

Australia ICOMOS

COMMENTS ON PRODUCTIVITY COMMISSION DRAFT REPORT CONSERVATION OF AUSTRALIA'S HISTORIC HERITAGE PLACES

10 February 2006

INTRODUCTION

Australia ICOMOS welcomes this draft report as the next step in the inquiry process. The heritage industry as a whole has invested considerable effort and hope in the outcomes of the inquiry.

The Productivity Commission has done a remarkable job in grappling with the complexities of heritage conservation in Australia. The major thrust of the draft report casts an interesting light on the problems of and solutions for the industry. However, as detailed below, this thrust has a theoretical purity which is not grounded in the realities of 30 years of heritage conservation experience in Australia. Importantly, in focusing on the current regulatory framework, rather than adopting the many representations made for increased use of suasive measures, the draft report does not deliver the resourcing recommendations so keenly sought by the industry. There are also other disappointing aspects of the draft report.

Australia ICOMOS hopes to work with the Commission to improve the draft report. We hope, even at this late stage, that the Commission will have the flexibility to reconsider its approach, especially the major thrust of many of its recommendations.

GENERAL COMMENTS

Our comments focus on the following key points:

1. Australia ICOMOS does not support the major thrust of the draft report in linking statutory listing activities to voluntary conservation agreements. The promotion of agreements is supported as one means of achieving conservation outcomes, but not with this link and the removal of other forms of protection and incentives.
2. The recommendations and the emphasis on voluntary agreements in the report appear to be based on perceived problems with the existing heritage framework, particularly in regard to private property rights, that are not supported by information presented to the Inquiry.
3. The draft report makes a number of useful and important comments, which are disappointingly not carried forward into either findings or recommendations.
4. Australia ICOMOS supports a number of the recommendations such as those related to data (3.1) reporting of heritage costs (7.4) and the use of conservation management plans (7.5).
5. The draft report is particularly disappointing in its approach to resourcing issues, including a lack of any new or innovative approaches.

6. Australia ICOMOS made numerous recommendations in its initial submission, and it is disappointing the draft report has not addressed many/most of these recommendations.

These points are elaborated in the following section.

DETAILED COMMENTS

Recommendations supported by Australia ICOMOS

Australia ICOMOS supports the following draft recommendations.

Draft 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.

Draft Recommendation 7.4 The Australian Government should implement reporting systems that require government agencies with responsibility for historic heritage places to document and publicly report on the heritage related costs associated with their conservation.

Draft Recommendation 7.5 State, Territory and local governments should:

- produce adequate conservation management plans for all government-owned statutory-listed properties; and
- implement reporting systems that require government agencies and local governments with responsibility for historic heritage places to document and publicly report on the heritage-related costs associated with their conservation.

Draft Recommendation 9.4 State governments should put in place systems for their local governments to request compulsory acquisition in cases where this becomes the only way to ensure cost-effective conservation of places of local significance.

Recommendations NOT supported by Australia ICOMOS

Conservation agreements and listings

Australia ICOMOS does not support the Commission's key draft recommendation, as follows, and the other consequential and related recommendations.

Draft Recommendation 8.1 Privately-owned properties should be included on a national, State, Territory, or local government statutory heritage list only after a negotiated conservation agreement has been entered into and should remain listed only while an agreement is in force.

Australia ICOMOS supports the greater use of negotiated conservation agreements but not linked to listings in this way. We also recognise the need to be able to prioritise conservation efforts. However, the arguments against this recommendation, as formulated, are many.

Firstly, the proposal ties identification and management together in a way which breaches one of the fundamental precepts of heritage conservation practice worldwide. It has been a strong article of practice that identification and management should be treated quite separately to avoid management issues influencing identification decisions. The Commission's rejection of this issue privileges lofty theory over years of hard experience, and cannot be accepted (p. 186).

It is difficult to see what public purpose would be served by a statutory list that records merely those properties the owners of which (for the time being) are prepared to conserve them. It could not serve as any kind of reliable comparative guide between different states or local government areas, and would further exacerbate the problems of disparity between assessments that the Commission notes exist at present (p. 69). In effect the Commission wishes to introduce a new definition of cultural significance that says “ If this owner doesn’t wish to conserve the place, it is not important; but if that owner does, it is – for the moment”.

