members participation in the Heritage Specialists Register as it stands, for the reasons discussed further below.

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Governance downgrade

The former panels operated under formal terms of reference with defined membership, collective deliberation, codes of conduct, secretariat support and periodic review. The Register removes that collective structure while continuing to obtain matter-specific technical expertise for official use. Calling the advice "voluntary" and "non-binding" does not eliminate its professional value, its influence, or the risk associated with its use. A non-binding comment becomes operationally consequential when incorporated into agency advice. The Register therefore reduces governance safeguards while continuing to rely on the same professional expertise the former panels were designed to manage responsibly.

Aboriginal cultural authority

The inclusion of "Aboriginal heritage" as a general category of expertise requires particular caution and warrants early attention. Professional expertise must not be confused with Aboriginal cultural authority. No practitioner can volunteer knowledge, values or authority that belongs to Aboriginal people and communities. The NSW Heritage Strategy commits Heritage NSW to recognising Indigenous Cultural and Intellectual Property rights and upholding free, prior and informed consent. The Register does not explain how cultural authority will be distinguished from professional expertise, how communities and Knowledge Holders will be engaged and remunerated, or how cultural knowledge will be protected.

Commercial value and market impact

Heritage advice is a professional service founded on qualifications, specialist experience, continuing professional development, intellectual property and professional judgement. It commonly carries professional and potential legal liability. A government-sponsored pool of zero-cost technical advice risks displacing remunerated consultancy work, weakening small and specialist practices, favouring large organisations able to subsidise staff participation, and creating pressure to volunteer in order to retain professional visibility or influence.

Unresolved procurement and probity concerns

Heritage NSW has not published any legal or procurement assessment explaining why identifying, selecting, receiving and using professional technical services through the Register does not constitute procurement. The NSW Government Procurement Policy Framework applies to services of any kind and includes mandatory obligations applying at any value.

Several principles appear difficult to reconcile with the current model:

- Value for money: Zero price does not establish quality, capability, fitness for purpose or appropriate risk management.
- Probity and fairness: While the Register requires specialists to declare actual, potential or perceived conflicts of interest, it does not explain how conflicts will be determined, how specialists will be selected for particular matters or how work will be allocated equitably across the pool.
- Risk allocation: The Register does not adequately address professional indemnity, State indemnification, liability, intellectual property, or responsibility where advice is incomplete or used outside its intended scope.

The NSW SME and Regional Procurement Policy seeks to increase SME participation — yet a zero-cost model may reduce meaningful economic participation by the sole practitioners and small businesses that deliver much of NSW's heritage expertise.

We request full consideration of the concerns regarding procurement, probity and market impact prior to finalising the EOI process.

Equity, gender equality and economic exclusion

The Register is not economically neutral. Heritage includes substantial participation by women, including women leading small and regional practices. The Register identifies "availability" as a selection consideration, which risks selecting people who can afford to donate time rather than those with the strongest expertise.

This is inconsistent with the NSW Government's stated commitment to improve gender equality within its supply chain and the NSW Women's Strategy, which supports women-led businesses through government contracts. It sits uneasily alongside the Government's August 2026 announcement of measures to help women-owned businesses access government procurement opportunities.

The State's own evidence demonstrates heritage's value

Heritage NSW's own strategy reports that cultural and heritage visitors spent \$9.6 billion in NSW in 2024 and that recent Heritage Grants generated a 300 per cent return on government investment. The State cannot credibly celebrate the economic value of heritage while assigning a default value of zero to the expertise required to understand and protect it.

Action requested

EIANZ calls on Heritage NSW and the Heritage Council to:

1. immediately suspend the EOI and implementation of the Register;
2. respond to the concerns raised in this letter regarding the legal, procurement and probity implications of the Register model;
3. formally consult professional bodies, Aboriginal organisations, Knowledge Holders, and small and regional practices;
4. undertake gender, diversity, Aboriginal cultural authority, SME and market-impact assessments;
5. establish a properly remunerated specialist panel for matter-specific technical advice;
6. confine any unpaid contribution to clearly defined strategic or policy consultation through representative bodies; and
7. establish clear requirements for selection, peer review, conflicts, liability, indemnity, intellectual property and use of advice.

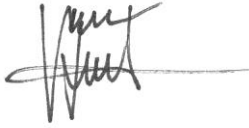
EIANZ would welcome the opportunity to assist in developing a credible alternative model — one that provides Heritage NSW with appropriate specialist expertise while maintaining professional standards, independence and fair remuneration. We look forward to the opportunity to discuss these concerns constructively.

Given the EOI closes on 9 September 2026, we request written confirmation as soon as possible, and in any event with sufficient time to allow EIANZ to advise its members whether to participate before the deadline.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Zoe McLaughlin', with a stylized, flowing script.

Zoe McLaughlin, President EIANZ NSW Division

A handwritten signature in black ink, appearing to read 'Vanessa Hardy', with a stylized, flowing script.

Vanessa Hardy CEnvP (Heritage), MEIANZ, M.ICOMOS, MAACAI Chair EIANZ Heritage Special Interest Section

A handwritten signature in blue ink, appearing to read 'MacLaren North', with a stylized, flowing script.

Dr MacLaren North CEnvP (Heritage) FEIANZ Chair CEnvP Heritage Specialist Environmental Advisory Committee

