



Heritage Council of NSW Criteria for assessing Excavation Directors

Introduction

Section 21 (2) (b) of the NSW *Heritage Act, 1977*, allows the Heritage Council of NSW to provide information relating to environmental heritage to persons or bodies if it considers it is appropriate to do so. Since 1981 it has made policies and provided practice guidance about how archaeological sites subject to approvals under the *Heritage Act* should be investigated and managed by suitably qualified and experienced people – known as Excavation Directors (ED).

This policy, known as the Excavation Director Criteria (ED Criteria) has been revised over time and provides current policy and practice guidance on this matter.

Purpose

The primary purpose of the criteria is to ensure that a nominated Excavation Director (ED) has appropriate skills and experience to successfully undertake the archaeological programs identified in section 140 and section 60 applications lodged under the *Heritage Act*. The criteria also apply to section 65A, and section 144 variations to existing approvals under *Heritage Act* and relevant Integrated Development Applications (IDAs) lodged under the *Environmental Planning and Assessment Act 1979* (the *EPA Act*).

S139(4) and S57(2) of the *Heritage Act 1977* provide alternate pathways for minor archaeological works. Whilst the people undertaking that work should be suitably qualified, those people are not recorded as Excavation Directors that have held a full archaeological approval. For these types of applications, the suitably qualified person undertaking the monitoring or testing activity may be recognised as the 'Supervising Archaeologist' or 'Site Director' for that work.

The secondary purpose of the Criteria is to establish a progressive pathway for acquiring the skills relevant for work under Heritage Council archaeology approvals.

Benefits

Suitably qualified and experienced historical archaeological Excavation Directors are an essential partner in ensuring the archaeological resources of NSW are appropriately and professionally managed to best practice standards. They will also usually benefit a project by providing options to amend development plans should that be required and recommending other appropriate impact mitigation strategies if significant features are discovered or expected.

Qualifications

Excavation Directors are people who have professional training and extensive fieldwork experience in the investigation of relics within historical archaeological sites. Excavation Directors must have completed tertiary training in archaeology, prehistory or a closely related field (such as classical/near eastern archaeology, geosciences or heritage studies, with an archaeological component). Excavation Directors may be consultant historical archaeologists undertaking paid professional work associated with site redevelopment projects; university employed archaeologists and/or others undertaking research investigations of historic sites.

Mentoring

The assessment criteria may assist training and mentoring archaeologists who may wish to become future Excavation Directors for *Heritage Act* permits. Individuals will need to keep records that document their experience in order that this can be demonstrated against the requirements of the ED Criteria.

Applying for a Permit

Excavation Directors need to have professional qualifications and relevant fieldwork experience for the archaeological work for which approval – a Permit - is sought. They must also provide sound justification for the proposed archaeological work which is likely to disturb 'relics', within the meaning of the *Heritage Act 1977*. This is usually done by submitting an Archaeological Assessment and Research Design for the site as part of the Permit application.

Any qualified historical or maritime archaeologists with demonstrated historic sites experience wishing to act as an Excavation Director must submit a current written statement to the Heritage Council with each Permit application addressing his/her ability to meet the basic criteria set out in the following table. This applies equally to both Primary Excavation Director and Secondary Excavation Directors (see below).

Additional submission requirements are required of Primary Excavation Directors or Secondary Excavation Directors nominated for the first time and also for Excavation Directors nominated for the first time to investigate archaeological sites assessed as having State heritage significance or e.g. seeking to undertake excavation of a more complex site. Such documents must be lodged to support applications to undertake controlled activities under the *Heritage Act 1977*, as well as for IDAs, where excavation would or is likely to result in a relic being moved, damaged, destroyed, exposed or altered.

The Applicant for a Permit will also have specific obligations they need to meet (see below). These will be set out in the Conditions of Approval. Also see the *Historical Archaeology Code of Practice* (2006).

Application Process

Usually a single individual will be nominated as the Primary Excavation Director for an archaeology permit. In cases where more than one Excavation Director is nominated or required due to project circumstances, then the terms Primary and Secondary Director will be relevant. These are defined in Section C of the Criteria.