Secondly, given the likely limited resources available to both negotiate listings and provide the assistance sought by owners, the listing process itself is likely to be extremely and unreasonably constrained. The Commission notes such agreements can require considerable negotiation (p. 45), so perhaps the Commission should calculate the likely cost and therefore the likely impact on listing activity given existing budgets.

Given the extensive existing listings, revisiting these thousands of listings would consume vast resources, even leaving aside the assistance owners might seek as part of the listing deal. This is acknowledged by the Commission (p. 186). These numerous listings suggest we are well past the point where such a proposal could be reasonably contemplated. In addition, such lists would potentially need to be updated every time a property changed hands and the listing was renegotiated. The cost of this exercise would be a further disincentive to both owners and authorities to place any item on a statutory list.

The Commission appears to regard this impact positively, as a brake on the incentive by agencies to list places because they do not have to consider the costs of conservation (p. XXX). This is a perverse characterisation of the work of agencies who operate under a statutory mandate to identify Australia’s heritage. Places are listed because they have heritage value, and the concept of an incentive to list is wrongly cast.

A further complication in negotiating the conservation agreement is the concept that government funding will be applied to the conservation of some additional heritage value (p. XXXI). This is not a simple matter, and will add to the resources required for the negotiation.

Fourthly, it is not at all clear that this is really a necessary step to take. While there are some grumbles about heritage listings, of which the Commission provides a few anecdotal examples, there seems to be no evidence cited in the report or in the public submissions of any widespread dissatisfaction, and indeed there appears generally to be much more public acceptance than rejection.

Even a cursory review of the submissions and transcripts indicates that only a minuscule percentage of the owners of listed properties have elected to appear before the Commission. and it is hardly surprising that a relatively high number of those who did appear say that their grievances arise from their particular situation. While some of these complaints are valid, no doubt, the quantum of such submissions actually implies that the vast majority of affected owners do not regard the listing/regulatory system as a problem.

Fifthly, and related to the above point, there appears to be some question in the interpretation of, and reaction to, material presented to the Commission. Leaving aside those submissions that are obviously coloured by a particular issue or self-interest, the majority of players in the heritage industry recognise that the system is over-reliant on regulation as the means of achieving conservation. But this is not an argument to reduce

regulation, nor to make it voluntary, rather it is a basis for introducing other measures. Surely targeting incentive options to legitimate grievances would be a better way to deal with any localised shortcomings.

Finally, there is an inherent illogicality in making listing voluntary; human nature being what it is, the practical reality is that those who will do the right thing without regulation will volunteer for listing. And those whose actions may warrant intervention or regulation will remain unlisted. the result will be the worst of both worlds – whatever impact heritage listing has will apply to those who seek to do the right thing. and those who do the wrong thing will be unfettered.

It is possible the Commission does not fully appreciate that the real impact of statutory listing is not an automatic obligation to achieve a high standard of conservation for places irrespective of other factors. For example, a statutory listing at the local level requires a consent authority to take heritage into account as one of a number of important factors when assessing proposals for change. While conservation is a major objective, it is pursued within the real-world circumstances of owners. This can result in a range of possible outcomes, including the loss of heritage values and, sometimes, whole places. There is a stronger objective to prevent destruction and damage (which is probably much less onerous than full conservation) but even this is not absolute.

In this context, the actual additional cost to the owner of statutory listing cannot be presumed at any particular level. Australia ICOMOS is not aware of any evidence to suggest listing automatically results in an onerous financial burden for owners. There are, no doubt, some cases where this arises but this would seem to suggest targeted solutions rather than the radical blanket overhaul proposed. It may be desirable for agreements to be used where incentives/assistance are provided.

The Commission appears to be arguing for a return to the situation of the 1950s and 1960s, when property owners could develop, alter or destroy heritage places without legislative restraint, but could also choose to conserve them. The number of places destroyed during those decades, compared with the number actively conserved (as distinct from those that survived by accident) suggests the likely outcome for heritage places if a voluntary statutory listing system is adopted. The current system evolved in response to the perceived shortcomings with the former situation. Experience both here and overseas suggests that market forces will not achieve heritage conservation unless public benefits are internalised through legislative protection, and supported with incentives.

