Built Heritage Management:
An Australian Perspective

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Abstract: In a recent article published by the International Journal of Cultural Property, “What Does Not Move Any Hearts—Why Should It Be Saved? The Denkmalpflegediskussion in Germany,” Dr. Cornelius Holtorf reviewed an expert report by Dieter Hoffmann-Axthelm, an architectural critic and author of several books on the history of architecture and urban planning, to the German Parliament on the principles and practices of state heritage management in that country. Of Hoffmann-Axthelm’s criticisms, the most resonating was the view that heritage management processes in Germany were often patronizing, centralized, and undemocratic. Although his proposed remedies are abundant, some might be interpreted as being divisive, if not contentious. Hoffmann-Axthelm’s central argument is that heritage management processes should be driven by the public and, thus, further decentralized.

This paper is a response to an invitation by Holtorf for international comparisons and discussion. It aims to present an overview of Australia’s approach to heritage management and discuss a number of issues, raised by Hoffmann-Axthelm, and questions, particularly the merits associated with the concept of “democratising heritage,” posed by Holtorf.

Heritage represents all the things that make Australia and Australians unique. It helps us remember where we came from and where we belong. Heritage is all the things that make up our story, tangible and intangible, and as we value them we must protect them.

Through conservation, recognition and promotion of the cultural identity of all Australians we can contribute to greater understanding and acceptance of our diversity. Ultimately this will contribute to strengthening our community and our place in the world.1

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In his article, “What Does Not Move Any Hearts—Why Should It Be Saved? The Denkmalpflegediskussion in Germany,” Dr. Cornelius Holtorf reviewed some of the key issues raised in an expert report by Dieter Hoffmann-Axthelm, an architectural critic and author of several books on the history of architecture and urban planning, to the German Parliament on the principles and practices of state heritage management in that country. Dieter Hoffmann-Axthelm’s key views as outlined in the report were that heritage management policies in Germany assume collective responsibility over privately owned heritage places, can be politically variable depending on the interests of the state and local councils, and use authoritarian means to regulate development with significant financial affects on private citizens. His principal argument was that decisions about what heritage should be preserved, and in what manner, should not to be the responsibility of the state, but rather the right of the private citizen. He asserted that instead of complex academic reasoning about historical significance, the core criteria for determining whether a heritage place should be conserved should to be “a site’s ability to move people aesthetically and emotionally.”

This paper presents an overview of Australia’s approach to heritage management as it relates to the conservation of architectural heritage (to maintain a parallel with Holtorf’s article) and endeavor to address some of the issues raised by Hoffmann-Axthelm, and questions posed by Holtorf, concerning the merits associated with the concept of “democratising heritage.”

AUSTRALIA AND GERMANY: DIFFERENT PLACES

Australia has a land mass approximately two times that of the European Union (approximately 22 times the size of Germany) and the roughly a quarter of Germany’s population. Although Australia is one of the longest inhabited continents in the world, and continues to enjoy a rich tapestry of Indigenous cultural heritage, the country’s celebrated architectural heritage dates back only to the time of colonization in the late eighteenth century. Though there is evidence suggesting that indigenous people built shelters and other structures, the oldest surviving building in Australia is a homestead at Elizabeth Farm at Parramatta, Sydney, which was built by convict settlers and completed in 1794.

Within this context, Australia merely has two centuries of architectural heritage to protect. It does not face, to the same extent as Germany, the dilemma of selecting which strata of its ancient architectural history to conserve. Although Australia is susceptible to devastating natural disasters, unlike Germany it has not been in the position of needing to rebuild entire cities devastated by two world wars.

Notwithstanding the aforementioned points, Australian heritage planners and the wider community do make decisions about what representation of the nation’s recent architectural history they wish to conserve. In doing so, they reveal their preferences toward the conservation of specific heritage places, which in turn helps to shape Australia’s national identity.
BUILT HERITAGE POLICY FRAMEWORK

The term *heritage* implies the concept of something immaterial, such as a custom, legacy, or tradition that is passed from one generation to another. Built heritage, it follows, captures more than the condition of bricks and mortar. The significance of built heritage may be in the information it provides that better helps to understand past ways of life. For example, the layout of old settler cottages may provide information about how settlers adapted urban planning ways from their homeland to the Australian environment.

Organized community action for heritage conservation in Australia dates back to the inception of the National Trust of Australia, in 1945. Formalized arrangements for heritage protection by the Australian government came about some decades later.

