

# **Productivity Commission Inquiry into the Conservation of Historic Heritage Places**

Second submission by David Young OAM, Heritage Consultant, Canberra

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## **The draft report's key recommendation**

I reject the draft report's key recommendation (8.1) that "privately-owned properties should be included on a . . . heritage list only after a negotiated conservation agreement has been entered into and should remain listed only while an agreement is in force."

This effectively amounts to voluntary listing, something that has been tried in various jurisdictions and found not to work: most recently in South Australia where, in response to the failure of voluntary listing to protect acknowledged heritage places, the review of that State's heritage administration has recommended a return to listing based only on heritage assessment criteria.

One of the aims of heritage listing is to ensure that the heritage of the nation, State, or local area is properly represented and representative. This will only be achieved through a comprehensive survey and listing process, and one that is undertaken independently of management decisions about the places concerned. The separation of management decisions about the future of a place from the assessment of its heritage significance is a fundamental principle underlying the Australia ICOMOS Burra Charter, 1999. The Burra Charter has become well-regarded around the world because of its common sense approach to heritage management. It would be rather ironic if the country that produced the Burra Charter were to retreat from the good practice that it advocates.

The draft report has an undue emphasis on the rights of the individual at the expense of the rights of the broader community, State or nation.

Heritage administration is, and should be understood as, an aspect of town and country planning. It requires specialised skills to manage effectively (and may require an additional step in the planning approval process) but it is otherwise just another component of good planning of cities, towns and countryside. When planning zones are changed to restrict uses or limit building heights, those who might claim some loss are not compensated, for it is being done for the broader good of the community, to build better towns and cities for the future. The interests and rights of the individual are not put before those of the community at large. And so it is, and should be, with heritage. As we expect our heritage places to last for hundreds of years, privileging the present custodians over those of the future is not equitable.

There is the need to provide heritage property owners with a package of incentives and for this a variant of the draft report's notion of negotiated conservation agreements may have a useful role.

## **Conservation Agreements**

There are several aspects of the long term conservation of heritage properties for which the planning approval process is too blunt an instrument. These include issues related to use and the encouragement of good conservation practice. These may benefit from negotiated conservation agreements, which could be a vehicle to allow flexibility of use where planning controls are too restrictive, and could be a basis for delivering funding support with an agreed set of outcomes, which might include adherence to high standards of conservation practice.

However, negotiated conservation agreements should not be the basis for listing as the draft report argues, but should only be available after a property is listed, and listed on the basis of its heritage significance alone.

### **Standards of Conservation Practice**

My previous submission dealt with the need to raise standards of conservation practice across Australia. In that submission I gave examples of poor practice that demonstrate that need, and recommended that co-operative efforts by Australian governments are required to ensure the long term survival of heritage places. I recommended that attention was needed to:

- improve the standard and availability of technical advisory material;
- improve the provision of high level technical advice;
- ensure availability of traditional construction materials; and
- improve the skills and training of specifiers, tradespeople and facilities managers.

Despite the apparent interest shown by the Commissioners in my submission, there is almost nothing in the draft report that reflects these concerns, and yet it is not as though I am the only one expressing them.

In one of the few references to these issues, the draft report seems so determined to put both sides that it offers no conclusion and nothing as a way forward. In discussing rising maintenance costs, the draft (page 18) paraphrases the CFMEU's submission in noting that "trade skills required for heritage conservation were more specialised. . (and) that the opportunities and incentives to undertake the necessary training were decreasing." Then the draft counters with the evidence from the Roman Catholic Trust Corporation that the Trust had "experienced no difficulty in obtaining appropriate tradespersons for major conservation works." At the time of the first hearing in Canberra (15 August 2005) this was the only evidence provided to this effect. Why give it this prominence, particularly as there is no analysis of why this might be so?

I re-iterate my previous submission and recommend that the Productivity Commission make recommendations that co-operative efforts by Australian governments are required to ensure the long term survival of heritage places through raising of standards of conservation practice.

### **Lack of leadership by the Commonwealth**

I share concerns expressed by others that with the introduction of the new federal legislation the Australian Government has retreated from its former role of setting standards of practice, of commissioning research, and of engaging with practitioners in advancing heritage conservation theory and practice.

Coupled with this retreat by government, there are concerns about the level of professional skills available within the Department of Environment and Heritage. The National Heritage Management Principles, provided for in the EPBC Act, say that the management of National Heritage places should use the best available knowledge, skills and standards. I agree: the highest level of heritage listing deserves the highest level of skills and expertise.

I urge the Productivity Commission to encourage the Australian Government to re-establish its leadership role in relation to heritage conservation practice in this country.

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