AUSTRALIAN COUNCIL OF NATIONAL TRUSTS

Submission to the Productivity Commission Inquiry into the Conservation of Australia's Historic Heritage Places

July 2005

ISBN 0 908 19896 5 (print version)
0 908 19895 7 (online version)

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Abbreviations

ACF	Australian Conservation Foundation
ACNT	Australian Council of National Trusts
ACOSS	Australian Council of Social Services
CHL	Commonwealth Heritage List
CHPP	Commonwealth Heritage Projects Program
COAG	Council of Australian Governments
DEH	Department of the Environment and Heritage
EPBC	Environment Protection and Biodiversity Conservation Act
EPHC	Environment Protection and Heritage Council
GIANT	Grant-in-Aid to the National Trusts
ICOMOS	International Convention on Monuments and Sites
NCHF	National Cultural Heritage Forum
NECF	National Environment Consultative Forum
NEGP	National Estate Grants Program
NFP	not-for-profit
NHL	National Heritage List
RCA	Regional Cultural Alliance
SoE	State of the Environment
TCT	Tasmanian Conservation Trust
WWF	World Wildlife Fund

Executive summary

The Australian Council of National Trusts (ACNT) is the federal representative body of the National Trust movement in Australia. There is a National Trust in every state and territory, each with its own independent constitution and board. This submission seeks to bring together the experience of the movement since its inception in NSW in 1945, and to apply that experience to the terms of reference of this Inquiry.

Structure of the submission

Part A addresses the nature of the 'historic heritage places' market, explores possible reasons for the failure of that market to deliver economically efficient outcomes, considers other factors that contribute to the unique characterisation of this product, and concludes with recommendations for further work to help quantify the economically efficient magnitude of this industry.

Part B considers policy options potentially available to address these market failures, and their possible impact on the conservation of heritage places.

Part C outlines the work of the National Trust movement across the country, it being the largest not-for-profit organisation involved in historic heritage conservation activities, and draws on that experience to make certain observations about the operational effectiveness of the National Trust movement in delivering these services.

Part D sets out the views of the ACNT on the national heritage management framework and heritage protection regulation at the local level, and suggests mechanisms for managing the different challenges of government-owned, community-owned (including National Trust) and privately-owned heritage places and buildings.

Part E summarises the views of the ACNT on the terms of reference and specifically on the three central questions identified by the Commission in its Issues Paper.

The set of appendices attached provides greater detail regarding the National Trust movement and address some of the specific questions raised by the Commission.

Summary of the submission

In summary, the thrust of the ACNT submission is as follows.

Historic heritage conservation is a fundamentally important element of Australia's social capital, and this Inquiry provides the Commission with an opportunity to value that capital, and to identify government programs that expand (and do not erode) that value.

The historic heritage market is characterised by significant externalities, and the market is unable to operate at its economically efficient level without public funding to address areas of market failure and to provide greater clarity to owners of historic heritage places about their rights and responsibilities.

To operate efficiently, the market requires a nationally consistent heritage conservation regime that has transparent processes and procedures for identifying places of heritage value and clear definitions of threshold criteria for determining if a place is of national, state or local heritage significance.

Inclusion of a place on any heritage list is a declaration of public interest in a property—the degree of reduction in private property rights is proportional to the relative importance of the place to the community. Owners of a historic heritage place (be they governments, community organisations or private individuals or companies) have a duty of care for that place.

Governments (as owners of many significant heritage places) should commit to the provision of adequate funding to conserve and interpret those places for the community (through their own management or by arrangements with other parties).

The heritage conservation regime should be separate from, but closely coordinated with, the planning and development approval regime. There are a number of best practice elements that can be identified from experience with existing arrangements across jurisdictions, and these best practice elements should be adopted by all governments through the Council of Australian Governments (COAG).

The historic heritage market has a number of unique aspects associated with its public good and intangible (cultural and intellectual) capital characteristics, and provides significant non-market community benefits. As a result, there are obvious market failures that justify public funding to reduce their impact. The most apparent market failure is in the community-owned (not-for-profit) sector, where direct income from admissions is inadequate to fund the basic provision of maintenance, conservation and education services.

The not-for-profit (NFP) sector, because of its close community links, is a cost-effective provider of such services to the community. The National Trust movement over the past 60 years has developed considerable expertise in working with local communities to conserve historic heritage places. Not only are the costs of this sector extremely efficient (because of its access to volunteers and its management practices), its reach into the community is effective because of its extensive networks of support.

Funding provided to the NFP sector should be directed towards areas such as:

- education, advice and support to the community and historic heritage property owners
- conservation and interpretation of community-owned historic heritage places
- ongoing management of collections and their interpretation for the community
- heritage research and publication programs, and identification of significant heritage places
- development of skills (professional, management and trades) to support the conservation of historic heritage places.

Methods of allocating such funding should include grants, market auctions, rate rebates and covenant schemes.

The ACNT, as a member of the National Cultural Heritage Forum, endorses the Forum's *Vision for Australia's Cultural Heritage*, submitted to the Minister for the Environment and Heritage in March 2004

> Australia's heritage, shaped by nature and history, is an inheritance passed from one generation to the next. It is a living record of places, objects, events, associations and memories which define and sustain our natural and cultural history. It is for us, the present generation, to nourish and nurture this inheritance for future generations.[1]

[1] NCHF Vision—see Appendix 4.

ACNT recommendations to the Inquiry

The ACNT believes that the Commission should acknowledge that market failure has occurred in the area of heritage conservation, especially with regard to the NFP sector, and therefore should:

1. seek to establish the value that 'heritage' has for the community, through the commissioning of a community survey as broad ranging in scope as the *Power of Place* study conducted by English Heritage in 2000[2]

2. establish the community's preparedness to fund the conservation of its heritage through the commissioning of a consumers' 'willingness to pay' survey.

Further, the ACNT believes that the Commission should recommend that:

3. governments commit to completing the national heritage framework to provide seamless protection to heritage places nationwide

4. the Environment Protection and Heritage Council (EPHC) implement the agreed Integrated National Heritage Policy, incorporating best-practice elements from all jurisdictions and finalising all necessary intergovernmental agreements

5. governments recognise that owners of places identified as having heritage significance have a duty of care for such places, and government owners in particular must commit adequate resources to conserve places in their care

6. funding must be provided to address those areas of market failure, and in particular for education, conservation, research and professional development

7. governments acknowledge that the NFP sector is an effective and efficient group for delivering heritage conservation services to the community and, in future, could be used more by government to provide services to the community and owners of historic heritage places

8. funding support should particularly be directed towards the NFP sector and private owners of heritage places where market failure can most be observed

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[2] See *Power of Place: the future of the historic environment* (English Heritage 2000) at www.english-heritage.org.uk.

9. allocation of funds should be on the basis of which activities can offer the greatest returns (in terms of key criteria established as part of the overall historic heritage policy framework) relative to the funds requested

10. there should be a variety of approaches to funding heritage conservation activities, including tax/rate rebates, grants, market auctions and revolving funds.

1 Introduction

The Australian Council of National Trusts (ACNT) was formed in 1965 to serve the interests of the National Trusts then operating in each of the mainland states.

The Trust movement had begun in 1945 with the establishment of the first Trust in NSW, followed by South Australia (1955), Victoria (1956), Tasmania (1960), Queensland (1963) and Western Australia (1964). The two territory Trusts—the ACT and the Northern Territory—were both established in 1976.

The National Trusts today have a membership of over 72 200, and a volunteer workforce of some 7400, working to ensure that the network of the Trust's heritage properties nationwide is open to the public, and supporting the advocacy and conservation work of the Trusts through their contribution to technical and other committees nationwide. The Trusts collectively own and manage for public benefit a total of 260 properties.

Further details regarding the operations of the Trusts are provided in Appendix 1. Suffice it to say that the National Trust is the largest non-government organisation working to conserve the nation's heritage, and indeed, with 60 years' operational experience behind it, the term 'National Trust' is synonymous with heritage conservation in this country.

The National Trust welcomes this important Inquiry by the Productivity Commission. It notes the background comments of the Treasurer in the terms of reference of the Inquiry:

> The conservation of our built historic heritage is important. Places of historic significance reflect the diversity of our communities. They provide a sense of identity and a connection to our past and to our nation.

The ACNT endorses this view, and agrees with the Treasurer's observation that:

> There has been less work undertaken on historic heritage places and their social and economic value in the context of Australia's overall natural, indigenous and historic heritage … there is a need for research to underpin how best to manage the conservation and use of our historic heritage places.

This Inquiry provides an opportunity to determine the true value to the Australian community of the conservation of historic heritage places, and to identify the most effective policies and delivery mechanisms to fully realise this value.

PART A

THE HISTORIC HERITAGE PLACES MARKET

2 Heritage

> Australia's heritage, shaped by nature and history, is an inheritance passed from one generation to the next. It is a living record of places, objects, events, associations and memories which define and sustain our natural and cultural history. It is for us, the present generation, to nourish and nurture this inheritance for future generations.[3]

The timing of the Productivity Commission Inquiry is linked to the establishment of the new national heritage system, which commenced on 1 January 2004 following the passage of the 'heritage' amendments to the *Environment Protection and Biodiversity Conservation Act 1999* (hereafter referred to as the EPBC Act).

These amendments established two new categories of heritage places—those of 'national heritage value', and those of 'Commonwealth heritage value'—based on the 1997 COAG Agreement concerning environmental responsibilities. The amendments emphasise the protection of the natural, historic and/or Indigenous values for which a place has been entered on the National or Commonwealth Heritage Lists, in contrast to previous Commonwealth legislation which sought to identify and protect places.

This new national heritage system provides community-based mechanisms for the identification and monitoring of national and Commonwealth heritage places, but requires agreements with state/territory governments for the protection available through the legislation to provide the seamless national heritage system envisaged by COAG.

The ACNT was a key player in securing the passage of the amendments, and has actively supported the establishment of the new system.

The commencement of the new system was preceded by the launch of the Distinctively Australian program by the Prime Minister on 18 December 2003. This program is designed—as its name suggests—to support the recognition and conservation of heritage places and their associated collections and stories, which assist to define the ever-changing character of 'Australia' and of 'being an Australian'.

This recognition of the communal value of heritage lies at the centre of government heritage protection and conservation programs: the

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[3] National Cultural Heritage Forum—*Vision for Australia's Cultural Heritage*—see Appendix 4.

recognition that 'heritage' is an essential element of the glue that holds our varied cultures and backgrounds together; that provides the social cohesion so necessary for us to function effectively as a nation.

The importance of social cohesion is gaining recognition in government policy formulation. Treasury released a paper[4] in late 2004 on its 'wellbeing framework' that it says is 'a corporate tool to improve the quality of our policy analysis and advice to Treasury Ministers and through them to the Parliament'.

Treasury's intention in establishing its 'wellbeing framework' was to provide a mechanism to ensure that a broad assessment of the costs and benefits of all policies is able to be made, one which captures factors beyond base level income or consumption measures.

The value of 'heritage' to the community—which lies in the key role heritage plays in enhancing the capacity of individual members of the community to consider themselves part of the broad social phenomena that define the national identity—must therefore be considered in any attempt to assess the wellbeing of Australians.

As the leading American writer David Lowenthal suggests:

> Awareness of the past is essential to the maintenance of purpose in life. Without it we would lack all sense of continuity, all apprehension of causality, all knowledge of our own identity … continuity and cherished features from times past are not luxuries but basic constituents of life.[5]

2.1 The meaning of 'heritage' for the National Trust

For the National Trust, the term 'heritage' covers all that we, as a society, value today and wish to pass on to future generations.

This is a very broad definition of 'heritage', and deliberately so. Its scope is much broader than 'place'. It includes intangible as well as tangible heritage—language and customs, as well as places and moveable collections.

'Heritage places' for the ACNT covers places that have historic, Indigenous and natural values, their associated collections (including documentary collections), and the settings in which places are located.

This broad holistic understanding of heritage sits within the agreed international framework governed by UNESCO, and accords with the

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[4] Australian Government, The Treasury (2004), *Policy Advice and Treasury's Wellbeing Framework*.

[5] David Lowenthal, Introduction in David Lowenthal & Marcus Binney, eds, *Our Past Before Us. Why Do We Save It?*, Temple Smith, London, 1981.

key Australian document, the *Burra Charter*[6], developed by Australian heritage practitioners to provide a framework for the assessment of the significance of heritage places and the traditions associated with them.

It also accords with the definition of heritage values as defined in the EPBC Act, where:

> the heritage value of a place includes the place's natural and cultural environment having aesthetic, historic, scientific or social significance, or other significance, for current and future generations of Australians.