Specialist archaeologists within Heritage will assess the application submitted. Consideration will be given to the site history and archaeological assessment; the significance of the archaeology; the Research Design and methodology to be used to manage the archaeological relics; and the experience and skills of the person seeking to direct that work. Each application is assessed on a case by case basis. Each application undergoes internal review before a decision being made by the Heritage Council of NSW (or its Delegate).

When an Application is approved it will be issued with a standard set of Conditions to manage the archaeological works. These cover matters such as the excavation director should do the work; notifying the Heritage Council at the beginning and end of work; work to be in accordance with the approved research design and methodology, and notification protocols for unexpected finds.

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The Heritage Council or its Delegate may also include site specific conditions of approval. The Applicant and the Excavation Director need to be aware of their responsibilities under the issued Permit and should review the Conditions of Approval carefully.

The Standard Conditions for an Excavation Permit include matters such as:

- The Excavation Director should do the work;
- Heritage/HC to be notified of beginning and end of work;
- Work to be in accordance with the RD & methodology;
- Unexpected relics – Heritage/HC to be notified;
- All work to be recorded, relics to be catalogued;
- Final report to be written.

Additional conditions may be added in specific circumstances, depending on type of work or significance of the site. These commonly cover:

- Interpretation & public open days during the dig;
- Requirements for in-situ conservation, and/or, for:
- Interpretation within a new development.

Right of Review

A person can seek a review when a nominated Excavation Director for archaeological application or activity under the *Heritage Act 1977* has not been supported by the Heritage Council of NSW (or its Delegate).

The review process offers a formal and confidential opportunity to review the outcome of an ED assessment, including where progressing or changing status against the ED Criteria has not been supported, or any other special consideration. For further information see **Part 2** of these Criteria.

EP&A Act Approvals

The Criteria for the Assessing Excavation Directors are relevant for Permits and Approvals under the NSW *Heritage Act 1977*. They should be used to assist in establishing commitments for projects determined under the EPA Act, 1979, including Former Part 3A, Part 4 and Part 5 matters (SSI and SSD approvals). The Heritage Council of NSW notes that EP&A Act approvals often applies the ED Criteria in its conditions of consent.

General

The Heritage Council of NSW can also provide advice about the consideration of archaeological projects and approaches before formal permit applications are lodged under the *Heritage Act, 1977*.

Contact Heritage NSW:

Email: heritagemailbox@environment.nsw.gov.au

Mail: Locked Bag 5020, Parramatta NSW 2124

Phone: (+61 2) 9873 8500 Fax: (+61 2) 9873 8599

Website: www.environment.nsw.gov.au

Hours of business: 9:00 am – 5:00 pm, Monday to Friday

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The Heritage Council of NSW has also published relevant Guidelines for archaeological practice in NSW. These include:

Archaeological Assessments
Assessing Heritage Significance
Statements of Heritage Impact
Historical Archaeology Code of Practice
Assessing Significance of Archaeological Sites & Relics

Notes:

- Successful application to be an Excavation Director is valid for the lifetime of that specific approval. As noted above each application and person is assessed for each site, each time.
- There is no master list of approved Excavation Directors kept by the Heritage Council.
- The Heritage Council of NSW or its Delegate may contact referees to substantiate information about the nominated Excavation Director(s).
- The Heritage Council of NSW or its Delegate also has the discretion to consider special cases that may not meet the stated Criteria for the Assessment of Excavation Directors.

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PART 1 - Heritage Council of NSW Excavation Director Criteria

A. Essential Qualifications/Experience

Excavation Directors must be able to meet **all** the following requirements.

1. A tertiary honours (or Masters/PhD) degree or graduate diploma in archaeology **and** three years relevant and cumulative professional experience* in historical archaeology or a related archaeological field.

OR

A tertiary pass degree with subjects in archaeology or a related discipline **and** four years professional experience in historical archaeology or a related archaeological field.

AND

2. A demonstrated understanding of NSW heritage legislation assessing heritage significance criteria and relevant archaeological guidelines/best practice methods and standards including, but not limited to, relevant archaeology publications issued by the Heritage Council of NSW.

AND

3. Demonstrated experience in the investigation of comparable or relevant historical archaeological sites (especially Australian Historical Archaeology) project management and preparing written archaeological assessments/site management recommendations.

