

**REVIEW OF THE SUBMISSIONS  
MADE TO THE PRODUCTIVITY  
COMMISSION INQUIRY INTO  
AUSTRALIA'S HISTORIC  
HERITAGE**

**SECTION I: ANALYSIS**

**February 2007**

**The Heritage Chairs and Officials of the States  
and Territories of Australia**

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# REVIEW OF THE SUBMISSIONS MADE TO THE PRODUCTIVITY COMMISSION INQUIRY INTO AUSTRALIA'S HISTORIC HERITAGE

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## **Introduction**

The objective of this analysis of the submissions to the Productivity Commission *Inquiry into the Conservation of Australia's Historic Heritage Places* (the PC Inquiry) is to capture the issues and ideas they contain, in a consolidated form, so they can be more readily considered to assist in improving the national system of heritage identification, protection and management.

The analysis covers all submissions made to the Inquiry, and includes references, where possible, to additional material raised during the public hearings.

### ***The analysis is in four parts:***

Part One	Introduction and Background
Part Two	Analysis of the Submissions by Stakeholder Category
Part Three	Analysis of Key Issues raised in the Submissions & Actions Proposed
Part Four	Conclusion Abbreviations & Acronyms used in the Text

### ***The analysis is supported by:***

- Section II which comprises a table summarising key issues raised and actions proposed in the submissions by stakeholder category;
- Section III which summarises key issues raised and actions proposed by issue;
- Section IV, a detailed index to the submissions cross-referenced to the transcripts of the public hearings;
- Section V, a list of key references provided with the submissions.

### ***The analysis of the submissions was carried out in stakeholder categories as follows:***

- 1 Commonwealth, including the AHC
- 2 State and Territory Heritage agencies, including the HCANZ
- 3 State and Territory governments and other agencies
- 4 Local Government
- 5 Professional Heritage Groups
- 6 Professional Non-Heritage Groups
- 7 Property Industry Groups
- 8 Private Property Owners (of heritage listed property)
- 9 Commercial Owners (of heritage listed property)
- 10 Professional/Academic individuals
- 11 Community Heritage Groups, including Residents' Associations, National Trusts
- 12 Special Interest Groups, associations not directly focussed on heritage
- 13 General Public
- 14 International

# **PART ONE INTRODUCTION AND BACKGROUND**

## **1.1 Background**

The Treasurer announced on April 6 2005 that he had requested the Productivity Commission to undertake an inquiry into the policy framework and incentives for the conservation of Australia's historic heritage places.

The Terms of Reference for the Inquiry required the Commission to examine:

1. the main pressures on the conservation of historic heritage places;
2. the economic, social and environmental benefits and costs of the conservation of historic heritage places in Australia;
3. the current relative roles and contributions to the conservation of historic heritage places of the Commonwealth and the state and territory governments, heritage owners (private, corporate and government), community groups and any other relevant stakeholders;
4. the positive and/or negative impacts of regulatory, taxation and institutional arrangements on the conservation of historic heritage places, and other impediments and incentives that affect outcomes;
5. emerging technological, economic, demographic, environmental and social trends that offer potential new approaches to the conservation of historic heritage places, and
6. possible policy and programme approaches for managing the conservation of Australia's historic heritage places and competing objectives and interests.

## **1.2 Inquiry Process**

The Commissioners selected, Presiding Commissioner Neil Byron, and Assistant Commissioner Tony Hinton, commenced a round of informal and formal meetings with key agencies, organisations and individuals around the nation as soon as the Inquiry was announced.

An *Issues Paper* was released in May 2005, and submissions were invited.

The first round of public hearings was held in all capital cities (by telephone in Darwin) July and August, and in September/October the Commission conducted a survey of all local councils.

The draft *Report* was issued mid December, and a second round of hearings were held January/February 2006, and further submissions invited.

The final *Report* was released late August 2006.

The Australian Government response to the Inquiry will be completed in early March 2007.

### **1.3 Response to the Inquiry Outcomes**

It is evident from the submissions in response to the draft *Report*, that many participants felt let down by the Commission's draft recommendations. The Commission had challenged (and seemingly disregarded) central principles and tenets underlying the practice of heritage, and seemed to have provided little of practical or tangible benefit in return.

This was the first national inquiry into heritage in over 30 years. The records of the Inquiry, most particularly the submissions, offer an unparalleled snapshot of the 'state of heritage' at this point in time, and therefore provide an unprecedented opportunity to not only assess the 'state of heritage', but also to construct ways to improve the system nationwide.

This assessment of the submissions provides the opportunity to review that same material, to mine the submissions for the issues raised by respondents, and to collate and consider their ideas for actions to address and redress the concerns they have identified.

### **1.4 Key Messages from the Submissions to the Inquiry**

The most common message from the submissions is very clear.

The heritage system:

- lacks capacity;
- struggles to achieve consistency; and
- fails to provide certainty.

The commonly advocated solution suggested in the submissions is equally clear:

- increase the capacity of the heritage system to identify, conserve and manage heritage more effectively;
- which will enhance consistency; and
- improved certainty of outcome will result.

It should be noted that there were significant different views and suggestions for reform in the submissions, however, the overwhelming majority of respondents would concur with the assessment of the Heritage Chairs of Australia and New Zealand (HCANZ) that the key policy prescriptions should be:

- improvement of the policy framework for historic heritage; and
- provision of enhanced and new incentives (economic instruments) to support historic heritage conservation.

This level of agreement across governments, professionals, and the community sector about the best policy approach provides an unparalleled opportunity:

- to build on the shared investment generated by the Productivity Commission Inquiry,

- to investigate further approaches to better managing the market failures identified, and
- to work collaboratively to improve the national heritage system for the present and future benefit of all Australians.

## 1.5 The Submissions

There were 418 written submissions received by the Inquiry, but only 411 are currently available on the Productivity Commission's website.

They are numbered according to their receipt by the Commission, with the 192 submissions received prior to the release of the draft *Report* (December 2005) simply numbered, and the remainder, those received in response to the draft *Report*, having the prefix DR.

A number of respondents submitted two, in some cases three (in one exceptional case five) submissions, so the tally of actual respondents is 345/418 submissions, with an additional group of 35/138 participants who presented at the public hearings but did not provide written submissions to the Inquiry.

Many of these respondents (103/138) participated in the two rounds of public hearings held again, prior to, and then following the release of the draft *Report*.

The Commission also held rounds of formal and informal meetings with agencies, local government, organisations, community groups and stakeholders of all kinds.

This assessment of the submissions draws on the transcripts of the public hearings and also on participation in several of those meetings with the Commissioners.

It is important to note that while all submissions are listed and nominally available on the PC website ([www.pc.gov.au/heritage](http://www.pc.gov.au/heritage)), several are restricted or inaccessible, and some of the attachment material is either impossible or difficult to access.

## 1.6 Differences Between the Pre- and Post-draft Report Submissions

The majority of the first set of submissions seek to respond to the *Issues Paper*, and address the Inquiry Terms of Reference in some measure.

The majority of the post draft *Report* submissions (DR submissions) address the draft *Report's* findings and recommendations, and particularly respond to the proposed key recommendation to manage conservation through voluntary listing based on negotiated conservation agreements, sometimes in quite emotive, occasionally angry terms.

There were also a number of sectors and individuals who responded very positively to the draft *Report*, generally private owners of heritage property, or those supporting them, who consider themselves disadvantaged through the heritage system.

This assessment has taken account of responses to the draft *Report*, and noted in Section II, the summary analysis by Stakeholder Category, the percentage of each

category which responded positively or negatively to its recommendations, particularly to the key recommendation.

However, the DR submissions, like the first set, have been analysed primarily for what they contain which contributes to understanding or improvement of the whole system, rather than the arguments they contain for/against the draft recommendations.

## **1.7 The Submission Writers**

Those writing the submissions were writing within particular constraints:

- The Terms of Reference of the Inquiry – which limited the Inquiry to ‘historical’ Heritage Places, and to the questions asked in the *Issues Paper*;
- a further framework within which most were consciously writing – that of their understanding of the economic framework within which the PC itself conducted its inquiries.

The quality, depth of research and presentation of detailed argument and analysis in the submissions varies considerably as would be expected, but all were writing within this particular frame of reference.

Each writer, and it is more obvious in the community submissions, appears concerned to shape their arguments or presentation about their special place or issue, into what was almost certainly for most, an unfamiliar frame.

Many therefore provided detailed contextual information for the Commission, and described, and sometimes argued for, recognition of the value heritage contributes to their own lives or for the ways it enriches or otherwise the communal life of which they were part.

The submissions provide detailed accounts of the heritage system as it currently operates nationwide, across all jurisdictions, and in local government areas. They detail the ways in which a myriad of stakeholders engage with the system, and are very valuable accounts of the operations of the system.

## **1.8 How Representative Are The Submissions?**

The set of submissions is invariably skewed, as the respondents are self selected.

The consolidated numbers are that submissions from 126 individuals, 102 agencies, and 115 organisations are available on the PC website.

It is difficult to draw any conclusions from the set of those who chose to submit.

For example, only four submissions were received from the property industry, and three of those were from WA; 35 property owners submitted, from the countless thousands of heritage listed property owners who could possibly have submitted, but five different Polish community organisations submitted their concerns to the Inquiry regarding the possible change of name of ‘Kosciuszko’.

The majority of submissions were from the populous states, and the ACT – NSW, Victoria, SA and WA. There was only one community group from NT, two from the ACT and only three from Tasmania (including the National Trust).

While the Historical Societies were strongly represented, the National Trust had decided to focus its representation through the Australian Council of National Trusts, with support from the State and Territory Trusts, so no Trust branches submitted directly to the Inquiry.

The majority of residents' groups were from inner urban areas of Melbourne, Sydney and Adelaide, with no submissions from Perth residents' groups, and only one Brisbane residents' group attending the public hearings in Brisbane.

The submissions therefore provide an invaluable 'snapshot' of contemporary heritage practice as it is regulated, administered, and experienced at community level, but they do not necessarily provide a statistically accurate picture of the operations of the heritage system nationwide, nor of its impact at community level.

They do however contain a wealth of concerns, issues, proposed actions and solutions from a cross section of those who were sufficiently concerned about the operation of the system, and passionate enough about the value of heritage, to contribute to the Inquiry.

As such, they provide vital evidence for policy makers and community advocates keen to ensure the future sustainability of Australia's heritage.

It should be noted that the first set of submissions were written mid-2005, and the DR submissions were written in early 2006; some 12-18 months prior to this analysis of them. They were concerned with the heritage system as it was then perceived to be operating, not with the system as it is currently working.

This analysis is an analysis of the submissions, not an analysis of the national heritage system per se, and should be read and understood in the context of the Productivity Commission Inquiry.

## **PART TWO ANALYSIS OF THE SUBMISSIONS BY STAKEHOLDER CATEGORY**

- 2.1 Commonwealth, including the AHC**  
6 agencies (11 submissions)
- 2.2 S/T Heritage agencies, including the HCANZ**  
6 agencies (14 submissions)
- 2.3 S/T governments and other agencies**  
14 agencies (17 submissions)
- 2.4 Local Government**  
75 organisations (89 submissions)
- 2.5 Professional Heritage Groups**  
9 organisations (12 submissions)
- 2.6 Professional Non-Heritage Groups**  
11 organisations (14 submissions)
- 2.7 Property Industry Groups**  
4 organisations (5 submissions)
- 2.8 Private Property Owners (of heritage listed property)**  
35 owners (45 submissions)
- 2.9 Commercial Owners (of heritage listed property)**  
15 owners (15 submissions)
- 2.10 Professional/Academic individuals**  
62 individuals (69 submissions)
- 2.11 Community Heritage Groups, Residents' Associations, National Trusts**  
54 organisations (66 submissions)
- 2.12 Special Interest Groups, associations not directly focussed on heritage**  
35 organisations (42 submissions)
- 2.13 General Public**  
12 individuals (12 submissions)
- 2.14 International**  
2 individuals (2 submissions)

## Introduction

The analysis by stakeholder category provided in this section provides an overview of the key issues raised and actions proposed in each category of submissions.

The issues and actions summarised for each category, are an abbreviated version of the full summaries provided in the accompanying tables in Section II and Section III.

Section II is a table with summaries of issues raised and solutions proposed in the submissions by Stakeholder Category. It provides a complete list of the submissions by Stakeholder Category.

Section III is a set of the same summaries organised by issue.

Please note that in Sections II and III, and in the abbreviated versions of them included in these summaries below, that while the issues raised are clearly organised hierarchically – the issue most frequently raised has the highest percentage – the summaries of the solutions are not arranged hierarchically.

## 2.1 Commonwealth Agencies, including the AHC

### ***Number of Submissions***

6 Agencies  
11 Submissions

### ***Overview of submissions in this category***

Six Commonwealth agencies submitted – DEH, the AHC, Defence, the National Capital Authority, Old Parliament House and the National Collections Council – all but the last focussed on the implementation of the national heritage system, as well as larger national heritage issues for DEH and the AHC.

### ***Key issues raised in this category of submissions:***

- 50% Key challenge for management of public heritage sites is sustaining balance between access, use & conservation
- 50% Pressures from regulatory, institutional requirements under *EPBC Act*
- 50% Limited availability of data and analytic tools to assist decision-makers to determine priorities for assistance
- 50% Need for capacity building programs so National Heritage List places can exemplify best practice in planning, management and presentation to the public
- 33% Need to agree a national strategic policy framework in collaboration with S/T governments through the EPHC
- 33% Challenges communicating and delivering on new national heritage system
- 33% Specific administrative issues with DEHre *EPBC Act*
- 33% Need for implementation of national heritage strategy
- 33% Need to integrate all aspects of heritage at all levels of governments in legislation and policy

33%	Need to improve national policy framework to ensure consistency and 'best practice' in all jurisdictions
16%	Difficulties finding viable re-use within core business and operations
16%	Integral value of collections to place not incorporated into policy framework
33%	Market failure occurring in provision of heritage services
33%	Need for clear definition of financial responsibilities between governments
33%	Funding for cultural heritage far less than for conservation of natural resources.
16%	Importance of collections to heritage places not supported through funding

***Actions proposed by the submissions to address the issues raised:***

- Strengthening the COAG agreed national strategic framework through intergovernmental cooperation
- Improved inter governmental coordination in building the NHL
- Improvement to EPBC administration
- Program funding to support conservation and interpretation of collections associated with heritage places
- Implementation of integrated national heritage strategy for cooperative action on funding for historic heritage:
  - Program of incentives to support heritage conservation;
  - improved economic sustainability of heritage places;
  - funding similar to NHT for communities, local governments;
  - shared programs to assist disadvantaged regional places.

***General comments about this category of submissions***

The three agencies affected by the (then) new national heritage system discuss the resource implications the incorporation of the *EPBC Act* requirements was then having on their operations, and on their budgets.

Defence (Sub 52) high lights a substantial issue for heritage management (echoed also by submissions from port authorities regarding the proposed listing of the Port of Fremantle Subs DR253, DR296, DR399), and that is the dilemma created for organisations where operational requirements are paramount: the difficulty of *balancing sustainable heritage management with (Defence) capability requirements*. In other words, the need for these agencies to be able to suspend all other considerations in order to be able to rapidly respond to an emergency or government directive is paramount. So, the necessity of being able to immediately utilise a 'heritage' site for operational purposes does pose some issues for Defence management.

The Ports' submissions suggest operational ports should be exempt from 'heritage' requirements, as airports are exempt from the EPBC provisions. While Defence is not seeking exemption, they do raise substantive issues concerning the *EPBC* requirements,

***Submissions of particular interest in this category***

The Collections Council of Australia submission (Sub 85) lays out a considered case for the importance of associated collections to heritage places, and the need for better acknowledgement of the integral nature of this association in policy and funding

programs. The submission provides an analysis of the set of key issues impacting on the care and management of collections associated with historic heritage places.

The issue of the conservation and management of collections associated with place is discussed in greater detail in s3.1.3. of this paper.

The Department of the Environment and Heritage and the Australian Heritage Council each provided three submissions to the Inquiry. The first of each set (Subs 154 & 118) outlines their respective responsibilities in the administration and regulation of the national heritage system, and provides background to the development of the system.