From 1976 until 2003 the Australian Heritage Commission, a statutorily-independent principal body, advised the relevant minister on matters relating to places of natural, historic, and indigenous importance to Australia and maintained a Register of National Estate (RNE). The RNE was the single Australian government list of heritage places. It included “places, being components of the natural environment of Australia or the cultural environment of Australia, that have aesthetic, historic, scientific, or social significance or other special value for future generations as well as for the present community.” Although the RNE affirmed the cultural value of select places of national, state or territory, and local significance, national heritage legislation provided minimal protection in that it did not impose any civil or criminal penalties for breaches of the Australian Heritage Commission Act.

On November 7, 1997, an *in principle* agreement was signed by the Council of Australian Governments to establish a more effective framework for intergovernmental relations to protect the environment. In February 1998 a consultation paper was released by the then Commonwealth Environment Minister, Senator the Honorable Robert Hill, entitled “Reform of Commonwealth Environment Legislation.” It outlined a “contemporary regime” for implementing environmental best practice involving the discharge of commonwealth responsibility to enhance effectiveness, efficiency, and transparency.

On July 16, 2000, the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations) came into force. The first iteration of the EPBC Act gave legislative protection to Australia’s World Heritage Listed properties, the following version, the Environment and Heritage Legislation Amendment Act (no. 1) 2003, incorporated compliance and enforcement mechanisms and a framework for identifying and protecting places of national significance and commonwealth responsibility. The most recent amendments to the EPBC Act were passed by the Parliament on December 7, 2006, with most adjustments commencing on February 19, 2007.
The Australian Heritage Council Act 2003 and the Australian Heritage Council (Consequential and Transitional Provisions) Act 2003 replaced the Australian Heritage Commission with an independent advisory body, the Australian Heritage Council (AHC). The primary role of the AHC is to assess places nominated for National and Commonwealth Heritage Lists, provide the minister with advice on a wide range of heritage matters, promote the identification and conservation of heritage, and maintain the RNE.\(^{20}\) The AHC consists of a chair, six members (two of each having substantial experience or expertise concerning natural heritage, historic heritage and indigenous heritage, at least one of whom represents the interests of indigenous people) and an associate member (if one has been appointed).\(^{21}\) The members of the council are appointed by the minister.

**HERITAGE DEMOCRACY: WHOSE HERITAGE?**

At present Australia’s heritage conservation regime can best be summarized as a three-tiered system of national, state, and local government management frameworks (see following text). It is, in theory, a system designed to avoid duplication and deliver the best outcomes for the conservation of Australian heritage at all levels of government.

The tiered system for heritage protection increases opportunities for people to identify what they consider to be of value at a local and regional level and for those choices to influence what is deemed significant at the state level, and, potentially, the national level. However, although nominations for heritage listing are in most cases open to the general public, selection of places cannot be completely removed from the cultural bias of those involved with determining what significance exists.

One of Holtorf’s central questions is whether the structures and strategies of state heritage management genuinely allow for listening to and prioritizing the public’s interest as part of an open dialogue. The simple answer with the respect to the Australian context is, in theory, *yes*, and in practice, *only to a certain extent*.

The following is a summary of the three levels of heritage protection and a glimpse at where opportunities for consultative and participatory built heritage management might exist.

**National Level**

The Australian government, through the Department of the Environment and Water Resources (DEW) identifies and assesses places for possible inclusion on the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage List, National Heritage List, and Commonwealth Heritage List. It also provides conservation and management advice to managers of heritage places protected under the EPBC Act and administers the commonwealth’s obligations under the

World Heritage Listing is the premier and most sought after recognition for heritage places at the international level. Places on the World Heritage List are deemed to be of “outstanding universal value.”23 The List of Overseas Places of Historic Significance to Australia (LOPSA) celebrates overseas places of “greatest importance to the development of the nation in a way that is respectful of the rights and sovereignty of other nations.”24 The nomination and selection for these types of designations is made by the minister and is not open to public selection or debate.

Australia has three LOPSA places,25 seventeen World Heritage Listed sites26 (of which only two are built heritage properties: the Royal Exhibition Building and the surrounding Carlton Gardens27 and the Sydney Opera House28), and one site on the World Heritage Tentative List (the Australian Convict Sites nomination29). Nominations for the World Heritage Listing are lodged only by national governments of countries that have pledged to protect their natural and cultural heritage through ratification of the World Heritage Convention (Australia ratified this convention on August 22, 1974).30 In Australia the Australian National Commission for UNESCO advises the Australian government on UNESCO matters and serves as an agency liaison.31 The DEW coordinates the preparation of World Heritage nominations.

