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## 3 Overview of historic heritage conservation in Australia

**This chapter provides a brief overview of the systems for historic heritage conservation operating currently in Australia. It initially reviews the activities of the non-government sector and then describes the three-tier government system in place. The available information on the scope and extent of historic heritage conservation undertaken in Australia is brought together and deficiencies in available data are noted. More detailed information on the operations of the government sector is provided in chapters 4 and 5.**

### 3.1 Non-government sector

The private sector is heavily involved in heritage conservation. While the major iconic historic places tend to be government owned, many listed places are in the hands of the private sector (especially those of local significance). The latter includes both individuals and organisations, such as the National Trusts, churches, banks and other commercial and community entities. Statutory listing formally identifies the historic heritage significance of individual places. It also encourages their conservation and seeks to protect the identified heritage value by imposing obligations on private owners to conserve the heritage values and to seek approval before any changes are made that might affect those heritage values. The vast majority of private conservation is done without any government assistance.

Table 3.1 provides information on the public and private ownership splits of places on statutory lists of the Australian, State and Territory governments. It shows that the majority of these statutory-listed places are under private ownership.

In addition to these statutory heritage lists, a wide range of private organisations throughout Australia also keep their own lists of significant heritage places. For instance, in New South Wales (and other jurisdictions have similar listings) these include:

- *National Trust of Australia (NSW) Register*, which contains about 12 000 items;

- *Royal Australian Institute of Architects (NSW Chapter) Register of 20<sup>th</sup> Century Buildings of Significance*, which has about 3370 items;
- *Professional Historians Association (NSW) Register of Historic Places and Objects*, which contains 15 items; and
- *Art Deco Society of NSW Building Register*, which has about 6000 items (sub. 157, p. 61).

These lists are primarily intended to inform people and governments of the existence of historic built heritage places.

Table 3.1 **Statutory-listed historic heritage places in public and private ownership<sup>a</sup>, at 30 June 2005**

<i>Jurisdiction</i>	<i>Public ownership</i>		<i>Private ownership</i>	
	No.	%	No.	%
Commonwealth	304	99	4	1
New South Wales	912	61	588	39
Victoria	631	32	1 361	68
Queensland	445	31	995	69
Western Australia	593	53	520	47
South Australia	725	33	1 470	67
Tasmania	403	8	4 923 <sup>b</sup>	92
Northern Territory	78	45	97	55
ACT	na	na	na	na

<sup>a</sup> Includes places on World, National and Commonwealth Heritage Lists, and State/Territory Heritage Registers. <sup>b</sup> Many of these would be on local lists, not the State Register, if Tasmania had the same system as elsewhere.

na Not available.

Sources: Submissions; correspondence with State and Territory Heritage Offices.

## **‘Not-for-profit’ organisations**

The most significant ‘not-for-profit’ private sector organisations involved in heritage conservation are the National Trusts, which own and manage heritage places in all States and Territories. Each State and Territory Trust is an independent entity, but shares a common set of principles concerning the value to the community of its heritage — broadly defined — and a commitment to advocating for the retention and accessibility of that heritage.

The National Trusts have considerable experience in the conservation and stewardship of heritage places. Nationally, they have 72 200 members and 7400

volunteers. As shown in table 3.2, they are presently responsible for 249 historic heritage places, of which 168 are opened regularly to the public. Around two-thirds of the places are owned by the Trusts, with the rest managed by them on behalf of governments at all levels.

**Table 3.2 Historic heritage places owned and/or managed by the National Trusts, at 30 June 2005**

<i>National Trusts</i>	<i>Historic heritage places owned and managed by National Trusts</i>	<i>Historic heritage places owned by National Trusts</i>	<i>National Trust heritage places open to the public</i>
New South Wales	33	25	20
Victoria	40	32	25
Queensland	15	14	9
Western Australia	44	20	44
South Australia	86	62	51
Tasmania	14	7	8
Northern Territory	17	8	11
ACT	..	..	..
<b>Totals</b>	<b>249</b>	<b>168</b>	<b>168</b>

.. Nil

Source: Submissions.