Each agency addresses key Inquiry issues related to the value of heritage to the community, and argues the case for market failure and the need for greater intervention by government.

The AHC first submission includes a detailed analysis for the development of the present Australian statutory and intellectual framework for the conservation of heritage, and argues that 'heritage' should be considered and managed in a holistic framework. A useful set of attachments is included, covering State/Territory and national listing criteria.

DEH describes the ways in which it works collaboratively with State/Territory organizations to achieve improvements to Australia's heritage system, and sets out the advantages it sees in furthering that collaborative and cooperative approach.

The DEH second submission (Sub 183) argues the case for the need for Australia's heritage places to be managed in a more sustainable way, (see s3.1.3 & s3.4.1 for further discussion on this issue).

Neither organisation supports the key recommendation in the draft *Report*.

Both the DEH and the AHC submissions emphasize the value of managing heritage holistically, and the AHC suggests that this approach could provides a means of reaching true accommodation with Indigenous people, of advancing reconciliation.

This holistic approach of the Australian government, ie, the management of natural, Indigenous and historic values inclusively, remains at variance with the approach of most other jurisdictions, something a number of respondents raised as an issue impeding best practice heritage management. Submission writers cited duplication of administrative processes as causing inefficiencies, and unnecessary overlaps in management processes, but also , raised concerns regarding gaps in heritage lists because of variation in jurisdictional coverage, [not clear what this means and why the variation impedes best practice.]

The AHC also strongly supports the establishment of a Cultural Heritage Trust, cf, the Natural Heritage Trust. In their view, such a national funding program were it to be established, would add considerably to the capacity of communities to identify and conserve their heritage, through provision of resourcing for community heritage activities and programs.

## **2.2 State and Territory Heritage Agencies Including the Heritage Chairs of Australia and New Zealand (HCANZ)**

### ***Number of Submissions***

6 Organisations  
14 Submissions

### ***Overview of submissions in this category***

This set of submissions includes individual submissions from the Heritage Councils of Qld, Victoria, WA and the ACT, and from the NSW Heritage Office (on behalf of the NSW Government), as well as from the Heritage Chairs of Australia and New Zealand.

### ***Key issues raised in this category of submissions:***

- 100% HCANZ have identified two issues as most critical to improving historic heritage conservation in Australia:
  - o the need to improve the policy framework for historic heritage; and
  - o the need for enhanced and new incentives (economic instruments) to support historic heritage conservation.
- 100% Problems caused by reliance on heritage listing without sufficient support from complementary policy instruments
- 100% Market Failure present in historic heritage conservation
- 100% Disparity in natural vis a vis cultural funding:
  - o Little capacity for long term investment in cultural heritage conservation
  - o inadequate funding to support comprehensive, equitable heritage system
- 100% Over reliance on regulation, creates dysfunctional system
- 90% Absence of national leadership
- 90% Informational asymmetry
- 80% Contemporary pressures adversely affecting heritage conservation
- 75% Inconsistency in heritage management across local governments
- 75% Poor management of redundancy of government assets
- 60% Issues arising as heritage conservation is not integral to planning practice
- 45% Gaps in heritage registers resulting in loss or and damage to places
- 20% Comprehensive heritage surveys present difficulties
- 20% Holistic management difficult - disparate philosophies, separated administrative systems
- 20% lack of tax deductibility disincentive to private philanthropy
  - o impacts on churches, public institutions
- 20% Sustainable management requires long term planning & funding:
  - Most grant funding short term, not recurrent,
  - not able to be utilised for routine maintenance

### ***Actions proposed in the submissions to address the issues raised:***

- HCANZ recognise need to reinvigorate the 1997 COAG agreement for an integrated National Heritage Framework
- Listing needs to be complemented by a suite of policy instruments
- Establishment of sustainable comprehensive historic heritage incentives program as identified in *Making Heritage Happen*
- Establishment of special funding sources to support heritage management
- Extension of tax deductibility to churches, other organizations
- Deductible Gift Recipient status to include heritage funds and NFP organisations
- Permit exemptions for works to heritage places should be developed
- Program provision for long term maintenance of heritage places

### ***General Comments about this category of submissions***

This set of submissions from the heritage agencies, like those from the key Commonwealth heritage agencies in Category One addresses the central issues of the Inquiry:

- Is market failure occurring in the provision of heritage services?
- How can the value heritage confers best be determined?
- What are the best policy responses to address market failure, and ensure sustainable conservation of the nation's heritage?

The Heritage Chairs of Australia and New Zealand submissions (Subs 139, 187, DR271) in particular, set out these arguments in great detail.

In doing so, HCANZ is in accord not only with its member agencies, and with key Commonwealth submissions, DEH and AHC, but also with the majority of community and professional submissions, most of which acknowledge the need for greater capacity, consistency and certainty in the national heritage system.

The key policy prescriptions are:

- improvement of the policy framework for historic heritage; and
- provision of enhanced and new incentives (economic instruments) to support historic heritage conservation.

While the HCANZ emphasizes the need for usage of a balanced suite of policy instruments, the suggested first step is the need for the implementation of the 'invigorated' *Integrated National Heritage Strategy*.

While this analysis and policy prescription are (presumably) supported by the other heritage agencies, the other agency submissions focus more directly on describing and assessing their own heritage regimes – those of NSW, Victoria, ACT, Queensland, and WA .

The HCANZ draws on the results of the 'Willingness to Pay' survey conducted by The Allen Consulting Group (<http://www.allenconsult.com.au/>) as evidence to support the

argument that heritage is valued by the wider community, and that the community would support increased allocation of resources to it.

The arguments for evidence of market failure, and the need to redress this by a balanced suite of policy instruments, are also presented in depth in the submissions from Australia ICOMOS (Sub 122), and the Australian Council of National Trusts (Subs 40 & DR237).

These agency submissions indicate strong agreement across jurisdictions as to key issues facing the system nationwide, and seem to be in accord generally as to optimum approaches to redress the problems identified.

In particular, all seem to agree regarding the need for greater Commonwealth leadership, stronger collaboration across jurisdictions, and the provision of innovative and targeted incentives to better resource the system as a whole.

### ***Submissions of particular interest in this category***

These submissions provide insight into particular issues facing individual jurisdictions.

The ACT Heritage Council submission for example (Sub 147), highlights a range of issues particular to its circumstances – it is a jurisdiction of two not three tiers of government, needing to address a unique problem: specific gaps in protection resulting from the relation of its planning and heritage system to the *EPBC Act*.

These two sets of submissions, and those of the state agencies in the 3<sup>rd</sup> category below, collectively provide a comprehensive account of the statutory framework of the national heritage system at this point in time, its stresses and strains, its aspirations and objectives.

Two further issues – the need for sustainability in the heritage system, and the need for further research into methods to determine the cultural capital provided by ‘heritage’ - are discussed in greater detail in s3.1.3 & s3.4.1 below.

## 2.3 State and Territory Governments and Other Agencies

### ***Number of Submissions***

14 Agencies  
17 Submissions

### ***Overview of submissions in this category***

This group of agencies includes all governments but that of NSW (which is represented in Category 2, Heritage Agencies).

The submissions come from the governments of Tasmania, Victoria, SA, NT and Queensland, tourism agencies of Tasmania, NT and SA, and include representation from some interesting and specialised agencies, including the WA Planning Commission, and the WA Lotteries Commission, Artlab Australia (SA), the Western Australia Museum, the Museum of Victoria, and the Interim Namadgi Advisory Board from the ACT.

### ***Key issues raised in this category of submissions:***

75%	Limited incentives for owners major restriction to good conservation outcomes
65%	Demographic, social pressures on retaining, sustaining heritage places
50%	Subsidiarity model not properly resourced – cost shifting occurring
50%	Lack of skills, availability of professional expertise
50%	High costs of heritage materials, maintenance, labour, compliance
45%	Redundancy of historic heritage major issue
40%	Lack of overarching policy framework limiting efficiency
40%	Difficulties balancing appropriate conservation, meaningful interpretation, good visitor management to achieve successful tourism outcomes
35%	Local government insufficiently resourced to ensure support for heritage conservation
35%	Tourism operators operating at margins of profitability
35%	Lack of integrated planning, listing results in confusion, duplication
30%	Local government has limited capacity to support conservation
30%	Lack of contextual, comparative studies to support high quality assessment
25%	Difficulties for community organisations accessing grant funding
20%	Conceptual issues re 'heritage' create uncertainty

### ***Actions proposed in the submissions to address the issues raised:***

- Integrated national heritage policy as agreed by COAG
- Improve heritage outcomes within the planning system
- Development of policy framework to support successful tourism
- Education and public programs required to underpin community appreciation of heritage
- Program of national heritage research required to provide ready access to comparative data & to specialised studies related to emerging fields of evaluation of social, cultural capitol
- Strategic investment needed in the heritage assets that underpin heritage tourism
- New grants program to increase professionalism of small community museums
- Tailored suite of tools needed for optimal conservation outcomes

### ***General Comments about this category of submissions***

This is a diverse group of agencies and they raise some of the central questions for heritage management, and pose some interesting solutions.

The particular focus of the specialist agencies is tourism, with conservation and the provision of community grant funding, also considered.

The two museums raise questions concerning the links between conservation of heritage and the community understanding of sustainability, with the WA Museum (Sub 180) suggesting that the distinctions sometimes made between the differing environments can be awkward barriers to cohesive management, rather than effective aids to better understanding of the issues which need to be addressed.

While the particular challenges for the management of heritage in the Northern Territory are not necessarily shared by south eastern states, the key issue is similar – the need to balance contemporary public expectations with long term community interests, in a rapidly changing environment in which heritage is not a key policy or financial driver.

Therefore, as each government acknowledges, it is important to understand and articulate the value of heritage to the community, the benefit it confers, and to place this contribution in as broad a frame as possible to argue for funding requirements.

Recognition of the need for increased capacity, consistency and certainty in the respective systems is evident (except perhaps Victoria).

What is not clear, is the extent to which each jurisdiction has sought to align their new system to accord with others, especially regarding a more holistic approach to heritage management, in the interests of the cohesive national heritage system most indicate they believe to be important.

### ***Tourism***

The particular tourism related issues highlighted in submissions from the Tourism Council of Tasmania and the Tasmanian Government submission (Subs 149 & 136) - 'an 'excessive' number of unappealing heritage sites, poor congruence of conservation and tourism interests in the presentation of these sites, and struggling tourism operators seeking to provide contemporary tourism experiences – will only be redressed, in their view, by collaborative efforts across the sector.

The set of issues raised is paralleled by those raised in the community organisation submissions in category 12, most particularly by the National Trusts.

These outline the difficulties of Not for Profit (NFP) organizations - volunteer dependant, asset rich, cash poor, struggling to maintain let alone creatively interpret and present their properties. Such organizations understand very well that by failing to fully capitalise on these heritage assets, they are creating a vicious cycle, for as fewer visitors come and fewer are attracted to return their visit, less support is able to be provided for that site, and so the cycle continues.

### ***Submissions of particular interest in this category***

Two agencies – Lottery West and Artlab (Subs 39 & 140) - pose creative models for consideration, indeed Artlab suggests it should be considered very directly as a *successful model of government/commercial partnership*.

Many respondents cited the need for, or the example of lotteries, (including that in the UK) as a means of providing alternative sources of funding for heritage conservation.

As Lottery West appears to be particularly focused on community capacity building, it would seem useful to consider an examination of the impact of its funding on the WA community heritage sector, to evaluate the potential benefits of a wider embrace of such an instrument more generally, and to assess in particular what kinds of funding support best assist community organisations to achieve sustainability.

The WA Planning Commission (Sub 98) presents a thoughtful discussion on the reasons why it believes 'heritage' has become somewhat isolated from other planning considerations. It suggests that the effect of the way 'heritage' is constructed as an absolute – the place either 'has' or 'has not' heritage values - in circumstances where in fact thresholds are not necessarily agreed or clear, makes it difficult for 'heritage' to integrate well with the planning system.

## 2.4 Local Government

### **Number of Submissions**

75 Agencies  
89 Submissions

### **Overview of submissions in this category**

Over 80 Councils submitted to the Inquiry, as several submissions were joint submissions on behalf of regional councils.

Nearly half of these submissions were in response to the draft *Report*, and while the majority of these address the issues raised in the draft *Report* their arguments do relate to the broader issues of the Inquiry ToR.

### **Key issues raised in this category of submissions:**

85% Main pressure on historic heritage places is limited funding, resources & incentives  
80% Too many regulatory “sticks” and not enough incentive “carrots”  
75% Cost shifting from the highest tiers of government to the lowest  
75% Heritage not core business but consumes significance resources  
50% Need for common and transparent policy frameworks and thresholds  
50% Practical conservation issues impeding best practice heritage  
45% Need for comprehensive community education regarding value of heritage  
45% Need to address public concern over possible implications of listing  
35% local governments lack heritage expertise  
30% Difficulties striking balance between protection & adaptive reuse  
30% Capital city development pressures extreme  
25% Public confusion about roles, responsibilities of levels of government  
20% Separation of historic, Indigenous and natural heritage administration impedes holistic solutions  
20% Public sector poor managers of heritage - poor role models for community  
15% Landscapes, settings, curtilages not respected and protected  
10% Forced reliance on volunteers lacking time, skills & professional expertise  
5% Most problematic situation is private ownership and public uses, eg, churches

### **Actions proposed in the submissions to address the issues raised:**

- Development of national heritage policy framework establishing partnerships across governments to support local government heritage assessment and conservation
- All governments commit to better ways to share information and pool resources to establish *National Heritage Research Program*
  - *National heritage community education program*
  - *National strategy to assess and list places of heritage value*
  - *National heritage website – a ‘one-stop-shop’ for community heritage information & advice*
  - *What does this all mean? Does it mean it isn’t to happen at the local level? Needs explaining*

- Regional initiatives to increase local capacity, efficiency
- Initiatives to support trades training and provision of expertise
- Initiatives to improve heritage management at local level
- Greater recognition of and support for work of NGOs
- Commonwealth should establish a Cultural Heritage Trust, cf Natural Heritage Trust
- Commonwealth and State national framework agreement to:
  - ensure local agencies sufficiently resourced to implement and enforce their legislation
  - allocate funding for effective network of regionally based heritage advisory services
  - develop national funding model for Local Government heritage responsibilities
- Commonwealth/State partnership to improve range of concessions available to support heritage conservation
- Local Government funded to provide local incentive package
- Tourism promotion strategies and funding initiatives

### ***General Comments about this category of submissions***

The overarching message from these local government submissions is that local government is committed to heritage conservation, appreciates and recognises its value to their own communities, and wants to be able to better manage its responsibilities and to balance and address conflicting community expectations arising from those responsibilities.

The over riding issue outlined by the submissions however, is inadequate resourcing – cost shifting, failure of federal and State/Territory governments to enable local governments to provide the kinds of support and incentives that would make a real difference at local level. The other issues widely canvassed were structural – blurring of responsibilities, lack of clarity re thresholds, criteria, and lack of guidelines and support to enable local governments to provide consistent outcomes to their communities.

The local government submissions argue that it is this lack of capacity to research or access research, to train or access training, to inform and engage and support their community heritage interests which limits the quality of conservation at local level, and denudes community support for the heritage system nationwide.

The solutions suggested involve ‘whole of government’ approaches as summarised in Sections II and III, and specific structured approaches to the sharing of resources and the pooling of expertise, to enable scarce resources to be more effectively utilised, especially in regional Australia.

The quality of several of the local government network submissions speaks for itself in terms of the benefits of such an approach, and several models were suggested, including the Hunter Heritage Network (Sub 395) , and the Flanders Project, referred to in Submission 103, Maitland Council.

The work of the WA Local Government Association State / Local Government Heritage Working Party perhaps provides a model which could be assessed (Subs 73 & DR308). Several submissions referred to the usefulness of resources provided by the NSW Heritage Office, particularly the free database software,

and the model templates (for heritage controls) they provide.

A number referred to the value of the UK Heritage Lottery and to the WA Lottery Commission as innovative ways to support heritage conservation, and there were positive comments about the usefulness of heritage funds, such as the City of Perth Heritage Incentive Program, and the City of Melbourne Restoration Fund.