The National Heritage List represents examples of Australia’s evolving landscapes and experiences, which form part of a national identity and are deemed to be of “outstanding heritage value to the nation.” The Commonwealth Heritage List comprises places owned or leased by the Australian Government with natural, indigenous and historic significant values that reflect Australia’s development as a nation. These may be defence sites, customs houses, migration centers, national institutions, communications stations and memorials, and marine areas or islands; and they can be located overseas.

At present there are 340 places on the Commonwealth Heritage List,32 most of which have been listed for historic heritage values. There are currently 60 places on the National Heritage List33 in addition to those listed as World Heritage sites. The nomination of places for consideration on both the National and Commonwealth Heritage List is open to the public (with the AHC having the right to assess any place of its own accord34).

**State Level**

Australia has six states and two self-governing territories,35 each with legislation establishing a Heritage Council36 that advises the relevant state and territory ministers in regard to heritage matters or enters places onto State Heritage Registers.37 Heritage Registers are databases of significant heritage at the state/territory level (and usually include listing criteria, statements of significance and sometimes pho-
In most cases National and Commonwealth Heritage Listed places are also included in state or territory Heritage Registers.

Heritage Councils are typically comprised of between 6 and 15 members of diverse expertise. Government department heritage offices usually provide administration and educational support services to Heritage Councils.

The process for nominating a place to a state and territory Heritage Register varies slightly between jurisdictions. For example, in some states the Heritage Council enters a place in a Heritage Register only if it has been instructed to do so by the minister, whereas in other states the Heritage Council itself initiates the registration process or responds to an application by a member of the public.

**Local Level**

Local level Heritage Registers are typically kept by state government agencies. The process of adding heritage controls or removing them from places at the local government level usually involves the local council undertaking a formal heritage assessment, and potentially, requesting an amendment of local planning schemes. This may include seeking public comment and formal approval by the state department, commission, or minister.

There are marked differences in how local councils implement heritage legislation. Most local governments provide for the identification, assessment, and management of local heritage places and areas (or zones) through a council’s development plan. For example, some state councils have heritage schedules attached to local environmental plans, whereas others manage heritage as an overlay within a planning scheme. In summary, decisions about what is significant, and who gets to decide, is more open to public dialogue as the level of significance moves from the national to the local levels. This is in part because of the overlap of public and private interests and the direct impact of decisions on property owners. However, on the same grounds, it is common for processes to become less transparent and more variable. These points are particularly poignant in the submissions to, and conclusions of, the Productivity Commission’s inquiry into the conservation of Australia’s historic heritage places.

**PRODUCTIVITY COMMISSION REPORT**

In 2006 the former treasurer requested that the Productivity Commission (an independent statutory authority in the Treasury Portfolio and the Australian government’s principal review and advisory body on microeconomic policy and regulation) undertake a review of the existing policy and regulatory framework and incentives provided by governments for the conservation of Australia’s historic heritage places. The inquiry was the first national review of heritage in more than 30 years. The terms of reference were set out to examine the following:
• The main pressures on the conservation of historic heritage places
• The economic, social, and environmental benefits and costs of the conservation of historic heritage places
• The current roles and contributions of governments, owners, community groups, and other stakeholders
• The affects of regulatory, taxation, and institutional arrangements, and of other impediments and incentives that affect conservation outcomes
• Emerging technological, economic, demographic, environmental and social trends that offer potential new approaches to the conservation of historic heritage places
• Possible policy and program approaches for managing the conservation of historic heritage places and competing objectives and interests

The commission published advertisements in national and metropolitan newspapers and other appropriate publications inviting public comment and circulated information about the inquiry to key people and organizations with a likely interest. A total of 416 submissions were received.

A review of the submissions made to the Productivity Commission Inquiry by the Heritage Chairs and Officials of the States and Territories of Australia found that there was broad agreement that the three-tiered system of heritage management aligned with the three levels of Australian government and is an appropriate model. However, it also found that overall participants were disappointed by the commission’s draft recommendations. It noted that the inquiry “challenged (and seemingly disregarded) central principles and tenets underlying the practice of heritage and seemed to have provided little of practical or tangible benefit in return.”