The National Trusts receive some financial support from the Australian Government's Grant-in-Aid to National Trusts program, which is administered by the Department of Environment and Heritage (DEH). Under this program, each State and Territory National Trust receives annual funding of \$77 000, while the Australian Council of National Trusts (ACNT) receives approximately \$225 000 to fund advocacy and conservation work. This money is generally spent on heritage priorities, including identification, community engagement and the implementation of best practice standards. For the smaller Trusts, the funding is critical to their survival. State and Territory governments also generally support their National Trusts.

This government expenditure supplements funding received from membership and property visitation fees, fundraising, sponsorship, bequests and donations.

The Trusts are 'eligible gift recipients' and thus, subject to certain conditions, donors can claim tax deductions. Certain other types of private sector organisations which own heritage properties (such as churches) are also recognised by the Australian Tax Office as having charitable status.

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There are many smaller heritage trusts or organisations that have been established to manage individual heritage places around Australia. Examples include trusts for specific places, like Heipen House in the Adelaide Hills, Woolmers Estate in Tasmania and Manning Clark House in the ACT.

Participants identified a number of problems being experienced currently by the private ‘not-for-profit’ sector of the heritage industry, including:

- resource constraints, exacerbated by the ageing of the volunteer workforce, who undertake most of the interpretation and listing work, as well as keep the doors open to the public;
- the financial viability of the National Trusts, particularly the smaller ones (for example, the National Trust of Tasmania is currently in the hands of an administrator); and
- there are many historic heritage places, particularly in areas with declining populations which, despite their significance for local communities, are either surplus to requirements, redundant, no longer fit for purpose, or too expensive to maintain (such as bank branches in rural towns, churches, timber bridges and community halls, as well as government-owned assets, such as courthouses, schools, railway stations and post offices). As noted in section 2.2 above, the task of conserving all these seems huge, when compared with the financial and human resources available.

## **The ‘Burra Charter’**

The *Australia ICOMOS Charter for Places of Cultural Significance* — otherwise known as the Burra Charter — is regarded as the standard for heritage conservation management in the private sector and has been widely recognised and adopted overseas.

The Charter’s main aim is to set a ‘best practice’ standard for those who provide advice in relation to, make decisions about, or undertake works on, places of cultural significance, including owners, managers and custodians (see box 3.1 for further details).

Most private organisations use the Burra Charter as a template for their assessments of whether or not a property warrants being listed on their non-statutory registers. For instance, the Royal Australian Institute of Architects (RAIA) (sub. 68, p. 17) indicated that its adoption of the Burra Charter as a guiding document in heritage conservation was important to the achievement of its heritage management goals. A good example of its use by the RAIA is in the criteria it has adopted for developing its *Register of Significant Australian 20<sup>th</sup> Century Architecture* (box 3.2).

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### Box 3.1 The ‘Burra Charter’

The Burra Charter provides guidance for the conservation and management of places of cultural significance. It advocates a cautious approach to change — that is, do as much as necessary to care for the place and to make it usable, but otherwise change it as little as possible so that its cultural significance is retained.

In the Charter, ‘cultural significance’ is defined to mean ‘aesthetic, historic, scientific, social or spiritual value for past, present or future generations’, and can be embodied in ‘the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects’. It recognises that places may have a range of values for different individuals or groups.

The Burra Charter process (a sequence of investigations, decisions and actions) has three basic steps — ‘understand significance’, ‘develop policy’ and ‘manage in accord with policy’ — which encompass the following detail:

- identify the place and its associations;
- gather and record information about the place sufficient to understand significance;
- assess significance;
- prepare a statement of significance;
- identify obligations arising from significance;
- gather information about other factors affecting the future of the place (including the owner/manager’s needs and resources, external factors and its physical condition);
- identify and develop policy options and test their impact on significance;
- prepare a statement of policy;
- develop and implement strategies to manage the place in accordance with policy; and
- monitor and review the place’s condition.