AND

4. Ability to demonstrate that work under any approvals previously granted by the Heritage Council has been completed in accordance with the conditions of that approval and the final report has been submitted to the Heritage Council.

*Professional experience may include work as a sub-consultant or consultant, private consultancy, and/or permanent or temporary government employment and/or research-based experience. This experience should be relevant cumulative experience e.g. fieldwork, writing assessments etc specific to archaeology.

Additional Information:

For Primary Excavation Directors or Secondary Excavation Directors nominated for the first time, or for applications where the nominated ED is seeking to progress in the system to a higher threshold e.g. from local to State or to a more complex or larger scale excavation program, you will also need to provide):

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- (a) a written statement demonstrating how your fieldwork experience meets the stated criteria in the adjoining table;
- (b) written statements of relevant professional experience prepared by at least two referees (a maximum of one statement may be from a current employer), verifying your professional fieldwork experience in relation to the stated criteria in the following table;

and

- (c) a copy of your current curriculum vitae (CV). Please note a standardised CV is unlikely to demonstrate your archaeological experience at the level of detail needed for comprehensive assessment by the Heritage Council or its Delegate. It may require additional clarification (Refer to Advisory Notes at the end of this document in section D).

The documents listed above, (a) to (b) are also required for Primary or Secondary Excavation Directors nominated for the first time to investigate archaeological sites assessed as having State significance, when Permits have previously been held only for sites of local significance. Each application will then be addressed on a case by case basis according to the following criteria matrix of historical archaeological fieldwork experience.

As each person is assessed for each permit an updated CV will also be needed for people who have been previously approved to hold permits. Current processes require a CV to be submitted every two years (at a minimum).

A response to (a) should also outline a list of current approvals issued under the *Heritage Act 1977*, where you are approved as Primary Excavation Director with advice on the current reporting status in compliance with those approvals.

B. Historical Archaeological fieldwork experience

	LOCAL SIGNIFICANCE	STATE SIGNIFICANCE*
Test Excavation	<p>Excavation Director needs to demonstrate his/her understanding of the meaning (date, type, common application in the past) of basic artefacts and building materials types likely to be encountered;</p> <p>Excavation Director needs to demonstrate his/her ability to recognise and interpret taphonomic processes and their meaning;</p> <p>Recognition by the Excavation Director of any limitations re the above;</p> <p>Excavation Director needs to demonstrate his/her ability to complete adequate recording of stratigraphy, soils, features without needing to re-excavate previous trenches; including provision of measured drawings and survey.</p> <p>Excavation Director needs to demonstrate understanding of Australian historic and environmental context as demonstrated in Archaeological Excavation Methodology and Research Design.</p> <p style="text-align: center;">and</p> <p>Excavation Director needs to demonstrate his/her ability to prepare a report that clearly identifies what was done, why, what new information was recovered and what it means.</p>	<ul style="list-style-type: none"> • Excavation Director needs to meet ALL of the requirements listed for Local sites and • Excavation Director needs to demonstrate his/her ability to manage/work within a multi-faceted team of heritage professionals; <p>and</p> <ul style="list-style-type: none"> • Excavation Director needs to demonstrate his/her commitment to operating within the principles outlined in relevant Heritage Council's guidelines and policies, including but not limited to: <i>Historical Archaeology Code of Practice and the Burra Charter</i>
Monitoring	<p>Excavation Director needs to meet ALL of the requirements listed for "Test Excavation" above,</p> <p>Excavation Director needs to demonstrate:</p> <p>Previous experience with and demonstrated understanding of how to use a machine excavator effectively and safely;</p> <p>Demonstrated ability to understand when it is necessary to change from machine to manual investigation.</p>	<ul style="list-style-type: none"> • All the requirements listed for "Test Excavation" above.

Note 1: "State Significance" includes items listed on the State Heritage Register as well as non-listed sites identified as State significant or potentially State significant in relevant studies such as an Archaeological Management Plan, Heritage Study or Archaeological Assessment report.

Note 2: The *Historical Archaeological Fieldwork Experience Criteria* listed for State significant sites are in addition to those listed for the equivalent work on locally significant sites.