There is now a considerable body of evidence related to local government and heritage management arising from the Inquiry – the Commission’s own survey as reported their final *Report*, an analysis provided for the *State of the Environment Report 2006*, and this set of local government submissions, which could be utilised to provide improved policy and service delivery outcomes.

While the draft *Report* and its recommendations were widely criticised, with few submissions endorsing its key recommendation, there was support for the intent of the recommendation that all listed properties should be provided with a Statement of Significance, and for the recommendations related to better data collection, including the publishing of conservation costs of publicly owned heritage places (with the caveat that it would be exceptionally difficult to separate out conservation from maintenance costs).

#### ***Submissions of particular interest in this category***

As well as ALGA (Sub DR254), four state local government associations submitted – NSW (Sub 179), Victoria (Subs 66 & DR367), SA (DR382), and West Australia (Sub 73 & DR380) - and these submissions provide a comprehensive overview of the pressures and issues impacting on heritage management at local level, and the actions they see as necessary to improve the efficiency and effectiveness of the heritage system at local level.

## 2.5 Professional Heritage Groups

### ***Number of Submissions***

9 Organisations  
12 Submissions

### ***Overview of submissions in this category***

Although this would appear to be a cohesive category, this small group of submissions is made up of a diverse group of professionals covering varied aspects of heritage practice, ranging from marine and historic archaeology, the Hunter Network of heritage advisers, to the EPBC Unit, and Australia ICOMOS, whose submissions covered the broadest range of possible issue and policy action, and the National Cultural Heritage Forum (NCHF) which includes representatives of all key national heritage organisations and agencies.

The summary in the attached table is therefore considerably distilled, and does not include reference to the *Vision* paper of the NCHF which was attached to their first submission (Sub 126) . It should however be considered as a complementary paper to the PC submissions.

### ***Key issues raised in this category of submissions:***

90%	Heritage expertise and conservation skills shortage
85%	Inadequate provision of incentives to support heritage conservation
80%	Dramatically low levels of funding and technical support for cultural, of natural heritage
80%	Dearth of consistent accessible data re heritage places
70%	Lack of comprehensive national heritage policy
70%	Failure of Commonwealth leadership to lead and support heritage conservation nationwide
60%	Inadequate resourcing for implementation of national heritage system
60%	Inadequate government support for Australian international heritage activities
40%	Concerns re structure and effectiveness of national heritage system
33%	Lack of Commonwealth support for historic & marine archaeology
33%	Conservation and adaptive re-use of engineering heritage impeded by failure to utilise engineering expertise in assessment & management

### ***Actions proposed in the submissions to address the issues raised:***

- The Commonwealth should adopt leadership role, and through HCOANZ develop a comprehensive, national policy framework for heritage
- Governments should construct a supportive intellectual framework for national heritage conservation
- The Australian Heritage Council should be resourced to play the broad leadership role envisaged
- Best practice implementation of national heritage system should be provided for
- The Australian Government should develop generous grants and incentives program to support heritage conservation nationwide
- National review of professional and trades training should be conducted

- National Cultural Heritage Tourism Development Program should be developed
- Support programs to enable NGOs to better maintain, interpret and present their properties
- Greater Commonwealth support for marine archaeology
- Commonwealth to increase funding to Historic Shipwrecks Program
- Increased Commonwealth support for historic archaeology

### ***General Comments about this category of submissions***

The main concerns raised centred on two considerations:

- the resourcing and consistent and cohesive management of heritage nationwide; and
- issues related to specific professional practice, including the need for greater recognition of specific professional expertise (engineering, marine and historic archaeology), within the national heritage system.

As would be expected, the suggested actions to improve the system ranged from the very broad – the need to construct an overarching national heritage strategy - to the very specific, such as the need to establish safe custodial storage for archaeological items.

The general comments and suggested actions related to the national heritage system coalesce closely with those of key State/Territory heritage agencies, with local government submissions, and indeed with major community submissions:

- Australian Government leadership, especially regarding the development of national heritage policies and guidelines, has been diluted,
- the national heritage system is not providing the expected framework or resourcing to support the broader aims of heritage conservation nationwide, and
- a renewed commitment to the development of a national heritage strategy is required from governments working together with community and professionals.

This in itself suggests that there is a cohesive and committed set of stakeholders keen to work together and to see their vision of an effective national heritage system fully realised.

None of the organisations supported the thrust of the draft *Report*, and all most particularly disagreed with the key recommendation.

### ***Submissions of particular interest in this category***

The EPBC Unit submission (Sub 46) provides very direct observations detailing community concerns about the national heritage system from the then Heritage Outreach Officer of the (now disbanded) EPBC Unit, based on public feed back at the community workshops she had conducted.

The second submission of the NCHF (Sub DR338) strongly advocates for the establishment of a 'Hands-on-Heritage' program, arguing that this kind of program would provide a similar boost to community capacity to engage with cultural heritage as the Natural Heritage Trust programs have provided for the natural environment.

The submission also includes a comparison of the disparity between the support provided to the natural and the cultural environment, and the differences obtaining between approaches to conserving the natural environment compared to those obtaining for the conservation of the cultural environment. This has emerged as a key issue in the submissions generally, and so is considered in greater detail in s3.4.1.

The Engineering Heritage Groups (Subs 29 & 930 all suggest there is great need for better professional accreditation and post graduate 'heritage' related training. The Engineers suggest that their professional input is not sought or valued as it should be, to the detriment of assessment and management of heritage.

## 2.6 Professional Non-Heritage Groups

### ***Number of Submissions***

11 Organisations  
14 Submissions

### ***Overview of submissions in this category***

Each of these organisations has a professional association with heritage, but the scope of their work is broader than 'heritage' per se, and so their comments provide insight into wider aspects of the workings of the 'heritage' system.

### ***Key issues raised in this category of submissions:***

65%	Commonwealth cost shifting without commensurate funding
60%	Owners bear costs, community benefits
60%	Lack of research program to underpin heritage assessment and management
55%	Shortage of conservation & heritage trade skills
55%	Value of historic significance in heritage assessment, conservation and interpretation not adequately recognized
40%	New national heritage system is failing expectations
33%	Land value distorted by unrealistic development opportunities
33%	Need for improved interface between heritage & planning
33%	Lack of funding and support for community museums
25%	Lack of coordinated policy to encourage good adaptive re-use
25%	Redevelopment pressures adversely affecting heritage conservation
20%	Failure to capitalise on cultural tourism as economic driver
10%	Lack of education and training programs for volunteers

### ***Actions proposed in the submissions to address the issues raised:***

- Consistency of legislation, administration
- Broadening of heritage professional practice to include historians
- National Cultural Heritage Tourism Development Program
- Governments, in partnership with professional and development sectors, to initiate *New Vision - Focus on heritage of the future (RAIA proposal)*
- National Heritage Trade Skills Development Program
- Establishment of National Heritage Trust fund
- Innovative package of tax & other incentives

### ***General Comments about this category of submissions***

The Real Estate Institute of SA (Sub DR410) suggests that all pre 1920s places should be 'listed' as a means of providing 'certainty' to communities. This is an interesting comment on their observation of one effect of the heritage assessment process, and the community need for certainty about outcomes.

The Royal Australian Institute of Architects first submission (Sub 68) not only argues effectively and enthusiastically for its *'New Vision: Focus on Heritage of the Future'* but

in doing so, casts interesting light on the experience of architectural professionals working in the heritage system.

In particular, it highlights tensions inherent in balancing contemporary design interests within the constraints sometimes imposed by heritage considerations.

The submission argues for a renewed focus on innovative adaptive re-use of heritage places which should be 'designed for the future', it suggests, with a close eye on contemporary issues – conservation of embodied energy, attention to context, and with sensitivity to its contemporary as well as its past value. Such an approach, RAIA suggests, would encourage greater investment in adaptive re-use, and ensure greater retention of heritage places.

The suggestion is that such considerations are not always paramount, that heritage regulation can be overly reliant on prescriptive measures, and that performance-based guidelines would be more encouraging of innovative best practice design.

Further, RAIA and the Planning Institute of Australia (Sub 132) both suggest that there is great need for better professional accreditation and post graduate 'heritage' related training. The professional historians suggest that their professional input is not sought or valued as it should be, to the detriment of assessment and management of heritage, and that there is an over emphasis on architectural values to the detriment of social values in particular.

The Australian Academy of Humanities (Sub 49) strongly supports this view.

There would seem to be benefit in constructing opportunities to consider these suggestions, and the set of ideas and principles which inform them, in greater depth.

## **2.7 Property Industry Groups**

### ***Number of Submissions***

4 Organisations  
5 Submissions

### ***Overview of submissions in this category***

This group of only four organisations does not appear to be fully representative of the 'property' industry. Two of the four organisations are from WA, including the only representation from the Property Council, two are representing the same organisation, with very similar views, and there is only one submission from an organisation representing owners. (There are also four 'anti' heritage residents' groups in category 12.).

### ***Key issues raised in this category of submissions:***

100% Public confusion and uncertainty re differing roles in heritage management  
100% Owner should not bear conservation costs  
75% Imposition of heritage controls is confiscation of private property without compensation  
75% Heritage agencies perceived as prescriptive, anti-developer  
75% Heritage development unattractive to commercial interests

### ***Actions proposed in the submissions to address the issues raised:***

- More efficient reliable heritage regulation required
- Evaluation of role and resourcing of Heritage Council is required
- Cost based compensation must be paid to owners

### ***General Comments about this category of submissions***

The industry groups provided considered submissions concerning the difficulties which they see as impeding the commercial sector from being able to work cost effectively with the heritage system. They also present their views regarding the inequity, as they see it, of the imposition of the costs of public heritage benefit onto the private owner without consideration or compensation.

The three property industry submissions collectively are critical of what they see as the need for the heritage agencies to provide greater commitment to timeliness, and to exercise greater sensitivity to commercial considerations.

## **2.8 Private Property Owners (of Heritage-Listed Property)**

### ***Number of Submissions***

35 private property owners  
44 submissions

### ***Overview of submissions in this category***

The majority of the respondents in this category are negative about their experience – direct or indirect – of heritage listing and its consequences.

The group also includes several owners writing specifically to express their pride in their role as custodians of heritage places, with suggestions as to how they believe owners could be better assisted.

### ***Key issues raised in this category of submissions:***

85% Owner as ‘cash cow’ – asset rich, cash poor  
85% perceived loss of property value with no compensation  
70% Owners feel loss of control of their heritage listed places  
65% Property rights ignored/violated  
40% Public confusion re government, agency, responsibilities  
35% Heritage agencies appear to cast owner as ‘enemy’

### ***Actions proposed in the submissions to address the issues raised:***

- Governments should recognise a ‘duty of care’ to assist owners
- Decisions should be transparent, based on clear process
- Trades skills development program needed
- All governments should share heritage responsibilities
- Case for listing should be based on assessed community benefit
- Public should bear costs of heritage conservation
- National incentive program to assist owners
- Creative conservation ideas which should be tried:
  - Heritage Stewardship program – rent free in return for conservation upkeep;
  - Creation of ‘Significant heritage provision’ so that rural historic sites can be sold with smaller land parcel;
  - Assignment of heritage ‘mentor’ to assist owner with advice, agreeing and recording small changes – cf, ‘medical’ file on property;
  - Incentive program providing ‘credit hours’ for use of unemployed for conservation work in return for community access to site.

### ***General Comments about this category of submissions***

The issues raised by respondents in this group fall into two parts:

- those struggling to manage their heritage properties, and interested primarily in expressing their concerns regarding the need for greater support to enable them to better conserve their heritage places, and,
- those aggrieved with the heritage system, regarding what they see to be a violation of their property rights (and in several cases their privacy).

The majority of these latter respondents – those aggrieved with the ‘heritage’ system – have experienced listing at local level.

They detail a set of concerns which relate to:

- the ways in which the heritage system has dealt with them, and their property – listing imposed without consultation, inadequate provision of information, failure of ‘heritage’ staff to deal professionally and respectfully with them;
- the imposition of costs upon owners – the additional costs of conservation itself, and the additional expense and delay caused by the need to use heritage experts at every stage of the DA process;
- inequitable restriction of the owners’ capacity to capitalise and fully realise on the value of their property;
- inadequate provision of financial incentives and support to offset these costs and to encourage owners to conserve their properties, as well as
- violation of their ‘property rights’ and in many cited cases, their privacy – a sense that their personal property has become public space.

The growing interest in what are loosely referred to as ‘property rights’ is strongly represented in this set of submissions. While the views represented in this set of submissions are not necessarily representative of the views of the majority of the many thousands of owners of listed properties nationwide, the issues raised do represent a perspective [how do we know it is developing? Hasn’t it always been there?] in Australian land management, based, as the two international submissions in category 14 attest, on strong international precedents.

The issue of ‘property rights’ is discussed in greater detail in s3.2.1 below.

### ***Submissions of particular interest***

Submissions DR401 and DR402 provide examples where owners detail particular cases of disadvantage as a consequence of heritage listing, and Sub DR244 for an example of a submission where an owner, committed to the stewardship of her property, outlines the kinds of assistance which she believes would best help her to conserve that property.

## **2.9 Commercial Owners of Heritage-listed Property**

### ***Number of Submissions***

15 Individuals  
15 Submissions

### ***Overview of submissions in this category***

The owners in this category represent a fair spectrum of the range of commercial interests which may own or use heritage property, and the kinds of issues which might arise for owners of commercial property in relation to the heritage system.

### ***Key issues raised in this category of submissions:***

80%	Owners bearing excessive burden of heritage conservation
50%	Loss of development rights without compensation
50%	Nomination & listing imposed without consultation
50%	Heritage buildings cost more to maintain, insure and operate
50%	Inadequate & erratic, rate & tax concessions
42%	Conflict between business imperatives and heritage conservation
42%	Burdensome heritage & planning administrative processes
25%	Poor communication, consultation, provision of information to owners
8%	Heritage listing, management, intrusion on owner's privacy
8%	Government subsidies to new venues disadvantage heritage facilities

### ***Actions proposed in the submissions to address the issues raised:***

- Improvements necessary to streamline heritage management
- Heritage assessment should consider economic and social implications of listing
- Partnership between owners & regulators to develop guidelines to ensure listing has positive impact on heritage significance and commercial value of property
- Compensation for loss of development rights must be considered
- Program of incentives, advice and support essential to offset extra 'heritage' costs
- Governments should assess the adverse impacts subsidisation of new facilities has on heritage businesses
- Ports should be exempt from heritage legislation

### ***General Comments about this category of submissions***

The owners of two different commercial enterprises – Marriner Theatre and the Adelaide Arcade (Subs 34 & 161) - articulate clearly the ways in which, somewhat perversely they believe, heritage considerations seem to impede rather than facilitate access to supportive concessions and incentives.

As they each describe, they receive no commercial benefit from the conservation of the heritage fabric of their properties. Rather, each suggests, their capacity to operate commercially is compromised by the double burden of the imposition of two separate sets of government policies – one set (heritage) requiring them to expend on conservation, and another set (compliance) which imposes further burdens without

regard for each other. They argue this compromises their commercial capacity to compete, as they must, in the market place.

***Submissions of particular interest in this category***

The most detailed of the submissions are the three from the organisations (Subs DR253 & DR296 & DR399) which concern the proposed national heritage listing of the Port of Fremantle. They raise a complex issue – the management of heritage within an active pressured and dynamic commercial environment.

‘Time is money’ in a commercial environment, and security issues in particular are now a key priority. Heritage considerations add another layer of time and procedure to decision making. The submissions seek the exemption of ports from the *EPBC Act* (like airports), and this warrants some close policy consideration in order to effect a stable workable outcome.

## 2.10 Professional/Academic individuals

### ***Number of Submissions***

62 Individuals  
69 submissions

### ***Overview of submissions in this category***

The submissions in this category represent the wide range of professional engagement with the heritage system. The submitters range from widely respected architects, academics, historians and planners bringing considerable experience to bear on the working of the heritage system, to those most directly involved with its management, including heritage advisers and members of professional and community associations.

