

Australia ICOMOS Submission to the Productivity Commission

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Introduction

About Australia ICOMOS

Australia ICOMOS is Australia's leading non-government professional organisation for cultural heritage.

Australia ICOMOS is the national committee of the International Council on Monuments and Sites, a non-government professional/expert organisation primarily concerned with the philosophy, terminology, methodology and techniques of cultural heritage conservation.

Internationally, ICOMOS works closely with UNESCO, and acts as UNESCO's principal advisor on cultural aspects of the operation of the World Heritage Convention. As part of an international NGO, we are part of a global professional network.

The role of Australia ICOMOS in contributing to heritage conservation philosophy, methods and standards of practice in Australia is discussed in section 1.5.3 of this submission. Briefly, our members are professionally qualified and experienced practitioners from a wide range of disciplines, working in all facets of the understanding and protection of Australia's cultural heritage places (and in all levels of government and the private sector).

In the context of the Inquiry by the Productivity Commission into the Conservation of Australia's Historic Heritage, the members of Australia ICOMOS operate across most segments of the heritage conservation 'industry', and can provide an independent and expert comment on its operation.

In this submission we have taken a broad approach to responding to the questions canvassed in the Issues Paper for the Inquiry. We are able to provide a national perspective as key users of the heritage system in its many forms.

Our Submission

This submission is structured in three parts:

Part 1 examines the five key issues that we consider to be of the greatest importance in any review of this kind. It provides a summary of key aspects of each issue.

Part 2 provides responses to most of the questions raised in the Commission's Issues Paper.

Part 3 contains four case studies relating to some of the key issues outlined in Part 1.

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Some Preliminary Remarks

1. As there is a lack of data in the historic heritage sector, we have relied on examples and case studies to illustrate the key points of this submission.
2. We have assumed that the Inquiry will consider all types of historic heritage places – including buildings (and their settings), industrial places and landscapes, historical archaeological sites, designed and vernacular places and landscapes and underwater heritage.
3. We are concerned that an holistic view of heritage, and the integrated ways in which communities perceive and experience it does not allow for the boundaries around 'historic heritage' to be drawn as neatly as the Inquiry assumes. This issue is partly acknowledged by the Inquiry's Issues Paper, which solicits input regarding the need for historic heritage to be considered in an integrated way with natural and Indigenous heritage, and we encourage the Inquiry to keep this artificial delineation of 'historic' heritage firmly in its view.

We are concerned that the Inquiry should acknowledge that the whole of our continent is a richly layered cultural landscape, inextricably linked with the qualities and history of the natural environment and a human history of great antiquity. Further, from the earliest moments of arrival by Europeans in Australia, Australia's 'historic' heritage is a shared heritage and cannot exclude the associations and experiences of Indigenous peoples.

The full range of heritage values associated with a place or landscape must always be recognised and appropriately managed.

4. While 'place' provides the tangible experience and expression of Australia's cultural heritage to significant extent, it is important to also acknowledge that our culture and heritage is also expressed through values not always associated with heritage places, such as moveable heritage (including objects and collections) and a range of intangible cultural

expressions (such as beliefs, language, spirituality, systems of knowledge, artistic traditions, songs, stories, technologies and so on).

5. We acknowledge the substantial research work currently underway through a consultancy commissioned collaboratively by the Heritage Chairs & Officials of Australia & New Zealand. There is an explicit arrangement whereby some of the outputs of this work will be shared with the National Cultural Heritage Forum, and its individual member organisations (including Australia ICOMOS). However, this work is not yet well enough advanced to inform or assist us in the preparation of our submission at this time. We therefore wish to foreshadow the possibility that we may submit additional commentary relevant to the Inquiry at a later time.
6. In attempting to answer the large number and broad range of questions raised in the Issues Paper, we have consciously focused our responses on the present and potential roles of the Australian Government, and on the national heritage regime. We do however note that the main impact of heritage regulation is achieved through State/Territory and local government activity and the main delivery of heritage conservation outcomes is achieved through the efforts of dedicated heritage experts, developers and the broader community.

The historic heritage system operating within Australia therefore relies on an inter-leaving of regulation, policy setting and programs at all levels of government, and a deficiency in any one of them, or in the coordination between them is a deficiency for the system overall. However difficult it is to characterise and analyse the full and detailed diversity of this system, in our view, it is the task of the Inquiry to do so. We assume that State/Territory Governments, local government associations, relevant professional organisations and the Heritage Chairs of Australia & New Zealand will submit material in relation to each of these elements of the system.

Part 1 – Key Issues

1.1 The Value of Cultural Heritage

*“How will we know it’s us without our past?” (J. Steinbeck, *The Grapes of Wrath*)*

The past is all around us. We live our lives against a rich backdrop formed by historic landscapes and places containing evidence of our past – in the tangible fabric of these places, and their associations and meanings. But the historic environment is more than just a matter of material remains. It is central to how we see ourselves and to our identity as individuals, communities and as a nation. It is a physical record of what our country is and how it came to be.

Our cultural heritage is varied. It comprises a complex network of buildings, archaeological sites, collections, landscapes, activities and practices, works and precincts. Cultural heritage is a living part of our modern environment and way of life, not just a static object for preservation. The importance of conserving the relationships between heritage places is increasingly being recognised with networks making up the historic landscape being a focus of conservation, not just individual isolated sites. It is important in any discussion of whether we should continue to conserve our cultural heritage and how, to first understand why heritage and heritage places are important and how we benefit from their conservation.

Today heritage is recognised as something that permeates daily life, bringing a sense of meaning and identity to an increasingly dislocated world. Heritage is, by its very definition, what people value. Something only becomes heritage because people care about it and choose to hand it on to future generations. As the inquiry into the National Estate in 1974 noted:

... the supreme justification for conservation of the National Estate is the deep feeling of most Australians is that their descendants have the right to at least as many options in the cultural and natural environment as they have themselves.ⁱ

An English Heritage discussion paper on sustaining the historic environment noted that when conserving natural heritage, we tend to base our motivations on a judgement that it has intrinsic worth.ⁱⁱ We assert that the natural world has a right to exist in its own right. There is also clearly a motivation to protect the environment for the long term survival of all life. In

comparison our reasons for protecting cultural heritage seem less absolute, but this should not mean that conserving our cultural heritage is an optional extra.

The 2004 version of the *Illustrated Burra Charter* suggests that we should conserve because:

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records that are important as tangible expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.ⁱⁱⁱ

People strongly value the quality of their local historic environment, the distinctive look and feel of the places in which they live and work. It is interesting to note that in Australia, the National Trust has more members than any political party, and that there are more than 2000 local historical societies in Australia who run local historical museums and archives, and are involved in local heritage conservation.

Not only does the historic environment define identity and enhance our daily lives, it also provides a tangible and direct link with the past. This is an experience that historic documents or a record of a long gone place cannot replace. Reading about the life of a middle class family during the Depression can never inspire the direct experience that standing in the living room of an intact Depression-era home can. In the same way, visiting the cell at Old Melbourne Gaol that Ned Kelly waited in before he was hanged can provide the visitor with a sense of direct connection, by seeing what he saw rather than just reading about it.

Our heritage places are also historic records in their own right and the source of much evidence about our history not available from other sources. An archaeological site for example provides both a direct physical connection to the past and a wealth of information that can complement and challenge the written record. An early nineteenth century building will retain evidence of the hand of its makers, as well as the construction techniques and materials of the time, something a modern copy or facsimile cannot adequately replace.

Unlike many types of environmental damage, which can be reversed through remediation or regeneration, loss of a heritage place is permanent and irretrievable. A community may not be aware of the value and pleasure they derive from heritage places until they are gone (or

threatened with loss or substantial change). This pattern of community awareness being sparked by the loss of heritage places, occurred on a widespread scale in the 1970s leading to legislative and planning reforms around Australia. In this case community pressure led to government intervention.