The Heritage Chairs and Officials review of the submissions to the Productivity Commission Report also felt that the current system for conservation of historic heritage lacks capacity at every level of government and is unable to meet community expectations raised by the introduction of the heritage amendments to the EPBC Act. It also concluded that nationally agreed approaches are hampered by a lack of heritage leadership as well as capacity of local governments to properly manage and support heritage conservation at the local level due to inappropriate financial resources and skills.

AUTHORITARIAN STATE MODEL

According to Hoffmann-Axthelm the current German cultural heritage management system has transferred principles from an “absolutist age,” when governments preserved public heritage, without consideration of the current system where there is private ownership of buildings with heritage value. In doing so, Germany has imposed on owners strict planning and building regulations and laws. Hoffmann-Axthelm states that these processes “come across as authoritarian, self-
righteous, and unable to take into account the view of the owners and users of heritage.”

Based on Hoffmann-Axthelm’s concept of an authoritarian state model, it could be said that Australia, by imposing regulatory regimes to protect places deemed to be of heritage significance at the local, state and national levels, mirrors Germany in its approach to heritage management. Cultural heritage law in Australia does, to some extent, supersede private property rights of the possessor to “exclude, alienate, or exploit” property to preserve the enjoyment of heritage for future generations. For example, under the EPBC Act, activities that are likely to have a significant affect on a “matter of national environmental significance” require ministerial approval. Similarly, owners of properties listed on a state or territory Heritage Registers are required to gain approval via a permit system for activities that may affect the heritage significance of a listed property from the designated Heritage Council, Heritage Office, or the minister. Exemptions are granted by some states and territory legislation (not South Australia and New South Wales) on approval for some categories of works, such as for maintenance or minor repair that would not have any affect on the heritage value of the registered place. In addition, a minimum standard of maintenance for heritage-listed places is imposed by most state or territory heritage legislation, making it illegal for owners not to take “reasonable care” of the sites on their property.

Although there are costs of owning heritage places (discussed in the following text), one of the most significant issues, identified by key stakeholders in submissions to the Productivity Commission inquiry adversely impacting heritage conservation in Australia has been the failure of governments to achieve the implementation of the agreed Integrated National Heritage Policy framework. Delayed negotiations for an intergovernmental agreement setting out how cooperation is to occur between the tiers of government to ensure an effective and efficient whole-of-government system is creating confusion and disillusionment, which in turn, is causing a reluctance of people at the community level to support the national heritage system. This is an unfortunate development given that the spirit of the legislation was to create a robust national heritage system; and initially, at least, had widespread public support.

THE ROLE OF THE GOVERNMENT

In his paper Holtorf posed a host of questions relating to the involvement governments should have in the preservation of cultural heritage. The recommendation provided by the Productivity Commission inquiry to the question “when should government become involved in heritage conservation” was when, based on a rigorous assessment of relevant benefits and costs, it is found that the benefits of intervention outweigh the costs. This recommendation is outlined in economic terms by the concept of market failure.
Where the private marginal costs and benefits differ from the social marginal costs and benefits the market is said to fail. For example, a property owner may decide to demolish a heritage property to build a new property because the private benefits of demolishing the property outweigh the private opportunity cost of the heritage loss. However, where the social benefits of the heritage building are such that the socially optimum outcome is for the building not to be demolished the market has failed.61

Put simply, the government should intervene when the social cost of losing a heritage site is considered greater than the opportunity a private owner may reap from its destruction and subsequent redevelopment. The impediment to making such a determination is that there are no definitive qualifiers in the assessment of heritage.

**THRESHOLDS AND SIGNIFICANCE**

*Significance* is largely derived from qualitative assessments, which will always involve some element of bias. Lack of clear statutory guidance, including thresholds and unambiguous instructions about how to assess heritage values, means that heritage advisors may have differing opinions about what constitutes significance and are not consistent in their application of heritage controls. This, as one respondent to the Productivity Commission inquiry explained, makes it difficult for heritage to integrate well into other planning considerations and systems.62

The AHC uses the following criteria in its assessment of significance. National and Commonwealth Heritage List designations are conferred if a place is determined to possess *outstanding* or *significant* value (respectively) in at least one of the following criteria63:

- Have an importance in the course, or pattern, of Australia’s natural or cultural history
- Possess uncommon, rare, or endangered aspects of Australia’s natural or cultural history
- Have potential to yield information that will contribute to an understanding of Australia’s natural or cultural history
- Demonstrate the principal characteristics of a class of Australia’s natural or cultural places/environments
- Be important in exhibiting particular aesthetic characteristics valued by a community or cultural group
- Be important in demonstrating a high degree of creative or technical achievement at a particular period
• Have strong or special association with a particular community or cultural group for social, cultural, or spiritual reasons
• Have a special association with the life or works of a person, or group of persons, of importance in Australia’s natural or cultural history
• Be important as part of indigenous tradition

Thresholds for significance are determined, initially by employees of the DEW, by comparing the nominated place to places with similar qualities already listed. This process enables the assessor to determine whether a nominated place is of more or less significance, or if it is, for example unique, compared to other similar places.64

At the state and territory level significance criteria and thresholds for assessing the merits of a place for potential listing on a Heritage Register varies. Most Heritage Councils, or their supporting Heritage Offices, assess places for historical, aesthetic, social, and sometimes scientific or cultural significance against thresholds such as rarity, integrity, condition, and representative qualities. Some state or territory heritage legislation also includes additional provisions to enable its Heritage Council to consider “any other matter which is relevant to the determination of cultural heritage significance”65 or to consider exclusions, such as exclusion from listing on the grounds that places with similar characteristics already exist on the Heritage Register.66

At the local government level the assessment of local heritage significance is typically undertaken by heritage consultants and/or historians who use the Burra Charter67 principles and, where available, heritage guides provided by State Heritage Offices.

In response to Holtorf’s question about whether there is a dialogue between citizens and cultural heritage institutions, or a one-sided antiquarian monologue in which specialist expertise outvotes people’s legitimate desires to take part in issues concerning the shared cultural heritage and collective memory,68 the situation in Australia could be said to vary depending on both the jurisdiction and the group of citizens in question.

Because the assessment of whether places meet certain thresholds is often based on comparisons to sites already listed, heritage lists largely reflect the tastes of those in positions of authority, with political clout, or who have progressed through academic training to become heritage professionals. In Australia, this situation has translated into the protection of many colonial buildings and Christian churches.69

The tiered heritage system sets up a model where, in most cases, anyone can nominate sites of significance. At the same time, decisions about such significance rest with a select few (as in the case of Heritage Councils and/or Heritage Advisors). In addition, within Australia’s democratically based political system, it is those with the loudest lobbying voice and political influence that typically steer or influence the nation’s heritage agenda.
WHAT MOVES HEARTS

The Australian chapter of the International Council on Monuments and Sites (ICOMOS), the peak body of professionals working in heritage conservation, captures the essence of what inspires people to conserve places of cultural heritage significance:

Places of cultural significance enrich people’s lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records that are important as tangible expressions of Australian identity and experience.70

In 2006 the Heritage Chairs and Officials of Australia and New Zealand commissioned a report to gauge community views on the value of heritage protection to the general population. The results overwhelmingly indicated that heritage matters to the general public. The 2024 adult Australians that completed an online survey responded as follows71:

- 96.9% strongly agreed that “it is important to educate children about heritage.”
- 93.4% strongly agreed that “it is important to protect heritage places even though I may never visit them.”
- 92.3% strongly agreed that “heritage is part of Australia’s identity.”
- 80.2% strongly agreed that “the historic houses in my area are an important part of the area’s character and identity.”
- 78.7 strongly agreed that “My life is richer for having the opportunity to visit or see heritage.”

The number of submissions to the Productivity Commission inquiry suggests that heritage is important to Australians. In fact, the Heritage Chairs and Officials of the States and Territories of Australia review noted that community and interest groups were motivated by a shared “conviction that ‘their’ heritage is valuable and contributes strongly to the quality of their lives.”72

The latest 2006 State of the Environment Report (SOE) report notes that “by providing a tangible link to the past and reinforcing the sense of community identity heritage places enhance the social capital of local communities, which in turn contributes to social cohesion within the community.”73 The questions about what constitutes community and how dialogue occurs with such an entity are important ones that need to be further addressed. Without stipulating who constitutes community, the risk of making generalizations and nonrepresentative conclusions remains.

