



MLC BUILDING, NORTH SYDNEY – REQUEST FOR ADVICE ON PROPOSED HERITAGE LISTING

18 March 2021

The Independent Planning Commission has been asked to provide advice to the Minister responsible for the *Heritage Act 1977* on the listing of the MLC Building, North Sydney (former) on the State Heritage Register.

The Minister is the decision maker under section 34(2)(b) of the Heritage Act.

The Commission is aware that an interested party has suggested that Professor Richard Mackay AM, Panel member for the above advice matter, has a conflict of interest relating to his involvement with the *North Sydney Heritage Study Review* in 1993.

Professor Mackay drew attention to his involvement with this Study and raised potential implications with the Commission at the earliest opportunity, prior to his appointment to the Panel. For reasons including the listing of the MLC Building as a local heritage item in 1989 – four years before the Study – the Office of the Commission considers that Professor Mackay’s involvement with the 1993 study did not require his recusal from the Panel.

This matter has been raised with the Chair of the Commission who agrees with the advice of the Office of the Commission that Professor Mackay has neither actual nor potential legal conflicts of interest arising in respect of his membership of the Panel providing the advice.

The Chair of the Commission and Professor Mackay have nonetheless mutually agreed that the reputation and independence of the Commission must be paramount. In circumstances where the present suggestion may distract from or delay the Commission’s advice in this matter, Commissioner Mackay has decided to step down from the Panel.

Mr Adrian Pilton remains the Chair of the Panel and the Commission will make an announcement in due course regarding the appointment of a member to succeed Professor Mackay on the Panel providing the advice.

(END OF STATEMENT)