The ACNT respects and acknowledges the right of Indigenous people to identify and conserve their own heritage. The *ACNT Aboriginal and Torres Strait Islander Heritage Policy* (2002)[7] acknowledges the special relationship of Aboriginal and Torres Strait Islander people with country and sea, and lays out principles governing the Trust approach to supporting Indigenous people in the identification and conservation of their cultural heritage.

The ACNT regards 'heritage' holistically. We do not draw rigid boundaries between a place and its setting, or between a place and its associated moveable collections, nor do we rank one set of values—natural, Indigenous, historic—over another.

While the ACNT agrees with the broad scope of the definition of 'historic heritage places' as described in the Issues Paper, when the term 'heritage' is used in this submission, it refers to intangible as well as tangible heritage values. When the ACNT refers in this submission to 'heritage places' or 'historic heritage places', it is using those terms with the broadest possible reference.

For the National Trust movement, the setting and curtilage of a place, and all those aspects that contribute to its significance and are essential to its interpretation, are integral to its values.

The value that Australians place on possessing a distinctive character, a recognisable national identity, and an evident national heritage and culture, must feature strongly in any assessment of the benefits and costs of conserving the nation's historic heritage places, and the justification for public funding to support it.

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[6] *Burra Charter*—Australia ICOMOS—see www.icomos.org.au.
[7] see http://www.nationaltrust.org.au/policies.

2.2 The contribution of heritage to societal wellbeing

The Productivity Commission, in its 2003 report on *Social Capital*[8], has also identified the value of actions that lead to the development of social norms, cooperative arrangements, and shared understandings. The Commission noted that social capital can generate benefits to society by reducing transaction costs, promoting cooperative behaviours and enhancing personal wellbeing. It recommended that further research be encouraged to provide tools for incorporating social capital considerations into policy analysis.

The ACNT believes that this Inquiry into the conservation of historic heritage places provides the Commission with an excellent opportunity to develop further its pioneering work on social capital. Heritage, by its very nature, provides a common thread of understanding and identity that is so critical to the operation of the nation. Whether it is in the armed forces, education, farming, the environment or business, matters such as 'who we are', 'what we stand for', and 'where we came from' are part of our shared memory, and form a key part of the collective value system that Australians apply when seeking a solution to a new challenge.

The national character is a creature of our history and our heritage. It is dynamic, constantly evolving as new experiences and diverse cultures add to our past understandings.

As the foregoing comments suggest, Treasury's view on the wellbeing of citizens and the need to have regard for that wellbeing in policy formation, and the Commission's own work on the importance of social capital, are illustrations that this Inquiry represents both an opportunity and a challenge to assess the full benefits of heritage conservation, and to consider these benefits in as broad a framework as possible.

Historic heritage is a fundamentally important element of the nation's social capital, and this Inquiry provides the Commission with an opportunity to value that capital, and to identify government programs that expand (and do not erode) that value.

The next section sets out a framework within which this value can be categorised and, hopefully, measured.

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[8] Productivity Commission (July 2003), *Social Capital: Reviewing the Concept and Its Policy Implications*, Research Paper, AusInfo, Canberra.

3 The market for heritage

The Commission may frequently be faced with groups who claim their product is unique and therefore unable to be fully considered by traditional economics. Certainly, some products differ markedly from others. Electricity for example, cannot be stored, and disappears the instant it is created; services are not physical products and cannot be seen or weighed. However, it is the contention of the ACNT that heritage conservation is indeed a unique product and one that requires detailed consideration to ensure that all of its elements are incorporated into any economic analysis.

A heritage building or place cannot be produced; it can only be recognised and conserved. Its heritage values lie in the circumstances in which it was originally created, the events and activities that took place there, the persons associated with it, the meaning and value it holds within itself. Once a heritage place is destroyed, it is lost forever; it can never be recreated. No replica, no facsimile, can ever reproduce the whole range of heritage values associated with that specific place, no matter how careful the detail or faithful the reproduction.

The Commission's recent Inquiry into the Impacts of Native Vegetation and Biodiversity Regulations[9] addressed some of the issues associated with the conservation of heritage places (although in that Inquiry, the Commission was not required to consider the costs and benefits of the relevant regulatory regimes).

There have been differences of opinion about the similarity of economic issues between natural and historic heritage, although clearly the core issues are the same (in particular, how to value the external benefits). It may even be possible to argue that the problems are more challenging with historic heritage because there may be some possibility of regrowth of native vegetation or preservation of an equivalent natural site elsewhere, whereas heritage preservation relates only to the individual asset that, once gone, cannot be replaced. However, in both cases, the main issue for economists is how the market can operate when much of the value accrues to external parties.

In July 2000, the Australian Heritage Commission held a conference in Canberra on heritage economics, and a number of papers addressed

[9] Productivity Commission (April 2004), *Impacts of Native Vegetation and Biodiversity Regulations,* Inquiry Report No. 29.

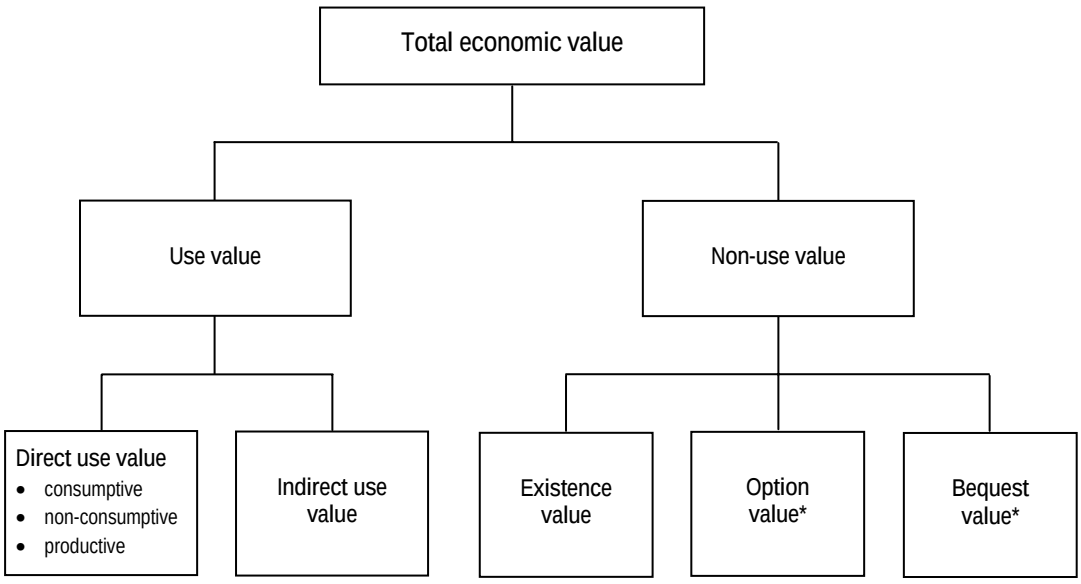
this issue.[10] In particular, a paper by Prof D Throsby titled 'Conceptualising heritage as cultural capital' set out a clear framework for assessing the value of heritage.[11] The following summary is extracted from Prof Throsby's paper.

Throsby discusses the concept of a fourth type of capital, namely cultural capital (additional to the traditional economics treatment of physical, human, and natural capital). Cultural capital is defined as an asset that embodies a state of cultural value, separable from whatever economic value it may possess. It is broken down into *tangible* cultural capital (comprising cultural heritage as described above) and *intangible* cultural capital (existing in ideas, traditions, beliefs and customs shared by a group of people), together with intellectual capital existing as language, literature, music and so on.

Cultural capital, like any capital item, exists both as a stock of assets and as a flow of capital services over time: its value at any time can be assessed by either means. The particular characteristic of cultural capital is that it embodies or gives rise to two types of value: economic *and* cultural.

In regard to the economic value of heritage, there are both *use* and *non-use* components (as in the treatment of environmental assets)—see Figure 1.

Figure 1 Total economic value



* Some classifications treat these as use values as they potentially relate to use of the asset in the future.

[10] Australian Heritage Commission (2001), Conference Proceedings 2000, *Heritage Economics: challenges for heritage conservation and sustainable development in the 21st Century*.
[11] D Throsby, 'Conceptualising heritage as cultural capital', in Australian Heritage Commission (2001), p. 6–13.

Use value refers to the direct valuation of the asset's services by those who consume the services, such as the entry fee paid by visitors to a historic site or expenditure at nearby facilities dependent on the existence of the site. *Non-use value* refers to the value placed upon a range of non-rival[12] and non-excludable[13] public good characteristics typically possessed by cultural heritage.

These non-use values may relate to the asset's:

- *existence value*—people value the existence of heritage assets even though they may not themselves consume its services
- *option value*—people wish to preserve the option that they or others might consume the asset's services at some future time
- *bequest value*—people may wish to bequest the asset to future generations.

The non-use values are not observable in market transactions, since no market exists in which consumers can exercise their rights to purchase them. However, in any evaluation of the benefits of cultural heritage, it is essential that these non-use value streams be measured as well as the use value stream. For many cultural heritage projects, the use value is likely to be derived from tourism, while the most significant non-use values are likely to be related to individuals' desires to see heritage assets conserved and not damaged or destroyed.

Studies in this area have generally applied the same approaches that have been used in the assessment of environmental amenity for many years, such as hedonic pricing, travel cost estimation, discrete choice modelling and contingent valuation.

Another paper at this same Heritage and Economics Conference, delivered by Prof J Bennett of the ANU[14], outlines in some detail the different approaches and the particular relevance of choice modelling in applying non-market valuation techniques to cultural heritage.

There is a considerable body of literature on the application of these different techniques to cultural heritage and natural heritage. Much of the literature is from government bodies developed to assist them in the comprehensive evaluation of policy and funding. The UK government for example, has released a number of substantial

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[12] Non-rival—consumption by one person doesn't reduce the opportunity for consumption by another.
[13] Non-excludable—no-one can be excluded from the public benefits available.
[14] J Bennett, 'Natural heritage valuation methods: applications to cultural heritage', in Australian Heritage Commission (2001), p. 31–40.

publications outlining the techniques for appraisal and evaluation of non-market benefits. These include:

- HM Treasury's *Green Book 2003*[15]—'to ensure public funds are spent on activities that provide the greatest benefits to society, and that they are spent in the most efficient way'
- Department of Transport, Local Government and the Regions' 2002 publication, *Guide on Economic Valuation with Stated Preference Techniques*[16]—'valuation is implicit in most policy decisions and it is preferable to make it explicit where possible to improve quality and transparency'.

It is not the intention of this submission to present a lengthy description of the various techniques of non-market evaluation; it is assumed both that the Commission has access to the voluminous literature and case studies available, and that it already has expertise in these techniques and an understanding of the issues.

However, the ACNT wishes to emphasise that 'heritage' is characterised by a product where the majority of the benefits are not bought or sold in the market. It has 'public good' characteristics that preclude the formation of a market, and its value to people is not readily estimated by reference to the revelation of preferences that people make in market transactions.

Some of the non-market benefits would include:

- the aesthetic appeal of walking past heritage places, utilised and cared for
- the satisfaction of knowing that a piece of the nation's history has been protected for passing on to future generations
- the knowledge that places where important decisions were taken and significant events occurred will remain to inform future generations
- the understanding that future generations will have insight into the past through the continued presence of heritage places.

The Institute of Historic Building Conservation (IHBC) has recently released a statement on the value of heritage places, highlighting the wide range of benefits that conservation of such places delivers,

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[15] HM Treasury (January 2003), *Green Book, Appraisal Evaluation in Central Government,* London.
[16] D Pearce and E Ozdemiroglu et al (March 2002), *Economic Valuation with Stated Preference Techniques: Summary Guide,* Department for Transport, Local Government and the Regions, London.

particularly in terms of public policy objectives concerning education, economic development, sustainable growth, urban and rural regeneration, repopulation of inner-city areas, cultural development, and supporting local communities:

> The historic environment underpins many successful projects aimed at improving quality of life, transforming failing areas, empowering local community groups and creating a better and more sustainable environment. Historic buildings have their own intrinsic value.[17]

This value can only be approximated by studies that look at consumers' 'willingness to pay' for such intangible wellbeing. The values embedded within cultural capital include:

- *aesthetic value*—the relationship of the site to its landscape and its history
- *spiritual value*—connectedness between the local and the global, a sense of belonging, of meaningful connection with place
- *social value*—a shared sense of identity, which connects people with each other and with place, encouraging social stability and cohesion
- *historical value*—an understanding of the past that has shaped the present, and provides a sense of continuity and connectedness
- *symbolic value*—conveying meaning and information, assisting the community to interpret its identity
- *authenticity value*—recognising the site is authentic and unique, promoting values of integrity and truthfulness.