### ***Key issues raised in this category of submissions:***

85%	Key issue impacting on heritage conservation is lack of funding at all levels
75%	Lack of consistent national heritage framework
70%	Private owners bearing costs of public conservation benefits
65%	Uneven quality of heritage criteria and assessments at local level
60%	Inadequate support for private owners bearing conservation costs
55%	Urban Heritage under pressure
45%	Incentive programs inadequate, inconsistent, unreliable
40%	Dearth of heritage data impedes effective assessment, management
35%	System mitigates against best practice adaptive re-use options
35%	National heritage system fails to provide incentives for conservation
35%	Disposal of government assets generally poorly managed
35%	Complexity and Flaws of the National Heritage System
30%	Lack of effective framework to ensure maintenance of heritage properties
25%	Lack of national strategy to support trades skill development
25%	Reliance on market forces failing community
20%	failure of commitment to ensure long term public interest supported over short term private development interests
20%	Division between 'historic' and 'indigenous' divisive
20%	Community confusion re differences - heritage, amenity, character
20%	National leadership in heritage conservation weak
20%	Lack of clarity re local threshold levels leads to inconsistency, confusion
15%	Impacts of heritage listing on property values poorly researched
15 %	Embodied energy savings not factored into heritage conservation costs
15%	Inadequate recognition of economic benefits of heritage tourism
12%	disregard for views of owners in current listing process
10 %	Lack of appreciation and support for contribution of NGOs
10%	Integral nature of place & associated collections not recognized
10%	Confusion about status and continuing value of RNE
10%	Lack of systematic archaeological identification and management programs
5%	Model of sustainable historic site needs rethinking

### ***Actions proposed in the submissions to address the issues raised:***

- Implementation of Integrated National Heritage Policy
- Government commitment to best practice stewardship
- AHC should be enabled to be independent expert national heritage champion
- Sustainable Heritage Tourism Program developed
- National heritage education program
- Establishment of National Heritage Research program
- Establishment of single centralised register of heritage data
- Establishment of national conservation skills training program
- Program to address limited comprehension of scarcity and value of Aboriginal heritage
- National Heritage Strategy should include funding agreements
- Incentives to encourage owners to care for property
- Reinstatement of tax incentives for owners
- New funding sources within better considered program structure

### ***General Comments about this category of submissions***

This set of submissions canvass the complex range of issues represented in the whole set of submissions, and beyond. They contain a wealth of observation, concern and suggestion, and include a minority of strong criticism of the current system and its effects.

The majority view is that Australia's heritage system is one to be proud of, but one which is not working fully effectively. It is under resourced, and therefore is struggling to provide the seamless protection and strong conservation support necessary for proper identification, management and celebration of Australia's heritage.

The minority view, strongly expressed, is that the principles governing heritage management, as well as the practice, are deserving of challenge.

Their key concerns and suggested actions are summarised in the accompanying tables, but that provides little detail of some of the more considered or exceptional ideas.

### ***Submissions of particular interest in this category***

Amongst these are several submissions concerned with declining conservation and traditional materials.

David Young, (Sub 127), in particular, sets out the broad suite of issues associated with the diminishing availability of trades people experienced in traditional skills, the difficulties looming with regard to the sourcing of traditional materials, and the need for ready access to technical manuals, and professional expertise.

He provides a number of potential solutions, which are documented in the tables attached. Heritage Canada had some real success over recent years bringing these same issues to government attention, and following a recent inquiry, there are now policy changes being implemented, perhaps he suggests, their experience is worth emulating.

Ross Murphy's submission (Sub 31) is the only one to directly address Building Code of Australia (BCA) compliance issues, a matter of some concern given the current proposals to amend the BCA to provide much greater access for the disabled. Graham Brooks (Sub 75) analyses in detail the issues needing consideration in order to be able to sustainably capitalise on Australia's heritage sites as tourism assets into the future.

Amanda Jean (Sub 120), heritage adviser on the Victorian goldfields, raises a set of complex but practical issues related to the assessment threshold for local significance, and the 'place' of locally significant places in the heritage pantheon. Gary Vines (Sub 104), NSW heritage adviser, lays out a number of creative ideas for addressing resourcing needs.

Gordon Grimwade (Sub 172) questions the 'model' of self sustaining heritage places, that is, the question of the capacity of heritage places, especially community owned places, to achieve self sustaining status.

He comments:

- *heritage projects must result in the place being sustainable on completion, yet few sites can achieve that. Heritage places are inherently costly to maintain and need on-going funding to sustain them*
- *Rarely is a positive balance achieved between costs of maintaining the site, on-going conservation and sustaining interesting interpretive elements*
- *owning a heritage place is an imposition, maintaining a heritage place is costly, while adapting and redeveloping a heritage place is challenging.*

Further discussion of these issues is summarised in s3.1.3 & s3.4.1.

## 2.11 Community Heritage Groups, including National Trusts

### ***Number of Submissions***

54 Organisations  
66 Submissions

### ***Overview of submissions in this category***

The submissions in this category are from community heritage organisations – that is, organisations whose core purpose is conservation of either a particular place, or places in general. So the submissions range from the most specific – the Castle Hill Protection Committee, to the most general – the National Trusts.

They cover historic gardens, mechanics halls, aerodromes, cemeteries, light houses and include 5 submissions related to what is described as ‘poor management and unwarranted damage’ to the Royal Exhibition Gardens in Melbourne.

The majority of submissions are from residents’ groups, concerned to protect and retain the heritage value of their particular part of the (inner) urban fabric, but this category also includes several residents’ groups of rather more general interest, who do not align with ‘heritage’ per se, but rather with the more general notions of ‘character’ and ‘amenity’.

This set of submissions includes the only community groups from the Northern Territory and from the ACT, which submitted to the Inquiry.

### ***Key issues raised in this category of submissions:***

80%	Adverse impact of development pressures
70%	Lack of training, support for volunteers
65%	Planning/heritage intersection problematic for heritage
60%	Lack of incentives program to support owners
60%	NFP places starved for funds, generally operate at loss
45%	Failure of governments to be exemplary stewards of own properties
40%	NGO difficulties with short term & specific purpose grants
40%	Failure to implement Integrated National Heritage Policy
35%	Gross disparity between natural, cultural heritage funding
30%	Lack of consistent data about state of Australia’s heritage places
25%	Visitation to historic sites has reduced.
25%	Trades skills shortage threatens nation’s cultural heritage
20%	Problem with NFP ‘sustainability’ funding model
20%	Sustainable management of historic site increasingly demanding
15%	National Trusts struggling to conserve, present properties well
15%	Reliance on volunteer impeding best practice collections management
10%	Community archival holdings not readily accessible
5%	Heritage conservation under great pressure in Northern Territory

### ***Actions proposed in the submissions to address the issues raised:***

- Implementation of Integrated National Heritage Policy
- EPHC & ALGA to review Australian heritage system
- Essential elements of best practice heritage/planning regimes should be implemented
- Heritage' should be regarded & managed holistically
- Establishment of National Skills Training Program
- Establishment of National Heritage Research Program
- Governments should demonstrate exemplary stewardship of their own properties
- Development of *Australian Story* national education program
- Establishment of program supportive of conservation of historic gardens
- Commitment to creating an 'informed community'
- Cultural Heritage Trust should be established, cf, NHT
- Establishment of *Heritage Stewardship Fund*, to assist jurisdictions to support owners
- Establishment of *Heritage Care Program*, to encourage community conservation
- Establishment of National Heritage Research Council
- Government should fully fund its stewardship responsibilities
- Incentives should be used to balance regulation
- The AHC should be funded to fulfil its functions under the Act
- Heritage conservation costs should be shared between governments and community
- Funding should be provided to the NFP sector so it can better provide education, advice and support to community and owners

### ***General Comments about this category of submissions***

The set of submissions is dominated by the concerns of voluntary associations, many conscious of the power disparity in local politics (as the Friends of Linnwood put it in their submission, No 51 "we need funding to be able to hire a professional to draft our letter to the Council for us"), and the difficulties of providing effective community input into local heritage considerations.

These groups appear motivated by an equal conviction that 'their' heritage is valuable to them and contributes strongly to the quality of their lives, and by the sense that their 'watch-dog' activities are essential to sustaining and retaining that heritage. In other words, urban development pressures appear immensely pressing to them, and without their presence they believe, much could or would be lost.

Coincidentally or otherwise, the majority of residents' groups are from NSW, mostly inner Sydney, with inner Melbourne and Adelaide well represented. The Leichardt Group Submission (Sub 41) suggests that governments should be seeking to achieve an 'informed' community', one which is confident in their capacity to understand or inform themselves about heritage issues

Given the recognition in the course of the Inquiry of the need to address asymmetrical provision of information, there may be an opportunity to assess the qualities which enable some community groups to access information more consistently than others, and to utilise that information more effectively in their advocacy and conservation activities.

### ***Submissions of particular interest in this category***

The other major groups in this category are those from community associations, particularly the National Trusts, and groups caring for a single heritage site. Many of these organizations, especially some of the individual ones, are struggling to sustain themselves, let alone sustain the properties they are responsible for (*“key issue for volunteer at Linnwood - finding a replacement volunteer archivist” [Sub 51 ]*).

The National Trust submissions set out their contribution historically to the protection of the historic environment, and outline contemporary pressures impacting on the quality of their work.

Fundamentally, they detail how their professional capacity is under constant erosion. The capacity of the smaller Trusts (SA has the largest number of properties of any Trust, anywhere, except the English Trust) is stretched to the limit by the practical demands of property management. They detail their difficulties meeting their own standards of interpretation, education and public programming, collection care, record keeping and volunteer training and support standards.

The result, as the Tourism Council Tasmania so succinctly puts it (Sub 149), is Tasmania ‘saturated’ with too many heritage sites, many of them not particularly attractive to visitors.

Each of the Trust submissions has informative attachments appended, providing details of their property portfolios, case studies of campaigns and programs, and in the Australian Council of National Trusts submission, (Sub 40) a detailed timeline of the history of the National Trust movement and Australian heritage conservation.

The most informative of these appendices are the case study provided by the Victorian Trust (Sub 148) analyzing the contribution of heritage professionals to its Technical Committees, estimating the financial benefit the community receives from these volunteer professionals, and the NSW case study (Sub 172) of the successful soft furnishings program at Old Government House. Both these case studies demonstrate the considerable leverage of community investment able to be obtained by community organizations such as the National Trust.

## **2.12 Special Interest Groups or Associations Not Directly Focused on Heritage**

### ***Number of Submissions***

35 Organisations  
42 submissions

### ***Overview of submissions in this category***

These organizations are categorized as 'special interest groups' to distinguish them from the community heritage groups, because although they have keen interest in and affiliation with 'heritage' however defined, their core purpose is not care of or advocacy for historic places.

### ***Key issues raised in this category of submissions:***

45%	Inadequate financial support for community heritage conservation
40%	Collections of historic material under threat
30%	Grants cumbersome and inadequate to meet needs
30%	Tax system mitigates against NFP conservation needs
25%	Churches struggling to care for heritage property
25%	Moveable heritage items under threat
25%	Development pressures impacting heritage adversely
20%	Fear that listing will impact future economic well being
15%	Insurance costs too high
12%	Proposed name change of Kosciuszko without stakeholder consultation
10%	Heritage lists not representative due to limited involvement of historians in heritage assessment process

### ***Actions proposed in the submissions to address the issues raised:***

- National program to support conservation of historic records
- Community heritage management should be strengthened
- Local Government regulatory reform necessary
- Establishment of research program to assess community heritage contribution
- Commonwealth should review adequacy of support provided for historical societies and owners of cultural heritage places in regional Australia
- Program of financial incentives for owners of heritage buildings
- Local Government assistance program to support community heritage conservation

### ***General Comments about this category of submissions***

Of the 35 organisations represented:

- sixteen are historical societies (including several of their peak organizations),
- seven are of 'religious' associated organisations
- five Polish groups are represented, all advocating retention of the name, Kosciuszko

- four are 'anti-heritage' residents groups, formed to oppose heritage listing
- three are diverse 'collecting' organisations, and
- two are non heritage associated organizations, outlining their experience which they believe would provide useful ideas for improving heritage conservation.

### ***Historical Societies***

These 16 submissions from local historical societies include five from state peak bodies and the Federation of Australian Historical Societies, the national organisation.

They provide a window into a world of commitment and engagement at the local level. Historical Societies are a commanding force in local communities – 100, 000 people belong to some 950 historical societies spread throughout regional and urban Australia.

It is striking considering these submissions and the issues they raise regarding care of collections, much of it related to local heritage places, that there is no formal arrangement with the heritage sector regarding access to their collections.

In the main, these collections are not properly recorded, assessed or readily available to a wider audience. There are only minimal programs to assist their documentation and conservation (particularly the Community Heritage Grant program run by the NLA and NAA). A program similar to that managed by the NSW Library to make local history collections held in local libraries available on its website, is one kind of program which they suggest should be implemented more broadly.

The issues raised in the Inquiry concerning place associated collections are discussed in s3.1.3 in greater detail, but what is evident from these submissions is the immense value of this volunteer effort, and the way in which Historical Society collections directly contribute to community understanding and engagement with their own heritage.

### ***Churches***

The Uniting Church submissions, (Subs 76, & DR241) set out the issues churches such as theirs are facing, supported by Submission 160 from the Anglican Church in Tasmania, and Submission 128 from Richard Falkiner, architect for St Patricks Cathedral in Melbourne.

Key issues for the established churches, stewards of some of the most iconic heritage places in the nation, include the seeming inexorable tension between their own stewardship responsibilities for places which have deep meaning and value for them, and the financial and other external pressures impeding their custodial responsibilities for these places. These external pressures include dwindling congregations, rising maintenance costs, community expectations of retention of churches and original fabric in the face of changing worship practices, and diverging priorities for the churches themselves.

The issues raised by these church organizations capture the tension that obtains for organizations like the churches which are providing community benefit at private cost, where conservation of the heritage values of these places is not their core business. The issues they raise invite constructive and collaborative resolution.

### ***Non-heritage Residents' Groups***

The four residents groups included in this category Save Braidwood Inc (Sub 113&DR209 & DR281), Burnside Residents Action Group (Sub DR298), Strathfield Residents Action Group (Sub DR245), and Norwood Payneham St Peters Residents Rights Group (Sub DR316) are in this category because they define themselves as 'watch dogs' of what they see as the broader community interest – ensuring that heritage listing does not intrude on their communities.

The three non- Braidwood groups all supported the key recommendation in the draft Report, - voluntary listing following negotiation of a conservation agreement – and in one case, that of the Burnside Residents Action Group, they specifically disagreed with their Council's disagreement with that key recommendation.

Their concerns varied from a conviction that heritage listing was undertaken without a comprehensive heritage policy that covered the process to be used when selecting items to be listed, to concerns similar to those expressed by many of the private owners in Category 8, that listing is a violation of property rights, and that compensation should be paid to any property owner whose property is listed.

Save Braidwood Inc voiced their concerns in their three submissions that there were Flaws in the process of listing town of Braidwood and its setting, and that in their view, this had the Social well being of the town 'seriously damaged' by lack of consultation.

### ***Collecting Organisations***

Of the three collecting groups represented, the Historic Organ Society, the Arms Collectors Guild, and the Royal Astronomical Society, the submission from the Organ Society (Sub 7) sets out most clearly the difficulties faced by community groups caring for vulnerable objects, often directly associated with places which are themselves under threat of redundancy neglect or worse.

### ***Submissions of particular interest in this category***

Two submissions are included from non-heritage associated organizations:

The Jaycees Community Foundation (Sub 110) argues that a tax arrangement similar to the Research Development concessions would be advantageous to heritage, and sets out its proposal in considerable detail.

The Bathurst Community Group (Sub 82), details a failed attempt to 'marry' heritage trades skills development with a youth program, and describes how it was foiled by an almost intractable set of circumstances. The submission describes the complexity of issues which need to be considered and managed by local community groups - OH&S insurance, training and supervision of volunteers, time lags in applications for funding, accountability mechanisms, and the failure of the project at the end of it all, because the two senior tradesmen pivotal to the project, had ceased being available.

