

MEDIA RELEASE

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COMMUNITY LAUNCHES LEGAL CHALLENGE TO MINISTER OVER UNLAWFUL SYDNEY FERRY CAPITULATION

SYDNEY, NSW — Maritime heritage advocates have formally challenged NSW Heritage Minister Penny Sharpe over an alleged breach of the *Heritage Act 1977*, accusing Heritage NSW of executing an unlawful, *ultra vires* shortcut to block the State Heritage Register listing of the iconic Freshwater-class ferry, the MV *Collaroy*.

The dispute centres on a 4th February 2026 resolution by the State Heritage Register Committee (SHRC). The committee admitted that *"although MV Collaroy may be of State significance, the nomination will not be progressed for assessment noting advice from Heritage NSW that the NSW Government has received no sustainable divestment options."*

Advocates argue this decision is an egregious jurisdictional error under NSW administrative law. Heritage NSW is actively claiming that its own internal "triage" guidelines grant it the authority to bypass the strict statutory procedures mandated by Parliament under Section 33 of the Act.

Section 33 includes requiring that "notice of intention to consider" be given and this applies in the case of "whether to recommend or not". The wording "or not" means all "not recommends" also have to go through the Section 33 notice requirement. This was not done for the M.V. Collaroy nomination and suggests a breach of the Heritage Act 1977.

"An executive agency cannot invent its own rules to override explicit parliamentary legislation," said Chris Richards of the Save M.V Collaroy group. "By filtering out the MV *Collaroy* at an informal filtering phase, Heritage NSW has completely stripped the community of its statutory right to public consultation, and denied maritime experts the minimum 14-day window to present evidence of State significance."

The MV *Collaroy* represents an irreplaceable chapter of Sydney's 20th-century maritime history. By allowing commercial divestment gridlocks to legally contaminate what must be a merit-based heritage evaluation, the government is leaving the vessel in immediate jeopardy of being turned into scrap.

A formal legal demand has been delivered to Minister Penny Sharpe's office, requesting that she:

1. **Direct** Heritage NSW to immediately set aside the legally flawed 4th February 2026 resolution.

2. **Enforce** a transparent, lawful reassessment of the MV *Collaroy* strictly under the statutory steps of Section 33.
3. **Issue an Interim Heritage Order (IHO)** immediately to freeze any scrapping actions while a compliant review takes place.

"The law applies to the regulators just as much as the public," Chris Richards of the Save M.V Collaroy group concluded. "If the Minister fails to intervene, it signals that any state-significant asset can be quietly erased from history through administrative overreach, and this would certainly mean the end of all four iconic Freshwater Class ferries".

ENDS

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For more information see <https://www.savemvcollaroy.net>



M.V. Collaroy - photographer unknown (image courtesy Vistapointe)