

BRACKSVILLE What To Do About The Victorian Government's "Greed is Good" Approach To Australia's Heritage?

1. The Kew Cottages Coalition Submission.

The Victorian Government's own Submission (12/10/05) to this Productivity Commission Inquiry is a masterpiece of political and administrative rhetoric. If it were true you would be forced to think that the Bracks Government were the greatest champions of the conservation cause the world has ever seen.

Unfortunately, despite all the best efforts "of all the King's horses and all the King's Men" there is one fundamental flaw – the Bracks Submission is simply a myth..

It is a myth because, the main pressure on the conservation of historic heritage places in Victoria in 2005 can in our submission be expressed in seven simple words, namely: "The Greed of the Bracks Government itself." (PCHref:1)

As any Google or other web search on Melbourne's "Royal Park" and "Kew Cottages" will show, the Bracks Government's rhetoric is not supported by its performance with respect to these Landmark Crown Land sites listed on the Victorian State Heritage Register. Indeed, over the past five years, despite the best efforts of the State's Heritage organisations and their officers the Government itself has moved resolutely to abandon due process, demolish registered heritage buildings, and flog off these defenceless Crown Lands to the highest commercial bidder.

In our submission, the politics of greed in Victoria is now so blatant, the pressures on both Heritage public servants, and the goodwill of the Victorian public at large so great, that it can only serve to bring Australia's Conservation of Historic Heritage Places as a whole into international disrepute.

The solution, in our view, however, is in principle, as simple as it is urgent. The problem is a State problem, yet it requires a National solution; namely:

An Independent 'Second Umpire' to help resolve perceived conflicts of interest:

An urgent independent umpire's review should be undertaken of all current demolition permits issued by State Heritage regulatory bodies for Crown Land sites where the State Government itself has acted both as the owner, the planning authority, and the developer of the Crown Land in question; and

A Nationally Approved Guarantee of Transparency to help resolve perceived failures in the Government's financial dealings with private developers.

Full and immediate public disclosure of all Government financial dealings and contractual arrangements with respect to the Government's sale and disposal of Australia's public lands and historic heritage places.

2. BACKGROUND

2.1 CORE ISSUES & BROKEN PROMISES.

Royal Park and Kew Cottages provide two well documented case studies into the performance and perfidy of the Bracks Government with regard to the alienation of public lands and the destruction of significant Australian heritage places.

In the case of Royal Park, the Bracks Government has used the ‘sledge hammer’ mechanism of overriding legislation (the Commonwealth Games Act) to subvert and undermine the State Heritage listing of the site. (See: <http://www.royalparkprotect.org.au>)

In the case of Kew Cottages the mechanism used by Government has been more that of the “Wrecker’s Ball’ using the permit conditions of the Heritage Act to chip away at the HV 2073 Heritage Registration on the basis of the “undue financial hardship” that would be suffered by the Government if 3 (of a total of 6) registered historic buildings were not allowed to be demolished and replaced by 3 multi storey apartment blocks. (See: <http://www.kew.org.au>)

2.2 CALL FOR A JUDICIAL INQUIRY

We would like to draw the Productivity Commission’s attention to the details of the contractual relationships between the Government and the private developers in both the above cases, and to the recent call for a judicial inquiry into the sale of these Crown Lands by the former Chairman of the Victorian Mental Health Authority, Dr. E. Cunningham Dax. (See Progress Leader, (30/8/05) p.25).

2.3 NO SALE WITHOUT TRANSPARENCY

In the case of Kew Cottages, we would like to draw the Productivity Commission’s attention to the very dubious claim that it will cost the State Government up to \$15m in financial returns if 3 historic buildings are retained. Our questions concerning the valuation basis of this estimate remain unanswered as do questions about the level of financial support the Government would be prepared to make available in order to retain the registered buildings and landscape intact at what has proved to be a time of record budgetary surplus in Victoria.

We believe any economic analysis carried out on any historic place is purely an academic exercise based on unscientific subjective methods resulting in unreliable data and therefore equally unreliable conclusions. How does one assess the monetary value of the Pyramids for example, and the economic loss if they were destroyed or the Taj Mahal, the Parthenon, or even Gallipolli Beach ? So it is not only a nonsense in our view that these historic buildings, formerly part of the old Kew Cottages at Kew, should be destroyed purely on economic grounds, but it also sends a clear message to insensitive interstate developers that Victoria’s heritage places are up for sale with the Bracks Government’s blessing – providing the price is right.

2.4 WHOSE LAND IS OUR LAND ?

Finally, we would like to draw the Productivity Commission’s attention to the fact that both Royal Park and Kew Cottages are understood to be still Crown Land. As a consequence we would welcome the Commission’s view on the associated issues including for example:

1. In the absence of special enabling legislation, does the State Government have an absolute legal right to sell the both Royal Park and Kew Cottages ?
2. The present State Government although originally a CROWN COLONY before Federation is still in our submission only acting as a lawfully appointed agent of the Crown. Therefore the land should not be sold to any person or body without the agreement of the Crown.
3. If that is the case, then we question whether the agreement of the Governor General, the Queen's legal representative in Australia, should not first have been sought for the sale of the land in the manner proposed ?
4. To claim that the Victorian Government although the legal representatives of the Victorian people are consequently its legal representatives in this case, is we think in this case drawing a long bow, and maybe this question should be referred to the High Court for advice if it has not already been previously determined.

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