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	LOCAL SIGNIFICANCE	STATE SIGNIFICANCE*
<p>Larger Scale / Complex* Excavation</p> <p>(employing a range of archaeological techniques as needed)</p> <p><i>*Also known as open area excavation*</i></p> <p>For Large Scale/Complex excavation, the Excavation Director needs to meet ALL of the requirements listed for “Test Excavation” and “Monitoring” above.</p> <p><i>*For Historic Archaeology “open area” will usually mean large areas are excavated; often the entire development footprint of a site. There may or may not be division into areas or separation using baulks.</i></p> <p>Aboriginal site investigations are generally of much smaller scale and are not covered by these Criteria.</p>	<ul style="list-style-type: none"> • Documentation showing the nominee has been approved as Excavation Director on five (5) or more prior permits for excavation of lesser scope such as archaeological testing or monitoring permits (and/or section 63 approvals) • Excavation Director needs to demonstrate that ALL the abovementioned projects have been completed in accordance with the permit consent conditions; □ • Excavation Director needs to demonstrate his/her excavation experience as a Site Director or Trench/Area supervisor on at least three (3) sites subject to large scale/complex excavation; • Excavation Director needs to demonstrate his/her experience and/or clear evidence of a capacity to: <ul style="list-style-type: none"> (a) manage project timeframes, budgets, client’s requirements; <p>as well as</p> <ul style="list-style-type: none"> (c) manage community interest/Public Relations issues; (d) manage and implement permit conditions (when triggered) including relationship to other legislative requirements (e.g. Aboriginal heritage legislation and Work Health and Safety legislation) <p>AND</p> <ul style="list-style-type: none"> • Excavation Director needs to demonstrate his/her ability to synthesise excavation and post excavation analysis/historical research into a report that responds to identified research questions and makes a positive contribution to community understanding of the history and significance of the place, and to provide sound advice for future management of the site. 	<p>Excavation Director needs to meet ALL of the requirements listed for Local sites and</p> <ul style="list-style-type: none"> • Excavation Director needs to demonstrate his/her ability to manage/work within a multi-faceted team of heritage professionals; • Excavation Director needs to demonstrate his/her commitment to operating within the principles outlined in relevant Heritage Council’s guidelines and policies, including, but not limited to: <i>Historical Archaeology Code of Practice</i> and <i>the Burra Charter</i> • Excavation Director needs to clearly demonstrate his/her understanding of the significance and archaeological research potential of sites of State significance and of the loss of information that can be incurred by application of less than best practice and/or rigorous methods both on-site and during preparation off site (including reviews of the site assessment). <p>and</p> <ul style="list-style-type: none"> • Excavation Director needs to clearly demonstrate his/her experience in project management of on-site interpretation.

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Note 1: “State Significance” includes items listed on the State Heritage Register as well as non-listed sites identified as State significant or potentially State significant in relevant studies such as an Archaeological Management Plan, Heritage Study or Archaeological Assessment report.

Note 2: The Historical Archaeological Fieldwork Experience Criteria listed for State significant sites are in addition to those listed for the equivalent work on locally significant sites.

C. Definitions

The definitions in these Criteria refer to professional archaeologists. Appropriate personnel and roles will usually derive from the Archaeological Research Design for the site.

Primary Excavation Director – usually has prepared the archaeological assessment and is the best person to actively supervise the standards in the archaeological proposal and the approved research design. This person has primary responsibility for all aspects of the archaeological project including fieldwork and post-excavation research. Fieldwork includes selection of the methods and strategies appropriate for a particular site, and aspects such as facilitating public access if required by the Conditions of the approved permit. The Primary Excavation Director always retains full and ultimate responsibility for the final excavation report unless otherwise varied through Section 144 of the *Heritage Act 1977*.

Secondary Excavation Director – may be nominated for large-scale archaeological projects to share certain aspects of supervision of the excavation with the Primary Excavation Director.

Secondary Excavation Directors may also be nominated on an application under the Heritage Act 1977 when a prospective Excavation Director nominee cannot meet all the required criteria but still wishes to undertake the proposed archaeological work. In these circumstances, and with the agreement of the Applicant, a Primary Director who meets the required criteria can be nominated. It is essential that the nominated Secondary Excavation Director has worked on archaeological excavation sites, to at least at the level of an Area Supervisor or Site Director.