Overall, the voluntary listing option is more likely to cripple listing activity than achieve some overall better outcome for heritage. In addition it seems complex, possibly more expensive than other incentives options, and it would take a long time to implement given existing listings. It will, moreover, result in a series of diminishing lists recording merely owners that wish to conserve places, rather than comprehensively listing places that are intrinsically worth conserving. There is little to recommend this suggestion in practice.

Recommendation: The Commission should revise its recommendations to promote the increased use of conservation agreements in circumstances where a greater conservation benefit would be achieved. The related resourcing needs for such agreements must also be addressed. There should be no link between statutory heritage listing and conservation agreements as proposed.

Demise of the Register of the National Estate

This has been a long and much-debated issue through the years of developing the current Commonwealth heritage system (Draft Recommendation 7.1). Unfortunately, the Commission seems not to have reviewed the previous arguments nor considered the recommendations for the future of the RNE, such as those prepared by the National Cultural Heritage Forum.

For example, at the local level, in the absence of local heritage schedules in some places, listing on the RNE may be the only effective way to draw attention to important local heritage values.

The Commission's draft recommendation is strongly opposed.

The draft report also notes,

“Many expect that inclusion on the register [Register of the National Estate] provides some form of statutory protection. While the RNE does not have any such regulatory status at the national level...” (p. 155)

This is not correct. The RNE can provide a measure of protection:

- as a trigger under sections 26 and 28 of the EPBC Act; and
- section 391A of the Act provides that the Minister must have regard to the information in the RNE in making any decisions under the Act.

Recommendation: The Commission should revise its recommendation to reflect the National Cultural Heritage Forum recommendations for the future of the RNE.

Heritage areas

The proposal for State and Territory Governments to leave heritage areas to local government planning schemes is opposed (Draft Recommendation 9.8).

While there can be problems with management of such areas, Australia ICOMOS is not persuaded the Commission's approach adequately addresses these problems, nor that such an approach will necessarily lead to good conservation outcomes. Partly this is because of the need to protect legitimate national or State heritage interest in such areas, and partly because of the many problems which even the Commission recognises exist at the local government level (pp. 152, 172).

The Commission's approach to areas which have multiple levels of significance, eg national or State significance in addition to local significance, seems to contrast markedly with its support for the three-tiers approach to heritage whereby each level of government looks after its own level of heritage (pp. 152, 205). In the case of heritage areas, the Commission suggests local government should take responsibility with other levels of government negotiating about their interest. This is interesting as an attempt to deal with the complexities of places with more than one level of significance. However, it looks inconsistent with the apparent approach recommended by the Commission for individual heritage places.

Recommendation: The Commission should revise its recommendation to recognise and strengthen the legitimate national or State heritage interest in heritage areas.

Recommendations which should be made given the draft report text

Transparency and accountability regarding funding

While the Commission makes some worthwhile recommendations regarding funding transparency (Draft Recommendations 7.4 and 7.5), these do not go far enough or are ambiguous in scope.

“Reliable and comprehensive information on the amount of government expenditure on heritage conservation is not readily available. While information is available about expenditure under some heritage-specific programs, expenditure on other programs is not readily identifiable nor separately recorded in Budget Papers. Also, money spent by government agencies on the conservation of their own heritage properties is generally not separately reported. The available data are often fragmentary or come with much qualification. This situation does not enhance informed decision-making.” (p. XXVII)

Recommendations should be framed to facilitate the gathering of reliable and comprehensive heritage funding information, extending beyond just expenditure on government-owned property.

Common criteria and listing processes

The draft report identifies some differences in the listing criteria and listing processes of the various jurisdictions but is silent on the need for a common approach, as already required by the Intergovernmental Agreement on the Environment.

Listing systems

The text at Sections 4.7 and 5.2 contain a number of criticisms which are not further addressed in the form of recommendations.

Australia ICOMOS questions the Commission’s assertion that variable listing processes at the local government level might simply be accepted as a democratic reflection.

Coordination between State bodies

The text at Section 4.7 contains a number of criticisms which are not further addressed in the form of recommendations.