The realisation of value only after irreversible loss is also a good reason for government to intervene in heritage conservation. This requires a long-term view of public benefit from heritage conservation to weather the fluctuating level of public support. The 1960 UNESCO recommendation concerning the protection of cultural property emphasised that it is the duty of governments to ensure the protection and preservation of the cultural heritage of mankind, as much as to promote social and economic development.^{iv} To fail to do so would be to 'condemn the great bulk of our present and future [generations] to a life cut off from the possibility of variety, natural contacts and familiarity with our past. Both the physical and mental health of these people may be threatened by the loss.'^v The role of government in heritage conservation will be discussed further in the next section.

In the immediate aftermath of the recent tsunami, cultural heritage issues were recognised by cultural heritage organisations and government authorities in the affected areas as an important consideration, particularly during the process of reconstruction. It was recognised that maintaining a sense of place and familiarity through heritage conservation was important in aiding recovery of these communities. The President of ICOMOS Sri Lanka noted at the time:

There was an urgent need to address not only the immediate issues of death, missing persons, trauma, orphaned children, health, shelter, employment, education facilities, living conditions etc. but also the long term physical reconstruction of the environment. In this respect, ICOMOS Sri Lanka asked the planning authorities to ensure that the preservation of heritage monuments, sites and landscapes be incorporated in the reconstruction plans. We pointed out the importance of maintaining the familiar cultural environment with which the local communities identified themselves, as an important socio-cultural and a socio-psychological need of the community.^{vi}

This has long been recognised. The Hague Convention was adopted in 1954 as a direct consequence of the massive destruction of cultural heritage during the Second World War. In regard to the convention, UNESCO notes that:

The cultural heritage reflects the life of the community, its history and its identity. Its preservation helps to rebuild broken communities, re-establish their identities, and link their past with their present and future.^{vii}

Aside from providing a sense of identity, a link with the past and a source of evidence that ultimately enhances and sustains our lives, our conservation of our cultural heritage can also have economic benefits. UNESCO advocates the role of cultural heritage in development and economic growth, particularly in developing countries. In doing so however it emphasises the need to understand cultural heritage not simply in terms of economic growth, but also as a means of achieving a satisfactory intellectual, emotional, moral and spiritual existence.^{viii}

The importance of cultural environments to promotion of economic growth in developing countries is the basis for the World Bank's cultural heritage program. The World Bank cultural heritage program website notes that:

Culture is a resource for economic and social development. Poor communities helped in recognizing and preserving their cultural assets are provided with new economic opportunities and enabled to build development on their diverse social, cultural and physical background. The possibility to generate income from cultural assets creates employment, reduces poverty, stimulates enterprise development by the poor, fosters private investment and generates resources for environmental and cultural conservation.

In a more developed nation such as Australia the reliance on cultural places for economic growth is of course not as great and deriving economic benefits from heritage places can be problematic not only in terms of the ability to generate worthwhile income in a developed economy, but also for the potentially negative impacts on conservation outcomes. This is discussed further in Part 2 of this submission.

1.2 Market Failure and the Role of Government

1.2.1 *Market Failure*

In the case of historic heritage, values and benefits are both non-economic and trans-generational, as well as economic and short-term. Heritage places are, effectively, embodied in real property. It is viewed by the property market as an asset or commodity and as a vehicle for investment or an opportunity for development and reward, rather than necessarily for its long-term role as part of the community's cultural capital. There is therefore a serious risk of destruction or defacement of our cultural heritage in preference for short-term economic gain, if the market is left to itself.

This reality is abundantly evident in Australia's capital cities. In the absence of effective historic heritage regulation in the mid-twentieth century, vast swathes of inner-city areas in Sydney and Melbourne were deprived of their rich stock of historic buildings, so as to make way for large-scale commercial developments that were themselves made possible through advances in building technology. Underlying land values, reflected in the 'developable potential', soared as the market did not value the existing historic building stock for its role as a 'public good'.

Market regulation of heritage conservation is also likely to lead to a focus on the iconic and most visually obvious aspects of our historic environment. Archaeological sites that are hidden from view, landscapes and groups of sites, places important to minority groups and other less easy to understand places will suffer as will the general diversity of our historic environment.

1.2.2 *Inter-Generational Equity*

Historic cultural heritage is typically characterised in both statute and practice as value for future generations as well as for the present community. However, its concurrent role as potentially developable real estate does not necessarily accommodate this inter-generational perspective. Property owners, whether private or corporate, are ultimately investors who can take a myopic view and, in many cases, do not consider, let alone seek to retain, what may be of value to future generations, in an unregulated context. As the Hope Report examining conservation of the National Estate noted in 1974:

By its very nature the public interest in conservation of the National Estate is far more difficult to quantify in economic terms than is the private interest in industrial, commercial or other projects which can result in loss or destruction of this public interest.^{ix}

1.2.3 *The Need for Regulation*

“Legal protection - is part of the way in which a society ascribes value to something, be it a physical thing, a place, an activity or a concept”^x

Property regulations are a fundamental part of land use and planning systems in Australia. It has been recognised for decades and is now generally accepted in the community that land development and changes to real estate cannot proceed without limit or control. Australian society does not allow unregulated development; whether it be the location of an oil refinery or alterations to a domestic dwelling, the system of development control in all Australian jurisdictions seeks to adopt an informed and balanced view to community amenity, the rights of affected parties and the public interest. Good decision-making regarding historic heritage places fits comfortably within this milieu. In some cases, such as urban ‘conservation areas’, the act of regulation to retain and conserve historic houses in a streetscape can even serve to increase the land value, not only for a particular property but also for its neighbours.^{xi}

It is not suggested in this submission that all heritage listings or conservation area controls result in a potential economic benefit to the listed properties; indeed, it is acknowledged that heritage listing and consequent statutory controls may give rise to limitation on development potential. But two points are relevant here. Firstly, many other factors also limit development potential. Planning principles such as view-sharing, sunlight access, height controls all have a similar effect. While these are typically not cause for any form of economic compensation, heritage listing applies more selectively than do general planning controls, therefore it is appropriate for economic instruments and suasive measures to be provided by government as an appropriate response. A range of such measures are outlined in relation to ‘principles’ below and elsewhere in this submission.

1.2.4 *Economic Stimulus*

This submission does not purport to measure the actual effects of historic heritage conservation in economic (dollar) terms. Nevertheless, it is clear that through both regulation and its own conservation works and asset management, Government can stimulate significant economic activity. This positive effect is recognised in the 1996 Review of Commonwealth Properties (‘the Schofield Report’) which notes that:

... the investment made by the Commonwealth in supporting incentives to achieve heritage conservation is offset by a strong multiplier effect. This can achieve

economic activity associated with heritage conservation and other industries with a consequential positive flow on into local economies.^{xii}

An example of this in action in Broken Hill, NSW is outlined as a Case Study in Part 3 of this submission. Victoria's successful Historic Towns Program is also a good example, where a combination of regulation, availability of expertise, community involvement through advisory committees and the use of low interest loans or small scale grants have assisted small historic towns to conserve their heritage and become more prosperous.

1.2.5 Government as Monitor

If historic cultural heritage is a public good, warranting government involvement and regulation, there is a further role for government arising, relating to ongoing data-assembly and monitoring. The nation's historic heritage extends across all manner of public and private ownership and it is impractical for any individual or agency other than centralised government to assemble, analyse and report upon the state (condition/integrity) of the historic cultural heritage for the nation or for the state. While there have been a number of attempts,^{xiii} there is still no comprehensive information available on the condition and the integrity of Australia's historic heritage.

1.2.6 The Need for Intervention

Sydney's historic Rocks area provides an excellent exemplar of the effective long-term outcome achieved by government intervention in historic heritage conservation. The Rocks is now recognised as a national icon and place of major social history reflecting more than two centuries of significant activity prior to and following European settlement. However, in the 1960s, a series of development projects were proposed, including wide-scale demolition and new development. Green Bans imposed by the union movement were instrumental in preventing this desecration from proceeding and, today, The Rocks is recognised by government, the community and even the property industry as a jewel in Australia's historic cultural heritage crown.