Social capital is built up by conservation performing the essential social function of sustaining heritage.74 The enjoyment (or what is termed consumption) of heritage is typically a shared social experience. The problem is that in an increasingly privatized and capitalist-driven environment, tensions occur because heritage places are privately owned rather than government owned.
In Hoffmann-Axthelm’s opinion the most important criterion for determining whether a building should be preserved is its aesthetic appeal. He states:

> the overriding criterion for scheduling should be a site’s ability to move people aesthetically and emotionally, rather than some complex academic reasoning about historical significance. Buildings that people do not love because they do not appeal to them, do not deserve to be protected and preserved. . . . We should be saving buildings “whose [sic] demise would break one’s heart.”

He also asserts that the following:

> The criterion of beauty will invariably favor older buildings, such as medieval churches or castles, over more recent ones, such as factories and other functional buildings constructed from the midnineteenth century onward. . . . Most modern buildings were not designed to last longer than a few decades. Accordingly, it is wrong to preserve a large number of these buildings now.

Although it may be argued on a conceptual level that intangible values, such as aesthetics, are an important element of heritage, they alone are but one component of what constitutes heritage significance. Tastes change and the purpose for which a building was constructed is not always the value for which it is significant at any one time. Most buildings are principally designed to serve a functional purpose rather than an artistic one. How functional a building is or once was should not be a determining factor of its worth unless the threshold is weighted on social use values. The initial purpose for which a building was constructed and the durability of materials used may affect the cost of maintenance or conservation but must not be the sole factor determining significance.

Interestingly, the Heritage Council of Victoria has a page on its web site that addresses why unattractive places are listed in its Heritage Register:

> As the saying goes . . . “Beauty is in the eye of the beholder.” Just because a place doesn’t conform to a current concept of beauty doesn’t mean that it isn’t important. Heritage can be comprised of a wide variety of place and object types. Industrial sites and archaeological sites are two that may not always be visually appealing but nonetheless may be significant.

Because the reasons for conservation in general may often differ from person to person, basing preservation decisions on just one criterion (whether it is beauty, theoretical, or otherwise) is in and of itself undemocratic.
Decentralized Heritage Management

Hoffmann-Axthelm advocates that cultural heritage management practices should be decentralized and made the responsibility of the public rather than the state (the exceptions he makes are sites of special historical significance that are not of value as buildings, such as concentration camps, but those he believes should be protected in the collective interest).\(^{80}\) Again, who decides the thresholds of “special historical significance,” is problematic. This could have special resonance in Germany where “Holocaust deniers” (as an extreme example), if in a position of power, might chose not to preserve such sites. However, the situation need not be that extreme for related problems to arise. In both Australia and Germany the public votes on their elected representatives. If those representatives, or the public itself, does not see the historical significance that others or indeed later generations might see, heritage may be lost because of the much decentralized process which Hoffman-Axthelm proposes.

It could be argued that leaving the identification and decision to protect built heritage up to the general public, where market forces may fail, is just as negligent and contrary to the principle of generational equity as leaving decisions purely to bureaucrats. This is illustrated in the submission to the Productivity Commission by the ICOMOS Australia:

In the absence of effective historic heritage regulation in the mid-twentieth century, vast swathes of inner-city areas in Sydney and Melbourne were deprived of their rich stock of historic buildings, so as to make way for large-scale commercial developments that were themselves made possible through advances in building technology. Underlying land values, reflected in the “developable potential” soared as the market did not value the existing historic building stock for its role as a “public good.”\(^{81}\)

Had the decentralized process been at work during this decision making process and the same outcome resulted, the questions would still remain: Of what value were the buildings which were destroyed in Sydney and Melbourne? Was the view that the buildings were of poor or little value a mere trend of the time or able to be measured in absolute terms? These questions may never be answered.

An Issue of Cost

Hoffmann-Axthelm argues that the burden of cost for preservation of heritage buildings in Germany is unfairly carried by ordinary citizens who do not possess much political leverage.\(^{82}\) In Australia, costs associated with the conservation of built heritage, perceived or real, are one of the strongest disincentives for formal recognition of heritage values. This is particularly the case for owners of buildings with commercial use or potential.
The Heritage Chairs and Officials of the States and Territories of Australia found that costs associated with heritage preservation borne by commercial owners included the following:

- Conservation and maintenance (particularly problematic with the diminishing numbers of trades people and expertise)
- Expense related to development approval processes, including delays
- Double burden of the imposition of two separate sets of government policies (one heritage and the other compliance) on commercial property owners
- Inequitable restriction of the owners’ capacity to capitalize and fully realize on the value of their property
- Violation of property rights, including a right to privacy and a sense of personal property becoming public space

Of the four property industry groups who participated in the Productivity Commission inquiry (acknowledged not to be representative of the entire property industry) each raised strong concerns about what they believed were impediments to working cost effectively. They were also of the opinion that the system is inequitable to private owners (in which costs for public heritage benefits are imposed without consideration or compensation). Responses from private owners echoed this in that they felt generally aggrieved with the heritage system (mostly with experiences at the local level) or were struggling to manage their heritage properties.