Governments are bad conservers of heritage

The text at Section 4.7 contains a number of criticisms which are not further addressed in the form of recommendations.

Resourcing conservation of local-government owned heritage

The problem of inadequate resources is raised but no solution is offered (p. 78).

State government guidance to local government

There are no recommendations based on Draft Finding 5.1:

“There is a high level of discretion for decision making on heritage matters at the local government level, derived in part from limited State government guidance and this has resulted in inconsistent outcomes within many local governments.”

Statements of significance

There are no recommendations based on Draft Finding 5.2:

“While statements of significance are recommended in State guidance material, no State requires its local government to include a statutory statement of significance in their local heritage lists. The absence of such statements seriously impairs subsequent decision-making about listed places.”

The Commission at other points stresses the need for adequate statements of significance and the use of comparative assessments (eg pp. 186, 193) but there is no consequential recommendation.

Uncertain effect of local heritage

There are no recommendations based on Draft Finding 5.5:

“Many property owners do not fully understand the effect that heritage listing has on their property. This is not simply a reflection of a lack of awareness by owners of the implications of listing, rather it flows from unclear legislative requirements and inconsistent administrative actions. More specifically, it is a direct result of the failure of all State Heritage Acts to specifically require a statement of significance for heritage listing at the local level.”

A statement of significance is only part of the information that is needed by owners.

Local level problems

The list of problems identified at the local level seem very substantial and should be addressed with recommended solutions:

“Problems at the local level are exacerbated by a number of specific features of local government:

- a lack of resources for heritage conservation, especially in rural areas;
- the widely variable heritage policies across local government areas — some councils take an active approach to developing a heritage list while others do not have a single place on their list;
- the majority of locally significant heritage places are in private ownership, and in many cases, are residential dwellings and workplaces in daily usage;
- the benefits of heritage designation for places of local heritage significance are typically finely balanced against the costs of conservation;
- heritage regulation is complicated by the manner of its integration with the planning system, and in particular, with the development approval process; and
- local governments often apply a heritage regime that was primarily devised for individual iconic places, to precincts or areas of heritage significance.” (p. 152)

“At the local government level, the management of heritage conservation under local planning schemes is not working well, primarily because of:

- the imposition of unclear and uncertain restrictions on property owners;
- the failure to prepare a statement of significance for each place listed on a local list;
- inconsistent use and interpretation of heritage controls; and
- the application of heritage controls to places that have little, if any, heritage significance in order to achieve other planning objectives.” (p. 172)

To these should be added the heritage expertise available at the local government level.

Australia ICOMOS recommendations

Australia ICOMOS’ initial submission contained numerous issues and recommendations which do not seem to have been considered. The full list of recommendations previously provided is contained in Appendix A. Australia ICOMOS strongly urges the Commission to consider and adopt each of the recommendations. At the very least the Commission should respond to the recommendations.

Other comments

The concept of subsidiarity and heritage

The Commission should look critically at the application of this concept to heritage (pp. XXI, 152-3). While appealing and at a general level sensible, there are a number of complexities which are yet to be apparently addressed. In particular, heritage places often

have a range of values at different “levels” of significance (national, state, local). Accordingly, it is not a simple matter to say that the national government will look after national heritage values, state government will look after state values, etc. This could have both a regulatory and funding dimension. Individual heritage places cannot and should not be disaggregated into their levels of values. The bizarre outcome at the extreme could be national government regulating and funding national values, state government regulating and funding state values, etc, but all for the same place! Under the Commission’s proposal, three conservation agreements might be negotiated for the one place.

The concept of subsidiarity if applied in some ways could actually endanger an integrated approach to heritage, and this problem is not identified or addressed.

Net community benefit

The Commission’s work is underpinned by the objective of net community benefit, or that the conservation of places should only take place where benefits exceed costs (pp. XXIX-XXX, 148). While this is superficially appealing, the formula fundamentally fails because we cannot satisfactorily equate heritage values and economic value. As the Commission notes,

“Intangible benefits — such as the value to a community in having a link to its past or the aesthetic appeal of heritage places — may be difficult, if not impossible, to quantify. The inability to accurately measure such benefits makes their inclusion in a benefit-cost analysis problematic.” (p. 142)

In other words, the Commission elects to ignore the intangible benefits because it is unable to measure them, although it states previously (pp. 9-14) that the benefits of heritage conservation are well-established. If the costs on one side of the equation are easy to measure, and the benefits on the other side more difficult, it may be wrong to conclude that the costs require compensation to private owners, who receive some of these benefits.