## **2.13 General Public**

### ***Number of Submissions***

12 individuals  
12 submissions

### ***Overview of submissions in this category***

This group of respondents are grouped together by default only – either they provided insufficient details to assign them more precisely to another category, or their issues are so specifically related to one place, that the issues they raise are more relevant in aggregate than considered separately.

### ***Key issues raised in this category of submissions:***

50% Concerns re specific heritage places ‘at risk’  
20% Concerns re state of heritage conservation generally

### ***Actions proposed to address the issues raised:***

- Protection of identified places under threat through federal action
- Recording of heritage places electronically, and establishment of public repository for these records
- Community should plan with regard to conserving heritage for future generations, as did early community leaders
- Use of heritage lottery as in the UK to support heritage conservation
- The profile of ‘heritage’ in the community should be raised.

### ***General Comments about this category of submissions***

Four submissions have taken the opportunity afforded by the Inquiry to raise their concerns about places under threat, and it is interesting to note that two of these places have now been listed on the National Heritage List – Richmond Bridge and the Glass House Mountains.

The remaining submissions concern ‘ideas’ – electronic recording of heritage places and the need to care for our heritage for future generations.

### ***Submissions of particular interest in this category***

Sub 90 is the only submission that refers specifically to the Hope Report into the Conservation of the National Estate, which she asks to be considered formally as part of her submission. She, like many other community submissions, hearkens back to the former AHC, and to the sense of national protection afforded by the Register of the National Estate (RNE).

Local heritage identification and protection is an issue addressed in many submissions. The RNE was inclusive of local as well as highly significant places, and therefore appeared to confer respect and acknowledgement of the value of individual local places

to the nation, in a way that the new national heritage system, from the comments throughout the submissions, is struggling to achieve.

Many submissions refer to the lack of consolidated heritage data, such as that formerly provided by the National Estate Grant Program commissioned research, much of it now hard to access.

The best possible 'gift to the nation' the new regime could confer, would be the opening up of this treasure trove of material to inform, enrich and nurture the new national heritage system as it establishes itself across the nation.

## 2.14 International

### ***Number of Submissions***

2 Individuals  
2 Submissions

### ***Overview of submissions in this category***

The two respondents in this category are both distinguished advocates of heritage.

### ***Key issues raised in this category of submissions:***

100% Perception of private 'property rights' conflicting with public heritage benefits  
100% Costs of historic preservation being vastly easier to calculate than benefits.  
100% Regulation insufficiently balanced with incentives  
50% Labour and skills shortages impacting on quality of heritage conservation  
50% UK Heritage inequitably supported through tax system

### ***Actions proposed to address the issues raised:***

- Regulations (sticks) should be balanced with incentives (carrots)
- Role of heritage rehabilitation as incubator of small business should be better measured and acknowledged in policy
- Judgement of 'economic hardship' should be based on "reasonable' not 'maximum' return
- Support for better trades skills training and peer review of conservation work to improve standards
- Increased emphasis on sustainability contribution of heritage buildings, with emphasis on value of embodied energy retention

### ***General Comments about this category of submissions***

The very brief overview which John Fidler, Conservation Director of English Heritage (Sub 35) provides of emerging policy trends suggests that, even in Britain where recognition of the benefits heritage confers is more embedded in government policy, challenges remain and continue to emerge.

He highlights the recent unsuccessful challenge on human rights grounds by an owner who had illegally demolished a listed building, as evidence that the 'property' rights issue is of increasing concern in Britain. This issue is the focus of Donovan Rypkema's paper (Sub DR233), written following the release of the draft *Report*, and arguing against the quality of the *Report* – its evidence, its arguments and its conclusions.

Donovan Rypkema also sets out the economic benefits of heritage conservation, which he suggests are evident in the US context – a different context because of the beneficial tax regime, something English Heritage is seeking to remedy through proposed changes to tax law in Britain.

English Heritage is seeking VAT exemption for church maintenance and repair. Similar difficulties faced by church organizations in Australia are discussed in s3.4.1 below.

## **PART THREE      ISSUES RAISED IN SUBMISSIONS TO THE INQUIRY**

### **Introduction**

There was broad agreement across the submissions that the three tier system of heritage management aligned with the three levels of Australian government, is an appropriate model.

However, submissions were generally in accord that the efficiency and effectiveness of the system is hampered by a failure to fully implement nationally agreed approaches and by the lack of capacity of local government, in terms of skills and financial resources, to properly manage and support heritage conservation at local level.

The roles and responsibilities of governments, and the administrative and regulatory arrangements between them, were key issues for many respondents, including for those most involved, the responsible agencies themselves.

Key issues raised, and solutions proposed, were generally much in accord:

- the system lacks capacity (at every level of government) and is unable to meet the community expectations raised by the introduction of the heritage amendments to the EPBC Act, especially in relation to the need for renewed heritage leadership
- the COAG agreed Integrated National Heritage Strategy has not been implemented – and should be – and;
- an increasing share of heritage responsibility has been loaded onto local government without accompanying financial and other resources.

The Heritage Chairs of Australia and New Zealand identified two issues as most critical to improving heritage conservation:

- the need to improve the policy framework for historic heritage, and
- the need for enhanced and new incentives (economic instruments) to support historic heritage conservation.

The majority of Inquiry respondents would agree with this assessment, and with their proposed solution that essentially, what is needed from all levels of government is:

- a genuine partnership,
- the implementation of the COAG Integrated National Heritage Policy,
- utilisation of a balanced suite of policy instruments – regulation, incentives and effective provision of information, guidelines and support, and,

- adequately resourced agencies to deliver the system.

These issues, and the actions proposed strongly inter-related, but for clarity are discussed in greater detail below in four sections:

- 3.1 Structure, Regulation & Governance of the National Heritage System**
- 3.2 Heritage at the Local Level**
- 3.3 Supporting the system – Policy, Guidance and Education**
- 3.4 Financial, Taxation, and Cost Issues**

### **3.1 Structure, Regulation and Governance of the National Heritage System**

This section discusses the issues in four parts:

#### **3.1.1 Structure of the National Heritage System**

- The Subsidiarity Model

#### **3.1.2 Regulation of the National Heritage System**

- Roles & Responsibilities
- National Heritage Leadership
- The Australian Government
- Implementation of the National Heritage Legislation
- The Australian Heritage Council
- The Register of the National Estate
- State/Territory Governments
- Local Government
- Government Stewardship of Public Assets
- The Commonwealth Heritage List

#### **3.1.3. Governance of the National Heritage System**

- Where heritage fits in the regulatory system
- The Natural and Cultural Environment
- The Sustainability Model and its application to Heritage Conservation
- Holistic Heritage Management
- Integral Management of Collections associated with Place

#### **3.1.4 Summary of recommendations from the submissions to improve the Governance, Structure & Regulation of the National Heritage System**

### 3.1.1 Structure of the National Heritage System

#### *The Subsidiarity Model*

While the roles and responsibilities of governments, and the administrative and regulatory arrangements between them were key issues for many respondents, the issue was not the tripartite structure of the present system per se. Rather, the focus of concern was the poor resourcing of the system, the absence of an overarching policy framework, and lack of clarity concerning respective roles and responsibilities within it.

It was the practice, ie, the implementation of the *EPBC Act*, rather than the principle of subsidiarity, which was most at issue.

The majority of submissions argued that the provision of heritage services to the community was inadequately funded at all levels of government, but most particularly at local level. They recognised that while the majority of heritage places were local, that local government was the least well funded and resourced tier of government.

Many submissions, most particularly those from local government agencies, argued strongly that cost shifting and failure of the upper two tiers to provide adequate support impeded service delivery at local level.

They argued that inadequate funding and the lack of a consistent national heritage framework have resulted in a dysfunctional system unable to provide consistent, certain heritage outcomes especially at community level due to:

- inconsistent legislation & heritage principles & practice;
- lack of comprehensive listing, identification and assessment programs;
- federal changes not being accompanied by complementary S/T legislative reforms;
- many gaps in registers allowing important heritage places to be overlooked, neglected or lost, and
- duplication, disconnection across tiers of government.

The solution proposed in the submissions is not a radical rearrangement of the system itself, but rather a reappraisal of it. They argued that a systematic re assessment of current operations is required to determine appropriate levels of funding to ensure that seamless protection and appropriate conservation support is able to be provided nationwide.

They suggested that partnerships should be established across governments to establish a national heritage policy framework to:

- review Commonwealth, State/Territory legislation to minimise duplication, maximise consistency;
- recognise the importance of local government assessment and management of heritage;
- delineate and streamline roles, responsibilities of each level of government;

- formalise agreed national heritage assessment procedures;
- establish common policy frameworks for heritage conservation and create 'common standards' and guidance documents;
- ensure availability of professional heritage advice at local level; and
- provide consistency, uniformity of policies, thresholds and significance assessments.

### **3.1.2 Regulation**

#### ***Roles & Responsibilities***

Many submissions argued that the lack of clarity regarding roles and responsibilities between the levels of government resulted in community confusion and reluctance to support the national heritage system.

The Council of Australian Governments (COAG) Agreement of 1997, setting out roles and responsibilities to manage the national heritage system, was to have been supported by an intergovernmental agreement setting out how cooperation was to occur between the tiers of government to ensure the whole system operated effectively and efficiently.

That agreement had not been achieved at the time the submissions were being written.

Many submissions from community stakeholders stated or demonstrated through their comments on the heritage system, that they were confused, often frustrated, by consequences of the implementation of the new system. In particular, the plethora of lists and inconsistent regulation of the system has resulted in public confusion as to what listing entails or means, has created uncertainty for property owners, and encouraged negative public perceptions about the impact of listing.

It would seem that the absence of intergovernmental agreement as to how roles were to be carried out, and most particularly, how responsibilities were to be funded, has increased community misunderstanding about the heritage system.

#### ***The Australian Government***

Under the COAG Agreement of 1997, the Commonwealth was to take responsibility for places of national heritage value. The (new) national heritage system, established under the amendments to the *EPBC Act*, had been in place for only 18-20 months when the majority of submissions were written.

What appeared to be lacking in this Agreement from the perspective of submission writers, was how national heritage leadership was to be provided under this new system: eg, how were national policies and guidelines to be developed?

### ***National Heritage Leadership***

Many submissions, especially those from heritage professionals, expressed concern that the Commonwealth appeared to have abrogated national heritage leadership.

This perception, that there was a lack of leadership at the national level, related to the lack of Commonwealth support for the framework upon which national heritage protection relies, including elements such as:

- a national framework for heritage research;
- provision of leadership in the public debate about heritage issues; and
- development of national standards for 'best practice' heritage management.

The former Australian Heritage Commission had provided national leadership in terms of establishment of standards and provision of guidelines for heritage conservation, and the former system had been underpinned by the National Estate Grants Program (NEGP). This had enabled the Commonwealth, in cooperation with State/Territory governments, to support a program of national heritage research to support identification, assessment and conservation of places on the Register of the National Estate (RNE).

Many respondents noted that no program of similar national reach and effect has been implemented under the new national heritage regime.

### ***Implementation of the National Heritage Legislation***

Many submissions commented on the increase in community confusion as a consequence of the new system, and the absence of a coherent framework within which all heritage places could be identified and conserved across the nation.

Submissions noted the rising level of disappointment as people realised that the National Heritage List threshold was exceptionally high, that nominations were difficult to properly construct, and that little else in the system appeared to have improved as a result of the inauguration of the new national heritage system.

A range of broad concerns were raised related to the structure of the system and its administration:

- complexity of the system;
- encouragement of discretionary decision making;
- ineffective protection because of reliance on assessment of the potential impact of an action, rather than on the nature of the action itself;
- lack of accord with *Burra Charter* principles;
- confusion and concern regarding the RNE ;
- dual management - costs increased, efficiency weakened; and
- conservation management at landscape/precinct scale, extremely difficult.

These concerns included specific problems arising from the establishment of the new system:

- slow pace of the development of the National Heritage List;
- complexity of the nomination and assessment process;
- lack of professional expertise and resourcing in DEH, resulting in delays and poor decision making, and,
- lack of provision of clear guidelines for key elements of the system, for Conservation Management Plans in particular.

Concerns were raised regarding the complexity of managing places which now may have values from 'World' through to 'local' level. Several submissions referred to the problems establishing a harmonious management regime for the Royal Exhibition Building, and no less than five community organisations expressed their concerns that the adjoining gardens, their local gardens, of 'World Heritage Status', were not being managed appropriately.

Some of these issues relate directly to the constitutional complexity of the Commonwealth with regard to the built environment, and cannot be simply addressed.

Others could be addressed, as suggested, by better coordination across governments (implementation of the Integrated National Heritage Policy), and greater provision of funding, especially to the Department of the Environment and Heritage (DEH) itself, to ensure the system can be professionally constructed and supported.

### ***The Australian Heritage Council***

A number of respondents commented on the seeming lack of capacity and independence of the new Australia Heritage Council, with some suggesting that the focus of the AHC solely on the developing National Heritage List was to the detriment of its leadership on broader heritage issues.

They argued that the AHC should be resourced to be an independent and expert national heritage champion.

### ***State/Territory Governments***

The property industry submissions, and a number of submissions from private property owners, including owners of commercial enterprises operating from heritage sites, were critical of the attitudes and practices of state heritage agencies, which in their view; fail to properly consider the adverse impacts of their regulatory practices on property owners.

They drew attention to the cumulative difficulties created by the lack of timeliness and rigour in decision making of heritage agencies, the varied professional standards amongst staff, and their insensitivity to the impact of the application of differing compliance requirements, all of which adversely affect their capacity to operate effectively in a commercial environment.

State/Territory Governments were also criticised in local government submissions, often implicitly, for their failure to provide greater support to local government heritage management responsibilities.

## ***Local Government***

Local government submissions, in the main, argued that while they were responsible for the overwhelming majority of heritage places in the nation, their role was the least recognized, and their responsibilities the lowest funded, of any in the national heritage system.

These issues are considered in greater depth in S3.2 below.

## ***Government Stewardship of Public Assets***

The failure of governments, at all levels, to properly exercise stewardship of their own heritage places, was frequently raised in submissions.

Community representatives and heritage professionals raised concerns related to:

- insufficient funding for agencies to care for heritage property;
- difficulties reconciling community expectations with commercial needs;
- multi government ownership and administration impeding best use options;
- governments being increasingly seen:
  - as retreating from community;
  - of making laws and then not abiding by them;
  - of setting up systems doomed to failure due to lack of financial support;
  - of 'selling off the public farm' for profit.

Local governments themselves lamented the lack of funding and the pressure of competing priorities which prevents them from being model custodians of heritage properties. They recognised the inappropriate message this conveyed to their constituents, and acknowledged the detrimental effects of ill considered redundancy and disposal, and of poor maintenance and conservation programs.

Commonwealth agencies and local government referred to the difficulties involved in striking a balance between the protection of heritage values and the viable reuse of heritage places, and to the necessity to encourage sympathetic renovation/restoration through the provision of incentives and appropriate guidelines.

While governments agreed that they should be committed to best practice stewardship, and should be model custodians of their own heritage places, only the Commonwealth and the NSW government have required agencies to identify and care for heritage in their care, but without the allocation of funding for these purposes.

## ***The Commonwealth Heritage List***

Few submissions acknowledged the positive achievement of the new Commonwealth Heritage System, requiring as it does the assessment of places of heritage value in the Commonwealth's care, and provision for their conservation.

The Commonwealth agency most directly affected by the new system – Defence, the agency with responsibility for the largest number of heritage properties - submitted a detailed account of its compliance with the new system, and the difficulties this was causing.

Apart from the on-going financial demands of the new CHL system, the key issue they raised was the difficulty sustaining the appropriate balance between access, use and conservation of identified heritage sites in their care.

For organisations balancing immediate operational requirements against the additional processes of heritage regulation, this issue is important. The submission from Defence and the Ports submissions (eg, Sub DR253) detail this concern carefully, pointing out that security issues at ports, for example, must take precedence over heritage issues, and therefore, ports should like airports, be exempt from *EPBC* requirements.

### **3.1.3 Governance of the National Heritage System**

Questions of structure and regulation of the national heritage system are dependant on an agreed understanding of what the system is designed to regulate; in other words, on an agreed understanding as to what is to be protected by the heritage system, and how that protection and conservation is to be conducted.