Nevertheless, ongoing vigilance and consistent regulation by the Sydney Harbour Foreshore Authority is critical in ensuring that the integrity and authenticity of The Rocks is not eroded through incremental change for short-term financial gain.^{xiv} The New South Wales Government recognises that the longer-term view taken initially by the unions and subsequently by government in conserving The Rocks has resulted in an asset that is *worth far more*

economically to the national product than any conglomeration of high-rise towers that may have been proposed back in Jack Munday's day.^{xv} This view was foreshadowed in the Hope Report, which noted that set in a proper timescale and taking into account the present and future pressures on both the quantity and quality of our cultural resources, the question of costs and benefits of conserving them fall into a clearer perspective.^{xvi}

1.2.7 Stewardship of Significant Places

The Rocks provides a further example of an important government role, as property steward. While for the majority of historic heritage places, good decision-making that is reflective of identified heritage values will enable and facilitate appropriate and viable uses, there are some historic heritage assets that rely on government stewardship for retention of their cultural significance. These are typically icon places such as museums and historic sites. Typically, such places demonstrate heritage value (assessed according to accepted statutory criteria) at a high-threshold level, as well as a high degree of integrity/fragility. Their heritage value could be compromised by private ownership and management, even in a regulated market situation, or alternatively, it is not feasible to conserve them without public subsidy.

These places are well known. They include our national and community icons. Places like Mawson's Huts Historic Site, Fremantle Gaol, Old Parliament House, the mining landscape at Burra in South Australia and the Port Arthur Historic Site. At the local level, they are often community museums, libraries or cherished historic buildings that, while tourist attractions or focal points for local community initiatives, are not self-sustaining economic entities. In these cases, particularly where the place already exists in public ownership, government has an important role as steward of the public asset and community resources are appropriately allocated as a matter of community service obligation. There can however, be difficulties in resourcing conservation, even of places in public ownership. Agencies whose core business is health, justice or building roads do not always allocate sufficient resources for conservation and maintenance of their assets. It is often only heritage regulation that prompts any level of budget allocation to this type of activity.

Government also has a role in promoting access to heritage places, both inside and outside its ownership. Allowing Australians to have some form of access to their heritage is one of the fundamental reasons for the whole heritage enterprise. It allows people to have a real and direct connection with their history, their stories and their community.

Access can mean many things. The best experience is often to actually visit a place. But there are other ways, virtual ways, through books, video, the internet, exhibitions, collections, etc.

The problem has been that so much effort has been put into identifying, protecting and conserving heritage places, with such limited resources, that at the end of the day there is little energy and few resources left for interpretation, presentation and access. Moreover, there is little focus on the specific issues arising regarding access, such as costs, presentation of a range of heritage places (and in different regions), effective presentation, and ownership and use.

These issues are so little understood at a national level that it is difficult to make meaningful suggestions. The topic is also large and specialised, it is probably beyond the capacity of the Productivity Commission to address in detail.

The Productivity Commission should recommend to government that a national review be undertaken of the opportunities for the community to have access to its heritage places, including consideration of recommendations to achieve appropriate access. The review should consider such issues as:

- costs including access charges;
- the range of heritage places worthy of presentation;
- geographic distribution and regional disadvantage;
- effective means of presentation;
- ownership and use of accessible places; and
- resources and skills available for presentation.

1.2.8 Government Asset Management

Governments at all levels are also the owners of a number of other historic heritage assets that have an operational role and ongoing use. In these cases government's role is not created by the imperative of great significance and lack of viable alternative, but rather in the government's obligation as asset manager for the community and, indeed as leader and exemplar. This issue has already been widely canvassed in the Schofield report.^{xvii}

Heritage issues have often been separated from other areas of policy debate because they are seen as marginal, irrelevant, precious, special or nostalgic depending on the players and/or agencies involved. The Committee has seen,

first-hand, the results of a lack of integration of heritage values into the Commonwealth property management processes. Yet heritage buildings, and the Commonwealth's in particular, have an integral role in many aspects of public policy at national, State and regional levels. They are both icons and familiar landmarks — they can remain as symbols of continuity or serve as exemplars for adaptive reuse.

The care of the Commonwealth heritage properties is not only a heritage issue. Increasingly, other areas of public debate are acknowledging the importance of these properties as part of total asset management and as features in urban design and regional development where economic growth has implications for governance arising from globalisation.

1.2.9 Leadership

In recognising the value of cultural heritage to the community and the role of government in achieving effective heritage conservation, government at all levels should provide the exemplar for the community to follow through its own conduct.

Government is appropriately placed to recognise the inter-generational values of historic heritage. This matter was also addressed at length in the Schofield report, which noted that it would be:

... timely and highly appropriate for the Commonwealth government to provide firm direction and clear heritage principles to its own departments and leadership and exemplar practices to the whole community in the conservation and integrated use of the historic, and aesthetic and socially important properties in Commonwealth ownership.^{xviii}

Government can also take a pro-active role in encouraging private sector involvement in policy through economic instruments and in some cases direct intervention and facilitation. A case in point might be the role played by Australia's Antarctic Division in providing in supporting private sector initiatives programs for the conservation of the Mawson's Hut Historic Site in Antarctica.^{xix}

In order to effectively conserve the values we want to hand down to future generations, current best-practice standards should be followed. In Australia these are provided by the *Burra Charter*. Existing regulations and guidelines (including the regulations relating to management

plans prepared under the *Environment Protection Biodiversity Conservation Act*) should be amended and brought into line with the best practice principles of the Burra Charter.

1.2.10 Principles

Heritage is, by its nature, the community's 'inheritance'. Cogniscent of increasing community interest in the need for effective heritage conservation, an important over-arching principle is that heritage be recognised as a joint-societal responsibility. The obligation for conserving our historic heritage rests with both government and the community.

Ideally, Government's role, involves a package of inputs:

- regulation
- economic instruments
- suasive measures
- asset stewardship, and
- leadership

with the resources and expertise to achieve them. These key responsibilities are discussed in more detail below. The current working of government in relation to heritage issues is discussed further in the next section.

Regulation

Effective historic heritage conservation requires regulation that can only be effectively provided by government, although it is important to ensure that duplication does not occur.

The Commonwealth Government has an important leadership role in setting the frameworks and parameters for regulation. The Council of Australian Governments provides a potential platform for cohesive and consistent regulation of historic cultural heritage.

Statutory heritage lists are critical to this process, as they are the only effective means of identifying those places to which regulation must apply. However, as a matter of reasonableness to affected parties, preparation of such lists requires rigour and discipline, as well as avoidance of duplication. That is not to say that heritage lists should not continue to evolve as new information becomes available and community standards and approaches to identification of heritage develop. It is also important to recognise the weaknesses of heritage lists in regard to management of cultural landscapes and groups of places. Often lists that isolate single places can undermine conservation of the historic environment in the connected

way that the community understands it. Many significant places will also never be listed due to resourcing issues. These issues are discussed elsewhere in this submission.

Where statutory heritage lists exist, their structure should reflect the significance of a particular place or item (based on contextual understanding of its heritage values). This will generally mean that heritage places or items occur on only one heritage list — the majority being at the local level. However, some places will, necessarily, occur on multiple lists, because of their multiple values. In such cases the principles of subsidiarity and integration should also be applied, so that the community can find out about heritage listing and controls in a single place and so that heritage places are subject to one clear set of heritage controls and regulations.

Heritage control should continue to be accepted as a legitimate part of statutory landuse and planning legislation.

Statutory barriers to effective conservation, such as incompatible zonings that serve to create unrealisable development expectations should be avoided, or, where necessary, removed as part of a cohesive whole of government approach to historic heritage management.

Economic Instruments

While it has been noted elsewhere in this submission that heritage listings and other heritage management obligations can increase economic value, it is recognised that the implicit development control arising from heritage listings and controls may affect individual owners. The current Commonwealth Minister for Environment and Heritage has made it known that he believes that property owners are entitled to compensation, where the value of their property is affected by heritage listing.^{xx} Australia ICOMOS does not necessarily support direct monetary compensation for owners of heritage places, but there are a range of incentives and policy tools for spreading the cost of conserving our historic environment.

Incentives and policy tools for conserving historic heritage are comprehensively addressed in a report for the Environment Protection and Heritage Council: *Making Heritage Happen*.