Although some tax incentive schemes and funding programs exist, the current Australian system passes on the associated costs of heritage listing to owners of heritage places without, it might be argued, adequate consultation. Findings from the latest 2006 SOE indicate a decline in commonwealth historic heritage funding compared with funding through the Natural Heritage Trust. The Australian State of the Environment Committee warns that the trend “is inappropriate given the increasing overlap of natural and cultural values being recognised by community stakeholders, who are managing places at a landscape scale.”

In its response to the recommendation made by the Productivity Commission, the Australian government acknowledged that the risk of “unreasonable costs” imposed on an owner of a heritage property should be minimized at all levels of government. The following were the solutions offered:

- Improving the nature and extent of data and methodologies available about the benefits and costs of heritage listing
- Improving transparency about listing decisions, including assessing the benefits and costs of listing
- Considering options for improving consistency of heritage decision-making, such as through the development of national guidelines
- Ensuring that, if there is a dispute, there is a means for the listing authority to further explore the costs and benefits of a listing decision
• Developing options to enhance the existing requirements under the EPBC Act to take into account heritage, social and economic considerations in considering whether to heritage list a place.

The reality is that heritage is not a key policy or financial driver. In a competitive funding environment ways to quantify qualitative data need to be improved so that heritage has demonstrable value in economic terms. In this type of situation it is crucial for governments to forge stronger partnerships with industry and private stakeholders and to balance public expectations with long term community interests.

The Heritage Chairs and Officials of the States and Territories of Australia review of submissions to the Productivity Commission draft report found that community and interest groups, particularly smaller Heritage Trust groups, felt that their professional capacity is under constant erosion, with practical demands of property management stretching resources to the limit and compromising operational standards. The 2006 SOE supported this view. It reported that pressures on heritage often stem from inadequate understanding and lack of skills and resources.

CONCLUSION

The Australian tiered system for the preservation of built heritage would appear, based on Holtorf’s article, to offer greater opportunities for the public to select what heritage to preserve as compared with the German model. In some respects this implies increased red tape and obstacles involved in the process of raising the profile of a heritage place to the status of national heritage. However, it also ensures that there are mechanisms for people at the local level to identify and lobby for the acknowledgement of heritage places at the local community level, which may then be recognized at the state and perhaps even the national level as well.

As illustrated in each of the three tiers, there are different motivations and levels of protection for listing and conserving heritage places. The more overarching the list, the less direct the decision-making authority of individual citizens and the greater the onus on the democratically elected representatives. Although it may be argued that the ideologies of the government of the day are not reflective of the nation as a whole, and not inclusive of some minority voices, the counter argument could be that, as a democratic country Australia has within itself the mechanisms to effect change. Although this situation may not be ideal for all citizens, the alternatives presented by Hoffmann-Axthelm, if applied in Australia, would present just as many inequalities.

In Australia the recent changes to national, state, and territory legislation have reinvigorated the debate about the fundamental tensions that bedevil heritage such as what heritage is, what it means and how it might best be encouraged or con-
served. Although there are no simple answers and important questions, such as private property rights versus public right remain, the new arrangements are providing the opportunity for all Australians to tell a richer and more layered story about Australia.90

On 27 November 2007 Australia held a federal election. After eleven years in office, the Liberal-National Coalition was defeated by the Australian Labour Party (ALP). The new government was sworn in on 3 December 2007. The ALP National Platform and Constitution states that the party will undertake to do the following91:

— ensure the identification and preservation of our industrial, built, cultural and environmental heritage, and look for opportunities to promote world heritage recognition of such sites;
— give special attention to the preservation of the Commonwealth-owned heritage properties;
— ensure that the National Trust and other government and community organisations are supported to identify priority projects for heritage protection; and
— ensure that heritage is preserved and made effectively available to Australians through institutional and individual activities at a local and national level, including provision of skills development, training, and assistance to private owners of heritage properties.

