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Heritage Inquiry  
Productivity Commission  
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**15 February 2006**

**Re: Submission to draft report on Productivity Commission Inquiry into Conservation of Australia's Heritage Places.**

I wish to submit the following further response to the draft report of the Productivity Commission Inquiry into Conservation of Australia's Heritage Places.

My Previous written submissions included my suggestions for options for improving heritage conservation (Submission 104), and then criticism that the PC draft report (Submission DR198), in particular that the Commission has gotten its review so wrong in coming to a recommendations for dismantling a system of regulation-based conservation that has been developed over 30 years and proved to be the only effective means of preventing the loss of our built heritage.

**Summary of criticism**

- The only conclusion that can be reached as to why the commission has taken this line is that it is **Ideologically driven economical rationalism** where private profits based on -property are the main game
- It is not based on evidence (or evidence not provided, or submissions selectively quoted or misrepresented) – the report, and the Commissioners own comments have recognised there is inadequate data
- It is based on Hearsay – such as claims of arson attacks and demolition by neglect. Without substantive proof of how prevalent these things are.
- It admits that the existing system is 90% effective
- 90% of submitters argue for improvements to the existing regulatory framework through the additional incentive programs.
- But the report uses the 10% at issue to argue for chages to the 90%
- **Listing and regulating** heritage places is seen as unfair, but is basic element of modern planning and environmental law

- The report fails to recognise the **success of heritage listing** – and in particular the different regimes and results in each state,
- It fails to compare the losses of the last decade, with what went on in the '50s and '60s
- It focus on monetary costs, but no costings are provided – there no quantification, no actual dollar figures
- The economic analysis (chapter 6) is entirely theoretic - to reach the conclusion that costs to private property owners is unfair, the Commission would first need to know what these costs are, but nowhere are they quantified, either by individual examples, national or state totals, or averages
- It therefore comes to an erroneous conclusion that listing encourages purposeful neglect, when it is lack of enforcement or inadequate resources that are the problems.
- In recommending a voluntary system with incentives for conservation – gives no estimate of the cost of these incentives – I made my own back-of the-envelope calculations suggesting \$150 billion needed to maintain present levels of heritage conservation without the regulatory system. This is probably way off the mark, but without the assessment – how do we know?

### **What should be in the report?**

The conclusion of the PC report stems from asking the wrong questions (or having determined the answer before any questions were asked). So I will propose some questions that need asking, and some recommendations that might result.

The alternative position provided in the numerous submissions from groups that know heritage, is that the existing system has flaws, but needs strengthening and properly resourcing, rather than dismantling. It needs to be made more consistent and cost-effective, needs more universal application with greater predictability of outcomes and above all, it needs effective funding. i.e. (since the PC likes the analogy) almost all the submissions to the inquiry call for more carrots, not fewer sticks.

1. **Find out the facts** – it is acknowledged by PC and submitters) that hard data on heritage is hard to come by.
  - What is our heritage? How many places? Where are they? What condition are they in? What has not been identified, listed or protected? What is their value?
  - What is the cost or benefit of listing?
  - How much more does it cost to maintain a heritage house?
  - How do we measure the benefits?
  - How much does the heritage bureaucracy cost to run?

*Recommendations*

*Develop an integrated approach to economic and statistical data collection, analysis and research at the Commonwealth level (with appropriate state and local participation) – in part restoring some of the functions of the Australian Heritage Commission.*

*Prepare an annual State of The Environment report that measures progress in heritage conservation*

2. **Plug the gaps** - make the process more consistent
  - How do the different state systems compare?
  - Pick the best of what is being done in each level of government or state, and apply it in the right jurisdiction
  - What types of heritage are undervalued? Carry out the gap studies?
  - Where does historical archaeology or cultural landscapes fit?
  - What about Aboriginal cultural heritage?

*Recommendations*

*Promote gap studies that show what heritage is under-represented*

*Include the broader definitions of heritage places, including archaeological sites, moveable objects and cultural landscapes, in heritage management at all jurisdiction levels*

*Determine appropriate changes to relevant Commonwealth, State and local heritage planning and regulation systems to ensure regular and consistent approach.*

*Support a dialogue between state and commonwealth heritage bodies to work towards a more nationally consistent approach.*

3. **More (or tastier) carrots** – provide the money to do the job properly
  - Many poor rural shires can't afford to preserve their heritage
  - What is the right level of State funding?
  - How should the Commonwealth help? Tax incentives, seeding funds, co-ordination of effort and training, developing national contextual studies and guidelines
  - Determine the best mechanisms and appropriate targets for funding – eg. Grants, loans, tax breaks, rate relief, voluntary assistance schemes, a national heritage fund, lottery funds

*Recommendations*

*Develop equitable and efficient funding schemes including direct funding and a range of financial incentives*

*Expand the National Heritage Trust to include cultural heritage*

*Establish a Heritage lottery fund*

4. **Sharper sticks** - make the process more consistent
  - How and why does the regulatory system fail?
  - Are penalties appropriate, or consistently applied?
  - Are they a deterrent?
  - Are owners sufficiently informed?

- Is there sufficient enforcement?
- Why don't (some) public authorities manage their own heritage assets properly

*Recommendations*

*Ensure that the regulations are consistently and visibly applied, so that midnight demolitions, demolition by neglect, or spiteful arson is eliminated*

*Mandate heritage management as part of the business of all government authorities with heritage assets.*

5. **Promotion** – There has been a complete turn-around in attitudes to heritage in the last 30 years. We can build on this and improve conservation through public education and participation
- What is the Public Perception of heritage and is heritage properly understood?
  - Can education lead to better outcomes?
  - How do we deal with the confusions of lists and regulations? – e.g. NTR, VHR, RNE, Heritage Inventory, National List, Commonwealth List, Heritage Overlays
  - How do we help owners manage their heritage properties?

*Recommendations*

*Undertake public education to raise awareness of the value of our built heritage and help the public (and especially owners) understand how the system works and how they can benefit from it.*

*Provide adequate heritage advice at all levels – particularly at the local level through Council heritage advisors.*

It is a sign of a mature culture and society that as a group it knows and keeps its heritage.

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