Incentives and Policy Tools for Conserving Our Historic Heritage.^{xxi}

This submission supports the findings of that report that economic incentives provide an important existing and potential contribution to effective historic heritage conservation. These include:

- tax deductions for donations to approve funds;

- tax concessions for owners that enter into Heritage Agreements or other conservation covenants;
- tax rebates for qualifying private expenditure;
- Land Tax remissions/concessions;
- local government rate relief;
- grants;
- loan subsidies; and
- revaluation provisions for heritage listed places (based on the NSW and Victorian models).^{xxii}

Of these, tax deductions and concessions are particularly important and is an approach that would bring historic heritage conservation into alignment with the Australian Arts sector and international best practice, recognising the value of approved heritage conservation as a public good.

Grant and loan funding is also extremely efficient, as it has a seeding/multiplier effect. It is particularly the case where grant funding is offered on the basis of an equal or greater contribution from the applicant (as occurs in New South Wales), but is also directly connected to other policies/suasive measures where small grants are made as a token recognition of the community benefit (for example, local government grants made as a contribution towards painting heritage streetscapes in traditional colour schemes).

The leverage available from grant and loan funding is a mechanism that is only available to government.

Suasive Measures

Policy and education initiatives also have a critical ongoing role in effective historic heritage conservation. These include, but are not limited to:

- removal of other planning controls or regulations that act as a disincentive, or to prevent good heritage outcomes;
- inclusion of non-financial incentive provisions in planning statutes and regulations (for example, flexibility about permissible uses, where this will facilitate a good heritage outcome);

- inclusion of heritage conservation objectives within broader government policy documents and programs;
- provision of education and advisory resources including publications, expertise and advisory services;
- inclusion of heritage-related subjects in primary, secondary and tertiary educational curricula, particularly for professional and traditional trades training; and
- active encouragement of the non-government organisation ('NGO') sector (such as the National Trust).

These measures ultimately represent an efficient and effective government investment in heritage conservation as they will facilitate both increasing recognition of intangible and inter-generational values of heritage among the wider community and pro-active 'self-help' from those in the private sector who are responsible for care, control and management of heritage places.

Asset Stewardship

Comprehensive data is not available to indicate the proportion of heritage items and places that are held in government ownership or control.

Governments at all levels are ultimately accountable to the Australian community for stewardship of all assets held in public ownership. These include heritage assets and the 'value' that must be managed and, ideally, increased through government's asset management role.

The legitimate role of government in taking on care, control and management, often involving ownership of places of outstanding importance should be recognised. This principle can be applied nationally, with the Commonwealth Government, for nationally significant places (for example, Old Parliament House, Canberra), at a state level for places that are significant in a state context (for example, Launceston Railway Workshops), or by local government at a local context (for example, Tulkyien, a locally significant historic house, acquired and now managed by Ku-ring-gai Municipal Council in Sydney).

Government agencies at all levels should be required to have registers of the historic heritage assets under their control, and strategies for managing these assets. An example of this approach is provided by the provisions in Section 170 of the *Heritage Act 1977* (NSW).

1.3 Working of Government

As already outlined, governments at all levels play an important role in the overall system for caring for Australia's heritage. This includes formally identifying heritage places, providing statutory protection, encouraging conservation, providing financial and other assistance, and promoting understanding and enjoyment of our heritage. Governments are also major owners of heritage places, and have a direct role in caring for them.

The previous section of this submission outlined Australia ICOMOS' view on the role government should ideally play in conserving Australia's cultural heritage. It suggested that government intervention is important in protecting historic heritage places, which are a public good. In particular it established key principles that should guide the extent of government involvement in the heritage sector. It also recognised that government activities are not the whole story. Private-sector owners and the community also play a very large role. Australian heritage conservation is a partnership of all three sectors.

This section of the submission examines the way government at all levels actually works to achieve heritage conservation outcomes. The first part looks at integration within the heritage sector of government. The second looks at the way non-heritage related activities and regulations of government, particularly planning policy, environmental and economic regulation, can impact on our ability to conserve our heritage.

1.3.1 *Government Heritage Regulation and Policy*

The Productivity Commission in its broad-ranging inquiry is potentially to examine every facet of government activity in heritage conservation. This is a considerable challenge given the complexities. Much time and energy has been spent refining heritage management systems, legislation and policy over the last 30 years. The most recent round of reviews at Commonwealth and State levels has been welcome and has undoubtedly led to improvements. There are however areas that still require attention and the development of public policy for heritage conservation should be an ever-evolving process. This section outlines some key issues relating to heritage management and regulation in the public sector. Part 2 provides more detailed answers to the specific questions put by the Productivity Commission in regard to these issues.

Leadership in Heritage Conservation

As already outlined, leadership by government is important in regard to heritage conservation. This relates to all sectors of government but particularly at Commonwealth and State levels. The recent revisions to the Australian national heritage regime, linking it with the more powerful Environmental Protection and Biodiversity Conservation Act, were in general welcomed by the heritage conservation community, which worked hard with the government and minor parties to improve the legislation and to ensure its passage. Potentially, this legislation has the ability to strengthen, standardise and, in cooperation with the States, provide national support for a first-class heritage regime. The philosophy and structure behind the Commonwealth system, including the provision to delegate to the States is sound, but is not yet working well in practice.

There are some current concerns amongst our membership that the Australian Government leadership role is weakening, despite this recent focus on reform and improvement of the legislative regime at this level. Previously, the Commonwealth gave itself a much broader remit, to encourage the identification, research into and conservation by State, Territory and local governments of the large number of items on the Register of the National Estate. This was supported by a National Estate Grants program. It provided leadership through a number of innovative schemes, including funding for local heritage advisers, support for thematic studies to identify National Estate places, and the development of programs such as the award-winning Local Heritage Places program which provided tools for local communities to identify and conserve their cultural and natural heritage.

There are perceptions that since the passing of the new legislation, the Australian Government has turned its attention inward, focussing all its energies on the National Heritage List and reducing its influence in setting national standards for heritage conservation and in encouraging community involvement in heritage conservation. There appears to be little or no research, no policy or program development, little engagement in public heritage issues and limited fostering of networks such as the National Cultural Heritage Forum, which has not met under the current Commonwealth Minister for the Environment and Heritage.

This is in sharp contrast to the policy and program initiatives taken by the Commonwealth government in the area of the natural environment. In the area of the natural environment, the Environmental Protection and Biodiversity Conservation Act is backed up by a raft of programs (Bushcare, Landcare, Coastcare) which in cooperation with the States and Territories support the local community in nature conservation, and sustainable farming, provide generous

incentives for private owners in this area, provide funding for the acquisition by the States and Territories of key conservation areas and run active information and education programs.

The Schofield Report outlines the potentially devastating effects of decreasing Commonwealth presence in local heritage conservation and the lack of a strong role in the stewardship of heritage places.

In many aspects of heritage property management, individual states have been leaders with respect to planning controls and incentives, property restoration towns and technical advice and the implementation of strategic management for government-controlled assets. Currently there is an urgent need for the Commonwealth to catch up and show leadership through exemplary practice in property management and through programs such as the National Heritage Coordination Program, the National Estate Grants Program and The Tax Incentives for Heritage Conservation Scheme.^{xxiii}

It is noticeable that since the Schofield report was written, it must still be said that the States rather than the Commonwealth are taking a leadership role in heritage conservation. Further, the Commonwealth programs referred to above -- the National Estate Grants program and the Tax Incentives for Heritage Conservation Scheme no longer exist, and the National Heritage Coordination Program is suffering significantly from lack of Commonwealth leadership. This withdrawal of Commonwealth presence and leadership means that on balance there is a danger that heritage throughout Australia will be worse off under the new regime.

In addition, there is concern at the level and extent of expertise available within the Department of Environment and Heritage and the Australian Heritage Council. Once again this is in stark contrast to the situation in the natural environment sections of the Department. The Department of Environment and Heritage has a range of expert committees and statutory bodies in the natural environment whose membership has prestigious qualifications and national status in the appropriate scientific disciplines, and also routinely recruits a range of senior specialists in the natural environment. It appears that though Australia has an international reputation for the excellence of its heritage conservation methodology (see below) there is no recognition that such expertise at a senior level of the Department would contribute to Commonwealth policymaking in this area. Decreasing heritage expertise is also a problem

in State and local government authorities as outlined elsewhere in this submission. This can lead to both over and under administration of regulations for heritage conservation.