Heritage and planning as similar or different

Australia ICOMOS does not agree with the view that heritage and planning are so different, leading to the need for voluntary agreements with compensation/incentives for one and not for the other (p. 145). The Commission’s argument is flawed because planning laws are not as monolithic as portrayed. Rather, they can involve complex layers resulting in considerable diversity of controls in a given area.

Even accepting the Commission’s argument, then the case of heritage areas would be a situation closer to planning than to heritage as portrayed. However, this is not recognised.

Development control

Unfortunately, in following the particular path it has, the Commission has not otherwise addressed the ideal role of different jurisdictions with a planning/heritage interest in a given place (eg State and local government). There is the hint of criticism if State heritage agencies become the effective planning authority or if dual approvals are needed (pp. 58, 60).

Commitment by States to public-owned heritage

A more substantive series of recommendations should be crafted to address Draft Finding 4.2,

“The commitment to identify, conserve and manage publicly-owned historic heritage places varies considerably between States and Territories.”

Subjectivity of heritage assessments

At various points the draft report refers to the subjectivity of heritage assessments and implies a lack of rigour in current processes (pp. XX, 193).

While there are no doubt improvements that can be made to lift the standard and improve the consistency of assessments, the Commission fails to recognise such assessments are undertaken within a professional context. In addition, registration processes invariably involve a layered approach whereby assessments are subject to review. For example, a heritage consultant will prepare an assessment, this will be reviewed by professional staff of the State heritage agency, and the assessment will be finally reviewed by the Heritage Council. Additional review might arise through an objection process. Such processes are not capriciously subjective and they contain some rigour.

The Commission's comments display a lack of detailed understanding of heritage assessment work. Even so, it is disappointing the Commission has failed to provide recommendations to lift the standard and improve the consistency of assessments.

Role of non-statutory heritage registers

The Commission's portrayal of non-statutory registers lacks balance, as it does not recognise the positive aspects of such registers (p. XXVII). Indeed, if the Commission's voluntary statutory lists are adopted, non-statutory lists compiled purely on the basis of heritage significance would become the only reliable means of comparative assessment. This is also another argument for the retention of the Register of the National Estate.

Commonwealth power over corporations

The portrayal of Australian Government listing as having little statutory effect seems to ignore the Commonwealth power over corporations (pp. XXVIII, 45).

Heritage controls over places not listed

Concern is expressed about such controls by the Commission (pp. 96-8, 192).

Unfortunately, the Commission has not appreciated the reason why such general provisions have been included in planning schemes in the first place, and the possible continuing value of such provisions.

Places in the vicinity of a heritage item

The discussion of this issue does not acknowledge ss26(2) of the EPBC Act which extends Commonwealth power over land adjacent to Commonwealth land (pp. 98-100).

How well are the existing arrangements working?

The comments about National Heritage places being icons in public ownership which would be preserved without government intervention, they are well known, secure and well managed are somewhat overstated (p. 151).

The examples of Recherche Bay and the Belconnen Naval Transmitting Station challenge this view.

National Heritage Listing Process

The draft report notes,

“entering a place on the National Heritage List involves a two-step process to assess both the heritage significance of a place and the costs of conservation, before a determination is made on whether a place should be listed. In this way, there is a conscious evaluation of the costs as well as the benefits to determine whether listing provides a net benefit to the community” (p. 154)

The source of this information should be cited as this information about an assessment of costs is not in the public realm.

Regulation as the main instrument

Draft Finding 7.5 states,

“At the State, Territory and local government levels, there is an over-reliance on prescriptive regulation to achieve heritage conservation objectives. In many cases, this has led to poor outcomes, through for example, inappropriate listing imposing unwarranted costs (such as denial of redevelopment opportunity) and possibly perverse effects (such as destruction to avoid maintenance costs).”

