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## **PEAK ENVIRONMENTAL ENTERPRISES**

**and** CONSERVATION CENTRE OF AUSTRALIA

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Heritage Inquiry  
Productivity Commission  
PO Box 80  
Belconnen ACT 2616

Submission on Draft Report Conservation of Australia's Historic Places

### 1. INTRODUCTION

I write to strongly oppose one of the main draft recommendations of the draft report (8-1) that "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". For reasons I will explain I consider this would be a major backward step in the protection of the long term community interest in the environment.

I am also opposed to draft recommendations 7.1, 7.2 7.3, 9.1, 9.2, 9.3, 9.5, 9.6, 9.7 and 9.8.

I had two other concerns about the draft: the narrowness of the interpretation of the meaning of historic heritage; and the fact that your draft report makes no reference to the situation for the protection of historic heritage in the heritage-rich Territory of Norfolk Island.

### 2 PERSONAL INTEREST AND BACKGROUND

I am a trained geographer, historian and conservationist who has had an interest in this field since the late 1940s when the major steps were being\_\_ taken to protect the most significant heritage area of England and Wales. In 1953-55 I prepared a Masters Thesis on Britain's first National Park (established 1950) most of which is in private ownership. In 1960-63, after heritage research in Canada and New Zealand, I undertook PhD research on the relationship between recreation and conservation in Tasmania.

Working for the Australian Conservation Foundation from 1966 in various capacities (from 1973 to 1986 as its CEO) I provided technical assistance to the Committee of Inquiry into the National Estate and as ACC Director twice led campaigns to

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prevent the Australian Heritage Commission from being axed.

From 1981 to 1988 I represented Australia and Oceania on the governing body\_ of the World Conservation Union and have been a member of the World Commission on Protected Areas since 1979.

I am involved with heritage assessment and protection in both my professional and voluntary conservation capacities. In 2005 for instance I prepared and submitted 14 nominations for the National Heritage List. Several of these are of areas which have historic heritage values.

### 3. OPPOSITION TO PROPOSAL TO MAKE LISTING CONTINGENT ON A NEGOTIATED CONSERVATION AGREEMENT

As mentioned above this I consider this would be a major backward step. The present situation is based on the widely accepted understanding that the community has an interest and stake in all land and that it is unacceptable for the private owner to do anything on his/her property which would adversely affect what has been accepted by due process as representing the community interest.

With regard to the existence of these interests and rights in land of heritage value the idea is of long standing although it has, of course, evolved. Writing about the Lakes District in 1809 William Wordsworth put it this way "...they deem the district a sort of national property, in which every man has a right and interest who has an eye to perceive and a heart to enjoy".

While I agree that Government has a responsibility to wherever possible back up regulation with positive action it is going too far to suggest that without an agreement to provide such assistance the identification of the community interest in the heritage should be disregarded. Knowledge of what is there is essential.

I note that what you have done to justify these draft recommendations in favour of making listing contingent upon conservation agreements is to ignore the fact that the vast number of people living in heritage areas support such listing. It gives them more certainty and they can associate themselves proudly with what is being saved. In other words most people living in these situations share the positive view about the heritage that the wider community has. I agree that there are a few exceptions involving people whose overriding interest is in making money.

Generally I found that your draft report presented a negative view about the value of heritage protection through listing. The main role of listing is to identify the community interest so that it can be protected through planning decisions. It can also, as you point out, be the basis for positive action. I agree with

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your view that we would be better served if there was more easily accessible information on significance.

#### 4. NARROWNESS OF DEFINITION OF HISTORIC HERITAGE

It is far from clear what you mean by the term "historic heritage". You say (page 4) that the inquiry should not be limited to built heritage and rather should "encompass all historic heritage places" but your following four dot points are also narrow. Included in my National Heritage nominations last year were: the first piece of Australian coastline to be the subject of a conservation decision; the first areas to be settled for farming in Australia and which are still in use for this purpose; and an area which is associated with Australia's first coastal planning scheme. I have no idea whether these fit your definition of historic heritage.

#### 5. NATIONAL AND WORLD HERITAGE AND THE REGISTER OF THE NATIONAL ESTATE

Your draft report makes quite a bit of reference to National, State, and Local Heritage and their relationships but says next to nothing about the relationship between the National and World Heritage systems. I believe you should explore this because the federal Government has a policy which closely ties them to gather. This is the policy of requiring areas to be on the National Heritage List before they are nominated for the World Heritage List. This affects for instance the proposed convict places serial nomination which includes eight sites in three states and on Norfolk Island.

You comment on the slow pace of setting up the National Heritage List is noted. Not only is the pace slow but it is being affected by the failure to provide nominators with adequate guidance. An example is the failure of both the Australian Heritage Council and the Minister to produce lists of heritage themes. Yet nominators are asked to specify a theme "announced by the Minister" when they complete their nomination forms.

With regard to your draft recommendations to do with doing away with the Register of the National Estate., apart from being enshrined in legislation, government to government agreements, etc, have you any idea about what a stab in the back this would be for the many thousands of people who have been involved with the development of this inventory over several decades.. Your recommendations (7.1-7.3) would serve little or no purpose.

#### 6. OTHER POINTS

Please note that the claim (page XV111) that government involvement in historic heritage conservation dates from the mid-1970s is completely incorrect. I will not take you on a tour of

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the historic preservation situation in the states before this time but you might like to reflect on the fact that provision was made for the acquisition of historic places in the Tasmanian Scenery Preservation Act of 1915 and that Port Arthur was acquired under this provision in 1916 (the balance in 1945). By 1961 18 historic sites, buildings and monuments had been proclaimed under this Act.

Yours sincerely

Dr Geoff Mosley AM