National Policy Framework

Possibly the most important point to be made in regard to the management of heritage issues in the public sector is the absence of a consistent, comprehensive and overarching policy framework for heritage. The regulation of heritage conservation is complex. A place listed on national, state and local lists can be subject to three separate sets of heritage requirements. This can be expensive, frustrating and time consuming for owners of heritage properties. The lack of consistency between state and territory heritage legislation not only means we have no commonly agreed national standard for and commitment to protecting our heritage, but can lead to jurisdiction shopping in the development sector.

While most jurisdictions have some form of State heritage listing, other aspects of protection are highly variable. This is particularly the case for archaeological sites (some states have blanket protection, others only protect listed sites), and in the standards set for maintenance of listed properties. Enforcement of heritage legislation is also problematic across the board (although Victoria has recently been making progress in this area) and is discussed in more detail in Part 2.

Integrated planning approvals, which fully respect heritage values and are truly integrated are vital. The statutory package for heritage management introduced by the Commonwealth Government in January 2004 and the preceding Council of Australian Governments discussions, including provisions of the 1997 Agreement, all propose a framework where different roles and responsibilities are taken on by different levels of government, generally directly related to their respective property holdings and the threshold/level of cultural significance of individual places. While this matter is addressed in greater detail elsewhere in this submission, the rationale above strongly underpins a principle of subsidiarity, in which ultimate responsibility rests with the appropriate level of government.^{xxiv}

Low status of heritage within Australian government activities

The level of funding support provided by the Australian Government, State and Territory governments is extremely low. This funding situation has occurred in an extended period of good general economic growth, substantial budget surpluses – at least at the Australian Government level, and gains for the States and Territories from GST revenue. By contrast,

other environmental expenditure is both dramatically larger and seems to have increased substantially, at least at the Australian Government level.

The operations of the Department of the Environment & Heritage and the Australian Heritage Council seem to be struggling along with some of the State and most of the local heritage authorities. This is not only reflected in resourcing but also a lack of commitment to maintain experienced and skilled staff with heritage expertise in regulatory authorities. Generalising skills seems to be a trend in all sectors of government, but can have devastating effects on efforts to conserve our heritage and indeed efficient resource expenditure. Heritage conservation should relate directly to the values of the item or place under consideration. Good heritage management involves making well-informed, balanced decisions about important places, not conserving them at all costs. This is a fundamental tenet of the *Australia ICOMOS Charter for Places of Cultural Significance (the Burra Charter)* but is something that can be a weakness in regulatory systems where we can become process rather than outcome oriented and fail to match the prescribed heritage management process with the identified value of the site. This conservatism can be a symptom of an over-worked and under-funded or inexperienced and non-specialised regulatory authority.

Centralised pooling of information about heritage places is also under-resourced. Heritage studies, assessments, archaeological collections, histories and other heritage sources materials are not generally centrally referenced. This reduces public benefit from the resources spent on generating this material and also causes duplication and wastage of resources in reproducing information that many already be available but not accessible. This is an important role for which governments generally do not dedicate resources. This is in contrast to the well established mechanisms for archiving documents.

Listings

Listings are an important tool in heritage conservation, helping to identify heritage issues in a proactive fashion. They should however be treated as a tool for heritage conservation rather than an end in themselves. Heritage listings are constantly evolving as our values change and as more research into our heritage places are undertaken. They can not therefore be considered all encompassing. Local government heritage studies on which local listings are based for example usually have limited funding. In this circumstance only one aspect of the heritage values of a local area may be focussed on and commonly, they are limited to buildings. Archaeological sites, parks, trees, moveable heritage collections, industrial sites,

historic street and settlement patterns and broader historic landscapes are rarely considered and thus are often the focus of conflict when changes to a place are concerned. Many places we would like to keep are not listed. The way we list also deals poorly with historic landscapes, and intangible aspects of our heritage such as cultural practices attached to a place. Lists therefore need to be managed in conjunction with other heritage management tools at all levels of government to ensure the full range of heritage values of considered.

There are also many heritage lists in place, with varying levels of statutory force. This is not only confusing, but as outlined elsewhere in this submission can cause duplication in resource allocation to a single site in order to meet the varying requirements at each level. Further integration of listings is desirable.

In summary, the key strengths of the Australian government heritage systems include the:

- legislative and government systems established to identify, protect and conserve Australia's heritage at all levels; and
- the layered approach to heritage in Australia, whereby the interest of several levels of government may be needed to ensure a good heritage outcome;
- the potential for genuine integration and a "whole of government" approach provided by the COAG Agreement and the national framework implicit in the EPBC;
- the range of exemplary work by various governments and their agencies -- the Historic Houses Trust in New South Wales is an example of such excellence as is the ongoing program of the NSW Attorney General's Department to conserve its significant archaeological resources;
- an increasing (though not universal) willingness by Commonwealth and State and Territory Governments to take responsibility for their own heritage properties, and to set an example in their appropriate use and curation;
- increasing recognition by some local governments of the importance of heritage for the well-being and future of their communities, and the taking of appropriate planning and funding measures to protect this heritage (but see below also);
- the major positive initiative by the Australian Government of developing National State of the Environment reporting which includes cultural heritage. While this is an evolutionary activity, with development and improvements taking place with each SoE cycle, it has already shown great promise as a vehicle for understanding heritage issues in Australia.

The funding for National SoE has been substantial but there is concern that it has not been sufficient for the task and is declining.

Key weaknesses include the:

- inconsistency in legislative provisions for heritage conservation between each State and Territory,
- a decrease in government leadership of the intellectual development of heritage through research and supporting the work of other leading organisations;
- lack of government support fostering networks of various stakeholders including government agencies and non-government organisations (organisations such as Australia ICOMOS also fulfil this role, but struggle with low levels of government support);
- the loss of specialised heritage skills and an emphasis on general skills in regulatory authorities;
- decreasing levels of government funding, incentives and technical support for identification and conservation of heritage places (this leads to decreased certainty duplication of resource expenditure for the development community);
- understanding of and support for fostering public access to heritage;
- skills development and training;
- support for NGOs; and
- support for international conservation activities that benefit Australian heritage practice through exposure to (and the ability to participate in) international debate and access to technical developments.

1.3.2 The Heritage Sector in Relation to Broader Planning Systems and Economic and Environmental Policy

There has been much energy expended over the last twenty years defining and refining heritage legislation, policy and practice. While it is important for this to continue, long term heritage conservation will struggle to achieve its aims if broader social, environmental and economic legislation and policy do not also embrace them. While improvements have been made in the integration of heritage conservation outcomes into planning policy in particular,

there are still many conflicts (unintended or unthinking) that undermine or block heritage conservation outcomes.

Heritage and the Planning System

If asked to identify a key barrier to achieving effective heritage conservation, most heritage practitioners would place the workings of State and local government planning high on the list. Conflicts between heritage outcomes and development outcomes set up by the planning system are considered in greater detail in Part 2 of this submission, but it is worth noting that planning regulations do not adequately account for heritage as an important part of our built environment. More often than not the relationship is an adversarial one, although this need not be the case. There are many examples around the country where heritage issues have not been raised during development assessment processes (even if such considerations are required by the planning instrument in question) and have then caused substantial delays to development when heritage provisions of the relevant heritage Act have been applied. The result is a poor reputation for heritage conservation as a costly and difficult undertaking. These difficulties could be easily avoided in most cases if:

- State and local government planning systems (which in many cases already have a framework that should easily accommodate heritage conservation as an important aim of planning and development) gave serious recognition to the significance of our cultural heritage to our social wellbeing and operate in a way that promotes rather than undermines its continuing place in our communities.

While planning systems seem on paper to be well structured to support heritage conservation, there is little commitment to implement these systems to actually achieve this. The resulting conflicts have negative consequences for both our historic environment and the development community.