The first five of these values are specifically recognised in the ICOMOS *Burra Charter*[18], and are similarly reflected in the criteria for the National Heritage List.

These characteristics are difficult to value, but they are fundamental components of the heritage conservation market.

Submission 1

The heritage conservation market has a number of special characteristics that distinguish it from traditional goods and services:

- it is predominantly a public good
- there are significant externalities

[17] http://www.ihbc.org.uk/1main_pages/opportunities.html or see *Context*, No. 89, May 2005, p. 30.
[18] *Burra Charter*—Australia ICOMOS—see www.icomos.org.au.

- it includes a number of unique elements such as its value to future generations and its inability to be recreated once it is lost or destroyed
- it is a major contributor to social capital and the overall wellbeing of consumers.

To the ACNT's knowledge, there have been no studies of consumers' 'willingness to pay' for the protection of our national heritage. The ACNT agrees with the Treasurer in the terms of reference of this Inquiry, that there is a critical need for such research.

The ACNT believes that there are many indicators that suggest Australians place a high value on conserving our heritage. There is a strong national culture and a belief in the Australian way of life traditionally characterised by hard work, the challenge of the bush and the climate, opportunity for all, mateship, multiculturalism, the digger, the battler etc.

Equally, there is an appreciation of the conservation of heritage, evidenced by tourism marketing of distinctive regional and local areas throughout Australia, and in the findings of tourism surveys.[19]

The ACNT is unable to fund the conduct of a detailed 'willingness to pay' survey of Australian consumers, to ascertain the value they place on the preservation of their heritage.

However, the ACNT believes that the Commission would fail in its duty if it did not either undertake such an evaluation itself, or recommend that such work be undertaken, to inform the government on the appropriate level of community funding for heritage conservation.

Submission 2

The economically efficient level of funding for the historic heritage market could be determined through a detailed 'willingness to pay' survey, but even that would fail to reflect the additional value attributable to its contribution to the development of social capital and community wellbeing.

As indicated above, there may be values attributable to some aspects of heritage that cannot be adequately reflected in monetary terms, as English Heritage documented in *Power of Place*, their survey of the

[19] See case studies and references in the publication *Successful Tourism at Heritage Places: a guide for tourism operators, heritage managers and communities* http://www.ahc.gov.au/publications/tourism/index.html.

value the people of England place on their historic environment, and the value they believe it contributes to the quality of their lives.[20]

The ACNT therefore is confident that, when consideration is given to all of the non-market benefits of heritage conservation, such studies will demonstrate that there is justification for increased public funding in this important area.

There are very few examples of public, private and not-for-profit (NFP) heritage places open to the public where the use value (demonstrated by commercial returns on the property after ongoing maintenance and operating costs) is positive. Where returns are positive, there may be limited justification for public funding although it is clear that the non-use values would justify an expansion of services. But in the majority of cases, heritage places open to the public do not receive sufficient income from users to cover costs, and this results in an under provision of the particular service relative to the efficient level, having regard to the total use and non-use value.

In summary, the ACNT believes that a consideration of the historic heritage market and its distinctive product provides clear evidence of characteristics that would support a view of market failure. However, it is unable to demonstrate in quantitative terms the difference between the market value defined by consumers' 'willingness to pay' for such services, and the current size of the market. Nevertheless, it encourages the Commission to undertake such a task or recommend that it be undertaken.

The ACNT has highlighted examples of the additional value of heritage conservation: the contribution to the understanding of being 'distinctively Australian', to the overall sense of wellbeing of Australians through the maintenance and development of the Australian identity and national character, and to the development of social capital by the facilitation of social cohesion and communal characteristics that bind people into the community.

Submission 3

Since a significant part of the externalised benefits accrue to the general community, there is a sound economic principle for government funding for the conservation of Australia's historic heritage places.

The ACNT encourages the Commission to acknowledge the value of the cultural capital arising from investment in historic heritage

[20] See *Power of Place: the future of the historic environment* (English Heritage 2000) at www.english-heritage.org.uk.

conservation, and to confirm its belief that there are significant market failures because of the particular nature of this market. These market failures, together with the important contribution to government programs, social capital and consumer wellbeing, justify government support for heritage conservation. The level of such support will depend on further studies of consumers' 'willingness to pay'. The nature of such support will be addressed in the following sections.

PART B

MARKET FAILURE AND ROLE OF GOVERNMENT

4 Cultural capital and market failure

4.1 Introduction

Part A of this submission has argued that there are considerable external benefits from heritage conservation that accrue primarily to the general community.

Nevertheless, it must be acknowledged that some of the potential benefits generated by heritage conservation are private goods—that is, the benefits are captured by private property owners. Undoubtedly, in many areas, values of heritage properties have grown at a faster rate than for properties in general because of the positive impact on local amenity[21] (although this conclusion is disputed in some cases where the additional costs and restrictions associated with heritage protection are claimed to devalue the property).

The non-private benefits extend to those in the neighbourhood, local community, region and nation, comprising (as previously noted):

- benefits accruing to other parties such as income from tourism or increase in property values, arising from the existence of the asset
- tangible value placed on the asset by the community, recognising its existence and opportunity for future use
- intangible value resulting from the increase in social capital through its contribution to development of shared values, enhanced community cooperation and better social cohesion.

Because of the 'public good' characteristics of these benefits, the owner will tend to provide less than is considered desirable from the wider community's perspective: they will provide heritage conservation only to the point where the extra benefits to them of providing more equals the additional costs incurred. This has implications for estimating the impacts of regulatory intervention to preserve heritage places, and for determining the extent and type of intervention that may be warranted and who should pay for it.

[21] See Vinita Deodhar 'Does the housing market value heritage? Some empirical evidence', http://www.efs.mq.edu.au/research/DeodharV.htm.

The ACNT has argued that the total economic benefits from heritage conservation are significant, warranting government intervention and funding. However, as the Commission has stated:

> … that total benefits may be large does not automatically mean more [conservation] services are required. What is required for policy purposes is a comparison of the extra benefits generated and the additional costs of supplying extra [conservation] services, to ascertain if more services will promote community welfare.[22]

The Commission in that Inquiry recognised the difficulty of measuring the benefits of additional environmental services, and discussed the various approaches to (and limitations of) estimating consumers' 'willingness to pay'. While the Commission was not required to measure the benefits of nature vegetation and biodiversity conservation, nor to suggest where the optimal level of provision might lie, it concluded that

> … a major requirement for a policy intervention to be efficient is that it recognises and explicitly identifies, or has a process in place for revealing and making transparent, the cost-benefit tradeoffs.[23]

It is the purpose of this chapter to explore options for policy intervention to encourage the socially optimal level of production of heritage conservation services. As indicated, the policy interventions need to be targeted at areas of market failure, and need to provide a transparent process for revealing the cost–benefit trade-off.

4.2 Barriers and impediments

The Commission in its draft report on *Energy Efficiency*[24] identified three classes of barriers or impediments to efficient markets:

- *market failures* – where the market fails to provide or allocate goods and services to their most efficient use, and limits the overall wellbeing of the community
- *behavioural, cultural and organisational barriers* – which arise because of limits on the decision-making abilities of individuals and organisations
- *other barriers and impediments* – such as additional costs of incorporating heritage conservation practices or the impact of these on output or value.

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[22] Productivity Commission (2004), *Inquiry into Native Vegetation and Biodiversity Regulation, Final Report,* p. 13.
[23] ibid., p. 17.
[24] Productivity Commission (April 2005), *Energy Efficiency Draft Report,* p. 56–74.

4.2.1 Market failure

The Commission considered three broad types of market failure—imperfect information, split incentives and positive externalities—all of which are equally applicable to heritage conservation.

If consumers do not have access to sufficient and accurate information, consumers may make choices that they later regret when they become better informed. The information can be costly to obtain, general information (as opposed to product specific information) might not be available, and those needing information might not be able to find those who have it.

The Commission concluded '… the public good nature of general information … may provide some rationale for government intervention'[25], although it cautioned that such intervention can be costly and introduces its own distortions, especially if poorly targeted.

Submission 4

The ACNT believes there is a clear case for intervention to support the provision of information on heritage conservation regimes and practices, and demonstrates in Part C of this submission the effectiveness of the National Trust movement in providing cost-effective and targeted advice.

4.2.2 Behavioural, cultural and organisational barriers

Behavioural and cultural norms can influence attitudes of the general public, in particular those of building owners and developers, towards heritage conservation. In periods of building booms, pressures appear to develop in favour of demolition and replacement as seemingly the only option to be considered. Currently, much infill development is being driven by sustainability concerns about the growth of urban footprints.

Planning departments and regulatory agencies can find it difficult to stand in the way of 'progress'. These attitudes are difficult to change and can only be addressed through the existence of clear government policy and procedures, within an environment that recognises the value of heritage.

There is also increasing pressure to adaptively re-use historic buildings rather than demolish them because of the embodied energy in the built fabric, arising from community perceptions about sustainable development. This is a relatively recent phenomenon and planning agencies are still coming to terms with how these objectives can be

[25] ibid., p. 60.

accommodated in planning and development controls without being seen as impediments or encumbrances to development.

Heritage Canada, the Canadian equivalent of the National Trust, has an excellent publication concerning these issues available on its website.[26]

Submission 5

The clear role for government, in addressing this behavioural and cultural barrier, is to develop and apply a heritage conservation policy and to enforce compliance with it. This needs to be supported by research and education to ensure the policy is relevant and understood.

4.2.3 Other barriers and impediments

The third group of barriers identified relates to the general factors such as risk, uncertainty, costs of implementation and restriction on future options (for example, a concern—largely unjustified—that restoration now may prevent the asset from ever being able to be modified or replaced).

These uncertainties will inevitably accompany every decision regarding heritage conservation, and can best be addressed by providing greater certainty and more information about the private benefits that accrue. Greater research in this area is required to clarify whether higher costs are actually incurred and whether these are returned via higher values or income.

These barriers and impediments will have different impacts and relevance in each situation, depending firstly on the owner (government, not-for-profit, or private), and on the nature, size and location of the heritage place itself.

4.3 Government, community and private ownership

At the present time, heritage conservation services are provided by all levels of government, community (not-for-profit) organisations, and by private operators (including residential owners).

Designing appropriate policy interventions for this complex mix of providers is a major challenge. Is a policy that is relevant to the private housing market transferable to a publicly-owned historic house? Should governments be bound by the same principles they apply to private operators? How can the 'market' provide guidance to

[26] *Exploring the Connection Between Built and Natural Heritage* (2001) at http://www.heritagecanada.org/eng/about/pub.html#report.

government operations? Should the same rules and interventions apply at the local as at the national level?

The Commission's consideration of public–private issues in its report *Native Vegetation and Biodiversity Regulations* restricted its consideration of the role for government to policy intervention directed at the private market. The ACNT believes that such a restriction is not appropriate in the current Inquiry where governments themselves are major owners and operators of historic heritage places.

Submission 6

Any evaluation of the role of government in heritage conservation needs to include consideration of its role as an active market participant, not just as a rule-maker or provider of information.

It could be argued that it does not matter for this analysis that government is a deliverer of these services alongside (and sometimes in competition with) NFP and private deliverers: that this is a second-order issue and it is not relevant whether a government chooses to deliver the services itself (through budget funding) or allows others to do it.

The ACNT supports the activities of governments in operating heritage properties, as part of their overall responsibility for heritage. However, it is the view of the ACNT that these dual roles do complicate the analysis and have an impact on the economically efficient delivery of these services (both the level and the mix).

Because of this complexity, the ACNT will approach the issue by considering policy options in general ignoring government operations, and then considering how government involvement as an operator might be accommodated.

4.4 Policy options

As the Commission indicated in *Native Vegetation and Biodiversity Regulations*[27], the solution is theoretically quite simple when it is existing government policy that is constraining private conservation effort: fix the policy distortion. Further, where private costs and benefits are affected by a lack of information or the high cost of information, there may be a role for government in funding research or in providing information.

[27] ibid., p. 24.

However, the Commission noted that, when the problem is caused by public good or externality-type issues, policy intervention is more problematic. This could involve the use of governments' powers of coercion to overcome some of the factors undermining private or collective solutions, but defining the correct level of such coercion can be difficult.

For example, governments can legislate to introduce heritage and planning controls that prevent destruction of certain places, and can attempt to place obligations on owners to maintain and protect these sites. The challenge is to determine how extensive such controls should be and what they should apply to. Presumably there is a level beyond which the costs associated with preventing renewal of the building stock outweigh the value placed by the community on preservation of heritage buildings.