*Source:* Australia ICOMOS (2005).

Similar use of the guiding principles in the Burra Charter is made by the various National Trusts.

## 3.2 Government sector

As indicated in chapter 1, a three-tier system has recently been formalised for government involvement in the conservation of historic heritage places in Australia. The system for the identification and conservation of historic heritage places distinguishes between nationally significant, State significant and locally significant

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places. In keeping with the principle of subsidiarity,<sup>1</sup> these different levels of significance correspond to the responsibilities of the Australian Government, State and Territory governments, and local governments, respectively.

**Box 3.2 Royal Australian Institute of Architects' criteria for assessing 20<sup>th</sup> Century architecture**

The accepted criteria to be used in the assessment of 20<sup>th</sup> Century works include:

1. Outstanding national importance in demonstrating the principal characteristics of a particular class or period of design.
2. Outstanding national importance in exhibiting particular aesthetic characteristics.
3. Outstanding national importance in establishing a high degree of creative achievement.
4. Having outstanding monumental and symbolic importance to the development of architecture and the history of architecture.
5. Having a special association with the life or works of an architect of outstanding importance in our history.
6. Outstanding national importance in demonstrating a high degree of technical achievement of a particular period.

*Source:* RAIA (sub. 68, p. 13).

## **Australian, State and Territory government systems**

The Australian, State and Territory governments operate broadly similar heritage regimes. They all have legislation which specifically deals with the conservation of historic heritage places. These statutes are generally separate from legislation dealing with natural and indigenous heritage conservation. Some jurisdictions also have separate legislation governing movable heritage and shipwrecks. The legislation is typically broader than the historic heritage places that are under reference in this inquiry (see chapter 1).

In all jurisdictions, heritage legislation essentially establishes a very similar set of mechanisms and institutions for meeting the objective of identifying and conserving historic heritage, including:

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<sup>1</sup> This principle suggests that responsibility for a function should be assigned to the lowest level of government that is able to exercise it effectively and thus, as close as possible to consumers, to allow them choice as to the services they receive.

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- *a statutory register of historic heritage places*, including criteria and procedures for identifying places for inclusion on the register;
  - *the establishment of a Heritage Council* (generally under each jurisdiction's Heritage Act, although some have separate legislation), to manage the register, advise government and oversee the review of the heritage aspects of development applications for changes to listed properties;
  - *for State jurisdictions, controls over the development of listed places* (including obligations on owners to conserve heritage aspects and requirements to submit proposed changes for approval). The States and Territories exercise considerable regulatory control over the conservation of historic heritage places, through the linking of heritage and general State/Territory planning control laws and regulations;
  - *heritage guidelines* for use by heritage practitioners;
  - *provision of advisory assistance* for local councils; and
  - *funding programs* to assist with the conservation of both public and private properties.

Fuller descriptions of the legislative and institutional frameworks for Australian, State and Territory government involvement in historic heritage conservation are provided in chapter 4.

### *Registers and listings*

Australian, State and Territory government systems for heritage identification and registration were developed out of systems devised by the private sector, in particular the various State and Territory National Trusts. These organisations had developed criteria (based on the Burra Charter) to identify places with heritage significance and had, over time, produced lists of places which they considered to be of heritage significance. When governments began legislating in the area of heritage conservation in the 1990s, they broadly adopted the National Trusts' criteria and used their heritage place lists (along with the Register of the National Estate (RNE)) as the basis for the initial State and Territory heritage lists.

As shown in table 3.3, the vast majority of statutory-listed historic heritage places are of local significance.

There appears to be widespread public confusion about the phrase 'heritage-listed' and its implications. Formally, within the new national framework it should refer only to places contained in statutory lists as national, State or local significance. But the RNE lingers, although overlapping with statutory listings, as well as listings by

National Trusts, the RAIAs and others. The consequences of a statutory listing are substantive, albeit highly variable in terms of the nature and extent of controls over changes to the place, while the implications of non-statutory listing are usually minor.