The claim about poor outcomes may be an overstatement based on poor evidence. While the Commission cites some evidence for this finding, there is no objective support provided. Rather, the finding looks self-serving. Alternative evidence could probably also be provided which would show good outcomes in many cases.

Consideration of management issues at the time of identification

The Commission fails to understand the importance of separating management issues from identification (pp. 165-6). This is such a fundamental issue in Australian heritage conservation based on long years of bitter experience.

Assistance for conservation

The Commission quotes a case where listing, it is claimed, would result in a substantial loss of value (p. 169). Has the Commission critically examined this case to satisfy itself that the assertions are well-founded? For example, is this really a case of the loss of a windfall opportunity?

The Commission also notes,

“For many such properties the heritage characteristics are sufficiently of value to the private owner for that owner to undertake the conservation willingly and without any need for assistance.” (p. 183)

While there are no doubt such cases, the draft report should be careful not to convey an impression that goes beyond the evidence. The extent of assistance that might be sought by private owners has not been studied or estimated, and may prove substantial.

Getting incentives right

The draft report refers to a reservoir of hostility (p. 174). Does the Commission have objective evidence of the extent of this hostility?

Appendix A: Australia ICOMOS Recommendations made in its First Submission

- A. 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.
- B. 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.
- C. 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. The following key strengths of Australian heritage systems should be fostered:
- public interest in and commitment to Australia's heritage;
 - legislative and government systems established to identify, protect and conserve Australia's heritage at all levels;
 - the skills, expertise and commitment of practitioners and professionals working in the field;
 - the philosophy and standards of conservation practice, such as the Burra Charter; 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.
2. The following key weaknesses in Australian heritage systems should be remedied, especially those that relate to the Australian Government:
- lack of national leadership, including partial or complete failure to:
 - lead the intellectual development of heritage through research and supporting the work of other organisations;
 - lead practical heritage conservation through a variety of novel policies and programs;
 - lead and support the public debate about heritage matters;
 - lead Australian heritage conservation by fostering networks of various stakeholders including government agencies and non-government organisations.
 - insufficient level and extent of heritage expertise in the Department of the Environment & Heritage;
 - low levels of support provided by governments, including funding, incentives and technical support for identification and conservation - in particular the

resources provided for the implementation of the Australian Government heritage system;

- inadequate understanding of and support for fostering public access to heritage;
- insufficient and poorly targeted skills development and training;
- lack of a comprehensive national inventory of heritage places;
- inadequate support for NGOs; and
- inadequate support for international heritage activities.

3. The Productivity Commission should be cautious in identifying specific current pressures unless there is a sound basis for doing so.

Research should be commissioned by the Australian Heritage Council to identify key pressures, if any. The engaged cooperation of State/Territory heritage agencies will be an essential ingredient.

4. The Productivity Commission should consider the range of suggestions for improving the Australian heritage policy framework found in the:
 - 2001 National State of the Environment report;
 - 2004 Vision for Australia's Cultural Heritage prepared by the National Cultural Heritage Forum; and
 - the 1998 Key Outcomes from the National Heritage Convention.
5. The Productivity Commission should consider the means of ensuring the effectiveness of current systems of determining levels of significance for the identification and conservation of Australia's heritage.
6. Targeted regional and thematic heritage identification programs, as outlined above, should be supported by government funding and policy development.
7. A generous community grants program should be initiated which allows for the identification by the community of its own heritage, and which is backed up by funding for appropriate listing, planning and conservation.
8. A periodic sample survey of the condition of Australia's historic heritage places should be undertaken. The survey should be funded by the Australian Government through State of the Environment Reporting, and the States and Territories should be encouraged to participate through the development of an agreed standardised method of data collection.
9. Adequate resources should be provided for the continued development of the Australian Heritage Bibliography (held by the DEH Library). All governments should support the entry of historic heritage work in the Bibliography.
10. The different roles of the three tiers of government should be clarified, integrated and better resourced.
11. Regulation at State and Territory levels should carefully consider the desired outcomes and tailor approvals processes accordingly.
12. Continue streamlining the system to avoid over over-regulation.

