



SEA FREIGHT COUNCIL OF WESTERN AUSTRALIA

Ms Jill Irvine
Heritage Inquiry
Productivity Commission
PO Box 80
BELCONNEN ACT 2616

Scanned copy of original submission

Submission Productivity Commission Draft Report Conservation of Australia's Historic Heritage Places

The Sea Freight Council of Western Australia is a Ministerially endorsed group of senior decision-makers from industry and Government concerned with issues impacting on the movement of freight through Western Australian Ports. Heritage has emerged recently as one of these issues.

Accordingly, the Council would like to make comment on the Productivity Commission Draft Report on Conservation of Australia's Historic Heritage Places.

The Council seeks to provide specific comment on the working ports of Western Australia together with more general comments on opportunities for improving heritage at all levels of Government.

As an island nation, Australia's reliance on ports is critical. Ports need to be able to respond quickly and adapt to change to the benefit of the trading community specifically and the economy generally.

In Western Australia, the eight Government-owned Port Authorities handled imports of 14.5 million tonnes and exports of 244 million tonnes in 2004-05. With the latter figure, this represents nearly half of the nation's exports. These ports generate employment and provide essential goods to communities throughout Western Australia and the rest of Australia.

In terms of the transport logistics chain, ports play a major role through their integration with the landside transport facilities, which in turn integrate with destinations throughout metropolitan and rural areas of Australia. Nationally the Federal Government has recognised the need to have a well planned logistics chain. Through its Auslink program the Commonwealth has assisted ports and other transport sectors to improve their integration. At the national level, there is a clear understanding of the importance of working ports to the nation.

Ports need the ability to adapt quickly to the operational, commercial and technical needs of their shipping and cargo interest clients. All Western Australian ports from Esperance in the south to Broome in the North have significant future resource infrastructure projects planned in their hinterlands involving millions of dollars of public and private sector funding. The resultant port infrastructure requirements include new cargo handling and storage facilities, new berths, harbour dredging, extensions of existing port facilities and new ports.

These short and long term infrastructure needs require careful, detailed planning and flexibility to meet the requirements of those who wish to use our port system.

Only with significant government and commercial investment can ports remain operationally competitive and they cannot be bound by constraints that would hinder this advancement. With Governments investing significantly into ports infrastructure, there is generally a requirement for a return on the investment made. From that standpoint, Governments do not want their ports constrained.

The current application of heritage legislation at both a State and Federal level has the potential to constrain port operations.

Given the central role of working ports in Australia, it is suggested that they should be exempt from heritage requirements at all levels of Government.

The Council sees the key points of the submission as:

- heritage assessment processes at each level of Government need to be expanded to take a more sustainable approach and include social, environmental and economic factors;
- at each level of Government the referral, assessment and reporting process needs to be transparent and open with a focus on place owner's consent being required before listings proceed;
- the heritage processes at each level of Government be reviewed to reduce duplication of process;
- the use of Heritage Agreements and Plans be pursued with a view to owners, both private and public, having more delegated authority. A conservation agreement needs to be negotiated with the owner;
- the major advantage of negotiated agreements, compared to involuntary listing, is that both parties must commit to the conservation of the heritage place (that is that the owner is a willing partner in conservation and agrees to conserve the heritage values of a place);
- the full application of voluntary negotiated conservation agreements would bring integrity to the statutory listing process;

- the heritage assessment process at all levels of Government needs to be more definitive. There is no restraint on the tendency to list all properties with heritage values, irrespective of the degree of significance;
- the level of professionalism and experience within the heritage decision making bodies needs improvement with a view to making better decisions;
- there needs to be consideration of the added conservation costs of operation, maintenance and use restrictions; and
- Federal tax incentives need examination to create an advantage for State Government agencies that are owners of listed places.

The Council also believes that there is inadequate recognition of wider factors in the heritage process, namely economic, social and environmental costs. Consideration of these issues may allow the value of a working port to be more appropriately understood and considered.

It is of particular concern that a third party with no connection to a place may anonymously refer that place to Government with a recommendation that it be heritage listed. It is also concerning that places can be listed against owner's wishes, with no opportunity for negotiation, other than the obligatory invitation to an owner to make a submission.

An example of the failure of this process is the proposed national listing of the Inner Harbour of the Port of Fremantle, which was referred to the Australian Heritage Council without Fremantle Ports' knowledge. This referral led to the initiation of an assessment process without the consent or knowledge of the owner.

A similar situation could arise in the case of regional ports, especially those with extensive histories.

An open and transparent process is required which meaningfully involves the owner from the beginning and ensures that listings do not occur without the views of the owner as well as economic and social impacts being given appropriate prominence.

Each level of Government has the ability to list on heritage grounds and each has its own referring and development assessment processes. Aside from the bureaucracy of preparing, lodging and negotiating three separate development applications, this raises the question of inconsistency between conditions of approval.

Security at working ports has dramatically increased over the last few years. The critical economic contribution of working ports makes the threat of terrorism a serious concern. Specific legislation has been developed to ensure security is maintained and constantly reviewed. Any heritage listing of a port has the potential to conflict with current-day security responses.

In summary, the Council firmly believes that working ports are critical to Australia and should be exempt from heritage requirements at all levels of Government. If heritage listings are to continue to be imposed on working ports, the following changes would be considered fundamental:

- each level of Government considering economic, social, environmental and heritage factors in making heritage decisions;
- no multiple listings of a single place by more than one tier of government;
- no listings occurring without the place owner's consent and meaningful negotiation; and
- once a conservation plan or heritage plan is completed, all approval powers, consistent with the plan, being transferred to the port.

Thank you for the opportunity to comment on the draft report and detail our concerns on the heritage listing of ports.

Yours sincerely

Greg Martin
Chairman
1/3/2006