This option is also viewed as a mentoring system for junior personnel and it may also be useful when experienced practitioners in other areas of archaeology (e.g. Indigenous archaeology) wish to undertake work on contact or historic sites.

In cases where a Secondary Director is nominated and approved, the Primary Excavation Director will still hold key responsibilities such as completing the final excavation report.

Joint Permits – may be an option when a proposed development requires round-the-clock fieldwork due to limited operational timeframes, such as rail track possession or closures of major roads/thoroughfares. Joint permits may enable the nominated Excavation Directors to be directing excavation/monitoring at a site for extended hours. Previously also referred to as a Co-Director arrangement, it is essential to identify a Primary Excavation Director where a joint permit arrangement is requested. The Primary Excavation Director fulfils a quality assurance role as they must take ultimate responsibility for the standard of fieldwork, for explicit statutory conditions of consent in the excavation permit related to nominated Excavation Directors and for the preparation of the final excavation report. Unless there are exceptional circumstances, no more than two Excavation Directors should be nominated on joint permit applications. Exceptional cases should be discussed with the staff of the Heritage Council before the permit application is lodged.

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Site Director: The site director or site supervisor supports the Excavation Director in managing the archaeological investigation of the site. That person provides direction to archaeologists and to trench or area supervisors, records the site under excavation in accordance with the research design and assists in general site management. The Site Director is the intermediary between the Excavation Director and the field archaeologists and supports both. The requirements are further explained in the above criteria for large scale/complex excavation where they refer to skills already demonstrated for testing and monitoring.

Area/Trench Supervisor:

Trench or Area supervisors manage smaller parts of an archaeological site. They may be used in a large scale or complex excavation to provide support to the Excavation Director and manage the detailed excavation of the site in smaller sections. These roles are similar to a Site Director, but at a smaller scale. They provide direction to archaeologists in their trench/area, ensure excavation of that area is undertaken according to the research design, mentor the field archaeologists and act as an intermediary with the Excavation Director. They support the Site Director and Excavation Director in managing the archaeology within the site.

D. Advisory Notes

As outlined earlier, the process already requires a Cover letter, response to Criteria, CV and references. Addressing the ED Criteria requires a stand-alone response, it cannot rely on the existence of other documents or assume prior knowledge of your work by the Heritage Division.

These notes provide general guidance on ways to demonstrate (i.e. to show or make clear) your experience relevant to the Excavation Director Criteria. This advice may apply to people at different stages in their archaeological career, including recent graduate archaeologists identifying the next steps for training, experience and career progression; or archaeologists addressing the Criteria for the first time to gain an Excavation Permit, or to people who have previously applied.

They will also apply to archaeologists seeking to progress between one level or threshold and another. For example, from managing Local to State significant archaeological sites, or to increase the level of complexity in site management by progressing from small to large scale projects.

Key skills required for Excavation Directors include Qualifications, Experience (Fieldwork /Research / Assessment) and Reporting or other outcomes from the work.

It may be helpful to structure a CV that looks at:

Qualifications, Fieldwork experience, Research experience, management experience. Outline the type of work and which approvals applied, e.g. under Heritage Act or SSI/SSD, which years, who else was involved (e.g. who was the Excavation Director and what was the permit number or SSI/SSD approval number).

- Consider what was your role/task – Trench Supervisor, Area Supervisor, Site Director, Secondary Excavation Director, Researcher, Artefact Specialist, Analysis/Cataloguing, Report Author?
- Other site tasks or Project Management?
- What contributions did you make to the preparation of recommendations and assessment documents or Archaeological Research Designs?
- What precisely was your role or task within a larger project? How complex was the project?
- What was the nature of the archaeology encountered? Did you need to adjust your work or techniques?
- What outcomes have you achieved? Reports, Conference Papers, Public Talks, Tours.
- Which professional or other memberships do you hold? Other positions or Awards?
e.g. ASHA, AACAI (Full, Associate or Affiliate), Australia ICOMOS, AAA, AIMA etc.

State your knowledge of the Heritage Act or other relevant legislation and processes by using real world examples.