At one extreme is the view that a property owner should be free to do with their property whatever they wish (or more specifically, that a heritage property should be subject to the same rules and regulations as a non-heritage listed property). This position would imply that planning regulations should have no regard to heritage factors.

It should be noted that inclusion of a heritage place on any list is a declaration of public interest in a private property: the degree of reduction in private property rights is proportional to the relative importance or significance of the place to the community. Owners of heritage places are in effect assuming a 'duty of care' for the property.

The other extreme is the view that everything of possible interest should be protected, and that redevelopment of a property should only be allowed (if ever) after an extensive evaluation and consultation process that may refuse certain developments.

4.5 Private property and private property owners' rights

It should be noted that it is a myth that landowners have a common law right to do with their land as they wish. All land in Australia, with the exception of land subject to native title rights and interest, is held 'of the Crown'. In other words, all land titles in Australia (with the exception of native title) are issued by the Crown (state and territory governments), and the Crown guarantees the security of title and the priority of interests in the land through the Torrens Title system[28].

[28] See the Report on the Canberra Leasehold System by the Senate Standing Committee on Transport, Communications and Infrastructure 1988 for a detailed analysis of this issue

The Crown also retains power to impose restrictions on the ways in which the land/the property can be used or developed. Historically, these restrictions arose to protect public health and safety, and then increasingly to provide for public amenity. These restrictions have become more complex over time, and now cover, as well as heritage protection, ecological and sustainable development matters, and no doubt in the future will be expanded to cover other as yet unforeseen issues.

Each state and territory has its own unique set of laws and administrative arrangements for regulating the use and enjoyment of land for present and future generations. The right to enjoy land is limited by the use and development of abutting and nearby land.

These controls or limits are generally imposed by state/territory governments and/or local councils through planning, environment and heritage protection legislation, and regulated through development and building controls, or in the case of leases, through the terms and conditions of the lease. Accordingly, heritage regulation is not outside the normal frame of land management and regulation.

4.6 Planning and heritage regulation

Planning development regimes have been developed in each jurisdiction to provide a community standard that can give guidance to property owners on what restrictions will apply to a particular property or area. The heritage protection regimes have developed over the past 30 or so years as an extension of the planning and building controls in each jurisdiction.

The regimes differ across the country, and one role of the Commission in this Inquiry is to examine the different regimes and to identify best practices. The ACNT provides comments on the current regimes in Part D of this submission.

Some private owners and developers have criticised current regimes as not providing sufficient certainty to them prior to purchase, as to what restrictions apply. Two comments can be made in response to this criticism:

- all regimes are intended to provide some flexibility in interpretation—this is more beneficial to developers than a fixed and rigid system (if it was ever possible to be so definitive)
- owners/developers will often exaggerate their uncertainty, when in reality they are simply trying to push the boundaries of interpretation.

Nevertheless, the ACNT accepts that improvements can be made in these regimes and that this Inquiry presents an opportunity for innovative and successful approaches from jurisdictions to be identified and adopted by others.

The magnitude and ambition of such a task should not be underestimated. Heritage protection and planning regulation both need to be responsive to changing community interests and needs.

As indicated in Part A, heritage is a unique product that grows and absorbs new elements over time. *It is not possible at any point in time to define absolutely what is, and what will be in the future, 'heritage'.*

It may now be relatively easy to recognise the heritage value of places associated with key historical events or characters of the 18th or 19th Centuries, but it is far more difficult to identify significant places associated with the recent past, particularly with the late 20th Century.

We would struggle now to assess the heritage value of places associated with contemporary but non-mainstream cultures, or those associated with current architectural styles or technologies and industries, any of which may be recognised at some time into the future as having contributed to the evolving national culture and identity

A policy to protect Australia's historic heritage places must therefore be open to new understandings, be considerate of new cultures and ideas, be non-prescriptive, flexible and inclusive. *This is not a recipe for certainty.*

Further, the policy will always be operating within the overall restraint that once gone, these places are gone forever: the product cannot be recreated.

Such a policy must therefore be based on clearly articulated principles. It must recognise the tension that we have identified between protection of heritage values and the property rights of private owners, and that between contemporary development interests and the retention of heritage places, and seek to resolve these competing interests through clear-minded articulation of overarching principles and transparent process, to ensure the best balance of private and public interests.

The policy must also address issues of detail: is one place sufficient, or are multiple preservations required? Does a whole streetscape or neighbourhood require protection? How does the policy distinguish between local, regional and national? What is the most effective way of determining local, regional and national heritage—is this best done at

the local level by community, by experts on a broader scale, by a balance of the two?

It is generally agreed that a characteristic of good policy when dealing with such detail is to force decision making down to the local level; the Commission has drawn a similar conclusion in its Inquiry on Native Vegetation and Biodiversity Regulations. However, it is important to recognise the inter-connection between local and national: the nation's heritage is made up of numerous elements from across time and across country. There is a clear case for both a 'top-down', and for a complementary 'bottom-up' approach to policy development, with clear linkages between the different levels.

The new national heritage system that commenced on 1 January 2004 established a sound basis for such policy development. It established two new categories of heritage places—those of outstanding national heritage value and those of Commonwealth heritage value.

The former category provides a means of enabling those special places that have outstanding national heritage values to be recognised and conserved. While considerably more work is needed to populate this list, preparation of the National Heritage List (NHL) has commenced.

The development of the NHL completes the framework of identification for protection and conservation of the full suite of Australia's heritage places, from places of World Heritage value to places of state/territory heritage value, and those of local heritage value.

What is missing in this agreed hierarchy is the complementary regulatory framework as agreed by the COAG Agreement of 1997—the Integrated National Heritage Policy—and its accompanying inter- and intra-governmental agreements that would ensure seamless and inclusive protection for all places of heritage value, at the appropriate jurisdictional level.

The second category, of Commonwealth Heritage Places, recognises the Commonwealth Government's responsibilities as an *owner and user* of heritage places, and establishes clear accountability of agencies to identify, protect and conserve these places for future generations. Again, what is lacking is a similar consistent commitment by state, territory and local governments that they will take responsibility for the conservation and protection of places in their care.

This new approach by the Commonwealth Government appears to be a practical way of accommodating the dilemma referred to earlier, where government is an active participant in this market, as well as the maker of policy. By separately identifying its own responsibilities as

owner, distinct from the overall policy framework, some separation of role is established and accountability is clarified.

Submission 7

It is appropriate for government to establish the overall policy framework and to determine how that market should operate (and be assisted to operate) at its efficient level, given the need to reflect the value of externalities.

In addition, however, government needs to accept it has a responsibility to protect heritage assets in its own control, and to acknowledge that specific obligation is best recognised as a separate function with its own legislative commitments.

4.7 Conclusions

This chapter has explored policy options available to government to address areas of market failure in heritage conservation.

It recognises that, in many cases, government itself is the owner of historic heritage places and that this places on government an obligation to protect, conserve and present these places for the benefit of the community (and also to recognise that budget funding is justified for this role).

Further, it is a legitimate role for government to develop policy on heritage conservation and its impact on property owners, and to ensure that the policy is understood by the community, implemented and enforced.

Finally, there is a legitimate policy option available to government with respect to funding education, research and general community involvement in heritage conservation.

These roles of government (at all levels) are discussed more fully in the following chapter.

5 A role for government

5.1 Policy role

The previous discussion has suggested a dual role for government: to develop a strong and clear policy framework extending from the national to the local level that reflects the community attitudes and value of heritage conservation; and to provide funding support to address clear market failures and to ensure the socially optimum level of production of this service. Within the policy framework, it is necessary for government to specify its own responsibilities for managing heritage assets in its ownership—be they at the national, state/territory or local level.

Submission 8

The ACNT believes that the new national heritage system that commenced 1 January 2004, based on the 1997 COAG Agreement, is incomplete.

In order to complete the national heritage framework and provide seamless protection to heritage places nationwide, the Environment Protection and Heritage Council (EPHC) must implement the agreed Integrated National Heritage Policy, and finalise all necessary intergovernmental agreements.

The Commonwealth Government has accepted responsibility for identifying and protecting places of outstanding national (and Commonwealth) heritage value. However, it has done so within the framework of the 1997 COAG Agreement, on the understanding that responsibility for places of state/territory or local significance will be taken by those jurisdictions. Complementary changes are still needed to state and territory legislation and regulation to ensure that this seamless and integrated system of heritage protection is fully adopted across the nation.

This Inquiry presents an opportunity to identify the most efficient and effective way of implementing these changes, and to recommend to COAG that they require the EPHC to implement speedily their agreements and establish a statutory and regulatory framework that provides optimal value to the community from the conservation of historic heritage places.

Such a framework must establish:

- the inter-relationship between state/territory heritage protection regimes and the national regime

- processes for identifying, protecting and conserving places of national, state/territory and local heritage significance
- effective planning and heritage protection regimes right down to local government level
- principles upon which identification, protection and conservation of heritage places would be based
- arrangements that would clarify and ensure support for the role of local government in administering heritage protection arrangements in local communities.

5.2 Funding

Associated with a COAG decision on such a framework should be the development of a funding mechanism linked to implementation of the agreed framework. The ACNT has argued in Part B of this submission that there is a strong case for government funding, both Commonwealth and state, to support the conservation of heritage places. The review of market failure and externalities has highlighted that government funding can be justified for:

- education and provision of information on heritage
- research into the nature and benefits of heritage places, and the details of that heritage
- support towards the costs of conserving places of national, state and local heritage significance.

Funding of heritage conservation activities by government will always be competing for limited funds against other causes such as the environment, health and education. As has been observed in the previous sections, heritage conservation is associated with significant externalities that are difficult (if not impossible) to measure. How then can an efficient level of government funding support be established, and what is the most efficient way of delivering that support?

The ACNT acknowledges that many of the governments across the country already provide a significant amount of funding to support heritage conservation. This funding can be categorised broadly in the following areas:

- funding for government heritage and planning departments and agencies (including within that the costs of various education, research and promotion schemes)

- costs of operating and maintaining government-owned or managed cultural facilities and heritage properties
- grants to community groups and individuals for conservation and interpretation
- taxation subsidies to community organisations as deductions for donations or exemption from certain property charges and taxes (including GST).

It is difficult to determine precisely what the overall level of funding currently is, since it is not clear how to allocate costs in some areas between heritage and planning functions, nor is it clear how to distinguish between arts expenditures (eg museums, art galleries, cultural facilities) and historic heritage expenditures.

It is possible that the Commission will be able to determine how much governments are spending on heritage conservation, and whether this is appropriate relative to the value that consumers place on heritage.

There are no national funding programs or tax incentives focused on conserving Australia's heritage places, in contrast to the funding and incentives provided to conserving the natural environment.

While the ACNT would prefer that more funding was available, it is unable to demonstrate with firm evidence that current funding for built heritage conservation is below the economically efficient level—although it is certainly well below the funding provided for natural heritage conservation and that provided for other cultural activities, and certainly below the level that allows not-for-profit heritage sites open to the public to operate efficiently (as demonstrated in Chapters 6 and 7).

However, the ratio of demand for heritage grants versus funding offered, generally runs at approximately 30:1, and can be much worse. The recent announcement that only 22 of the 980 applicants would receive funding under the Sharing Australia's Stories program, with a mere $725 000 awarded when $24 million had been requested by applicants, is indicative of the level of unmet need in the community for heritage funding.[29]

What the ACNT hopes to do in this submission is to demonstrate that significant government funding is justified because of the benefits generated, and to identify ways in which government funding (at whatever level) is used effectively and efficiently, and in ways that do not distort the market.

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[29] For further details, see www.deh.gov.au/heritage/funding.

To do this, the ACNT proposes to examine three broad areas:

- government heritage departments and agencies
- not-for-profit (NFP) community heritage organisations
- private owners of heritage properties.

5.2.1 Government heritage departments and agencies

It has been argued previously that one of the key roles for government in addressing market failures is to develop a clear policy framework for heritage conservation and to enforce compliance with it. This will remove many of the risk and uncertainty barriers that impact on private investment decisions.

Funding of the policy development, implementation and compliance role is extremely important in ensuring the social benefits are optimised, as is the funding of the education and research activities needed to support policy development and implementation.

Governments must also exercise leadership in heritage conservation to the community. Government heritage agencies play a dual role in heritage conservation—the agency sets the rules for the community (including government agencies), and those agencies/departments that are responsible for heritage places *should* then abide by those rules: ie, they should be exemplary in their management of heritage places in their care.