Table 3.3 **Historic heritage places on statutory lists/registers, at 30 June 2005**

Number

<i>Jurisdiction</i>	<i>World and national heritage lists</i>	<i>Government-owned heritage lists</i>	<i>State and Territory heritage registers</i>	<i>Local government lists</i>
Commonwealth	16	292 <sup>a</sup>	..	..
New South Wales	..	6 522 <sup>b</sup>	1 500	26 000
Victoria	..	nsi	1 992	100 000 <sup>c</sup>
Queensland	..	nsi	1 440	na
Western Australia	..	nsi	1 113	16 807 <sup>f</sup>
South Australia	..	nsi <sup>d</sup>	2 195 <sup>e</sup>	4 500
Tasmania	..	nsi	5 326	.. <sup>g</sup>
Northern Territory	..	nsi	175	..
ACT	..	nsi	247	..
<b>Totals</b>	<b>16</b>	<b>6 814</b>	<b>13 988</b>	<b>&gt;147 000</b>

<sup>a</sup> Commonwealth Heritage List. <sup>b</sup> Government-owned and managed places on the NSW s. 170 Register

<sup>c</sup> Estimated number of properties covered by individual and area Heritage Overlay controls. <sup>d</sup> Included in State figure. <sup>e</sup> About 27 per cent are residential homes. <sup>f</sup> Includes non-government lists. About 36 per cent are residential homes, 77 per cent are 20<sup>th</sup> Century places and 7 per cent are also listed on the State Register.

<sup>g</sup> Included in State figure.

na Not available. .. Nil. nsi Not separately listed.

Sources: NSW Heritage Office (sub. 157 p. 60 and sub. DR384, p. 4); CHCANZ (sub. 139, p. 10); WA Heritage Council; correspondence with State and Territory Heritage Offices.

### *Government expenditure on heritage conservation*

Until recently, the Australian Government had provided some direct and indirect assistance (under a number of programs) for the conservation of Australia's historic heritage places. In particular, properties listed on the RNE were eligible for conservation funds. Since the establishment of the new national system, these programs have been withdrawn and Australian Government funding is now applied mainly to world and national heritage listed properties and to the Government's owned and controlled heritage properties. However, where heritage is not a core business activity, this latter expenditure is generally part of the aggregate expenditure of the various government departments and agencies (for example,

there are 27 Australian Government departments and agencies with non-core heritage responsibilities, while in New South Wales there are some 85 such agencies).

As shown in table 3.4, in excess of \$46 million of assistance was provided in 2004-05 by the Australian, State and Territory governments for the specific purpose of historic heritage conservation. However, the information is very sketchy and does not include all government expenditure on, or assistance for, the conservation of Australia's historic heritage places.

**Table 3.4 Australian, State and Territory government expenditure on, and assistance for, historic heritage conservation, 2004-05**  
\$ million

<i>Government</i>	<i>Expenditure on conservation of government-owned property</i>	<i>Direct assistance for private conservation</i>	<i>Other private assistance<sup>a</sup></i>	<i>Total expenditure and private assistance</i>
Australian	2.50 <sup>b</sup>	14.50 <sup>c</sup>	0.80	17.80
New South Wales	2.55 <sup>d</sup>	1.70	0.70	4.95
Victoria	1.70	1.02	0.57	3.29
Queensland	na	0.12	..	>0.12
Western Australia	8.50	5.36 <sup>e</sup>	0.37	14.23
South Australia	1.50	0.30	0.44	2.24
Tasmania	2.02 <sup>f</sup>	0.30	..	2.32
Northern Territory	1.00	0.35	0.10	1.45
ACT	na	0.10	..	>0.10
<b>Totals</b>	<b>&gt;19.75</b>	<b>&gt;23.45</b>	<b>&gt;2.98</b>	<b>&gt;46.50</b>