A number of respondents therefore raised questions related to the definition and contemporary understanding of 'heritage':

*What is this heritage anyway, that it can steal my property rights!*  
as one private owner wrote angrily to the Inquiry.

And reading the all-encompassing 'definition' provided by the Australian Heritage Council in their first submission (Sub 118), it is possible to understand how difficult it could be for those not from the heritage sphere to comprehend what is actually being referred to, identified, listed, protected, managed and conserved.

'Heritage' is a notion of many parts, encompassing many understandings. It is an all embracing concept covering the tangible, the intangible, the natural and cultural, the very personal and the most political, the past, the present and the future. This elusive inclusiveness is the strength and weakness of current heritage practice.

This section considers not just the issues specifically raised in the submissions, but some of the larger questions which underpin them.

A number of respondents, directly and indirectly, focussed on this dilemma of how such a dynamic evolving construct as 'heritage' could be able to be systematically assessed and determined in a professional, transparent, and open way.

For those inside the system, this questioning was focussed on issues:

- of determining agreed 'threshold' levels i.e. what is worthy of protection;
- on agreeing definitions of value and how to make decisions in more subjective areas of aesthetic value or social value;
- of deliberating methodologies for more subjective values such as 'social' value, and,
- of ensuring that the heritage system is able to be truly inclusive of cultural and natural heritage, and specifically inclusive of Aboriginal heritage.

Those outside the system, generally those disaffected by property issues, questioned the validity of the assessment process in the light of the dynamic nature of the concept of 'heritage'.

This is well exemplified in an area of emerging interest, the identification and conservation of cultural landscapes.

Cultural landscapes have multiple owners, multiple stakeholders, multiple values. They are places in which all aspects of change on the landscape have potential value, and so, change is identified as having contributed to the value, but change is also being resisted to conserve it.

For the community, this can be confusing, as many submissions attest.

***Where heritage fits within the regulatory system (planning, environment or cultural management)***

This question raises a multiplicity of issues.

As discussed above, there is clearly a lack of clarity about what heritage encompasses, and therefore differences as to how it is treated within a legislative framework. There are also differences in how the relationships between different sectors work, and differences between what is protected in various jurisdictions .

Heritage management at the national level sits within an environmental framework and is legally defined as part of the 'environment' within the *EPBC Act*. This is very much in accord with the understanding of heritage as defined in the *World Heritage Convention*.

However, this is not how historic 'heritage' is understood or statutorily regulated in most State jurisdictions, or indeed how many in the community appear to understand it. At a state level heritage is managed variously within environment (Aboriginal and natural heritage) or planning departments , and in some instances within a cultural frame.

This disjuncture causes difficulties, and many submissions referred to the need to harmonise the approach across jurisdictions, to break down the barriers, to enable more holistic identification and management of heritage places nationwide.

Issues raised included:

- disparity between different philosophies of practice in the different environments;
- compartmentalised administrative systems ;
- need to ensure that Aboriginal heritage is properly identified and conserved.

There is a further inconsistency which impacts on heritage identification, protection and conservation, and that is the issue of what is to be protected – heritage 'values', or the places holding those values.

The *EPBC Act* protects identified 'values' in line with the World Heritage System, but while some State/Territory jurisdictions protect values, most jurisdictions protect places of identified heritage value, as did the former Register of the National Estate.

These issues make it extraordinarily difficult to provide consistent protection and conservation to heritage in an equitable and efficient way, and can only be resolved through concerted inter and intra governmental commitment to achieving a consistent national heritage system.

### ***The 'natural' and the 'cultural' environment***

If heritage is part of the environment, then, many respondents queried, why is there such a disparity in funding, in resource allocation, in contemporary community awareness and concern between the natural and cultural parts of the environment?

Questions were raised in a number of submissions, and by the Commission's recommendations, about the ways in which the natural and cultural environment should or could be equated:

- is caring for the natural environment, the same as caring for the historic environment?
- what aspects of the current diverse approaches to conserving, sustaining and caring for the natural environment could or should be considered for application to the cultural environment?
- is there a difference between natural heritage – that part of the environment which has natural heritage values – and the natural environment?
- is it not more valid to equate cultural heritage with natural heritage, not with the whole natural environment, the bio-sphere?

These issues became central to the Inquiry through the Commission's strong endorsement of the 'conservation covenant' as the appropriate instrument to better manage conservation, (an instrument utilised effectively for the natural environment), and through the Commission's focus on the issue of land usage, and private property rights.

A number of submissions address these issues in interesting ways:

- The second NCHF submission, (Sub DR338) sets out in tabular form distinctions/parallels between the natural and historic or cultural environments,
- Carlsa Carter (Sub DR353) , the DEH second submission (Sub 183), both of the ACNT submissions (Subs 40 & DR237), and a detailed exchange in the first round of hearings in Melbourne between the ACNT Chairman and the Commissioners, all explore these issues in some depth.

Two models of the environment are under consideration in this debate - one based on the 'biosphere' notion, in which human activity is the prime cause of damage to the environment, and the UNESCO model, in which cultural as well as natural heritage enriches and sustains the whole biosphere.

### ***The 'Sustainability' Model & its application to heritage conservation***

The issue of sustainability is another example of the lack of clarity in terms of the relationship between heritage management and environmental matters.

There are two aspects to the relationship between heritage and sustainability canvassed in submissions:

- that 'heritage' places, as part of the environment, contribute to energy and materials conservation, recognised through assessment of embodied energy savings for example, and this should be measured, recognised, and supported;
- the 'economic' model of a self sustaining or sustainable heritage, a concept borrowed from the natural environment, now being applied to the cultural environment: the idea that a well functioning, complete eco-system is self sustaining, and so a well managed, conserved heritage place should equally be self-sustaining.

Many submissions raised issues associated with the first part of this construct:

- that heritage places can, and do, contribute to environmental sustainability,
- that this should be recognised more widely,
- measured more effectively, and
- this 'saving' then embedded more firmly in policy frameworks.

The more tangible the savings, and the better understood those savings are, the more effectively 'heritage' is recognised as part of the environmental solution, not regarded as part of the environmental problem.

The second part of the construct – that heritage properties should seek to be self sustaining - is discussed in section 3.4 below.

### ***Holistic Heritage Management***

The Inquiry was focussed only on 'historic heritage places', to the exclusion of natural, and Indigenous places. Many respondents cavilled with the narrowness of this definition, asserting that the environments – historic/natural or cultural/natural, or natural/indigenous/historic - are each/all indivisible.

Many asserted that a place cannot be separated from its setting, that heritage must be regarded holistically, that the intangible cannot be separated from the tangible, and that places of heritage value should be managed for all their values.

They argued that there was need to integrate all aspects of heritage at all levels of governments in legislation and policy.

A number of submissions also argued, that while they recognised that Aboriginal heritage was outside the scope of the Inquiry, they considered the division between 'historic' and 'indigenous' heritage was divisive. They saw a great need to address the limited comprehension of the scarcity and value of aboriginal culture through a national program of identification, education and protection.

### ***The Register of the National Estate***

The retention of the RNE within the new system, and the uncertainty prevailing regarding the future protection of RNE places and accessibility of the NEGP associated data, was an issue raised in many submissions.

While some of this dissatisfaction relates to practical issues which can be addressed, some of it arises from deeper concerns related to the valuing of local heritage, and a sense that the new system is not appropriately respecting, protecting or enabling the community to properly care for its heritage.

The RNE was inclusive of places across the nation, and this appears to have resonated with communities in a way that the new hierarchical system does not.

Assessment and protection of RNE places not currently listed on State/Territory and local lists, needs to be undertaken by the appropriate jurisdictions, but this is complicated by the fact that the RNE was a holistic list, covering places of natural, Indigenous and historic value, and most jurisdictions, other than the Commonwealth, NSW and the ACT, do not protect places holistically.

### ***Collections associated with Place/Collections integral to place***

The question of collections associated with heritage places, while originally outside the ToR of the Inquiry, was brought within the ambit of the Inquiry by the submissions of the Collections Council of Australia, and the sets of National Trust and Historical Society submissions.

The key issue they raised is the need for recognition of the value of associated collections to the significance of a place, and the need for support to ensure that the vital role collections play in deepening understanding of the significance of place is realised.

This integral connection is not widely acknowledged in principle or practice, although both the *EPBC Act* and the governing legislation in NSW, Victoria and the ACT, do provide protection for associated collections.

Issues raised by respondents include:

- the need for greater recognition of the integral association of collections with place in statutory and regulatory regimes, in administrative arrangements, and most particularly in funding programs;
- the particular difficulties private owners of heritage sites with significant associated collections have in documenting and caring for those collections;
- the issues faced by community groups who must juggle competing needs of joint responsibilities as they manage local collections of historic material in heritage buildings;

- the vulnerability of many collection items to theft, vandalism, deterioration and damage through poor climate control and lack of security, often because they are housed in heritage sites;
- the lack of funding programs to assist and enable community organisations in particular to document, and provide public access to, their collections material associated with heritage sites – Historical Societies, and National Trusts hold a wealth of exceptionally valuable material which is only partly available to inform assessment and conservation decision making;
- the urgent need for specialised storage facilities for specialised collections material, especially for historical and marine archaeological items, and storage facilities for displaced or damaged large heritage items such as historic organs.

#### **3.1.4 Summary of Recommendations from the Submissions to Improve the Structure, Regulation and Governance of the National Heritage System**

The Commonwealth should adopt a leadership role, and through the Heritage Chairs of Australia and New Zealand develop the comprehensive, national COAG agreed policy framework, establishing partnerships across governments to:

- review Commonwealth, S/T legislation to minimise duplication, maximise consistency, and provide seamless heritage protection nationwide;
- endorse the 3 tier system with Commonwealth leadership and funding;
- incorporate best practice elements from all jurisdictions;
- recognise the importance of local government assessment and management of heritage;
- delineate and streamline roles, responsibilities of each level of government;
- formalise agreed national heritage assessment procedures;
- create 'common standards' and guidance documents;
- establish common policy frameworks for heritage conservation;
- ensure professional heritage advice is available at local level;
- provide consistency, uniformity of policies, thresholds and significance assessments;
- ensure Aboriginal heritage is incorporated into mainstream heritage management;
- incorporate sustainability principles into heritage legislation;
- ensure RNE places are assessed for statutory protection.

## **3.2 Heritage at the Local Level**

### ***Introduction***

The majority of submissions were from community representatives and/or agencies, and were concerned with heritage at the local level. That is, the issues they raised, whether in relation to the national heritage system, or directly focussed on their particular experience of the heritage system, concerned the impact of the national heritage system at local level.

Two major sets of issues emerged in the submissions, and are considered in this section:

#### **3.2.1. The Interface of Heritage and planning**

- Private Property Rights and the Heritage System

#### **3.2.2 Local Government**

- Pressures impacting on heritage places

#### **3.2.3 A Summary of Recommendations from Submissions to improve Heritage at the Local Level**

### 3.2.1 The Interface Between the Heritage and Planning Systems

The majority of the submissions were concerned with the interplay of statutory and regulatory processes as they impact on the lives of individuals, the work of organisations, and the effectiveness of agencies. This occurs when work is proposed to properties and thus plays out in the planning context.

The over riding issues raised were three fold:

- Frustration with duplication, inefficiencies and confusion caused by the plethora of administrative systems and processes:
  - Many different lists and regulatory arrangements ;
  - lack of clarity and straightforward assessment processes, especially at local level;
  - impact of frustrating and costly delays in decision making.
  
- Concern at the inconsistency of professional standards of practice, again at local level, and the consequent distrust and misconception about the heritage system which this causes:
  - variability of the quality of professional advice and assistance able to be provided at community level,
  - lack of standardised guidelines re DA and approval processes,
  - need for model provisions, agreed thresholds;
  - inconsistency re Statements of Significance;
  - lack of agreement re adverse impact;
  - inconsistent compliance standards ;
  - too few advisers spread too thinly;
  - perceived conflict of interest between dual role of many p/t heritage advisers, as adviser and assessor; and
  - advisers not accountable for advice, not sufficiently informed, skilled.
  
- Issues arising from differences in alignment between the planning and heritage sectors and their associated process :
  - heritage not integral to planning considerations;
  - planning schemes sometimes in conflict with heritage conservations – sustainability planning issues, eg infill;
  - community confusion re heritage, amenity, character;
  - confusion regarding heritage management in overlays, zones, precincts;
  - in fill development impacting adversely on heritage sites; and
  - problem of ‘orphaned’ heritage sites .

Many respondents also raised difficulties with the way in which the terms or understanding of the terms ‘heritage’ ‘character’, ‘amenity’ merge or slide into each other in the community’s mind, and the associated issues of distinguishing between that which is aesthetic, or harmonious, and that which has heritage value – which of course may not be aesthetically pleasing.

For the majority of respondents, those who see value in heritage conservation, these issues are impediments to achieving best practice outcomes; for the minority, who see the heritage system as undermining their property rights, and believe the system has

cheated them of rightful profit taking, these issues demonstrate the misconstruction of the system itself.

Addressing these issues would result in much greater community confidence in the heritage system.

Respondents identified the need for a consistent heritage framework at local level, providing:

- standardisation of common terms, phrases and definitions;
- agreed quality standards and benchmarks;
- rigorous assessment criteria with inclusion/exclusion guidelines;
- standardised guidelines for conservation of cultural landscapes;
- establishment of clear & agreed thresholds;
- best practice Statements of Significance models;
- development of set of national guidelines for conservation management plans;
- national program to support heritage advisers;
- assistance to address administrative impediments to ready compliance with the Building Code of Australia;
- development of Statement of Planning Policy for Cultural Heritage Conservation;
- template local planning for heritage – best practice tools for Local Government for implementing local planning strategy.

A number of initiatives were suggested to improve heritage management at local level, including:

- integration of heritage approval and planning processes – ‘one application – one permit’;
- provision of resources to owners at a local level - free professional advice, explicit design guides, grants, awards for heritage restoration;
- heritage listings to be accompanied by Statement of Significance.

### ***Private Property Rights and the Heritage System***

The issue of private ‘property rights’ – striking the appropriate balance between the individual rights of the owner to maximum use and profit from their property, and the communal responsibility to protect future heritage interests – was raised in a number of sets of submissions to the Inquiry.

These property rights issues are strongly related to, and are informed by, shifts in community understanding and subsequent regulation of land use and management.

Several submissions provide useful historical background to the development of property law, and the construction of heritage regulation, including the NSW Trust submission (Sub 172) and Bruce Baskerville (Sub DR308). The second ACNT submission (Sub DR153) argues that regulating property for community heritage benefit is no different from regulating property for other community benefits such as protecting the environment or protecting amenity.

While the majority of submissions in the property owners' categories refer to 'violation' of these rights, the arguments for heritage listing as a violation of property rights are probably best expressed by the brief submission from Alan Anderson (Sub 185).

Essentially, the argument is that private owners are required to provide a public benefit by conserving their heritage property largely at their own private expense. This they regard as inequitable, and ultimately, many argued, self defeating, as it alienates those affected from the heritage system, and creates perverse incentives within it.

The submissions in categories 7, 8, 9 and 10 provide detailed accounts of the curtailment of owners' capacity to maximise profit from their property, and the inequitable intrusion of heritage agencies into the owners' privacy.

Concerns raised in these submissions include:

- owners bearing excessive burden of heritage conservation;
- limited incentives for owners major restriction to good conservation outcomes;
- loss of development rights without compensation;
- inequitable that owners denied opportunity to fully capitalise on property;
- property rights ignored/violated;
- heritage assessment invasive of privacy, violation of enjoyment of home, and;
- property listed without agreement, information, consultation.

These concerns are echoed strongly by the four community groups opposed to heritage listing in Category 12, which supported the key recommendation in the draft Report, that listing be voluntary, and only be enacted after negotiation of a conservation agreement with the owner.

Their submissions suggest that they perceive heritage listing as intrusive, and as likely to restrict owners' options for managing and capitalising freely on their property. The Braidwood submissions suggest that the process of assessment for listing can be divisive in a community. (See Subs 113 & DR209 & DR281, Save Braidwood Inc, and Sub DR298, DR245 & DR316).