However, because 'heritage' is core business for only a selected group of agencies, it is rare indeed for other agencies/departments, responsible for places of heritage value but not as part of their core business, to be funded to care properly for them.[30]

For example, no extra funding has been allocated to those Commonwealth agencies that have heritage properties in their care, to assist them to meet the extra responsibilities imposed on them through the Commonwealth heritage listing process. Similarly in NSW, no agency is funded for the care of historic heritage places specifically to enable them to comply with the 170 Register process, except the Historic Houses Trust, yet many other agencies are also responsible for the care of heritage places.

Local government in particular, as a consequence of the progressive transferring of responsibilities from Commonwealth and

[30] The UK government has introduced a mandatory system of 'heritage champions' to monitor the conservation of historic heritage places that are within the care of the government agencies.

state/territory governments to local government, is struggling to be able to provide adequate funding and the kinds of strategic planning and other kinds of support necessary to enable community groups and individuals to care for local heritage places.

It is not possible to draw a general observation about the funding levels for heritage/planning agencies across the country (although some comparative data is found in the State of the Environment Report tables[31]), but the ACNT observes that one area where more funding is required is in the gathering of consistent and accurate data about heritage places and their condition, including the identification of emerging heritage places of significance.

A second area relates to the provision of funding support for basic maintenance of such places, especially those held in community ownership.[32] Funding of these activities at the local level is extremely limited at the present time, and this can result in heritage places being overlooked or neglected.

5.2.2 Not-for-profit community organisations

Not-for-profit (NFP) organisations such as National Trusts and local historical societies operate at the state or local level to identify, protect and conserve heritage places of local, state/territory and national significance.

While there are a few properties open to the public that receive sufficient income from visitation and sales to cover most ongoing operating and maintenance costs, the overwhelming majority of community-operated heritage places that are open to the public do not receive sufficient income to cover basic operating and maintenance costs, let alone invest in new interpretation or comprehensive conservation of these places.

The ACNT has provided to the Commission a number of case studies on properties managed by National Trusts, to illustrate the overall challenge of maintaining such heritage places (see Appendix 2). Individual Trusts will be able to present greater detail on properties in their care when they appear before the Commission at its public hearings.

NFP heritage properties generally operate at a loss despite the significant contribution of volunteers and little expenditure on maintenance, conservation and presentation. Such places are at great

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[31] see www.deh.gov.au/soe.

[32] See Heritage Victoria Annual Reports and Strategy Plan re demand and supply of this http://www.dse.vic.gov.au/dse/.

risk as the average age of volunteers increases and visitor numbers decline, and as basic maintenance and conservation activities are deferred.

Many local heritage places contain collections of the history of a place or region that are of particular significance to that local area but are not of state/territory or national significance. The issue, however, is not the significance of the heritage place itself, but rather the most appropriate way to maintain and conserve it, for ultimately the national story is composed of a mosaic of local heritage places.

The key questions therefore are:

- Whose responsibility is it to maintain places of local heritage value?
- How should such places be identified?

While such decisions can be difficult and can be emotional, they are universal questions, and are being addressed in many communities nationally and internationally. The National Trust in the UK, for example, in partnership with the Campaign to Protect Rural England and Heritage Link has just released a report, *Recharging the Power of Place: valuing local significance*, which identifies the failure of their heritage system to respond properly to local community values, and provides a wealth of good practice to remedy this situation, much of which should be applicable here.[33]

NFP heritage places are, in general, unable to access adequate funding to enable proper conservation and interpretation activities to be undertaken. They rely heavily on volunteers to undertake minimal maintenance and to ensure the site can be open to the public. This contrasts significantly with properties in government ownership where budget funding provides for professional management and conservation, interpretation and education programs.

The ACNT is not criticising the allocation of such funding by governments to properties owned or operated by them; indeed, it applauds such funding. The ACNT is simply illustrating the current under-expenditure by NFP organisations on maintaining equivalent heritage places of national and state/territory significance. A similar problem is encountered in the maintenance of regional and local heritage places, with limited or zero financial support to community bodies responsible for those heritage places.

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[33] *Recharging the Power of Place: valuing local significance* http://www.heritagelink.org.uk/news.asp.

Local government in particular is struggling to be able to provide funding and strategic planning and other support to assist community groups care for local heritage places.

Submission 9

The ACNT believes that the provision of adequate funding to NFP organisations to maintain heritage properties is a major issue, both in terms of defining what should be preserved, and who should fund it.

5.2.3 Private owners

There are three broad categories of private owners of heritage places:

- those who present and operate the place as open and available to the public for visitation (as a museum or historic place)
- those who use the place as commercial premises (such as offices or hotels/accommodation)
- those who use the place as a private residence.

Those owners in the first category are subject to the vagaries of the tourism market, and operate within the general taxation regime (ie expenditure on restoration would generally be treated as a legitimate expense for tax purposes). Because of their private ownership, they may be prevented from accessing heritage funding (although some funding may be available through local government schemes). There are a number of successful privately-operated facilities, and others that struggle to succeed—but such facilities do contribute to the community and are unable to secure all of the external benefits they produce.

Similarly, those who use the place as commercial premises receive no special treatment from government: the heritage appeal of the offices or accommodation may allow higher charges to be applied or may provide access to a niche market—but sometimes it is possible that the restrictions on modifications to such premises can have the opposite effect. Nevertheless, there are numerous examples where heritage conservation has resulted in high occupancy and value, within the existing taxation and regulatory systems.

Private owners of heritage places who use the property as a private residence comprise the bulk of heritage places on local heritage lists. Whether inclusion on a heritage list adds or detracts from their commercial value is a much-debated issue and worthy of detailed consideration, as is the further question—what additional or increased costs are borne by the private owner through the process of conserving the heritage values of the place?

5.3 Benefits of private ownership of heritage places

The NSW Heritage Office[34] has set out in a brochure the benefits of heritage listing to an owner. It states 'there is growing evidence to support the view that heritage listing has a positive impact on property values, and real estate advertisements are starting to reflect this'.

Among the benefits it identifies, the following are important:

- Heritage listing provides certainty for owners, neighbours and intending purchasers. It explains why certain suburbs are sought after.
- Listing confirms a heritage status that is a source of pride for many people.
- Through flexibility clauses in local environmental plans, owners of heritage properties can request councils to agree to land use change, site coverage and car parking bonuses unavailable to other owners.
- Listing provides potential savings through special heritage valuations and concessions (eg a 'heritage restricted' valuation for land tax and local rate purposes from the Valuer-General).
- Listing gives access to local heritage fund programs run by many councils.

The brochure points out that listing does not exclude changes or additions or new buildings on the site, nor the adaptive re-use of the property. Other than normal maintenance, it is not expected that owners will undertake any additional measures or restoration work.[35]

Heritage Victoria published an article in 2001[36] on the impact of heritage listing on property valuations. Although somewhat dated, it provides a useful overview of studies in this sensitive area. The abstract is reproduced below:

> Heritage property values are determined by a multiple of factors which are general and specific. General factors include zoning, planning overlays, size of property, types of surrounding properties, general amenities, tenancy opportunities, alternative property use, returns, current socio-economic conditions and the quality of the buildings.

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[34] NSW Heritage Office, *Heritage Listing: benefits for owners*, on www.heritage.nsw.gov.au (accessed July 2005).
[35] This is an area where a failure of information can be identified, as little specific information and guidance is provided to owners of heritage places, especially regarding practical aspects of adaptive re-use, renovation and change to their heritage places. .
[36] Heritage Victoria, 'Heritage listing and property valuations', Victoria, March 2001.

> Specific factors include prestige associated with ownership, refurbishment costs, building efficiency, maintenance and operational costs and perception of risk.
>
> In relation to demand for heritage properties, there are those in the market who are prepared to pay a premium for properties of heritage significance whilst there are some who will not participate due to heritage listing.
>
> The available literature suggests that the impact of heritage listing on property value can occur in two ways. These are the initial effects associated with the action of listing and the subsequent change in values over time.
>
> Research studies, both domestic and international, indicate that heritage listing on a macro level, is not a significant factor in determining property value either at the time of listing or following. However, there are individual cases where the effects are more significant, either positive or negative.
>
> The initial effect is often dependent on the stage of the property market. When the market is in a strong up-cycle the incentive for redevelopment increases the land value relative to the incumbent building value. In such a climate, the effect of heritage listing may have some impact. However, the impact will largely depend upon the capacity to redevelop the specific property without compromising its heritage significance.
>
> It is often difficult to estimate the specific effects of heritage listing on the value of a property since heritage controls do not prohibit development, subdivision or demolition but require that approval be obtained. Where there is some capacity to develop the particular place and achieve additional development on the land without seriously compromising the heritage significance of the place, the impact on values may not be as great as where the capacity for further development is more limited.
>
> Consideration for listing should be based on the merits of heritage significance alone. That is not to say that a mechanism to allow for consideration of economic and financial impacts is not required. It is. The appropriate mechanism is through the permit approvals process. This is no different than for any other planning requirement in as much as any change in a planning control is likely to have an effect on the status of a property, its potential and its market appeal.

This review has confirmed that, generally speaking, heritage controls do not significantly affect property values for residential buildings: they will continue to appreciate in value after the introduction of heritage controls, and the rate of appreciation (positive or negative relative to other properties) will vary dependent on property specific and other variables.

In summary, it is not possible to be specific about the impact of heritage listing on private owners. There are many examples of a positive impact where property values increase at a faster rate than for

properties in general; but as with all areas of the property market, there are some cases where values increase at a lower rate.

While it cannot be concluded that there is a serious market failure for the private residential sector, nor that funding support to all owners of heritage properties is needed, there are undoubtedly some cases where there are negative impacts. The owners of such properties deserve to have access to public funding in the same way as NFP organisations, to assist in the conservation of the heritage place for the benefit of the community.

5.4 Conclusion

The ACNT has argued there are responsibilities on governments of all levels to set, apply and enforce policies on heritage conservation. These responsibilities have funding implications just the same as responsibilities of government in law, health, education, transport and other core functions of government. This role of government is fundamental to the efficient working of the market if participants are to understand the rules and be able to make informed decisions.

In addition, government funding is justified to address market failure driven by the fundamental nature of the heritage conservation market (characterised by its public good, predominantly external benefits, and contribution to social capital characteristics).

The ACNT has argued that not all parts of this market experience market failure, and that government funding will be most effective where it is targeted at the area where market failure is most extreme—the community (NFP) sector.

The following part of this submission examines the operation of the National Trust, as an example of a community-based organisation in this segment of the market.

Subsequently, the submission will consider government funding options that could efficiently allocate funding to both the NFP sector and to certain privately-owned properties where funding support would result in a net increase in benefit to the community.

PART C

THE NATIONAL TRUST MOVEMENT

6 The National Trust in Australia

6.1 Introduction

The National Trust, the nation's oldest and largest community-based conservation organisation, is celebrating its 60th anniversary this year.

Founded in Sydney in 1945 in response to the proposed destruction of fine colonial buildings along Macquarie Street, and the cutting down of trees in the fast developing suburban North Shore, the National Trust has been focused on the conservation of heritage in all its dimensions for the past sixty years.

The Trust logo—the gum leaf seen through an open window—represents graphically the dual interest the Trusts have always shared in the conservation of the nation's cultural and natural heritage.

The Australian National Trust has strong links with the international Trust movement. Trusts worldwide follow similar objectives and support reciprocal rights for members. In particular, the Australian Trusts provide strong support for the developing community-based heritage Trusts in Asia.

As the National Trust Timeline (see Table 1 in Appendix 1) indicates, the formation of the state/territory Trusts preceded Commonwealth and state heritage legislation, and indeed the development of most environmental protection legislation. Therefore, the overwhelming priority of the National Trust movement for its first several decades was to ensure the passage of statutory protection in all jurisdictions, and to advocate concertedly for the protection of major heritage places then under threat of wholesale destruction in cities and towns nationwide.

Each of the state and territory Trusts was formed in response to its own community needs, often in response to major threats to iconic heritage places. Each Trust is a fully independent entity and each has developed its own distinctive character, but all share a common set of principles concerning the value to the community of its heritage—broadly defined—and a commitment to advocating for the retention and accessibility of that heritage.

By 1965, all the mainland states had Trusts, and with the Commonwealth finally beginning to focus on its own national heritage responsibilities, the Australian Council of National Trusts (ACNT) was

formed to represent the interests of the National Trust movement to the Commonwealth.

The National Trust movement has a proud record of advocacy for heritage protection and vast experience in the conservation and stewardship of heritage places. The 72 200 National Trust members and 7400 Trust volunteers nationwide are responsible for 260 heritage places and ensure 170 of these are opened regularly to the public.