In organising a submission against the Criteria and documenting your work experience in a detailed C.V., you may be able to see gaps in your skill set. Any gaps identified may provide a useful point for discussion within firms about mentoring, or for those who are

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sole practitioners, may indicate the kinds of collaborative projects that you might need to find, to strengthen your skills. If you do identify any limitations, you may need to explain in a submission how you would form a team or supplement the expertise you may need for a specific project. This should also be evident in the ARD that is submitted with the Permit Application.

Demonstrating experience against the ED Criteria:

There are several ways to demonstrate different aspects of your experience. This could range from knowledge of legislation; your experience in identifying artefact types; ability to determine when to stop excavating or moving to different archaeological techniques or seeking the input of another specialist. Examples that may be relevant include:

- Demonstration against the criteria with examples that detail your specific role and how you carried it out. Describe your work/role within a broader piece of work (e.g. within a report preparing a significance assessment, preparing a research design or undertaking research), or on a project (e.g. you may have been a trench or supervisor or site director, what did you do, what tasks were you responsible for, etc);
- Demonstrating preparation of assessments and contributing to research designs – what did you contribute? Have you completed a substantial piece of work e.g. Honours; Masters or PhD thesis? Did you need to plan and manage that work e.g. multiple field seasons? Did you need to manage Constraints?
- Demonstrating your experience and knowledge of aspects of archaeological site management e.g. knowledge of artefacts, archaeological skills through e.g. attendance at workshops or training days such as ASHA, AACAI, Archaeological Conference Attendance or Presentations/Papers
- Discussing and managing any limitations you may be aware of (e.g. using other expertise within a broader team, or seeking assistance when you need it)

How to demonstrate your understanding of NSW Heritage Legislation:

Provide an example of a time when you have actioned this. e.g. you may have reported an unexpected find or identified Aboriginal objects which were not anticipated (triggering legislative notifications); prepared and given heritage inductions at a site or advised the process of Integrated Development (IDA) to a proponent.

Applying to show a change in your experience e.g. to move from Local or State or to a managing a more complex excavation or larger site:

- Outline previous excavations where you have been an Excavation Director and its relevance.
- How has your experience progressed since your last application and how is this relevant to this application (to address e.g. threshold changes).
- Demonstrating completion of *Heritage Act 1977* Approvals according to Conditions of Approval: State those applications where you have acted as Primary or Secondary ED and how you have satisfied these requirements e.g. for Final reporting, or other conditions (managing open days, interpretation, etc., provision of progress reports).
- When referring to previous approvals you must include the approval number (e.g. year/s140/number or year/s60/number) to allow cross checking in Heritage Council systems.

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Explaining your experience on working on SHR listed sites:

In explaining your experience please note archaeological management within a site that is listed on the State Heritage Register (SHR) does not automatically mean its archaeology is also of State significance, although it may contribute to the State listed values. This would usually be identified in the Statement of Significance for the site or in a Conservation Management Plan.

Often there is both local and State significant archaeology within an SHR curtilage requiring management according to its significance. More rarely there are sites specifically SHR listed due to their State significant archaeological values. This is usually identified under Criterion E but may also reference other Criteria (historic, historic associations).

PART 2 - Heritage Council of NSW Excavation Director Criteria

Review of decisions made under the Heritage Council of NSW criteria for assessing excavation directors