As well as the Commission's proposed solution of voluntary conservation agreements, three strategies to address these issues emerge from the submissions:

- provision of much greater financial and professional support for owners (see 3.4 below);
- establishment of programs of community information (eg, the 'informed community program' suggested in Sub 41 see 3.3 below); and
- efforts to redress anomalies and inequities within the heritage/planning system, such as the problem of 'orphaned' heritage sites left in a 'development sea' which appear to give rise to community angst and fearfulness about the impacts of heritage listing (see Sub DR401) .

Both of the 'International' submissions in Category 14 – that from English Heritage, and from Donovan Rypkema (USA) - provide an international perspective on the impact of the developing assertion of private property rights in Australia.

They, and the Productivity Commission itself, suggest this is an issue the heritage system must consider very directly and address very carefully.

### 3.2.1 Local Government

These heritage/planning difficulties are occurring in what is for many local councils an exceptionally difficult set of circumstances.

The balancing of the short term private interests against the long term public interests represented by heritage is now very difficult, especially with the major escalation in property urban property values.

Not only is local government balancing increasing responsibilities with straightened resources – cost shifting pressures particularly - but they are also seeking to satisfy sharply divergent community expectations and interests.

The recurrent and shifting pressures of:

- population growth - demolition, land consolidation, in-fill development;
- depopulation of rural areas & redundancy/abandonment of structures;
- sustainability 'in fill' development requirements;
- loss of settings, curtilage, scale; and
- maximisation of returns from property investment;

place great burdens on local government to provide transparent, timely decision making in circumstances which mitigate against the development of simple, clear solutions.

Local government submissions outlined concerns about balancing community expectations - 'anger from both sides of the heritage spectrum' as one local government described it - and from the heritage perspective, an acute awareness that heritage values are acquired over time and lost very quickly.

They identified cost shifting from the highest tiers of government to the lowest as a key issue for local government struggling to manage the increasing responsibilities being devolved to them. They see their role as 'underplayed and under funded' in a system which grants them the least resources for the greatest share of heritage responsibilities.

'Heritage is not 'core business' one Council complained, yet it consumes significant resources, and must compete for those resources with all the other priority responsibilities of local government.

They acknowledge the difficulties of providing consistent and certain heritage outcomes in circumstances where it is often difficult and expensive to access and provide the professional expertise required, and where standardised guidelines were not available.

In particular, many submissions noted that local government lacked the resources to properly support owners to meet heritage conservation costs, and to provide incentives to encourage community support for heritage listing and protection.

### **3.2.3 Summary of Recommendations from the Submissions to Improve Heritage at the Local Level**

The key recommendation from the submissions is provision of greater resourcing at the local level:

- increased funding to enable local government to carry out its heritage responsibilities more effectively (see 3.4 below), and to better support owners of heritage properties meet conservation costs;
- more effective and comprehensive support programs from Commonwealth and State/Territory governments to provide professional advice and policy guidelines so that streamlined and more effective heritage management can be provided;
- improved heritage outcomes within the planning system through better integration of heritage with planning.

### **3.3 Supporting the System – Policy, Guidance and Education**

#### ***Introduction***

As discussed in the introduction to Part Three above, the Heritage Chairs of Australia and New Zealand identified two issues as most critical to improving heritage conservation:

- the need to improve the policy framework for historic heritage, and
- the need for enhanced and new incentives (economic instruments) to support historic heritage conservation.

The majority of Inquiry respondents agreed with this assessment, and with their proposed solution:

that governments should implement the COAG agreed Integrated National Heritage Policy providing for the utilisation of a balanced suite of policy instruments – regulation, incentives and the effective provision of information, guidelines and support – with adequately resourced agencies able to deliver the system.

What then should this proposed national heritage policy framework cover?

What is needed to support the national heritage system, to ensure it can provide seamless protection and conservation to heritage places nationwide?

This section explores the suggestions raised in the submissions regarding the need for such a policy, and the elements and issues it should address.

#### **3.3.1 National Policy Development**

#### **3.3.2 Development of national guidelines and standards**

- The Status of the *Burra Charter*
- Adaptive re-use Guidelines and Standards
- Determination of Thresholds, especially an agreed local heritage threshold
- National Data Collection standards
- National Heritage Research framework
- Standards for ensuring integration of all professional practice in heritage assessment and conservation

#### **3.3.3 Community, Professional and Trades Education**

- Information Asymmetry
- Heritage in the School Curriculum
- Trades Skills Training and Professional Education
- Improving Professional Integration in the Heritage System

#### **3.3.4 Summary of Recommendations from the Submissions to Better Support the System**

### 3.3.1 National Policy Development

As well as the HCANZ and its member agencies, submissions from local governments, from key NGOs such as the Australian Council of National Trusts, and Australia ICOMOS, and from many heritage professionals and their associations, all argued that the failure to achieve the implementation of this agreed Integrated National Heritage Policy had resulted in a dysfunctional system .

This was evidenced, they argued, by the:

- plethora of poorly integrated and inconsistent heritage ‘lists’;
- absence of inter/intra-governmental agreements;
- failure to provide seamless, inclusive protection nationwide; and
- lack of holistic management arrangements for places of multiple values .

To address these issues, the national heritage policy framework would need to ensure there was inter and intra governmental agreement on the key overarching heritage questions discussed in s3.1.3 above:

- what is to be identified and protected – heritage values or the places holding those values?
- whether natural, aboriginal and historic values are to be considered holistically or separately, and,
- whether heritage is integral to the environment, and if so, what accommodations must be made to ensure that the ‘cultural’ environment is not treated poorly or inconsistently with the natural environment?

Once agreed, the policy framework can then support, and be supported by, the development of a set of agreed national guidelines and standards governing the practice of heritage identification, protection and conservation nationwide.

### 3.3.2 Development of National Guidelines & Standards

This would require specific policy agreements encompassing issues such as:

- nationally agreed listing criteria and thresholds for all three levels of government jurisdictions to ensure national consistency;
- nationally agreed development guidelines to increase consistency of decision making on the management of heritage places; and
- nationally agreed data collection arrangements for state of environment reporting on historic heritage that can be used by all levels of government.

These guidelines and standards would cover matters such as:

- the status of the *Burra Charter*
- adaptive re-use Guidelines and Standards
- determination of thresholds, especially an agreed local heritage threshold
- National Data Collection standards

- Establishment of a National Heritage Research framework
- standards for ensuring integration of all professional practice in heritage assessment and conservation

### ***The Status of the Burra Charter***

Australia's heritage practice, developed over the past thirty years, is based on a set of principles represented in the *Burra Charter*. It is widely respected internationally, an achievement many respondents acknowledged with pride.

However, a number of local government submissions, and Defence, the Commonwealth agency with the most substantial heritage responsibilities under the new system, raised the issue of the standing (regulatory, statutory) of the *Burra Charter*. They indicated that while it was often referenced as 'best practice' they were confused as to what authority or regulatory role it does actually have.

Several submissions from architects indicated concern and confusion around this ambiguity, with particular reference as to how its focus on the value of original fabric affects adaptive re-use.

This suggests then a need to clarify the status of the *Burra Charter* to ensure consistency in jurisdictions concerning this, but also presents an opportunity to utilise the *Burra Charter* to better inform the community about the heritage assessment process itself.

The *Charter* is firmly grounded in international heritage principles but it is 'distinctively Australian'. It could be utilised as a means of informing and aiding community understanding of Australian heritage principles and practice.

### ***Adaptive re-use Guidelines and Standards***

While adaptive re-use is universally recognised as amongst the most essential of all strategies to ensure protection and conservation of heritage places, a number of submissions identified impediments to its effective implementation:

- difficulties striking balance between protection and future use;
- need for encouragement, incentives, to encourage reuse;
- constraints imposed by heritage regulation;
- poor recognition of need for good urban design principles;
- innovative new design often precluded by heritage regulation;
- engineering heritage particularly difficult to adapt and re use;
- BCA compliance issues often pose impediments to re use.

These issues often need to be addressed at the local council level, where the required expertise may not be readily available, and so respondents suggested that the provision of appropriate guidelines, model Development Application's, Conservation Management Plans etc would assist local staff to make more appropriate decisions re changes proposed to heritage places.

The submission from the Royal Australian Institute of Architects (Sub 68) goes further, and suggests a whole new appraisal of the approach to managing heritage places needs to occur, with the encouragement of best practice adaptive re use as its goal.

*The RAI A New vision for heritage*, , sets out what it describes as *A New Vision for Heritage* – focussed on improving adaptive re-use capacity in the system. It would include measures for:

- better valuing 20c heritage,
- encouraging good contemporary design;
- better supporting adaptive re-use;
- encouraging community/professional partnerships with developers,
- recognising the paradox inherent in heritage – the more layered, the greater the significance, less altered (layered) the greater the significance; and
- providing much greater investment in professional and trades skill training.

### ***Determination of Thresholds, especially an agreed local heritage threshold***

Widespread concern about inconsistency of assessment of the local heritage threshold was expressed in submissions from local government authorities, heritage professionals, and owners themselves.

Key issues appear to be the lack of an agreed and consistent threshold:

- lack of clear guidelines for assessment, including for criteria;
- concern that ‘local’ has differing meanings –
  - ‘of value to the local community’ (regardless of level of heritage value), or
  - 3<sup>rd</sup> level down – the bottom tier of the significance ladder.

Submission 120, from Amanda Jean, Heritage adviser in the Victorian goldfields area, raises these issues comprehensively. She argues there is a vast disparity in significance between places of local heritage value, and this distorts the system generally.

A number of other submissions go further, and suggest that many of the problems which arise at local level concerning modifications and adaptive re-use, could be ‘solved’ if the level of regulatory control was adjusted to the level of actual significance of the item concerned.

Many argued for the need for the need for agreed thresholds, provision of model assessment guidelines, and much greater resourcing at local level to provide the level of professional advice and assistance so essential to an effective and well run system.

Several submissions suggested a simple time threshold to provide certainty for communities – the Real Estate Institute of SA, (Sub DR410) for example, suggested that all places older than the 1920s should be listed automatically.

This issue of an agreed and consistent local heritage threshold is of course dependent on consistent assessment of the upper threshold levels, and cannot be solved in isolation.

Again, the solution is an effective partnerships between governments committed to resolving these issues through a national policy framework.

### ***National Data Collection Standards***

A very consistent issue raised by respondents in all categories was the dearth of accessible data about Australia's heritage places.

Submissions expressed concern regarding the lack of data, and described the ways in which the lack of national and regional data sets impede the capacity of the heritage system at all levels to identify and assess heritage significance.

Effective heritage assessment requires contextual, comparative data in order to make accurate and informed judgements regarding significance, and to determine appropriate conservation and interpretation strategies.

Respondents indicated there are gaps in registers, with many areas poorly researched, including industrial, social and multi-cultural heritage, cultural landscapes, post-war architecture and Aboriginal historic sites.

This general failure to develop standardised modes of data collection, aggregation and dissemination is impeding heritage conservation at all levels of government.

This is an issue addressed directly by the Commission in its draft and final *Reports*, and there seems to be widespread agreement that standardised and systematised data collection should be addressed through collaborative effort across governments.

- *Data Collection*

National standards for collection of typological and thematic data must be agreed, including standards for measuring condition of places;

- *Data Aggregation*

Governments must cooperate to ensure that heritage reporting integrates with the national SoE, and that data collected is disseminated and made accessible in comprehensive and cohesive formats;

- *Data Dissemination*

Access to existing knowledge is difficult and often poorly organized, and so a national framework must be developed to ensure that new data is readily available, and that the difficulties accessing current data are remedied:

- the Australian Heritage Places Inventory (AHPI) is incomplete, and should incorporate all heritage lists;
- NEGP 'grey' literature must be made accessible.

## ***National Heritage Research Framework***

Some submissions suggested that the absence of programs providing for regular data collection has been exacerbated by the cessation of National Estate Grants Program funding, and by the lack of comparable programs with national reach supporting typographical and thematic surveys to enable research and publication to continue.

For example, Australia ICOMOS (Sub 122,), the Australian Council of National Trusts, (Sub 40) argued that the lack of provision for research funding under the new national heritage system, impacts directly on the development of the National Heritage List, as National Heritage Listing assessments, in particular, are dependent on authoritative comparative data.

Many submissions, particularly those from heritage professionals and their representatives, argued that a national heritage research program is required to provide ready access to comparative heritage data, and to stimulate specialised studies related to the emerging fields of the evaluation of social and cultural capital.

They suggested that governments should construct a supportive intellectual framework for national heritage conservation, including a national heritage research program, and should support the continued development of:

- the Australian Heritage Bibliography;
- the Australian Heritage Places Inventory, which should include reputable heritage lists, including those from NGOs; and
- heritage surveys for SoE based on standardised data.

### **3.3.3 Community, Professional and Trades Education**

#### ***Information Asymmetry***

Many of the community submissions to the Inquiry by organisations and individuals suggest considerable lack of understanding about the system amongst those community members who should be best informed - community advocates.

Not only did many respondents to the Inquiry clearly misunderstand the roles and responsibilities of the differing levels of government and their agencies, but their submissions also detailed widespread community misconceptions about the heritage system itself.

There appear to be widespread concerns about the impact of heritage listing, which many described as adversely affecting community support for the heritage system.

These concerns, which many local governments in particular saw as misconceptions, related to the restrictions placed on a property through listing, the level of intrusion which listing entails, and the adverse impact on property values which can result from listing.

The evidence presented in the submissions suggests that there is great need for a more concerted and better directed effort to ensure that communities are better informed and educated about heritage generally and the heritage system in particular.

The Heritage Group of Leichhardt District (Sub 41) suggested the need for a community information program they called 'the informed community' to help address these issues.

Community engagement with the heritage system would be strengthened through:

- provision of education on the built environment and its conservation;
- facilitation of community involvement in heritage conservation;
- public education programs on heritage values and management;
- readily accessible advisory services and technical assistance;
- support for network of regional/local heritage committees;
- support for 'heritage champions' at each level of government;
- establishment of a 'Heritage Care' Program, cf, Land Care;
- development of specialist volunteer training packages;
- national conservation award program.

### ***Heritage to be better represented in school curriculum***

A number of submissions, notably those of the National Trusts, raised concerns regarding the absence of heritage from school curricula, and suggested a number of ways this could be remedied through the development of a national heritage education program:

- incorporation of heritage/history into school curricula;
- heritage related education programs & teacher training;
- development of an *Australian Story* national education program funding annual visitation to historic sites by all students (as in UK).

### ***Trades Skills and Professional Training issues***

Submissions in all categories highlighted concerns regarding the lack of professional and traditional trades skills, and the adverse effect this was having on the heritage system at all levels. They pointed to the aging of the 'heritage' workforce, to the particular difficulties in regional areas, and to the lack of a national approach to remedy this national problem.

In particular, they highlighted issues such as:

- poorly targeted and inadequate education and training programs;
- inadequate access to professional support especially in regional areas;
- inconsistent provision of heritage advisers, and therefore
- inadequate and unreliable access to professional advice and support for owners, inconsistent professional capacity of local governments,

The key solutions proposed included:

- development of a National Training Strategy;
- national audit of training needs;
- establishment of specialised institutions;
- provision of post graduate and accreditation schemes;
- development of regional training and support initiatives.

### ***Improving Professional Integration in the Heritage System***

A number of professional associations indicated that their particular skills and professional expertise were not sufficiently valued and utilised in the heritage system.

Included amongst these professionals were engineers, archaeologists and historians, each of whom indicated that heritage assessment and conservation would be improved if their expertise was more routinely accessed as part of the heritage management system.

#### **3.3.4 Summary of Recommendations from the Submissions to Better Support the National Heritage System**

- Development of agreed guidelines and standards to support best practice implementation of the national heritage system with common and transparent policy frameworks and thresholds
- Program of systematic surveys, typological & thematic studies based on agreed data collection standards
- Establishment of single centralised electronic repository of heritage data
- National heritage research program established to underpin professional heritage assessment and management
- National history/heritage schools education programs
- Skills audit and national heritage training program established

## **3.4 Financial, Taxation and Cost Issues**

### ***Introduction***

This was an Inquiry conducted by an economic agency of government, arising from a need to assess the operation of the new heritage framework following the 1997 CoAG Agreement and the introduction of the new national heritage system, and from widely expressed concerns regarding the absence of incentives to balance the regulatory framework, to encourage conservation of heritage values. .