13. Sufficiently fund regulating bodies to be able to provide follow up support to private and commercial owners post-approval.
14. Though focused on modern construction, all trade courses should have a component on traditional construction techniques so that all tradespeople are aware of traditional practice and heritage related issues.
15. Specialist post-trade courses and programs should be developed to meet the need for higher order skills in the heritage industry.
16. Courses in architecture, building and engineering (whether at university or TAFE) should also have components on traditional construction techniques and heritage issues.
17. The Productivity Commission should recommend to government that these issues are pursued as part of a proposed national review of current education and training. In doing so, a degree of national coordination and information sharing would be desirable.
18. Government should recognise the substantial contribution made by Australia ICOMOS and other NGOs.
19. Increased funding should be made available to NGOs commensurate with this level of contribution and commitment.
20. DEH and/or the AHC should put in place a mechanism to review the ongoing operations of the national heritage system with a view to seeking simple effective responses to the legislative objectives especially in cases where difficulties arise. This mechanism and the solutions generated should be adequately resourced.
21. DEH should consider an ongoing program to promote a better understanding of the system, especially amongst potential nominators.
22. An adequate, comprehensive, overarching national policy framework for heritage should be developed.
23. The Australian Government, together with State and Territory Governments, should develop a model approach to the:
 - integration of heritage in the planning approvals process; and
 - the relationship between heritage and planning/development control which deals with the relative power of each, including the special case of large developments. This model should have as a central principle a fundamental respect for heritage values, and should be developed in consultation with the range of stakeholders at various levels of government and the non-government sector.
24. The Australian Government should adopt a broad leadership role with regard to heritage matters, and this role should be articulated in a national policy framework for heritage. This role should include support for other levels of government and deal with research, funding for conservation, training, standards and technical advice.

25. The AHC should have clear access to and control over the necessary resources to enable it to play the broad role envisaged.
26. The AHC should embrace the full range of statutory functions defined, and provide information about the work it actually does. In particular, the AHC should play an active role in major heritage issues.
27. The government should adopt a policy of appointing the best available experts at a national level to the AHC.
28. The AHC should seek to have appointed associate members to supplement the current range of historic heritage experts, or establish other expert advisory mechanisms.
29. The Australian Government should seek to use the Council of Australian Governments and/or the EPHC to achieve the genuine co-operation and consistency in standards and approach that was always envisaged as a central tenet of the new Commonwealth heritage regime.
30. State and Territory regulations should be consistent to achieve a national and integrated system.
31. Agencies should be sufficiently resourced to fully implement and enforce their legislation.
32. The Productivity Commission should consider the adequacy of resourcing provided to State and Territory heritage agencies.
33. Through the National Heritage Strategy process, governments should cooperatively develop and prepare model functions for heritage agencies which might form the basis of a national standard.
34. The Productivity Commission should investigate the resources available to State/Territory government departments/agencies to undertake heritage conservation, and also investigate the resources needed.
35. The Productivity Commission should investigate the resources available to heritage councils to support and encourage State/Territory government departments/agencies, and also investigate the resources needed.
36. The Productivity Commission should investigate the resources available to the AHC and DEH to support and encourage Australian Government departments/agencies, and also investigate the resources needed.
37. The new system for dealing with Commonwealth Government heritage responsibilities should be monitored to ascertain its usefulness as a model for State and Territory government heritage activities. If found to be a useful model, this should be promoted to State and Territory governments.
38. Provide incentives or requirements for government agencies with heritage responsibilities to undertake and promote strategic and long term research in historic

heritage and to invest in and maintain 'in house' expertise in relevant historic heritage skills.