- State and local planning authorities have staff with heritage expertise in positions that allow them to influence the development of planning policy and regulation and also to monitor compliance in regard to heritage considerations. (Often heritage advice is outsourced, or staff with such expertise are fairly junior.)
- There were better education of staff within planning authorities and users of the planning system about the value of heritage and how to achieve effective heritage conservation through planning controls.

- There were appropriate resourcing of planning authorities to properly implement their heritage responsibilities in an integrated way.

There are also cases where direct conflicts occur because heritage issues are not seriously considered and embraced in developing detailed controls. For example, when the Parramatta Regional Environmental Plan was developed in 2000, the regulations encouraged underground car parking in the CBD, even though this contains one earliest and richest archaeological landscapes relating to non-Aboriginal settlement in Australia. Clever use of planning regulations could see development of a vibrant urban centre that showcases the role of Parramatta in the settlement of NSW, as has been done so successfully in other parts of the world. Instead we have regular conflicts between development and heritage conservation aims resulting in added expense to the development community and the continuing loss of these important records of our past.

A positive example of local planning systems supporting heritage conservation is the management of the historic port of Fremantle. This important precinct has been managed largely through the local planning framework for over 20 years. Using planning policies, the City of Fremantle's own conservation initiatives and leading by example (rather than purely complying with heritage regulations), the result has been a more or less co-operative effort involving the community, Council and local owners/developers. This approach has required less reference to State and Commonwealth regimes, although to work it clearly requires the good will and good intentions of all sectors of the local community.

It is conceded that the complexity of the increasing paper war required to satisfy statutory requirements for heritage conservation could be a reason for policy makers to find ways of "streamlining" heritage approvals out of the broader planning processes. In NSW for example there are increasing numbers of planning regulations that exempt formal approvals processes under the *NSW Heritage Act, 1977*, even though in practice the aims of heritage conservation are still supposed to be considered (for example, SEPPs covering protection of Sydney's water supply and recent amendments to Part 3A of the Environmental Planning and Assessment Act, 1979, exempting projects over \$200,000 from a heritage approvals process). It may work if heritage issues are still adequately considered, but there is an understandable nervousness amongst heritage practitioners and the community that heritage issues may fall out of the system altogether.

The pros and cons of integration or separation of heritage conservation aims with the planning system are subject to debate even within the heritage profession. The separation of the NSW Heritage Office from the then Department of Urban Affairs and Planning was aimed at providing heritage conservation functions with a stronger and more independent voice. Whether it has achieved this or has created a further division between planning and conservation is a matter of debate.

As already discussed, heritage conservation deals with an aspect of the often difficult to quantify feelings that people have about their environment and the character of the place in which they live. This character can be made up of many aspects (including non-heritage related aspects) from the type of architecture and landscaping to the character of the natural environment to the range of cultural practices that may take place there. The planning system does not deal well with protection of these characteristics and people's attachment to them. Mechanisms for heritage protection are comparatively well defined and focus on protecting values and attachment to them. As such, they are often seen as means of protecting the special characteristics of a place, even if they do not fall within the definition of "heritage" value used by governments and heritage professionals.

When places or areas don't meet the heritage criteria this can lead to a sense of frustration and loss in the community. Heritage conservation gets a bad name both within the community, for not protecting the places they want to protect and with decision-makers, who see it as a constant problem. In this type of example however, heritage protection mechanisms are being used to plug gaps in the planning system they were never meant to plug. This is not to say that heritage conservation does not play an important role in maintaining community identity or in conserving special characteristics of a place or neighbourhood. It is simply to say that heritage conservation is part of the integrated system that is needed to identify and protect all the characteristics that give communities a sense of place. Gaps in local and State planning frameworks should be addressed to provide an integrated mechanism for communities to protect the special characteristics of their local environment without the need to resort solely to heritage conservation mechanisms.

It is worth noting here however, that there are good examples of the planning system working proactively to support heritage conservation. Planning regulations have also been used to address failings in implementation of heritage legislation, particularly in regard to enforcement.

Most of the few examples of punitive action taken against property owners wilfully damaging listed heritage properties in NSW have been pursued under local planning regulations.

Cultural Heritage and Economic Policy

Other sections of this submission deal with the economic value of heritage conservation and the ways in which economic instruments can be used to encourage conservation. There are also however, elements of broader economic policy not normally linked with heritage conservation outcomes that can seriously impact our ability to care for our historic environment.

An example is the effect of premium property tax on heritage places.^{xxv} Land tax is based on a system of land valuation in which land is assumed to be the basis of all wealth. It was abolished by the Commonwealth Government in 1952, but each of the States continues to apply a land tax. While these assumptions have been the basis of land tax theory, the nature of land ownership and the values we attach to land have undergone dramatic changes. An increasing environmental awareness in the last few decades means that it is no longer appropriate to conceive of land in purely economic terms. While planning legislation is moving away from the conception of land as nothing more than an economic resource, the valuation system upon which land tax liability is determined continues to reinforce this notion, with negative consequences for heritage places. The result of encouraging the highest and best economic use of land can generate negative environmental consequences by encouraging over development on inappropriate sites. As Stokes notes:

...if a property developer owns land subject to a higher level of land tax on the basis that its zoning permits a greater density of development, then the developer will feel committed to achieving the maximum density, regardless of local environmental issues. They feel this commitment because that is how the land is valued. Having purchased on that expectation, they must achieve it. Anything less is a loss.^{xxvi}

This of course creates a disincentive for retaining heritage places on valuable lots of land and puts many heritage places at risk. It creates another layer of unnecessary tension between heritage conservation and development and entrenches a culture of cultural and environmental degradation. There are exemptions from land tax for land with significant environmental qualities, but this does not cover the majority of places that have heritage values, particularly archaeological sites and places with local heritage values. As with other aspects of heritage and planning regulation, this can lead to an emphasis on iconic heritage conservation and not the maintenance of the everyday character of our local environments.

Cultural Heritage and Environmental Policy

Many cultural heritage practitioners feel that the focus on natural heritage conservation, particularly in terms of funding has had a negative impact on historic heritage conservation even though they may fully support conservation of our natural environment. Environmental legislation, particularly that dealing with natural heritage conservation often results in conflicts between natural and cultural heritage conservation outcomes. It is a hidden problem, often not consciously created and there is no established mechanism of assessing how these conflicting values should be managed. Often, possibly due to the higher level of political consciousness about natural and environmental values, these are given priority in management practice.

An example is the increasingly common policy of national park authorities to revegetate national parks with native species. Not only is this problematic in that the environment has been subject to change over thousands of years by Aboriginal peoples and what is “natural” is often difficult to know, but the process of remediation can destroy significant characteristics of the landscape (including vegetation) that have developed over the last two centuries. National Parks are significant landowners in most states and territories and as such are the custodians of many significant historic heritage places. Operating budgets are heavily biased towards natural and Indigenous heritage conservation, rather than achieving a balance and harmony in management priorities. An example of the potential management implications of conflicts between cultural and natural heritage conservation regulations is outlined in a case study in Part 3 of this submission.

1.4 Resourcing

The poor level of resourcing for heritage conservation is a critical issue for the Productivity Commission. Various, specific resourcing issues have already been flagged in previous sections and in Part 2 of this submission.

As noted elsewhere, all levels of government provide a very low level of funding support for cultural heritage conservation and this level seems to be decreasing (in both real and absolute terms), particularly when considered in the broader context of funding for the environment as a whole. This funding situation has occurred in an extended period of good general economic growth, substantial budget surpluses – at least at the Australian Government level, and gains for the States and Territories from GST revenue.

The Australian Government could provide substantially greater ongoing financial incentives for private historic heritage conservation consistent with the public benefits achieved through such conservation and consistent with the concept of mutual obligation.

It should develop a comprehensive package of assistance in response to a strategic framework for Australia's heritage.

The Australian Government should reinstate a grants program or programs to achieve a range of objectives including:

- research
- training
- the provision of technical advice/expertise
- development of philosophy, practice and standards
- national database developments
- international heritage activities
- property acquisition, and
- conservation work

In some cases, such funding may be provided in conjunction with funding made available by others, such as the State and Territory governments.

The Productivity Commission should consider recommending a tax incentives scheme for heritage. Tax incentives must be considered as one possible form of incentive in a package of measures, which address the range of situations affecting owners.