The Inquiry's Terms of Reference included an assessment of the effectiveness of regulatory, taxation and institutional incentives for heritage conservation. As a result, almost all submissions were concerned with funding issues.

*If heritage is a public good, then who should pay?* as the WA Property Institute comments.

In general, the submissions can be summarised as arguing that the key issue impacting on heritage conservation is lack of funding at all levels:

- failure of governments to consistently resource heritage conservation, education and promotion programs impacts particularly at local level;
- huge in-balance between monies for natural and cultural environments
- heritage conservation relies too heavily on the 'stick' (regulation), and too little on the 'carrot', (incentives).

These significant issues are considered in the following sections:

#### **3.4.1 Financial Issues**

- Disparity in funding between natural and cultural environment
- Cost Shifting Between Governments
- Grants Funding
- Sustainability Model of Heritage Funding
- Funding Issues for NGOs
- Heritage Tourism

#### **3.4.2 Taxation Issues**

#### **3.4.3 Cost Issues**

- Heritage Value – the Value of Heritage

#### **3.4.4 Summary of Recommendations from the Submissions on financial taxation and cost issues**

### 3.4.1 Financial Issues

The key financial issues identified in the submissions were:

- ***Overall lack of capacity within the system***  
Inadequate funding to maintain and sustain heritage places at all levels of government, impacting on all categories of interests represented in the submissions
- ***Lack of incentives***  
Lack of financial incentives, (especially to support private owners), and subsequent over reliance on regulation, resulting in an unbalanced and, as some described it, 'dysfunctional' system, was the specific financial issue most constantly raised.

This was seen to result in inequitable impacts on private owners, but also to adversely affect the capacity of 'Not for Profit' heritage sites, especially those open to the public, and community owners of heritage places such as church organisations to conserve and present their places appropriately.

- ***Occurrence of Market Failure***  
A number of the Commonwealth, S/T agency and major organisational submissions (notably the HCANZ) sought to demonstrate that 'market failure' was occurring with regard to heritage management, and to argue that the market failure identified then justified government intervention, most particularly by increased funding, to ensure that the appropriate level of heritage services could be provided to the community.

However, this issue, while critically important itself in terms of shaping the policy framework within which government funding priorities are decided, was for most respondents more of an academic exercise. Their real interest was to demonstrate the practical impact of this market failure - the adverse effects the lack of funding was having on the heritage services they were seeking to provide or were expecting to receive.

#### ***Disparity in funding between natural and cultural environment***

The 'gross' disparity between funding for the cultural compared to the natural environment, and the consequences of this disparity were referred to by many of the major submissions, with a number, including Australia ICOMOS (Sub 122), the Australian Council of National Trusts (Sub 40), and the Australian Heritage Council (Sub 118), recommending that the Commonwealth should create a Cultural Heritage Trust to fund the kind of community support and engagement which the Natural Heritage Trust has so evidently strengthened community support for natural environmental issues.

The AHC suggests that only a simple legislative amendment would be needed to enable current NHT funds to be enabled to be used by the cultural environment.

Such a fund, they suggested, would be of real benefit if it could be used, as Commonwealth funding was utilised under the NEGP, to support programs and projects which added to the capacity of the national system as a whole. [But this would violate

the 1997 agreement who cares the point is to review this now .] This could support programs such as:

- national research and data collection,
- 'hands on heritage';
- improved trades and professional heritage training, and
- long term conservation support for heritage places with identified needs (eg, churches, National Trust properties to fund regular maintenance), and improved, interpretation and education programs.

### ***Cost shifting between Governments***

Cost shifting was widely identified as an issue, most particularly for local government agencies. While most respondents accepted the 3-tier system of responsibilities agreed under COAG in 1997, most also argued, that the agreement had not been fully implemented, and that provision of funding in particular was a major impediment to its successful completion.

Local government in particular was identified as struggling to service its heritage associated responsibilities, and to provide appropriate and consistent support to owners, in particular, and to meeting community expectations in general.

### ***Grant funding***

Not only did many respondents indicate that grant funding was inadequate, inconsistent, unreliable and too often over subscribed, and unavailable, they also indicated that it was often too costly for their organisational capacity in terms of its onerous application and accountability requirements.

Many also argued that the structure of most grants was too limiting to be of real value. In particular, the fact that most grants are for one-off specific projects, generally only conservation work, and fail to provide for on-going maintenance or operational costs, means they are only useful for short term fixes, not long term strategies.

### ***Sustainability Model of Heritage Funding***

The disregard of funding programs (with the notable exception of *Sharing Australian Stories*), of the necessity of interpretation, information, education or presentation of places in order for their on-going value to be realised, was seen as a major impediment to the achievement of long term sustainability.

While the second DEH second (Sub 183) submission outlines a proposal for sustainability to be central to heritage policy, a number of submissions queried the 'model' of a self sustaining heritage site as almost a contradiction in terms.

Their arguments can be summarised by the submission from Gordon Grimwade (Sub 172) who argues

- *heritage projects must result in the place being sustainable on completion, yet few sites can achieve that. Heritage places are inherently costly to maintain and need on-going funding to sustain them*
- *Rarely is a positive balance achieved between costs of maintaining the site, on-going conservation and sustaining interesting interpretive elements*
- *owning a heritage place is an imposition, maintaining a heritage place is costly, while adapting and redeveloping a heritage place is challenging.*

### **Funding Issues for NGOs**

As National Trusts and others argued, few heritage sites open to the public (nationally or internationally) are financially self sustaining, and most would need much greater support to establish not only on-going maintenance, but capacity for development of interpretative and other forms of public programming, in order approach any kind of financial sustainability.

Many submissions argued that the short term nature of most grant programs does not provide the necessary long term strategic development such as sustainable model requires.

What are the implications for funding of a heritage site if the presumption, the template, is that that place should be able to become self sustaining?

These issues are argued strongly by the churches. In their submissions they describe how they seek to balance contemporary worship requirements against heritage regulations, and try to exercise good stewardship of their church properties in the face of falling congregations, and limited support (Sub 76, the Uniting Church).

The National Trust submissions outline a set of issues impacting on their capacity to maintain, conserve, interpret and present their properties professionally:

- difficulties securing financial support, especially corporate sponsorship;
- lack of resources to review and renew property interpretation and presentation;
- insufficient funding for regular maintenance;
- reliance on volunteers for essential 'professional' property and collection conservation;
- inadequate training and support for volunteers;
- lack of educational and public programming, especially in the smaller Trusts .

The adverse impact of inadequate resourcing and consequent lack of capacity of these community organisations to be able to maximise the visitor appeal of their properties is evident in the submission from Tourism Council Tasmania (Sub 149) discussed below, in which the suggestion was made that Tasmania is 'saturated' with unappealing heritage sites, which detract from Tasmania's appeal as a tourism destination.

### ***Heritage Tourism Issues***

Heritage tourism is often described as the economic hope for heritage, but those few submissions particularly focussed on tourism issues, particularly the tourism agencies in Category 3, the Tasmanian government submission (Sub 136), and the submission from Graham Brooks (Sub 75) set out a major range of issues they see as impeding future tourism success.

Issues they raised included:

- the need to identify, conserve and protect key heritage sites now, before deterioration, loss of authenticity, occurs;
- difficulties balancing appropriate conservation, meaningful interpretation, good visitor management;
- unappealing heritage tourism sites, leading to poor visitation u
- poor quality visitor management;
- heritage over regulation impeding the meeting of contemporary hospitality standards;
- skill sets of tourism/heritage managers different, sometimes conflicting;
- volunteer needs – training, support, capacity building – poorly addressed;
- fewer visitors, higher visitor expectations;
- many tourism sites operating at low level return on capitol.

Many of these issues were also addressed in the *Going Places* report written for the Environment and Heritage Protection Council (EPHC) in 2003, and major investment is required to effect change.

#### **3.4.2 Taxation Issues**

The key issue identified by many if not most submissions was that the heritage system was reliant on too many regulatory “sticks” and not enough incentive “carrots”:

- little obvious incentive for owners to conserve places;
- financial incentives too small to provide adequate protection;
- anomalies between tax benefits applicable to commercial and private owners;
- no clear, accessible model for assessing costs and benefits of conservation.

Most submissions recognised directly or indirectly that there was a failure to support the heritage system through the tax system.

The suggestions made regarding the need for greater use of incentives, and the kinds of incentives recommended, are similar to the assessment of incentive instruments and the recommendations for their use reported in the National Incentives Taskforce, *Making Heritage Happen*, and the suggestions in the Allens Consulting papers commissioned by the HCANZ.

Five suggested actions regarding the tax system emerge strongly from the submissions:

- *Fix anomalies so that heritage has a 'fair go' in the tax system.*  
Addressing anomalies in the tax system to ensure historic heritage conservation is as well supported through the tax system as natural heritage, and the broader cultural environment (the arts generally) would provide increased capacity within the system.
- *Ensure equity within the heritage sector regarding tax.*  
The need to ensure that the tax concessions currently available are applied as fairly across the heritage sector as possible – eg, extension of DGR status to churches, changes in the treatment of capital improvements versus repairs for commercial owners.
- *Provide a broader range of New Incentives.*  
While there were few radical incentive ideas suggested in the submissions, several suggestions did emerge.

The Jaycees Community Foundation suggested that a revival of the 'research and development' tax arrangements to be applied to heritage conservation would engender greater philanthropic support for heritage (see Sub 110).

The idea of a 'heritage rate' was suggested in several submissions – a small rate surcharge applied to all non-heritage rate payers, with the surcharge to be pooled and used to offset the extra costs heritage owners might incur over a period of time (such as DA application costs and/or conservation costs).

Amongst constructive incentives currently utilised, those provided by the Mornington Council were recommended, as was the support provided by the Perth and Melbourne Restoration (revolving) funds, and Lottery West (Sub 39).

- *Heritage Lottery*  
Many respondents suggested that a 'heritage lottery, similar to that of Lottery West, or the English heritage lottery would be extremely effective. The results of the English lottery are well documented, perhaps there is scope for examination of the long term achievements of Lottery West's focus on community capacity building – has it made a discernible difference, if so, what could be utilised more broadly in the national heritage system?
- *Borrow ideas from arts funding*  
The Commonwealth currently funds a number of programs supportive of the arts – the Australian Business and Arts Foundation, Regional Arts Australia, the Australia Council programs to name but a few – which suggests there is scope for exploring linkages, parallel programs, especially in rural Australia, to encourage community sector partnerships, community capacity building, and creative uses of heritage sites as performing and exhibition venues.

### 3.4.3 Heritage Costs

While little actual evidence was provided, most respondents argued that one way or another, over the life cycle of a heritage property, the owner faced increased costs, and received inadequate support in meeting those imposts.

Identified costs included:

- higher maintenance/conservations costs,
- costs associated with the need to utilise professional advice and support in the development of Conservation Management Plans, and Heritage Impact Statements for Development Assessment Applications,
- higher costs of skilled trades and traditional materials
- higher insurance costs, and
- higher costs of compliance with OH&S , Building Code of Australia (BCA) and regulations generally.

The submissions outline no agreed quantification of these costs, an issue complicated further by difficulties assessing the other side of the equation – the impact on property values of heritage listing, and the suggested need for some kind of ‘compensation’ for any realisable property value foregone through heritage listing.

These issues intersect closely with the developing assertion of private ‘property rights’, an issue which, as suggested above, can be addressed in part through much greater provision of incentives and support for owners of heritage, but only in part.

The wider issues raised in the property rights debate need to be considered within the much broader framework of public interest issues as they relate to land use as outlined in the key submissions referred to above.

#### ***Heritage value – assessing the value of heritage***

The key question the majority of the first set of submissions sought to answer (unless they were antagonistic to heritage) was, the **value** of heritage, its ‘value’ to the community, to themselves, and ways in which governments could and should be better supporting this.

With the exception of those aggrieved about the impact of heritage listing on their ‘rights’ (see below), all respondents in the first set of submissions stated directly or implied strongly, that ‘heritage’ contributed qualitatively to their personal and/or community well being:

*Heritage confers identity, engenders sense of community pride, cohesiveness, distinctiveness, character, sense of place, of locus, of belonging.....*

While this was stated strongly and clearly, most particularly in the Local Government submissions, it was rarely quantified, and in fact almost always qualified by the cost factor – the administrative and regulatory costs as well as the (extra) costs of conservation.

The picture that emerges strongly then from these submissions is that ‘heritage,’ however understood, is a vital force in shaping community identity, in contributing to a shared understanding of the past and to a more cohesive contemporary society, but not something whose economic value is readily assessable. Its benefits are on a different plane to its costs – and therein lies the dilemma.

Few submissions sought to explore this dilemma though many recognised it.

The major issue is the quantification of the benefits heritage confers, for as the Commission themselves admitted, costs are relatively easy to quantify, while benefits are well nigh impossible to quantify.

The relatively new field of cultural economics is examining and advancing these issues, but much more to be done if heritage is to be better integrated into the broader social policy considerations of governments.

Much of the groundwork has now been done to enable further constructive work to ensure policy impact:

- the HCANZ commissioning of the Allens Consulting studies, including the ‘willingness to pay survey’;
- the continuing substantive contribution of Dr David Throsby and others;
- the on-going research and examination of these issues internationally, particularly in the UK, and through the Getty Values Project.

The Inquiry itself appears to have sharpened awareness of the critical importance of these issues

It remains for the sector to work cohesively and constructively to develop agreed ‘models’ and to utilise the research effectively to influence government decision making regarding the funding and support it provides for heritage conservation nationwide.

The submissions of those aggrieved about the heritage system, or whose view was that the system violated private property rights, generally didn’t ascribe ‘value’ to heritage, but if they did, they described it as a public ‘value’ or lesser worth than private ‘rights’.

#### **3.4.4. Summary of Recommendations from the Submissions to Improve the System**

There was broad agreement that a Commonwealth and State national framework agreement is required to:

- ensure agencies sufficiently resourced to implement and enforce their legislation;
- develop national funding model for Local Government heritage responsibilities;
- review national applicability of UK heritage lottery & WA Lottery Commission models;
- consider ways to utilise tax regime to encourage triple bottom reporting to encourage heritage conservation;
- examine private cost/public benefit issues;

- implement incentives discussed in *Making Heritage Happen*:
  - Tax deductions for donations to approved funds
  - Tax concessions for owners that enter into Heritage Agreements
  - Tax rebates for qualifying private expenditure
  - Land Tax remissions
  - Local government rate rebates
  - Grants & loan subsidies; and
  - Revaluation provisions for listed places, based on NSW, Vic models

## PART FOUR CONCLUSIONS

Dr Geoff Mosley (DR197) begins where it all began, with a quote from Wordsworth, writing about the Lakes District in 1809:

*"...they deem the district a sort of national property, in which every man has a right and interest who has an eye to perceive and a heart to enjoy"*

Heritage is much valued by the community, as this set of submissions and Inquiry related material indicates, but the heritage system lacks capacity, is inconsistent in the quality of services it provides to community, and fails to provide certainty of outcome.

Hopefully, the strong collaboration the Inquiry engendered between heritage stakeholders will be the foundation for a strengthened and revitalised national heritage system.

The level of agreement across governments, professionals, and the community sector about the best policy approach provides an unparalleled opportunity:

- to build on the shared investment generated by the Productivity Commission Inquiry,
- to investigate further approaches to better managing the market failures identified, and
- to work collaboratively to improve the national heritage system for the present and future benefit of all Australians, most particularly by implementing the Integrated National Heritage Policy to provide better and more equitably distributed resources to ensure all Australian heritage places are identified, protected and conserved for the benefit of Australians now and into the future..

The Inquiry records – submissions and transcripts made the more accessible through this analysis – can now provide the necessary catalyst for a program of collaborative initiatives to consider and address the issues raised, and develop future strategies to ensure Australia's heritage can continue to inform, enrich, and strengthen Australian communities across the nation.