As it celebrates the 60th anniversary of the founding of the National Trust in Australia, the National Trust movement is focused on ensuring it will be able to continue to work purposefully into the future, informing and engaging Australians in the care and protection of their heritage.

A general overview of the work of the National Trusts is provided in this section, with specific information about the work of each of the Trusts attached at Appendix 1.

6.2 National Trust advocacy programs

6.2.1 Trust advocacy for statutory protection for Australia's heritage

The ACNT advocated strongly for the Inquiry into the 'National Estate' chaired by Justice Hope in 1974, and the subsequent passage of the landmark *Australian Heritage Commission Act 1975*, which established the Register of the National Estate in 1976.

By 1975, State governments were beginning to legislate to protect heritage and the environment. The Trusts, as they were formed, became leading advocates for effective heritage protection, and they have continued to urge improvements to their relevant state/territory legislation: each is represented on, nominates representatives to, and/or plays an arm's length role in monitoring and supporting the work of its relevant state/territory Heritage Council.

Statutory and regulatory regimes are dynamic, not static instruments, and all Trusts play leading roles in representing community positions on heritage issues to their respective government authorities. The Victorian Trust's recent detailed position paper on the proposed Victorian Heritage Strategy is typical of the informed and considered comment the Trusts provide.

The ACNT represented the National Trust movement through the 1990s as the Commonwealth re-considered its responsibility to the nation's heritage, and embarked on the decade of consultation and legislative debate that eventually resulted in the passage of the

'heritage' amendments to the *Environment Protection and Biodiversity Conservation Act* (EPBC) in 2003, establishing the new national heritage system.

Just as each of the state/territory Trusts represents community heritage interests in their respective government committees and councils, so the ACNT represents the Trust movement at the Commonwealth level.

The ACNT is the only organisation represented on each of the key committees advising the Minister for the Environment and Heritage—the National Cultural Heritage Forum (NCHF), and the National Environment Consultative Forum (NECF). The ACNT and state/territory Trusts also work with like-minded groups, particularly Australia ICOMOS, and have developed partnerships and strategic alliances to further the Trust's objectives.

Key among these would be the Sustainable Communities initiative (with the Planning Institute of Australia, ACF, the Property Council, ACOSS and others), the Regional Cultural Alliance (with Museums Australia, the Federation of Australian Historical Societies, the Australian Library and Information Association, and Regional Arts Australia), and in the aftermath of the recent devastating tsunami, the Cultural Heritage Advisory Group.

6.2.2 National Trust support for the national heritage system

As discussed above, the ACNT was a key player in the passage of the EPBC Act in 2003, and has continued to support the establishment of the national heritage system.

The ACNT briefed Trusts and Trust members about the new system, and has kept them informed about the development of the national and Commonwealth Heritage Lists, through journal articles and newsletter items.

The key initiative, however, was the creation of the Heritage Outreach Officer position in the EPBC Unit. The EPBC unit is funded by DEH, but is managed by the World Wildlife Fund (WWF) in partnership with the ACNT and the Tasmanian Conservation Trust (TCT). The Unit provides community information and advice regarding the EPBC Act. The ACNT supports the work of the Heritage Outreach Officer through participation on the Unit's Steering Committee.

In the financial year 2004–05, the Heritage Outreach Officer conducted 27 community workshops throughout regional and metropolitan Australia concerning the national heritage system, and developed material to promote the new system, including the widely circulated *National Heritage News* e-bulletin.

The larger Trusts have also nominated several of their most significant properties to the NHL—including Rippon Lea, Old Melbourne Gaol and the Portable Iron Houses in Victoria and Dundullimal in NSW—and have supported and encouraged other nominations, particularly those of Point Nepean, and Point Cook.

6.2.3 National Trust classification of heritage places

One of the hallmarks of the National Trust movement is its Registers. Identifying and registering or classifying places of heritage value has become an essential element of the Trust's advocacy role.

The NSW Trust had commenced classifying historic buildings in 1947 so the Trust *could act as a pressure body with a view to influencing public and official opinion*. Over time, the classification and registration process became better established and refined, and was adopted by other Trusts as they were formed.

Trust classification provides an independent assessment of places valued by the community, free of political and other interference. This classification process has played and continues to play a highly significant role in the identification, assessment and documentation of Australia's heritage places.

Trust Registers cover the full range of heritage places including historic and architecturally significant buildings, significant trees, gardens, cemeteries and landscapes, and formed the basis for most of the state/territory lists that have been developed over the past 40 years.

The classification process is resource intensive. It requires identification of potential places of heritage value, extensive research, documentation, analysis and assessment of the evidence gathered (usually by a Trust committee of volunteer experts working with Trust staff), followed by the formalities of registration to the appropriate Trust Register.

All Trusts, except the SA Trust, have continued to assess and document places of heritage value in their respective domains, though resource constraints have curtailed the classification capacity of several of the smaller Trusts in recent years. The Queensland Trust has recently developed a *Community Advocacy Kit,* available from its website, and several of their regional branches have established classification committees to identify and assess significant local places.

Although the Registers are no longer the only way of listing Australia's heritage places, they remain critically important to an understanding of Australia's heritage. They are the best means to identify local community-valued heritage places, and to bring cutting edge

heritage—late 20th Century heritage places for example—to public notice.

As a result of these decades of classification, Trust Registers currently hold records, including detailed and often unique documentation, about thousands of places nationwide.

The value of the intellectual capital that resides in these archival holdings, and the extensive records Trusts maintain about their own properties, is incalculable. This rich and nationally significant set of records is maintained by each Trust in the public interest. While each Trust provides a degree of public access to these records, usually on a fee for service basis, not all have the resources to make their records as fully or freely available as they wish.

The NSW Trust is about to publish the 18th edition of its *Register*, (covering 12 000 places), this time on DVD**.** The Victorian Trust has made all its 10 000 citations available, including all classified landscapes, via an online map that allows geographical searching, and is working towards making all images through its website. The WA Trust provides free and unhindered research access, and produced a CD-ROM in 1998.

6.2.4 National Trust research and publication programs

From its founding, the National Trust has played a leading role devising and carrying out major research projects. However, it was most productive throughout the life of the National Estate Grants Program (NEGP), which was funded from 1976 to 2000 by the Commonwealth Government to support the work of the Australian Heritage Commission, documenting and listing places on the Register of the National Estate.

The resulting corpus of publications, and the extensive documentation of Australia's heritage supported by this national research grants program over twenty-five years, underpinned the academic and community education programs that established Australia's international reputation in heritage conservation worldwide.

The Trusts were leaders in the publication of sets of technical bulletins, professional journals and numerous publications documenting conservation studies, heritage principles and practice, and beautifully illustrated coffee table books bringing Australian heritage places alive for the general public. Trust publications included material on every aspect of conservation principles and practice, heritage identification and assessment, surveys of heritage places and specific studies.

The Trusts deplored the demise of the NEGP in the late 1990s, which left Australia without a national heritage research program, without a

Commonwealth commitment to funding for surveying or assessing Australia's heritage places, and without consistent reliable national data able to inform about the state of Australia's heritage places.

NEGP funding ceased just as the Commonwealth commenced their five-yearly State of Environment reporting. Ironically, the Commonwealth includes cultural heritage as one of its seven thematic reports, but the demise of the NEGP has meant that for each of the SoE Reports issued so far—1996, 2001, and apparently for the forthcoming Report due in 2006—a key issue has been the lack of consistent, accurate data about the state of Australia's heritage places.

Contemporary Trust publication programs

National Trust research and technical publication programs have struggled to find support since the cessation of NEGP funding, with only some Trusts still able to publish technical and research material. Most Trusts now only publish regular magazines or journals for members, as well as guides to their own properties.

The Victorian Trust has recently published a 2nd edition of the highly respected National Trust *Research Manual* (ed Dr Celestina Sagazio 2004), while the NSW Trust has published numerous editions of the internationally recognised publication by James Semple Kerr, *The Conservation Plan*, and has recently made its journal and some technical publications available in CD-ROM format.

A number of the Trusts have commissioned their own histories in the past decade, including the WA Trust, which is researching the history of the Trust movement in WA within the context of the West Australian heritage conservation movement, and the SA Trust is currently producing a history of its first 50 years of operation.

The ACNT has just published the 4th edition of the *International Property Guide* providing detailed information for Trust members about Australian and international Trust properties that members may visit through reciprocal arrangements.

6.2.5 Trust policy development

The Trusts have a long tradition of producing policy documents covering all aspects of heritage advocacy and conservation. These policy documents have influenced community and professional approaches to the identification and protection of Australia's heritage places, and serve as guidelines for Trust conservation and advocacy programs.

Many of these policies have been published and/or are available through Trust websites. Internally, these policies are now being

gathered to an intranet database, with the intention that the conservation policies will be made publicly available.

Examples of policies include the work of several Trusts providing technical advice and guidance to communities on the conservation of cemeteries, the *Interpretation Planning Guidelines of the WA Trust* (2000), setting out principles for the interpretation of a heritage site, which has been widely utilised as a framework document by museum and heritage professionals generally, and the *ACNT Aboriginal and Torres Strait Islander Heritage Policy* (2002)[37], which acknowledges the special relationship of Aboriginal and Torres Strait Islander people with country and sea, and lays out principles governing the Trust approach to supporting Indigenous people in the identification and conservation of their cultural heritage.

6.2.6 National Trust advocacy for places under threat

The Trust has a long and proud record of saving historic sites, including the fabled 'green' bans partnership with the BLF, which resulted in the saving of much treasured areas of inner city Sydney and Melbourne. It is sobering now to consider how much more of the historic fabric in our cities and towns would have been lost had the Trusts not so effectively lead community advocacy at that time

Changing focus of Trust advocacy

Contemporary heritage advocacy is more sophisticated than the campaigns of the past: the issues now tend to be more complex. Rarely is an iconic, publicly appealing building or site now threatened with total destruction. The more common issue is a redevelopment or adaptive re-use proposal of a heritage site (often a site being disposed of by a public authority). Or a heritage site or precinct may be subject to in-fill development pressure threatening to overwhelm it in scale or to irrevocably damage its fabric. The issue then, is not the 'saving' of the place, but rather, the defence of the integrity of its values—a more complex matter for communities to understand.

Heritage advocacy has also been affected by the increased community concern for the natural environment, and awareness of the adverse impact of human activity on that environment.

National Trust advocacy has responded to these changing circumstances by focusing more directly on planning and urban consolidation issues, supporting community concerns regarding damage to heritage precincts and to areas of special character and community value. A case in point would be the support provided by

[37] See http://www.nationaltrust.org.au/policies.htm.

the NSW Trust for protection of the distinctive character of the Kuringai area in Sydney, and listing of the area as an endangered place.

The Trusts have increasingly assumed the role of 'honest broker' in negotiations with authorities on behalf of the community, seeking constructive outcomes through informed and open debate supported by clear and transparent decision making. A pertinent example would be the Victorian Trust's recent approach to urban consolidation strategies across the state, which included a series of public forums held in association with local councils, and the dissemination of the National Trust's *Melbourne 2030 Policy Statement*.[38]

The Trust is not opposed to development; rather it is seeking a balanced approach to ensure that protection of heritage values is a key consideration in any planning design or decision. Such approaches do achieve constructive outcomes. However, where reason fails and publicity is required to achieve results, the Trusts have worked with local communities to focus attention on the adverse impact of planning decisions. The SA Trust's 'demolition' tours of North Adelaide were highly effective in drawing attention to the loss of important local heritage, and the ACT Trust's campaign to save Canberra's garden suburbs was equally successful.

All Australian cities are subject to increasing development pressures, and the Trust will continue to play a leading role to ensure that heritage conservation is actively considered in urban planning, and that community concerns are represented clearly and comprehensively to decision makers.

Some planning issues are best tackled at a national level, and planning issues associated with wind development were so widespread that the ACNT took the lead and worked with the Australian Wind Energy Association to determine an agreed methodology for the assessment of landscape values and the siting of wind farms. The report of Stage One of this project has been released[39] and the two organisations are currently seeking funding for Stage Two of the project.

The ACNT also provides advice to Commonwealth and Parliamentary inquiries and represents the views of the Trusts on national issues. An example would be the lead the ACNT has taken in coordinating and representing the interests of heritage agencies and organisations regarding the proposed changes to the Australian Building Code to provide full disabled access to all buildings.

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[38] See www.nattrust.com.au.

[39] see www.nationaltrust.org.au

Endangered Places Program

The ACNT has managed the Endangered Places Program, the only national advocacy program of the National Trust, over the past seven years. The Program was designed to utilise the force of the Trust movement to support and engage community advocacy for heritage places through the annual release of a List of Endangered Places garnered from across the country. The fates of these places, once listed, were then monitored and reported on the following year, prior to the release of the next List of Endangered Places.