1.5 Standards and Practice

1.5.1 *Standards and Training*

Australia has some of the best heritage expertise in the world. The national and international standing of the Burra Charter, and the development and practice of conservation management planning are indicators of this expertise. The Burra Charter has been the most influential and unifying document in heritage conservation practice in Australia, and is widely recognised and used by heritage practitioners and managers within government agencies, institutions and the private sector. While definitions of what constitutes a Conservation Plan, a Management Plan, or a Conservation Management Plan, may vary from State to State and between agencies, the principles and processes of assessment and policy formulation within these documents generally adhere to those set out in the Burra Charter.

A broader awareness of the Burra Charter principles and practice is still urgently required for many involved with changing or managing heritage places, be they architects, planners, engineers, asset managers, tradesmen, or local council assessment officers. Australia ICOMOS has been involved in this area of training, and many of the short course training packages now available, particularly at local and state government levels, are based on Australia ICOMOS models and run by its members. Training at other levels and by other agencies is generally not well catered for.

There is continuing uncertainty about the adequacy and longer-term sustainability of tertiary education training for heritage professionals and practitioners. At the general level of professional university-based training, many courses have removed heritage and conservation training from their core teaching modules and these are now optional electives. Given the limited capacity for selection of electives in many of these courses, the heritage and conservation subjects are often taken up by only a small number of students.

The end result is that many key professions such as architects and engineers do not receive training in traditional construction or materials, unless they choose the appropriate elective, when all of them at some point in their career will require such knowledge. Lack of such knowledge is a sizeable impediment to the conservation of Australia's historic heritage, and is a key reason much of our built heritage is removed and replaced rather than repaired or adapted.

Specialist post-graduate heritage training is also vulnerable. Demand for such courses is strong, as evidenced by the fully subscribed Summer Schools in “Cultural Heritage Management” and “Conservation of Traditional Building Materials” run through the University of Canberra. However, there are very few such courses provided, and the support from their host institutions fluctuates.

These issues were brought into sharp focus when, in 2002, the University of Canberra closed enrolments to its highly regarded training in conservation of cultural materials, and foreshadowed possible closure of its cultural heritage management courses. Since that time, the University of Melbourne has expanded its provision for materials conservation training. However, these events highlighted the fragility of specialist tertiary training courses in cultural heritage conservation in Australia, and the serious concerns expressed by Australia ICOMOS and other professional organisations remain. The key issues are:

- whether the extent of education and training will meet future needs;
- the scope and nature of courses related to needs; and
- the quality of education and training across the range of providers.

An inter-related factor is the lack of leadership by those bodies entrusted with establishing professional and trades standards and regulations which govern or guide industry, particularly the building industry. Many professional organisations do not require mandatory training in heritage-related areas (and so universities do not proscribe these subjects in their courses). Furthermore, building industry bodies which maintain and regulate industry standards do not require or consider the merit of traditional construction and materials. This in turn leads to reluctance on the part of certifiers and insurers to accept older construction – another barrier to the retention and conservation of historic fabric in heritage buildings.

It is our perception that the training of tradespersons and those involved with carrying out works and repairs to historic heritage places has diminished. Many of the traditional construction trades such as solid plastering, joinery and roof plumbing, are rarely taught and in many places not taught at all. In almost all tertiary or other training institutions, the particular “traditional” component of the trade has been removed from the course. To a large extent, this has occurred in response to increased prefabrication and mechanisation in the building and construction industry, and also the industry pressures to reduce time and costs. This unfortunately has too often been at the expense of quality. It is here that market failure has substantially impacted on our ability to conserve and maintain our own heritage places.

Increasingly the repair and conservation of many heritage places is carried out in a way or to standards which compromise the integrity and values of the place, by the use of inferior or inappropriate materials and workmanship and the inability or reluctance of many tradespersons to carry out conservation and repair works. This results in the replacement of original and often significant fabric when repair and conservation would be the preferred (and feasible) option. Much of this is not consciously deliberate, just that the required knowledge, training and skills are lacking.

Best practice is required to be implemented in the area of training of the various professions and trades involved with the care, maintenance and management of heritage places. This will require introduction of appropriate professional development courses by professional bodies as well as commitment by government and teaching institutions to the restructuring of courses to include heritage related subjects within the core modules. The re-introduction of traditional trade skills into tertiary trades training will also require government commitment as well as monitoring of trade practice standards if Australia is to retain its ability to care for and maintain its own stock of heritage places. (There is more discussion of these issues in Part 2 of the submission.)

It is understood no one is currently researching such issues, no one is likely to, and there is no funding for such research nor any national funding program. This is task which is probably beyond the Productivity Commission's ability to address in detail in the context of the current inquiry. The Productivity Commission should recommend to government that a national review should be undertaken into the nature and extent of current education and training to provide future heritage professionals and practitioners to meet Australia's needs. Issues which should be considered include:

- the scope and nature of courses related to needs; and
- the quality of education and training across the range of providers.

1.5.2 Historic Heritage Research

Closing related to issues of standards and training, is the low level of historic heritage research occurring in Australia. Very low levels of resourcing and support for research (particularly in contrast to the natural environment) endangers historic heritage conservation and limits the capacity for strategic approaches and solutions to be identified and adopted.

One of the criticisms made of historic heritage practice is that it lacks strategic research direction. This is partly because a large component of the work in this area is directly related to the 'salvage' of information, both architectural and archaeological, from places under immediate threat of physical change.

Private enterprise and government agencies do not usually consider 'research' to be core business or as an integral part of heritage conservation (even 'applied' research such as understanding visitor pressures, the long-term effectiveness of conservation treatments, visitor responses to site interpretation, community attitudes to heritage, the effectiveness of different funding or policy approaches, or monitoring of the condition of historic heritage places). Thematic research to underpin the implementation of the new national heritage system has been slow to be initiated, due no doubt to the pressures of establishing the statutory mechanisms required.

Research is generally dismissed as the province of universities, but increasingly universities are also reducing resources for the disciplines that train and educate heritage practitioners. In recent time, major funding bodies such as the Australian Research Council have also strongly favoured research that generates 'inventions' and marketable discoveries, the applied sciences, and new technologies.

In such a context long term and strategic research into historic heritage does not occur and is continually seen as a luxury 'extra' and someone else's responsibility.

Information 'salvaged' from the bulk of historic heritage activity which focuses on servicing the building industry exists as largely unprocessed data and is not interrogated or integrated into our understanding of the history of the nation. As already noted, a large amount of information is held in unpublished materials, unavailable to others and unable to effectively contribute to the cumulative acquisition of knowledge. This is an obstacle to the development of well-targeted and implemented heritage research programs, and the cause of wasted resources (eg. the same work is done again because the previous research is unknown and/or unavailable). For this reason, Australia ICOMOS has for some years urged the Australian Government to adequately resource the Australian Heritage Bibliography (formerly called HERA), but to little avail.

1.5.3 The Role and Contribution of Australia ICOMOS

The Australian heritage conservation community provides a substantial contribution to the development of national best practice and other activities related to heritage conservation. Australia ICOMOS is a key player in this work.

Australia ICOMOS is Australia's leading non-government professional organisation for cultural heritage. It is the national committee of the International Council on Monuments and Sites, a non-government professional/expert organisation primarily concerned with the philosophy, terminology, methodology and techniques of cultural heritage conservation.

In Australia, we have a national membership of over 300 practitioners from a wide range of disciplines, working in all facets of the understanding and protection of Australia's cultural heritage places (and in all levels of government and the private sector).

As outlined in the introductory material to this submission, our members are required to establish that they are appropriately qualified and experienced heritage practitioners. Members agree to practice according to the *Burra Charter* and the *Ethical Commitment Statement for ICOMOS Members* (developed by ICOMOS International for use by all ICOMOS national committees). There are also approximately 15 corporate members of Australia ICOMOS – including government heritage agencies, national trusts, and organisations, which own and manage substantial portfolios of heritage assets.

