

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

PERSONAL COMMENT

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It was with great concern that I read the Productivity Commission Draft Report concerning the Conservation of Australia's Historic Heritage Places ("Draft Report").¹ The title of the Draft Report, along with the terms of reference, present a limited view of heritage value and significance in using the description 'historic' and 'historic built heritage' places. While I appreciate that the Productivity Commission must adhere to the terms of reference provided by the Australian Government in conducting the inquiry, the Draft Report and the terms upon which it was carried out display a fundamental misunderstanding of the shifting concept of heritage value and significance. This comment is not overly concerned with the findings of the Productivity Commission with regards to matters of procedure,² but instead with the outdated and thus erroneous philosophy of heritage upon which these findings are based.

I THE DRAFT REPORT'S FOCUS ON HISTORIC VALUE

The title of the Draft Report sets the scene for what is sure to be an inquiry based on an outdated philosophy of what is significant with regards to heritage value. *Conservation of Australia's **Historic Heritage Places***³ suggests that the only heritage places to be considered in the inquiry are those which exhibit historical significance. This is extremely short-sighted and suggests that heritage significance is but a matter of age and/or historical infamy.

The Draft Report concedes that as heritage significance goes, "the "cultural significance" of a place can be highly subjective and is dependent on community values and expectations, which can change over time",⁴ and yet it continues to focus on only the historic value of heritage. The Draft Report goes further in defining (for the purposes of the inquiry) historic heritage places to include:

- buildings and structures (such as bridges, cemeteries, churches, factories, houses, monuments and roads);
- physically-created places demonstrating ways of life, customs, land use or designs that are no longer practiced (such as gardens and stock routes);

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¹ Productivity Commission 2005, *Conservation of Australia's Historic Heritage Places*, Draft Report, December.

² Not least for the reason that I agree completely with the submission made by Ms Lomax-Smith at the Public Hearing in Adelaide on Friday, 10 February 2006.

³ Emphasis added.

⁴ Productivity Commission, above n1, xx.

- physically-created landscapes with evidence related to particular activities (such as fishing areas, mining sites and sawpits); and
- other places of *historic* significance (such as archaeological sites, Captain Cook’s landing place at Botany Bay and the Leichhardt tree at Taroom).⁵

In addition, as suggested by the title, the terms of reference of the Draft Report direct the Productivity Commission to inquire into ‘the policy framework and incentives for the conservation of Australia’s historic built heritage places’.⁶

There is no explanation, however, of why the other widely-recognised values of built heritage are to be excluded. Heritage theory has broadened to include recognition of the recent, vernacular and intangible⁷ and associated values, such as social value,⁸ are acknowledged as assisting in the creation of meaningful environments and sustainable communities; providing a sense of identity and self, attachment and wellbeing for those communities⁹ – what possible use could there be in limiting this inquiry to those parts of Australian built heritage that are simply considered historic? It may be that in using the term ‘historic built heritage places’ in his terms of reference to the Productivity Commission, the Hon Peter Costello understood this to include all values of heritage, not only the historic value. I find this argument implausible; if this is the case, why use the word ‘historic’? Is this evidence of a basic misunderstanding of the concept of heritage?

A further issue in framing the terms of reference of the inquiry so narrowly is the creation of a two-tier system of heritage protection. Taking South Australian legislation as an example, the current *Heritage Act 1993* (SA), provides

- s16 (1) A place is of heritage significance if it satisfies one or more of the following criteria:
- it demonstrates important aspects of the evolution or pattern of the State's history; or
 - it has rare, uncommon or endangered qualities that are of cultural significance; or
 - it may yield information that will contribute to an understanding of the State's history, including its natural history; or
 - it is an outstanding representative of a particular class of places of cultural significance; or

⁵ Productivity Commission, above n1, xvii. Emphasis added.

⁶ *Ibid.*, v.

⁷ David Lowenthal, *The Heritage Crusades and the Spoils of History* (1997); Cheryl Simpson, ‘Cultural Heritage on the Move: Significance and meaning’ in Martin Chanock & Cheryl Simpson (ed), *Law & Cultural Heritage* (1996) 45, 47; and Marilyn Truscott, Former President of Australian ICOMOS, ‘Intangible Values as Heritage in Australia; (March 2000), 10 *ICOMOS Newsletter*, 4.

⁸ Defined in the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter) 1992, Guidelines – Cultural Significance, para 2.5 as ‘embracing the qualities for which a places has become the focus of spiritual, political, national or other cultural sentiment to a majority or minority group.’

⁹ In general see Christine Johnston, *What is Social Value?* Australian Heritage Commission (1994); Jon Hawkes, *The Fourth Pillar of Sustainability: Culture’s Essential Role in Public Planning* (2001); and

- (e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics; or
- (f) it has strong cultural or spiritual associations for the community or a group within it; or
- (g) it has a special association with the life or work of a person or organisation or an event of historical importance.

The term ‘historic heritage places’ can only be said to apply to subsections (a), (c) and (g). Does this mean that the places considered valuable because they exhibit the values set out in subsections (f), (e), (d) and (b) would not be subject to the recommendations of the Productivity Commission?