It will be interesting to observe what, if any, changes the new government initiates to enhance the nation’s heritage direction, including consultation and coordination with other levels of government and improving types of monitoring, evaluation, and reporting processes. More fascinating still, will be the public’s reaction—will Australian heritage management into the future, give voice to a wider range of stakeholders, and in so doing engender a sense of shared ownership and trust, or will it continue along a predictable trajectory that repeats much of what has been done in the past?

ENDNOTES

14. The Commonwealth of Australia is a constitutional monarchy, federation, and parliamentary democracy. As such, the Australian government only has jurisdiction over lands and properties it owns directly. For further information see http://www.australia.gov.au/govt-in-aust (accessed July 21, 2007).
27. Environment Australia, Nomination of the Royal Exhibition Building and Carlton Gardens, 8.
35. States: New South Wales (NSW), Queensland (QLD); South Australia (SA); Tasmania; Western Australia (WA); and Victoria. Territories: The Australian Capitol Territory (ACT) and the Northern Territory (NT).

38. See s51 Heritage of Western Australia Act 1990.
40. See s17(2) Heritage Act 1993 Act no. 56 of 2003 (SA) and s28(1) ACT Heritage Act 2004 Act no. 57 of 2004.
41. For example, 90% of all NSW councils. Heritage Council of New South Wales (NSW), Annual report: 2005–2006, 32.
44. Productivity Commission, “Conservation of Australia’s historic heritage places,” 1. Historic heritage places, for the purposes of the inquiry incorporated buildings and structures; physically created places demonstrating ways of life, customs, land use or designs that are no longer practised (such as gardens and stock routes); 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, explorer sites, etc.).
47. Chairs of the State and Territory Heritage Councils of Australia, Review of the Submissions Made to the Productivity Commission, 3, 42.
48. Chairs of the State and Territory Heritage Councils of Australia, Review of the Submissions Made to the Productivity Commission, 42.
54. See s39J Heritage Conservation Act 1991 no. 39, 1991 (NT) and s64 Heritage of Western Australia Act 1990.
57. Submissions to the Productivity Commission by the Heritage Council of Australian and New Zealand and its member agencies, submissions from local governments, from key nongovernment organizations such as the Australian Council of National Trusts, and Australia ICOMOS, and many heritage professionals and their associations. Chairs of the State and Territory Heritage Councils of Australia, Review of the Submissions Made to the Productivity Commission, 62.
58. Chairs of the State and Territory Heritage Councils of Australia, Review of the Submissions Made to the Productivity Commission, 45.

62. WA Planning Commission (sub 98) in Chairs of the State and Territory Heritage Councils of Australia, Review of the Submissions Made to the Productivity Commission, 16.


67. In 1976 the Australian chapter of ICOMOS, the peak body of professionals working in heritage conservation, was created. On August 19, 1979, the Burra Charter, the primary document outlining best practice principles for determining the significance, conservation, and management of places of cultural significance was adopted in Burra South Australian. The most recent revision of the Charter was made at the ICOMOS Annual General Meeting in November 1999. See http://www.icomos.org/australia/burra.html (accessed June 18, 2007).


69. In 2005 and 2006 the Australian government allocated $11 million to conserve works to six cathedrals and churches around the country (ranging between $1 and $3 million per project). Guidelines for nominating places for this funding are not on the public record. This is of concern considering that the proportion of grant money provided to other programs is relatively high by comparison, such as the National Heritage Investment Initiative, which provides $10.5 million over 4 years (beginning in 2005 and 2006) to restore and conserve places on the National Heritage List. See http://www.environment.gov.au/heritage/programs/index.html (accessed July 30, 2007).


72. Chairs of the State and Territory Heritage Councils of Australia, Review of the Submissions Made to the Productivity Commission, 34.

73. Lennon, “Natural and Cultural Heritage, 3.


83. Chairs of the State and Territory Heritage Councils of Australia, Review of the Submissions Made to the Productivity Commission, 27.

84. Chairs of the State and Territory Heritage Councils of Australia, Review of the Submissions Made to the Productivity Commission, 25.

85. Chairs of the State and Territory Heritage Councils of Australia, Review of the Submissions Made to the Productivity Commission, 27.


89. Lennon, “Natural and Cultural Heritage, 1.

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