

Scanned copy of original submission

Heritage Inquiry  
Productivity Commission  
PO Box 80  
Belconnen ACT 2616

26<sup>th</sup> January 2006

Dear Sirs

I would like to make a brief submission in response to your draft report on your inquiry into the Conservation of Australia's Historic Heritage Places.

Although I am a Director of the Australian Council of National Trusts and a member of the SA Heritage Commission, I am making this submission as a private citizen and my views do not necessarily reflect the views of those organisations.

Indeed, this is not so much a submission as a question of the Commission: are you seriously proposing that the preservation of historic and heritage places should be predominantly left to the decision of a property owner, protected only by the capacity of the State to intervene and financially reverse the decision? I cannot believe that this is what the Commission could propose (given its previous work on social capital and surely some sensitivity to the accusations against it that it lacks heart and understanding); I therefore ask the Commission to properly explain its proposal so that we can discuss and refine it.

As I understand the proposal, the rights of a property owner are to be sacrosanct and of the highest order (above all other parties' rights other than a government which can intervene at the last moment to compulsorily acquire/require conservation which it must pay for). It is unclear whether the Commission proposes to extend this higher right to other community regulations such as planning controls or environmental controls (areas where it has been accepted for some centuries in most economies that the rights of the community can override those of the individual).

As I understand the proposal, if a private owner of a place currently regarded as of heritage significance wished to demolish it and not to have a conservation agreement, then it would be demolished unless the government either purchased it or paid extensive compensation to offset the "losses" relative to some other use. Such a policy would either result in a significant reduction in the stock of heritage places or a significant increase in government payments to private property owners (the latter being most unlikely).

If that was the proposal (and I am sure it must not be), I would observe that is not a heritage policy but a heritage non-policy. It denies the existence of a body of expertise to identify, evaluate and decide places of heritage importance to the community, and to have a system of community protection of those values (as with planning and environment matters). It would replace a heritage conservation system with a private individual's ability to make a market based decision without any reference to community values.

Now the Commission is well known for its love of market based solutions, but I cannot comprehend it means to apply such a pure system in this instance. That is why I am sure

the draft report has not properly explained what the Commission has in mind.

In a former life, I was a Commissioner on the ACCC Energy Committee and the Essential Services Commission of SA. In both roles, I was obviously also concerned to allow the market to work, as the most effective means of producing an economically efficient outcome. But I was also conscious of the impact on the ground of our decisions, and took care to ensure that what was recommended could be practically implemented and had the necessary protections in place for abuse of the market by those with undue power. I encourage the Commission to think long and hard about their decision on heritage conservation.

This is no fruit and vegetable market where, if you get it wrong, you can replant tomorrow. This is a life or death market: get it wrong, and it is gone forever. The rights of the individual property owner might look supreme from an office in Canberra, but there are other community rights that must be protected as well. I am sure the Commission understands this, and I expect that it will demonstrate this in its final report when it more comprehensively explains its proposals. Otherwise, the credibility of the Commission and the usefulness of the Inquiry will be seriously compromised.

Yours sincerely

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