II EMERGING JUSTIFICATIONS FOR THE PROTECTION OF BUILT HERITAGE

The fact is that values of heritage other than historic value cannot and must not be ignored given the emerging justifications for the protection of built heritage. It may even be that a change in mind-set could go some way towards solving what the Draft Report describes as the undermining of owner support for the system;¹⁰ I will come to this point later.

The broader philosophy of heritage that includes recognition of vernacular, recent and intangible heritage, as well as the traditional values of age, grandeur and beauty can create an environment that provides

order and variety, stability and progress, the old and the new, working together to create an external environment that we can see as meaningful. This is not to demand that our built environment be beautiful [or old]...A responsibly preserved environment engages more than our aesthetic senses, it awakens our memories, *it fuels our aspirations*...We ascribe *personal* and cultural meanings to the significant structures of our built environment.¹¹

The Draft Report explains that ‘[n]ot under reference is the conservation of...intangible heritage that does not form an integral part of a place’.¹² This suggests that intangible heritage that does form an integral part of a place will be under reference. This is encouraging as it has been stated that ‘intangible cultural heritage cannot be entirely separated from the tangible heritage. Some human knowledge systems do not even differentiate tangible from intangible forms of heritage.’¹³ Indeed, eliminating the intangible significance from any evaluation of a place is absurd. Jean-Louis Luxen, Secretary General of ICOMOS states that any division between tangible

¹⁰ Productivity Commission, above n1, xxix.

¹¹ John Nivala, ‘Saving the Spirit of Our Places: A View on our Built Environment’ *15 UCLA Journal of Environmental Law & Policy* 1, 1-2. Emphasis added.

¹² Productivity Commission, above n1, xvii.

¹³ Wim Van Zaten ‘Constructing New Terminology for Intangible Cultural Heritage’ *Museum International* 56(1-2) 36, 39.

and intangible values of heritage is fallacious and misleading. He claims that while the intangible cannot exist without the tangible, and there must be some detectable signs if intangible values are to be protected; the reverse is also true. Luxen states in no uncertain terms that '[p]hysical heritage only attains its true significance when it sheds light on its underlying values'.¹⁴ Throughout the Draft Report, however, there continues to be a focus on the historic aspects of heritage – no reference is made to aspects on intangibles such as social value. This is worrying given the importance of the recognition of such values in the emerging justification of heritage protection.

Thus, our heritage is more than an old stately home or an historic cottage; it is that which makes an environment meaningful to any one person or group. It must not be overlooked that the recent, vernacular and intangible have a large part to play in creating meaningful environments where communities can thrive thanks to their sense of attachment and wellbeing. Surely this is the ultimate aim of a heritage protection regime: the creation of sustainable communities.

III COMMUNITY INVOLVEMENT

Although it is true that governments represent the wider community through the political process, the use of the phrase 'community through government'¹⁵ throughout the Draft Report flies in the face of the concept of increased community involvement in heritage decision making. The need to have a community involved in heritage decision making is derived from the fact that pre-conceived notions of significance cannot be forced upon a target group¹⁶ – these values must be determined by the group that are to gain the potential benefit from the heritage and the associated meaningful environment that this creates. Heritage value and significance is subjective and can mean many things to many people and as the concept of what is significant in heritage philosophy has opened up in recent times, it makes sense to have communities define the heritage that is important to them. How can so-called experts possibly hope to define what is of value to a community if they are not part of that community themselves? Even local governments cannot presume that they are aware of the heritage values their electorate regards as significant simply by virtue of being elected by these people – there must be adequate community consultation to ascertain such opinions.

It follows that if communities are sufficiently attached to an environment they will strive to sustain it. McManamon and Hatton point out that

[c]ommunities residing near or among the locations of cultural resources have important, sometimes critical, influences on the protection and preservation of these resources. Community members protect and maintain these resources when they regard them as their own. Graphic evidence of effective local preservation actions are the millions of historic

¹⁴ Jean-Louis Luxen, Secretary General of ICOMOS, Synthetic Report of the Meeting on 'Authenticity and Integrity in an African Context', Great Zimbabwe National Monument, Zimbabwe 26-29 May 2000, in *Report of the Bureau of the World Heritage Committee*, 24th session, 26 June-1 July, Paris

¹⁵ For example, Productivity Commission, above n1, xxx, xxxiii.

¹⁶ On the communicative theory of planning see J Forester *Planning in the Face of Power* (1989) and P Healey, 'Planning through debate: the communicative turn in planning theory', in F Fischer and J Forester (ed) *The Argumentative Turn in policy Analysis* (1993) 233.

structures worldwide that continue to be used, inhabited and maintained by their local owners and occupiers.¹⁷

In conclusion, negotiated agreements¹⁸ are all very well in giving owners a sense of control, but the best option is to create communities in which there is such a sense of attachment that actual control is with the community. Before we can reach this point we must take steps towards recognising and protecting intangible values, including social value, in order to create such communities. This is something that the Draft Report fails to do by insisting on a definition of heritage that includes only historic value.

¹⁷ Francis P McManamon & Alf Hatton (ed) 'Introduction' *Cultural Resource Management In Contemporary Society: perspectives on managing and preserving the past* (2000), 10.

¹⁸ Productivity Commission, above n1, xliii (Recommendation 8.1).