39. Protected Area Management agencies should instigate a program of survey and assessment of historic heritage resources in nature conservation areas; develop clear policies and strategies for the conservation of this resource where such are not already in place; and to invest in appropriately qualified staff to ensure the long term investigation, interpretation and conservation of the resource and the integration of its management into the overall management of the protected area reserve system.
40. Awareness of potential heritage impacts needs to be raised amongst policy makers and regulations in non-heritage sectors. This may assist to avoid conflicts in the first place. Policies are needed outlining an assessment process for managing conflicts that do occur.
41. The Australian Government should provide substantially greater ongoing financial incentives for private historic heritage conservation consistent with the public benefits achieved through such conservation.
42. DEH/AHC should monitor the establishment phase of the new heritage system and develop solutions if the problems prove to be structural. This may require legislative amendments and/or the provision of more resources, especially staff or consultant resources and heritage expertise.
43. The definition of aesthetic needs to be broadened to reflect current practice and to include the range of meanings commonly ascribed to this term.
44. Criterion (a) is applicable to fabric as well as intangible aspects in the national heritage system. Clarification is needed to reinstate this long-standing assumption.
45. The potential costs of conservation should not be included in listing criteria.
46. The Productivity Commission should not perpetuate the assumption that resources for conservation activity will remain scarce, and indeed the Commission should address the level of resourcing (see Question 11).
47. The Productivity Commission should examine the policy, program or strategic approaches, if any, behind recent Australian Government conservation funding decisions such as those contained in the 2005 Budget. If no sound strategic approach is found, the Commission should recommend a suitable approach.
48. Priority setting for conservation activity should not be based on certain forms of heritage listing nor levels of significance. Rather, priorities should be established on the basis of the specific needs of a place including significance, condition, ability to undertake necessary works, and other available resources for the works.
49. The Productivity Commission should examine:
 - the extent of backlogs of nominations to statutory heritage lists;
 - the extent of gaps in basic local heritage surveys;
 - the adequacy of data on heritage places derived from local heritage surveys;
 - the extent of gaps in thematic surveys;
 - the rate of transfer of survey data to heritage lists; and

- the adequacy of resources to address these issues.
50. Local Councils require sufficient resources and in-house heritage expertise to effectively deliver their component of the heritage management system.
 51. Non-government listing organisations should be encouraged to review the purposes of their listing activities and, if appropriate, consider targeting their activities to include:
 - recognising heritage value in situations where governments are reluctant to do so;
 - playing a leading role in expanding the definition of heritage, as appropriate; and
 - continuing to provide the basis for nominations to statutory lists where appropriate.
 52. The level of government support for NGO listing activities should be considerably enhanced. This might include funding but importantly it should also include assistance to develop on-line, publicly accessible databases.
 53. Governments, especially the Australian Government, should be looking to enhance the Australian Heritage Places Inventory to include all reputable heritage lists including those from NGOs.
 54. The regulations to the EPBC Act should be brought into line with national best practice in heritage conservation as outlined in the Burra Charter.
 55. DEH should use existing management plan models to create a single approach, avoiding duplication of effort on the part of owners to comply with varying requirements in different jurisdictions.
 56. Efforts should be made by DEH to simplify the guidance provided for management plans.
 57. DEH should finalise and distribute the management plan guidelines.
 58. An effort should be made to have a single set of national guidelines for management plans.
 59. The reasons for recent failures of processes to adequately identify and protect places such as historic war sites at Gallipoli and in Asia should be examined, and systems put in place to avoid future failures.
 60. The Productivity Commission should consider establishing principles for different levels of incentive that might be provided, by whatever means, to different classes of property and owner.
 61. Land rates or taxes should be structured to reflect the conservation use of a property where this has been designated through a heritage listing.
 62. The Productivity Commission should endorse the principle that governments should provide financial assistance for heritage conservation, perhaps invoking the concept of mutual obligation.

63. 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.

64. The Productivity Commission should consider recommending a tax incentives scheme for heritage, and it should carefully scrutinise arguments against tax incentives which might be based on the failure of the former scheme.
65. Tax incentives must be considered as one possible form of incentive in a package of measures which address the range of situations affecting owners.
66. The Australian Government should develop a comprehensive package of assistance in response to a strategic framework for Australia's heritage. While this may include the possibility of one-off special assistance, the package should address the long-term and widespread needs of Australia's heritage.
67. The GVEHO should remain a program providing support for organisation's operations/administration, and should not become project oriented.
68. The GVEHO application processes could be simplified, reducing the volume of material sought.
69. The level of funding available in the GVEHO should be substantially increased to reflect the large costs borne by the organisations compared to the modest contributions from government.
70. The time taken to assess the Sharing Australia's Stories applications should be dramatically reduced. While a thematic approach to this program is generally supported, the huge unmet demand for funding under this program is indicative of the scale of need throughout the community, and should not be entirely swept under the carpet.