Of the 180 places that have been listed as endangered since 1998, most remain threatened. Many of these are redundant government-owned places, a number of them large scale, such as hospital precincts and industrial sites. Trusts have worked with communities throughout Australia to influence government policy to ensure the management of the disposal of places such as these takes account of broader public interests beyond simple commercial considerations, and that conservation of heritage values is protected into the future.

Some notable successes have been achieved, including the return to community of significant places such as Point Nepean and Point Cook, but many others languish in neglect and uncertainty. To sharpen the reach of the Program, EP 2005 will be the release of a database of the fates of all places currently listed as endangered.

This database—*ep@risk*—will be developed by the Trust movement to become a powerful advocacy tool, intended to provide public access to information about the progress, or lack of progress, concerning each place listed as endangered.

6.3 National Trust properties and collections

6.3.1 Trust properties

National Trust stewardship of diverse historic and natural sites covers sixty years, and spans the nation. The resultant property portfolio only represents a small part, however, of the places that have been saved for the nation by Trust action.

During their early decades, the Trusts accepted responsibility for many historic sites, often because it was the only means of securing their long-term protection. As a consequence, the Trusts collectively are the largest not-for-profit owners/managers of historic sites in the nation, and are responsible for the largest number of heritage sites open to the public. The Trusts also hold the largest set of collections in the nation—most, but not all, associated with historic sites.

In aggregate, the Trusts are responsible for 260 'properties', over half are owned by the Trusts, the rest are managed by the Trusts on behalf of government at all levels. One hundred and seventy of these properties are open to the public as 'heritage sites'. The majority are historic sites, but many natural properties are also in the Trust's care.

The diversity of properties held by the Trusts in the community's interest belies the sometimes narrow image of landmark 19th Century colonial mansions.

The first National Trust property was the light-keeper's cottage on Montague Island. As a consequence of the stewardship of the NSW Trust the whole island has been retained in public ownership, and is now managed by the NSW National Parks and Wildlife Service.

Similarly, the first property transferred to the Trust by the NSW Government—the Tenterfield School of Arts, the then derelict site of Henry Parkes' famous pre-federation 'crimson thread of kinship' speech—has been cared for by the Trust for 50 years, and is now recognised as an iconic national site.

The most recent Trust property purchase is a Robin Boyd house, to be developed as a centre for research and scholarship in design, architecture and the built environment by the Victorian Trust.

On the other side of the continent, the WA Trust has taken responsibility for some extremely challenging 'industrial' properties, including the 560 km of the Golden Pipeline, now conserved and interpreted as a major tourist site between Perth and Kalgoorlie, and the Luisini Winery, which is being interpreted holistically to showcase its natural as well as its multicultural heritage values.

These examples indicate something of the remarkable diversity and range of National Trust properties, which together form the nation's largest suite of community-owned heritage places.

While this property collection was developed opportunistically, each Trust has taken steps in recent decades to ensure that its property portfolio is more directly reflective of the whole sweep of Australian history, and that its properties are interpreted holistically, to better reflect the wide range of social and cultural diversity of contemporary Australia.

Trust museums cover places as diverse as the Hou Wang Temple in Atherton, the Bendigo Joss House, Dow's Pharmacy in Chiltern, Brennan and Geraghty's Store in Maryborough, and the isolated Israelite Bay Telegraph Station in WA.

Trust 'house museums' vary from the Portable Iron Houses and grand Melbourne mansions of Como, and Rippon Lea, all in Victoria, to fine examples of tropical housing in the Myilly Point Heritage Precinct in Darwin, from a former Prime Ministerial home in Devonport to miners' cottages in Burra, SA.

This suite of properties however, is not distributed evenly across the Trusts. The SA Trust is responsible for the largest set of properties of any Trust outside the UK—120 properties, including courthouses, police lockups, lighthouses, historic hotels and homesteads, and the world renowned Burra Mine Site. The ACT Trust, by contrast, has no property responsibilities.

The vast geographic spread of these properties and collections, especially in WA, NT and SA, brings with it specific issues regarding essential maintenance and security, as well as difficulties related to their interpretation, presentation and availability to the public. This is well documented in the WA Trust paper, *Current Pressures Impacting Geographically Dispersed Sites*, which is attached to its submission to the Inquiry.

The care and public presentation of these historic sites, community assets managed and maintained for public enjoyment, consumes much of the resources of the contemporary Trusts.

The National Trust is Australia's most experienced manager of historic sites, but it is one of the few community conservation organisations that owns and manages heritage places, as well as advocating for their conservation. While this ensures that advocacy for heritage conservation has a practical, as well as a theoretical aspect for the Trusts, it also places great pressure on the Trusts to ensure their property responsibilities do not detract from their capacity to advocate on behalf of the community.

6.3.2 Trust collections

The National Trust has stewardship of the nation's largest set of collection materials—a vast treasure trove ranging from some of the finest colonial furniture in the land, to the world's best collection of barbed wire, from extensive textile and costume collections and fine ceramics, to agricultural equipment, sculpture and fine art works.

While Trust collections form a major part of the Distributed National Collections, the significance of individual items varies enormously. As with the properties, much of this collection material was acquired by the Trusts historically rather than strategically, and just the sheer volume of material now presents the Trusts with major difficulties.

Much of the management of collections has traditionally been conducted by volunteers, so standards of documentation and assessment have varied, and much vital information is rapidly being lost as volunteers age and retire. While much of this material is provenanced to properties, or is used to assist with the interpretation of properties, a large part of it remains not properly assessed, documented or even properly stored.

Each of the Trusts manages, documents and exhibits its collections separately. Most Trusts estimate that some 60–80% of their collections are documented in some form, but as they do not command the professional resources necessary to assess the significance and provenance of these collections, only a small part of the collection holdings overall are assessed and documented to professional standards.

The NSW Trust, for example, is only now able to afford to document its collections electronically, but that process is only the prelude to assessing the significance of the collection objects themselves, so there is still a great deal of work to do before assessment and documentation will be fully completed.

The Trusts fully recognise the integral value of their collections to the significance of their properties, and to their capacity to interpret and present these properties to the community. However, substantial resources are required to carry out the necessary research and assessment necessary for the value of much of this material to be completely realised.

Parts of each Trust collection also hold significant material value—the Victorian Trust for example estimates its 33 000 collection items are worth some $10 million value, but of course this is not commercial value that can be realised, and it is value that compounds security and insurance costs.

Where these collections are associated with historic and isolated sites, as in the case for several of the most significant of the NT and SA Trust collections, collection storage and security is a major issue.

While all Trusts seek grants and funding to support their collection management, these are inevitably short-term and specific purpose grants, so it is extremely difficult to develop long-term strategic management programs able to ensure the future conservation of these irreplaceable resources.

6.3.3 Trust gardens

Many of these Trust properties have gardens, some extensive, many of considerable heritage value.

The care and management of these gardens and their presentation to the public is resource intensive, and is managed by minimal employed staff and maximum use of voluntary, and occasionally where appropriate, work-for-the-dole labour.

The Trust is responsible for some remarkable gardens, notably the gardens of Rippon Lea and Como in Melbourne, the Everglades and Norman Lindsay Gardens in the Blue Mountains, the gardens of Clarendon in Tasmania, and the tropical gardens surrounding the Myilly Point properties in Darwin.

Conservation of a historic garden is immensely resource intensive, as the major works program currently being conducted by the Victorian Trust at Rippon Lea demonstrates. The restoration of these splendid gardens requires the reinstating of the original self-sustainable watering system, the conservation of the grand Victorian fernery and intensive care of the orchards that include several hundred varieties of apple and other fruit trees.

Several of the Trust properties are working farms. Properties such as Gulf Station and Mooramong in the Victorian countryside are not only valuable as beautiful gardens, but are important too as storehouses of traditional farming practice and ecological diversity.

6.3.4 Property interpretation

Presentation and interpretation of historic properties is now more complex than in the past. Interpretation is expected to represent the multifaceted story of a place, and to present that place in ways that reach multiple audiences. This is imposing burdens on managers of historic sites, but causes particular problems for NFP managers such as the National Trust (as outlined in Chapter 7).

However, despite constrained resources, especially in comparison with the more extensive interpretation and public programming able to be provided by government agencies such as the Historic Houses Trust managing government-owned historic places, several of the National Trusts are considered leaders in creative interpretation of heritage properties.

The WA Trust has received a number of awards in recent years for its innovative interpretation and presentation of several of its properties, particularly at Greenough and the No. 1 Pumping Station at Mundaring.

The Victorian Trust has commenced a major program linking its properties to other historic sites to better communicate Victoria's history through historic places, and has commenced work on the 'legal precinct' project that will interpret a set of linked historic sites, including the Old Melbourne Gaol, to present the story of the development of the Victorian justice system.

6.3.5 National Trust volunteers

Currently, the Trusts have some 7400 volunteers working nationwide, about half of these working on Trust properties. These volunteers have traditionally carried out administration, education, custodial and stewardship roles, particularly ensuring that Trust properties can be opened to the public, that collections are cared for and protected, and that the everyday business of the Trust can continue.

Their work varies from front-of-house work and visitor guiding, to property maintenance and support for Trust sales outlets, to highly complex curatorial work under staff supervision.

This volunteer base exists in country areas and cities, providing a range of skills and a significant contribution of time and resources to conserve heritage places and collections. The Trusts are able to secure volunteer support even in remote and low population areas to preserve local heritage. Volunteers link communities to the protection of their heritage places, and provide strong community support for heritage conservation throughout the nation.

The Tasmanian Trust estimates that its 1000 volunteers contribute over 58 000 hours per annum, and if this is costed at $20 per hour, they contribute over $1.2 million annually to the work of the Tasmanian Trust.

The Trusts each train and support their own volunteers, and although there has been discussion of shared training programs, most volunteers are Trust and indeed property-specific. Any broad training program would need to be supplemented locally. Contemporary OH&S requirements, insurance, and increasingly stringent regulations governing schools visitation programs have intensified the difficulties of managing and supporting volunteers.

An example of an exceptionally effective use of volunteer skills is the Soft Furnishings Program, which the NSW Trust is managing at Old Government House in Parramatta, where over 200 volunteers have worked for two years to create new soft furnishings, meticulous in their Macquarie period detail, for the Private Quarters, and now the Public Rooms of this nationally significant site. These volunteers have brought with them a remarkable range of skills—fine needlework,

macramé, weaving, upholstery—and the Trust is hopeful of developing similar programs at other historic sites.

The Trusts employ relatively few staff for the remarkable advocacy and conservation work they achieve, and although staff numbers vary considerably with the size of the Trust, the role of each Trust is very similar. For example, the NSW Trust has the largest staff with 50 full-time equivalents, and a staff to volunteer ratio of 1:12, while the SA Trust, with its much larger property portfolio and smaller staff of 6.5 full time, has a staff to volunteer ratio of 1:152.

A significant part of the Trust volunteer cohort is drawn from professionals who give their expertise freely to support Trust conservation and advocacy work. The Trusts draw on professional expertise and advice through their Technical Committees and other less formal mechanisms, and have utilised the willingness of community members nationwide to support their work for sixty years (see the Victorian Trust study on the value of its Technical Committees attached at Appendix 1).

Trust committees are separate again from the countless hours given by Board and Council members to the governance of the Trusts, including to the ACNT Board.

6.3.6 Trust education programs

Community education is a commitment shared by the Trust movement, and all Trusts provide a wide variety of community education programs, including public information and community support programs, seminars, lectures, and conferences.

All Trusts have websites, and these and the regular magazines produced by each Trust for their members are key vehicles in the communication of heritage-related information and the encouragement of community conservation and advocacy.

Each Trust conducts its own program of events—such as Heritage Festivals and Heritage Open Days—and arranges activities specific to particular properties or which inform about specific issues.

The NT Trust hosts a popular Sunday afternoon tea in the gardens of the Myilly Point Heritage Precinct to encourage visitation to the site, the NSW Trust runs the highly successful Children's Literature Festival at Darryl Lindsay's former home in the Blue Mountains, and the Tasmanian Trust recently hosted a reunion of families of those whose forebears had attended school at Franklin House.

These, and numerous similar events, provide multiple points of connection between the community and the Trust, and strengthen connections between specific properties and the community.

The Trusts have developed some innovative programs to stretch the community understanding of 'heritage'. The most successful of these is the 'Heritage Icons' program, originally developed by the SA Trust, and now well implemented in Qld, the Northern Territory, and WA. Another influential program has been the NSW Trust program, National Living Treasures, in which recognition is given to people popularly recognised as Australian national treasures.