Australia ICOMOS has been particularly active in the development and promotion of the philosophy and standards of practice for cultural heritage conservation. The *Burra Charter (Australia ICOMOS Charter for Places of Cultural Significance)* which, as already discussed, has become the Australian national standard for heritage conservation. It has been recognised through a number of industry-based awards, and has been formally endorsed by the former Australian Heritage Commission, and more recently by the newly formed Australian Heritage Council (in addition to State and Territory Heritage Councils).

The national activities of Australia ICOMOS vary considerably from year to year, but generally include:^{xxvii}

- ongoing liaison with governments regarding current issues such as: heritage legislation reviews; heritage strategies; conservation planning methods; incorporation of heritage strategies into a wide range of government agencies and functions; and so on;
- ongoing liaison with other cultural heritage NGOs and professional organisations, including provision of the Chair and collaborative leadership of the National Cultural

Heritage Forum, and the development of a multi-organisation Australian Committee for the Blue Shield (which deals with risk preparedness and disaster mitigation for heritage places);

- annual conferences to advance heritage conservation philosophy, methods and standards of practice;
- website and a weekly email news bulletin (which is distributed to countless heritage enthusiasts and practitioners worldwide);
- production of publications and the refereed journal *Historic Environment* to contribute to the dissemination of knowledge and the facilitating of important debates; and,
- engagement with governments and communities regarding potential and current Australian world heritage nominations and reporting processes.

his national workload of the organisation is substantial, and is almost entirely met through the voluntary contributions of highly skilled professional people. Australia ICOMOS receives a very small amount of financial support from the Australian Government to support its administrative functions (and the level of support has steadily declined over the past 5+ years). We are also generously supported by the Cultural Heritage Centre for Asia and the Pacific at Deakin University (Melbourne) which has provided a home for the national Secretariat office for the last 5 years. Other like-minded organisations and institutions have frequently provided in-kind support to our work – through allowing their employees to contribute to the work of Australia ICOMOS during their ‘work time’ and supporting their associated travel costs; through the provision of venues for our meetings, workshops and seminars; and through the provision of information and advice which assists us to operate at a high level of credibility and professionalism.

The Australian heritage conservation community also provides a substantial contribution to international activities related to heritage conservation. Australia ICOMOS is probably the main vehicle for this contribution. Internationally, ICOMOS works closely with UNESCO, and acts as UNESCO’s principal advisor on cultural aspects of the operation of the World Heritage Convention. As part of an international NGO, we are part of a global professional network. ICOMOS is one of the two major statutory advisors to the World Heritage Committee.

Specifically Australia ICOMOS provides:

- substantial funding to support the International Council on Monuments and Sites (ICOMOS), being the parent body for Australia ICOMOS;
- very substantial in-kind support to ICOMOS and related international activities in the form of voluntary professional services including for:
 - participation in the ICOMOS Bureau and Executive Committee several times a year (Australia currently provides one of five international Vice-Presidents);
 - participation in the annual ICOMOS Advisory Committee (the structure which is made up of the national Presidents and the Chairs of the specialist scientific committees);
 - participation in numerous International Scientific Committees (currently two of these are chaired by an Australian member: Archaeological Heritage Management and Cultural Tourism);
 - assistance with preparing the annual worldwide Heritage@Risk reports;
 - assistance with the expert evaluation of World Heritage nominations; and
 - assistance with Regional training activities, such as the annual UNITAR World Heritage workshops (held in Hiroshima, Japan), and UNESCO's Pacific 2009 program.

This international work is a huge burden for Australia ICOMOS for which it receives no financial support from the Australian Government. By contrast, it is understood the Australian Government contribution to the comparable natural heritage body, IUCN, is quite large.

Australia has and should continue to make a contribution to international heritage conservation activities as part of being a good international citizen. This contribution might be usefully focused in the Region. Unfortunately the principle of involvement is only tentatively embraced and the level of support is paltry. The voluntary NGO sector is carrying nearly all of the burden, and the Australian Government is not doing its fair share.

The Australian Government should endorse the principle that Australia has and should continue to make a substantial contribution to international heritage conservation activities and should dramatically increase the level of funding and other support for international heritage conservation activities, focusing on the region. This funding and support should include assistance to Australia ICOMOS.

Endnotes

- ⁱ Australian Heritage Commission, *Report of the Committee of Enquiry into the National Estate* (Hope Report), 1974, p 27.
- ⁱⁱ English Heritage 1997, *Sustaining the Historic Environment: new perspectives on the future*, a discussion paper prepared by English Heritage
- ⁱⁱⁱ Marquis-Kyle, Peter and Meredith Walker, 2004, *The Illustrated Burra Charter*, Australia ICOMOS, Melbourne.
- ^{iv} Quoted in the Hope Report 1974, p 25.
- ^v Hope Report, 1974, p 26
- ^{vi} Pali Wijeratne, President of ICOMOS Sri Lanka
- ^{vii} (<http://portal.unesco.org/culture/en/ev.php-URL>)
- ^{viii} (<http://portal.unesco.org/culture/en/ev.php-URL>).
- ^{ix} Hope report, 1974, p30.
- ^x Carmen 1995
- ^{xi} Precincts such as Paddington or Hunters Hill in New South Wales and Fitzroy or Toorak in Melbourne are cases in point where heritage listing is regarded as a selling point and potential buyers are attracted by the surety presented by conservation area controls for planning overlays.
- ^{xii} Committee of Review—Commonwealth Owned Heritage Properties:1996 *A Presence for the Past*. Commonwealth Government Publishing Service. Commonwealth of Australia, p 11.
- ^{xiii} Lennon, J, Pearson, M, Marshall, D, Sullivan, S, McConvell, P, Nicholls, W and Johnston, D 2001, *Natural and Cultural Heritage, Australia State of the Environment Report*, CSIRO Publishing on behalf of the Department of Environment and Heritage, Canberra.
- ^{xiv} Godden Mackay Logan Pty Ltd, 2002 *The Rocks Heritage Management Plan*, prepared for Sydney Harbour Foreshore Authority, Sydney.
- ^{xv} The Honorable Craig Knowles, 1997 *Heritage Amendment Act (NSW), Second Reading Speech*, NSW Parliament, Sydney.
- ^{xvi} Hope report, 1974, p 30.
- ^{xvii} Committee of Review—Commonwealth Owned Heritage Properties:1996 *A Presence for the Past*. Commonwealth Government Publishing Service. Commonwealth of Australia, p 5.
- ^{xviii} Committee of Review—Commonwealth Owned Heritage Properties:1996 *A Presence for the Past*. Commonwealth Government Publishing Service. Commonwealth of Australia, p 6.
- ^{xix} Joint Standing Committee on the National Capital and External Territories, 2005 *Antarctica: Australia's Pristine Frontier: Report on the adequacy of funding for Australia's Antarctic program*, the Parliament of the Commonwealth of Australia, Canberra, Godden Mackay Logan, 2001, *Conservation Management Plan: Mawson's Hut Historic Site, Cape Denison, Commonwealth Bay, Australian Antarctic Territory*, AAP Mawson's Huts Foundation; Godden Mackay Logan, Sydney.
- ^{xx} See, for example, 6PR Perth, 13 January 2005, transcript of radio interview with the Minister for Environment and Heritage Senator the Honourable Ian Campbell.
- ^{xxi} EPHC, 2004, *Making Heritage Happen: Incentives and Policy Tools for Conserving Our Historic Heritage*, National Incentives Taskforce for the Environment Protection and Heritage Council, Adelaide.
- ^{xxii} EPHC, 2004, *Making Heritage Happen: Incentives and Policy Tools for Conserving Our Historic Heritage*, National Incentives Taskforce for the Environment Protection and Heritage Council, Adelaide, p 42.
- ^{xxiii} Schofield report, p. 6
- ^{xxiv} See for example IC (Industry Commission) 1996, *Ecologically Sustainable Land Management Enquiry Issues Paper*, February.
- ^{xxv} This discussion is based on Stokes, Robert, "The Environmental Implications of Land Taxes on Principal Places of Residence", draft article in press, 2005
- ^{xxvi} Farrelly, quoted in Stokes 2005.
- ^{xxvii} These are detailed in the most recent annual report (2003-2004), which was provided to the Productivity Commission at the commencement of the Inquiry process.