1.0 General Principles

- 1.1 Where a nominated Excavation Director (Primary or Secondary) for archaeological application or activity under the *Heritage Act 1977* has not been supported by the Heritage Council or NSW (or its Delegate) that person can seek a review of the decision (person seeking review).
- 1.2 The Heritage Council of NSW and/or its Delegates will conduct reviews of decisions related to the Criteria for Assessing Excavation Directors (the ED Criteria) used for decisions under the *NSW Heritage Act, 1977* and as specified in this policy, in a manner that is consistent, equitable and fair, within the principles of natural justice, and respectful to all parties.
- 1.3 Such decisions may include, but need not be limited to, decisions such as:
 - a) outcome of the assessment;
 - b) inability to progress or change in status against the ED Criteria (e.g. Secondary to Primary or Local to State, or monitoring/testing to more complex)
 - c) special consideration (as documented in the particular case).
- 1.4 Reviews must be treated by all parties as strictly confidential. This means that information about the review shall only be discussed with, or made available to, a person who is:
 - a) a party to the review
 - b) is or has been legitimately involved in the management of that review; or
 - c) has a formal management role in the following up of that review.
- 1.5 A Person seeking review remains bound by the original decision while a review is underway.
- 1.6 A Person seeking review who has received notification of a decision made about their status or suitability under the ED Criteria, or any other pertinent matter that may apply, where relevant, for a review of that decision if the Person seeking review:
 - a) has reason to believe that the decision was not made in accordance with the ED Criteria;
 - b) has reason to believe that there have been procedural irregularity or factual errors which can reasonably be considered to affect the results of the decision;
 - c) has reason to believe additional relevant information or documentation would affect the consideration of the matter and the decision as previously made;
 - d) has any other special consideration (as documented in the particular case).*
- 1.7 Any review will be considered on its merit, without reference to any other review requests submitted by that person seeking review or in relation to any other assessment items (current or previous).
- 1.8 A review will not be undertaken in every case i.e. where it is deemed frivolous or vexatious**. For example, where it is readily apparent that the Person seeking review is pursuing a review that is entirely without merit or is made with an intention to cause inconvenience or misuse of agency resources or would not add value to the original

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consideration of the matter. A review is not a reconsideration of the same information, there must be relevant new information or a process issue to consider.

- 1.9 Whether a review should proceed is decided by a Delegate or entity that is senior to the original decision-making Delegate.
- 1.10 Where the decision maker is the Heritage Council the Heritage Council may determine whether a review should proceed.
- 1.11 Parties to a review must co-operate in good faith and must respect the confidentiality of the process and must immediately disclose any actual or potential conflict of interest.
- 1.12 A review will involve the appraisal of the evidence, neutral evaluation of the matters raised and a final decision.
- 1.13 A review of the decision may lead to no change or to a different decision.

2.0 Request for Review

- 2.1 A request for review of a decision made in relation to the ED Criteria and/or the suitability of persons to hold the roles specified in those criteria, shall be made within 28 days of the date of the original decision.
- 2.2 A request for Review of a decision made in relation to the ED Criteria shall be made in writing. This can be submitted by post or email to the heritage mailbox marked Confidential and Attention to the Delegate who made the Decision on the original application.
- 2.3 A request for Review of a decision made in relation to the ED Criteria shall provide:
 - a) identification of the Permit/Approval matter for which the Review is being sought (Heritage Act, 1977);
 - b) a statement of the reasons why the Review is being sought and why it is believed that the decision was incorrect;
 - c) all documents that are relevant to the Review being sought.
- 2.4 A request for Review made outside the specified timeframe or without the necessary requirements noted above will not be progressed.

3.0 Stages of Review (also refer to Flow Chart below)

- 3.1 A review of a decision will comprise the following stages:

Initial determination as to whether a Review should proceed (made by Senior Delegate).

- Stage 1 - review by the original decision-maker (Delegate of the Heritage Council of NSW)
 - Stage 2 - review by a senior officer of the Heritage Division or by the Heritage Council of NSW (if required)
- 3.2 A review of the decision at stage 1 must precede a stage 2 review of the decision.
 - 3.3 A stage 1 review which results in the original decision by the Delegate being unchanged, will be referred to a more senior officer from Heritage (other than the Delegate who made the original decision) for a stage 2 review.
 - 3.4 Where the decision-maker was the most senior Delegate, then the matter may be referred to the Heritage Council of NSW for consideration or to another Senior Delegate who has not had previous involvement in the decision-making process for this matter or the review. Any such referral would usually be at the discretion of the

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Executive Director, Heritage. In rare cases, the Heritage Council of NSW may determine whether a review should proceed.

