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submission

Heritage Enquiry
Productivity Commission
P.O. Box 80 Belconnen
ACT 2616

16/2/06

Dear Sir/Madam,

I would like to make a submission based on my recent experiences in representing my mother-in-law in her objection to the proposed Heritage listing of her home.

Her home is a very ordinary house, of no architectural merit save for some decorative scrolling and enclosed guttering, which apparently was targeted for Heritage listing because of the architect's association with Walter Burleigh Griffin. I am not questioning the architect's competence, but I am questioning his significance.

I do not know of this architect's standing within the architectural community, but I have asked extensively if people are aware of this architect and have yet to find one answer in the affirmative. On this basis, I ask whether any community good is served by the Heritage preservation of his work.

I find the prominence of architecture in the scheme of Heritage preservation somewhat strange. None of our artworks, artefacts or industries seems to warrant the same intrusions on the individual rights of the owners. I can own a Norman Lindsay or Pro Hart, or the first Holden off the production line, or the last remaining factory producing a uniquely Australian product and I can do anything I like with them. If the Government deems any of these items to be worthy of preservation, then it procures them for posterity on the open market. Yet in the case of the works of a little-known architect the Government seems to have no problem with ignoring the rights of the owners and effectively taking control of privately-owned property. The usual criterion for the preservation of something is the value that the market places upon that object. The survival of a painting or an artefact is virtually guaranteed if the object has intrinsic worth. Why is the work of an architect any different? If the building is significant it will survive because the owner recognises that significance and can expect any potential purchaser to pay a premium for that worth. Heritage listing is surely not intended merely for the closeted world of professional architects, but is intended for the benefit of the community at large.

It seems to me that the criteria for selection of private properties for Heritage listing are extremely arbitrary and subject to pressures of all sorts from minority interest groups. At the Council meeting I attended, one councillor lamented the fact that his council had fewer listed properties than another, as though Heritage worth could somehow be quantitatively determined. One has to ask, if the majority of residents have never even heard of the architect in question, where is the community benefit in preserving his work? I would suggest that the wishes of a minority pressure-group should not be allowed to override the rights of private property owners.

I think that, once started, too many well-intentioned schemes gather their own momentum without any effective review of the original objectives. In the case of Heritage listing of private property, it needs to be recognised that the current scheme is causing a great deal of anguish among affected residents, with very little evidence that the community is benefiting in any way. Clearly it is in the interests of Heritage architects to perpetuate a scheme which is very profitable for them. Councils too seem to have a vested interest, in that with relatively little political damage (after all the number of affected residents represents only a very small proportion of their electorate), they can be seen to be paying lip-service to the notion of heritage preservation.

I am very much in favour of the preservation of publicly-owned buildings of architectural or historical significance. I am also supportive of the preservation of private property where the owner is in agreement. What I am passionately opposing is the imposition of Heritage listing against the wishes of the owner. And there are certainly many legitimate grounds for objection, among them the following:

1. Financial loss.

In the case of my mother-in-law's house, several agents estimated that a Heritage listing would devalue the property by between \$60,000 and \$80,000 dollars. A home, for most people, represents their largest, and often only, significant asset.

2. Loss of privacy.

Many people do not wish to have their homes showcased. This may be because of fears of theft or intrusion, or simply a desire for anonymity. In my mother-in-law's case, her family, during the Second World War, lost their entire estate and most of them their lives as well, because somebody decreed this to be in the national interest.

3. Loss of control.

A Heritage listing severely restricts what an owner can do with his/her property.

I would like to suggest the following steps to achieving the goal of preservation of worthwhile community assets without trampling the individual rights of private property owners:

1. That clear and unambiguous criteria be established for acceptance of a work as being of cultural significance. In the case of architecture, a very strong case should be made that the building in question has undeniable cultural significance to the community because of its association with a particularly famous person, event or usage, or because of its unique beauty. I am thinking, for example, of Captain Cook's Cottage, Fort Denison, or the Sydney Opera House. I do not believe that the architectural fraternity should have any special rights in preserving their handiwork which are not afforded the rest of the community.

2. That any submissions for the inclusion of an item for Heritage listing be subject to public scrutiny for significance according to the criteria discussed in Point 1. The onus should be on those making the submission to convince the public that there is significant public benefit to justify the costs.

3. That any private property owners whose homes are judged to be of such significance to the community as to justify Government intervention be made fully party to any proposals and be fully compensated for any inconvenience. If they wish to sell, then the Government should purchase the property at a premium to the market value, to compensate for the inconvenience and suffering caused by what is effectively a forced acquisition by the Government.

Thanking you,

Yours sincerely,

Lou Parke