<sup>a</sup> Principally assistance for heritage advisory services. <sup>b</sup> The figure is DEH assistance to the Department of Defence for the conservation of its heritage properties. It does not include spending by other Departments on their historic heritage places. <sup>c</sup> Includes expenditure on the National Heritage Initiative and one-off assistance to individual places. <sup>d</sup> Maintenance expenditure only by the Historic Houses Trust. <sup>e</sup> The WA figure includes \$1 million for the Heritage Grants Program, \$1 million for Lotteries Commission's grants scheme, \$0.06 million for concessional loans scheme, a \$1.45 million grant to the National Trust of WA and a one-off grant of \$1.85 million for conservation works on St George's Cathedral. <sup>f</sup> Figure includes annual funding of \$2 million for conservation works on the Port Arthur Historic Site.

na Not available. .. Nil.

Sources: Heritage agency and Council Annual Reports (various); Australian Government and State/Territory Budget Papers (various); submissions; correspondence with State and Territory Heritage Offices.

## Local governments

Local government involvement in historic heritage conservation varies greatly, primarily reflecting the differences in State approaches, but also because of the

different approaches by some local governments. As indicated above, all States, with the exception of Tasmania,<sup>2</sup> have provisions or requirements for their local governments to establish separate registers of locally significant places, and most also require them to conduct heritage inventories to generate local registers. All local governments are required to consider heritage matters, among other things, when exercising their planning/land use controls.

Some local governments have programs (such as grants, loans and rate rebates) to assist private conservation of heritage places.

More detailed information on local government involvement in heritage conservation and the relationship with the planning system is provided in chapter 5 and appendix D.

To improve its understanding of the involvement of local government in historic heritage, the Commission undertook a survey of local governments during September and October 2005. Almost three-quarters of local councils responded to the Commission's survey questionnaire.

**Table 3.5 Local government listed places, by State; survey responses**

State	Councils with a heritage list	Individual places	Heritage areas <sup>a</sup>	Council owned places <sup>b</sup>	
				Average	Maximum
	% respondents	No.	No.	% listed places	% listed places
NSW	93	25 847	512	8.8	71
Vic	97	19 183	497	9.3	83
Qld	42	9 852	191	19.9	100
WAC <sup>c</sup>	84	8 178	391	12.7	100
SA	52	7 489	92	7.9	33
Tas	86	5 804	87	5.6	29
<b>Totals</b>	<b>75</b>	<b>76 353</b>	<b>1 770</b>	<b>10.4</b>	<b>100</b>

<sup>a</sup> Includes historic conservation zones, heritage precincts, streetscapes and special areas. <sup>b</sup> Includes parks and monuments. <sup>c</sup> May include places in Municipal Heritage Inventories.

Source: Productivity Commission Survey of Local Governments 2005.

As shown in table 3.5, some 75 per cent of the responding councils have a statutory list, which collectively list over 76 000 individual places and 1770 heritage areas, of which around 10 per cent were council-owned. However, it is worthwhile noting here that the survey data cannot be reconciled with that provided (mainly by State

<sup>2</sup> The Tasmanian Government, which is currently reviewing arrangements, has one central list encompassing both State and locally significant places. Also, the Tasmanian Heritage Council has the right to veto all approvals for works on all listed historic heritage places.

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agencies) in table 3.3. Apart from the survey response being less than complete, part of the reason may also be that the survey did not collect data on the number of places within Heritage Areas that are not listed individually.

The survey also indicated that, on average, around 50 per cent of responding councils provided assistance (ranging from 15 per cent of councils in Queensland to over 80 per cent in New South Wales). The main forms of assistance provided were free heritage advice and grants.

Further details about the survey and its results are provided in chapter 5 and appendix B.

### **Availability of information on listing, expenditure and condition**

Analysis of the types and extent of government involvement in historic heritage places is made more difficult by the lack of readily available and reliable data. There are either large gaps in the coverage or the data come with much qualification. This applies not only for basic listing and expenditure information, but also for other aggregates, such as the financial value of the heritage estate and the value of works undertaken on heritage properties.