3.5 The decision made at the Final stage of review shall be final. No further appeal or review will be allowed.

4.0 Communication and Outcome

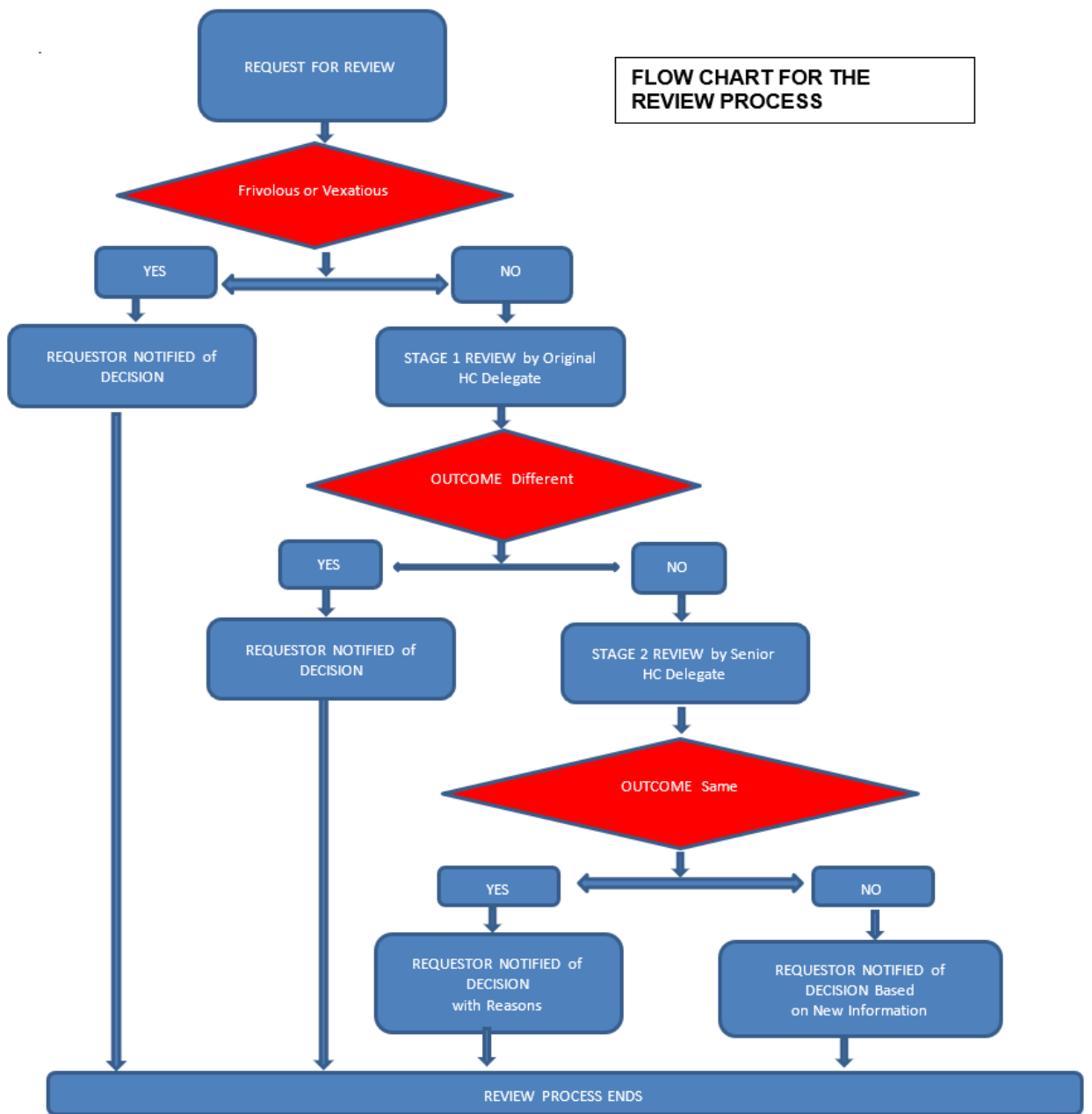
4.1 Heritage will provide acknowledgement of the request for a review within 5 working days of receipt and will provide a progress update (for example, if there is progression to a stage 2 review).

4.2 The Person will be informed of the outcome of the review process within a reasonable period of time. Target time will be 21 days, however, those instances referred to the Heritage Council of NSW will take a longer period.

Notes:

* Special consideration may include matters such as issues with the original submission for example incomplete or missing documents; personal or other extenuating circumstances that may have adversely affected the initial assessment.

** Examples of frivolous or vexatious matters would be: An application that is started with no reasonable prospect of success. A frivolous application is an application that is not serious. A vexatious application may be an application that was started to annoy or embarrass another party.



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