For instance, in New South Wales, while the Chairs of Heritage Councils of Australia and New Zealand (sub. 187, p. 32) reported New South Wales expenditure (including agency operating budgets) and assistance in 2004-05 as \$29.5 million, the NSW Heritage Office (sub. 157) identified expenditure totalling \$34.3 million on historic heritage conservation in that State:

- *NSW Heritage Incentives Program* — \$2.4 million (which mainly goes to rural and regional areas);
- *Historic Asset Maintenance Program* — \$2 million;
- *Historic Houses Trust* — \$18.2 million;
- *Sydney Harbour Foreshore Authority* — \$4 million;
- *Local Government Heritage Incentive Program* — \$12 000 per Council per annum (maximum) for relevant approved projects, totalling about \$0.3 million;
- *Centenary Stonework Program* — \$4.5 million, plus contributory funding by occupying agencies of \$2 million; and
- *occasional one-off grants* — \$0.9 million.

The NSW Heritage Office figure does not include: the operating budget for the NSW Heritage Office; funding for, and money spent by, State and Territory

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government agencies for the conservation of their owned and/or managed properties; and local government expenditure on listing and heritage-related approvals. Local government incentive funds used for conservation purposes (including revenue forgone from rate rebates) are also not included.

There is also little information on the condition and integrity of Australia's historic heritage places. There are, however, some partial indicators. A 2001 survey of places in the RNE indicated that:

- 6 per cent were in poor condition;
- 9 per cent had low integrity (that is, the intactness of the original fabric that gives heritage value was low); and
- 6 per cent were vacant. (EPHC 2004, p. 1)

The survey indicated that 54 historic places had been removed, because of destruction or loss of heritage values, during the five-year reporting period. However, the RNE lists only a small proportion of historic heritage places. Most are recognised at the local government level. Based on local government data, the Environment Protection and Heritage Council (EPHC) estimates that the continuation of current trends would result in the loss of up to 15 per cent of the current stock of historic heritage places within the next two decades (EPHC 2004, p. 2).

In 2003, Heritage Victoria conducted a State of the Historic Environment project, which recorded the condition of places listed on the Victorian Heritage Register. On the basis of a 40 per cent response rate, the project found that around 20 per cent of places were in poor or very poor condition. At the same time, information submitted indicated that over \$113 million had been spent on heritage places in the recent past. (Victorian Government, sub. 184, pp. 26–7).

Another survey, conducted in 2001, indicated that 13 per cent of heritage places in Western Australia were 'at risk' (either in poor condition or in fair condition and vacant) (EPHC 2004, p. 2).

The EPHC also noted that there had been no comprehensive survey of places whose heritage value has been destroyed, either as a result of neglect or through modification or demolition.

The Commission has been unable to derive an accurate assessment of the mix and condition of listed historic heritage places, and of trends in condition/quality. Nor have we been able to establish the overall expenditure on the conservation of historic heritage places by governments or by the private sector, in any jurisdiction, nor any reasonable breakdown of expenditure by type of heritage asset, whether it

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was for publicly or privately owned heritage places, or whether expenditures were for identification/research, repairs/maintenance or presentation/celebration. Therefore, the Commission is unable to make any recommendations about the adequacy or efficiency of current levels of expenditure.

In pursuing such data, it will be necessary for the Australian and State governments to provide clear guidelines to their heritage agencies and local government on what to collect and how to account for it (e.g., information on relevant accounting practices for the separate reporting of ‘additional’ heritage-related costs).

Given its importance to Australian society and to improve government accountability and enhance policy-making, there is a need for all governments to address the current gaps in data coverage — as well as its reliability and comparability — in the historic heritage conservation area.

*Finding 3.1*

*Little reliable statistical information is available on the conservation of Australia’s historic heritage — the number, quality and composition of listed places; the nature, source and types of expenditures on historic heritage conservation; or the effectiveness and cost-effectiveness of those expenditures.*

***Recommendation 3.1***

***All levels of government should put in place measures for collecting, maintaining and disseminating relevant data series on the conservation of Australia’s historic heritage places.***