The headquarters of five of the eight state/territory Trusts are located in heritage buildings. This allows those Trusts to utilise to demonstrate the value of heritage sites to the community. Most of these Trusts have developed exhibition spaces (indeed galleries) in their buildings, focused on engaging the public interest in heritage issues.

School education programs

While all Trusts are committed to education, not all Trusts have the capacity to develop and deliver the kinds of innovative programs they wish to provide.

Only the three largest Trusts have professional educators on staff and currently there is little usage of electronic media for schools-based or community-based education programming. The NSW Trust has an extensive set of property-based education programs, and both the Victorian and the Tasmanian Trusts provide education programs at selected properties. However, all Trusts wish to do a great deal more to provide education outreach more effectively.

The NSW Trust has developed an innovative website based on its Bathurst property Miss Trail's cottage[40], and the ACNT is working with the NSW Trust on the development of a second site based on the multilayered history of the Woodford Academy in the Blue Mountains. The ACNT and the Victorian Trust will partner with the National Centre for History Education and the Cultural Heritage Centre for Asia and the Pacific in a forthcoming ARC grant application to develop heritage education websites and test their efficacy in the teaching of heritage, while both the NSW and the WA Trust have extensive education materials available from their websites.

On behalf of the National Trust movement, the ACNT is a sponsor of a section in the National History Challenge history essay competition, and the NSW and ACT Trusts sponsors similar programs. Much more

[40] http://www.nsw.nationaltrust.org.au/idasquest.html.

could and should be done to enable schools and the community generally to better understand and engage with their history utilising the wealth of National Trust historic sites.

6.4 Trust management and finances

6.4.1 Funding of the National Trusts

Under the Commonwealth Government Grant-in-Aid to National Trusts (GIANT) program, currently administered by the Department of the Environment and Heritage, each state and territory National Trust receives annual funding of $77 000 (GST inclusive), while the ACNT receives approximately $225 000 to fund advocacy and conservation work.

Under the GIANT program, National Trusts and the ACNT carry out projects that support Commonwealth heritage priorities, including identification of heritage properties, community engagement in heritage and implementation of best-practice standards.

For the smaller Trusts, this GIANT funding is critical to their financial survival, and so is used to subsidise salaries, and to support essential advocacy and conservation programs. The larger Trusts, whose funding is supplemented by a variety of sources (including their larger membership base) use the funds for communication, education and public programs, including the publication of journals, development of websites, organisation of technical workshops and management of the Endangered Places Program.

Trusts therefore depend on membership and property visitation fees and all Trusts, but the ACT Trust, receive some further funding from their respective governments (see information regarding individual Trusts in Appendix 1).

The national role of the ACNT is further supported by the state and territory Trusts through receipt of a membership levy, currently set at $3.65 per member.

This lean funding is supplemented variously by the Trusts through fundraising, sponsorship, occasional government conservation grants, bequests and donations.

6.4.2 Fundraising and sponsorship

Fundraising is a very difficult task in this day and age when sport and other public entertainment provide massive coverage for sponsors. While the larger Trusts have been able to negotiate major sponsorship support—the NSW Trust with six key sponsors and 14 major sponsors,

and the Victorian Trust with Haynes Paints for example—it is very difficult for Trusts in the smaller states and territories to gain substantial sponsorship as they cannot provide the large-scale exposure that sponsors require.

Nonetheless, some successful regional sponsorships have been negotiated. The SA Trust has established a very successful partnership with BankSA for its Heritage Icons Programs, while the Queensland Trust has achieved two substantial ongoing sponsors, Conrad Treasury, Brisbane and Bendigo Bank, as well as the Queensland Department of the Premier and Cabinet, with a range of smaller sponsors for events and activities. The Northern Territory Trust has been fortunate to receive some generous sponsorship recently, but it is not secure long term.

The ACT Trust, due to the small size of its membership base, has been unable to attract corporate sponsorship from businesses, however following Queensland's lead it is negotiating with Bendigo Bank for sponsorship. To supplement its income, and to enable it to perform its heritage conservation role, the ACT Trust runs a successful tours program and a retail outlet at Old Parliament House, a major tourist attraction and heritage-listed building.

The WA Trust has established a Revolving Funds Strategy for bushland and is developing a similar program for the built environment to increase its funds for conservation of natural and cultural heritage.

All Trusts raise funds through membership activities, bequests, donations, fundraising and sponsorship drives and other income generating activities. All these activities, while they enable the Trusts to be less reliant on government funding and grants, nevertheless divert the Trusts from their core activities—identifying, advocating and conserving heritage.

6.4.3 Trust financial issues related to property management and ownership

Property management is the major resource issue for the state and territory Trusts (with the exception of the ACT Trust).

The Trusts see their commitment to heritage properties as an investment in the community, and a major part of their direct contribution to the conservation of heritage places.

As described above, Trust property portfolios are remarkably diverse, and similarly the approach to managing them sustainably is flexible and carefully targeted to achieve maximum value with minimum resourcing. There is no 'one size fits all'.

Trusts own properties, and manage properties, very efficiently for state/territory and local governments; some of these are open to the public for their education and enjoyment, others leased out to a range of compatible users. The strategies of each Trust vary but the issues needing to be addressed are similar.

Visitor expectations of historic sites have risen considerably in recent decades and visitation to historic sites has reduced. Competition from other kinds of attractions, including heritage theme parks, and increased expectations regarding quality of interpretation and higher standards of curatorial and conservation practice is stretching the capacity of the Trusts. Community commitment to the natural environment supported by major nature conservation volunteer programs unmatched by anything the historic sector can provide, in an environment of decreasing government support, have left the smaller Trusts in particular in increasingly difficult circumstances.

For the Trusts, managing these divergent pressures is increasingly difficult.

There are only a limited number of heritage sites open to the public that are profitable, or that even manage to break even, and so each of the Trusts manages their property portfolios so that the most profitable of their properties help subsidise the rest of their operations. Hence the Victorian Trust relies on the revenue from the heavily visited Old Melbourne Gaol to support its less profitable properties, while only one of the properties of the Qld Trust (the James Cook Museum) is profitable, but not sufficiently so to offset the overall portfolio's loss this financial year of $140 000, so they are urgently seeking strategies to sustain the organisation.

See the case studies of Trust properties in Appendix 2 for further detail.

6.4.4 National Trust membership

An increasing amount of Trust time must be devoted to fundraising, marketing and membership support, in order to garner sufficient support to carry through the conservation, advocacy and education programs that are the core activities of all Trusts.

There are approximately 72 000 financial members of the Trust nationwide, and many more active supporters of the work of the Trust. These members enjoy free entry to Trust properties in Australia and through reciprocal rights overseas, receive regular magazines and can participate in the full range of Trust activities. Many members choose to contribute to the work of the Trust through election to Trust Boards and Committees, by volunteering at properties, as well as lending their support to Trust advocacy campaigns.

6.4.5 National Trust branches

All the Trusts but the ACT and WA have numerous branches spread throughout regional Australia, generally associated with property management. The Queensland Trust has encouraged branch formation in regional centres. It now has active branches in Cairns, Townsville, Mackay, Gympie, the Gold Coast and Ipswich, and has recently changed the rules to allow more flexibility for National Trust groups to form—resulting in new groups in Redlands, Charters Towers, Atherton Tablelands and Brisbane.

6.5 Trust conservation programs

6.5.1 Natural heritage conservation programs

The Trust has always been concerned with the conservation of the natural environment, advocating successfully for the protection of iconic natural areas including the Great Barrier Reef, Kakadu, and Uluru, lobbying governments to have these and other areas declared as national parks, and inscribed on the World Heritage List.

Similarly, Trusts have, from their founding, cared for natural heritage places. As described above, many Trust properties are natural areas, and not only does the Trust care for these directly, it also supports a number of initiatives that support the conservation of natural heritage values.

Included amongst these initiatives are the following.

Covenants

A conservation covenant is a voluntary agreement between a landholder and an authorised body, such as the National Trust of Australia (WA), which legally protects the conservation values of the land. Covenants are registered on the title to the land, providing legal protection in perpetuity.

The National Trust of Australia (WA) has been providing covenant services since 1971 and now has a dedicated conservation covenant program, which was officially launched in 1999. To date, the Trust's covenant program has protected 7850 hectares of native vegetation on 92 properties around Western Australia.

BushBank

BushBank is a $2 million revolving fund established by a consortium of the National Trust of Australia (WA), WWF Australia, the Department of Conservation and Land Management and the WA Landcare Trust to purchase, covenant and on-sell land. The National Trust administers the program.

The revolving fund mechanism allows the Trust to target land in a strategic way, provide legal protection in perpetuity and ensure that it is placed with an owner who is sympathetic to the conservation values.

The WA Trust also works with natural resource management groups to establish natural heritage appeals, and to encourage bequests of land appropriate for covenanting.

Bushland management

The National Trust has been the leader in the promotion of active bushland management practices since 1977 with its championing of the Bradley technique of bushland regeneration.

The National Trust of Australia (NSW) is a contract bush regeneration company, employing 80 casual staff engaged in bush regeneration around the urban fringe of Sydney. Work is undertaken on National Trust properties, private and council/government-owned land, including that managed by the NSW National Parks and Wildlife Service.

6.5.2 Tax deductible appeals

The Trusts provide public benefit outcomes to community organisations by supporting tax deductible appeals for conservation of heritage sites such as churches. These appeals are a major conservation tool utilised by the Trust for public benefit. The appeals are conducted by the not-for-profit association responsible for the heritage site in question through the good offices of the Trusts, utilising their tax deductibility status.

All Trusts conduct appeals and, as an example, the WA Trust currently is supporting 45 appeals, and has also been actively involved in the establishment of the City of Perth Heritage Conservation Fund, which will garner and direct tax deductible funding and sponsorship towards conservation projects within the city of Perth.

This very constructive mechanism has just been extended by the ACNT to support a UNESCO appeal for donations to a heritage conservation fund for the conservation of small-scale streetscape projects in Asia.

The Victorian Trust is managing this Streetwise Asia project, which will use Trust networks to engender widespread community support for this important initiative.

6.6 Summary

The ACNT has attempted to summarise the work of the National Trusts, to illustrate the diversity of its activities and the spread of its operations through the community.

The next chapter provides an assessment of the performance of the National Trusts and outlines the challenges faced by the organisation in response to the ever-changing nature of historic heritage conservation in our society.

7 Effectiveness of the National Trusts

As demonstrated in the last chapter, the National Trust movement in Australia has a long history and deep community reach, with up to 60 years' experience in the management of historic heritage places and collections. A summary of the key activities of each state and territory National Trust is set out in more detail in Appendix 1.

The Trust is a community-based organisation with all the strengths and weaknesses this implies. This close community affiliation means the Trust is both responsive to and is shaped by shifts in community attitudes. Two shifts in community attitudes have particularly impeded Trust effectiveness in recent decades—the focus on the natural environment, and changes in funding and sponsorship availability. This has lessened the capacity of the National Trust to deliver community heritage services as efficiently as we would wish.

The National Trust movement, and indeed the historic heritage sector generally, is facing major challenges. The community is now more diverse and has a more sophisticated view of its history, and communal heritage has to match community expectations. Particularly challenging for the Trust, with its large property portfolio, is that while visitation to historic sites has substantially fallen in the past two decades, community interest in heritage places appears to have increased.

Community expectations concerning the presentation of heritage sites have soared, and it has become more difficult to secure financial support and to attract members and volunteers in support of historic sites. This has created a tension for NFP organisations like the National Trust between their responsibilities as property managers and their work as community advocates, as more and more of their limited resources are directed at property management and away from general community education and outreach.

All this makes the sustainable management of a historic site, especially one managed by the NFP sector, increasingly demanding.

The key change the ACNT acknowledges is that in the past decade the historic heritage conservation movement has declined in significance relative to the conservation of the natural environment. Significantly greater sums of money (government, community and private) are now

spent on nature conservation activities than are provided for the conservation of the historic heritage environment.

The natural environment attracts a much greater number of volunteers. While this is certainly because there is so little funding for volunteer programs in the historic environment, it also because of increased community awareness of the natural environment. Perhaps this increased concern has occurred because the global implications of threats to the natural environment seem so evident, or because our colonial past seems too associated with demonstrable degradation to the Australian environment or with the displacement of Indigenous Australians. Whatever the cause, the effect is evident, and particularly impacts on those caring for historic heritage places.

As described in the previous chapter, the National Trust achieved long ago their first major objective, which was statutory protection of heritage in every jurisdiction.

This achievement, however, has been a paradoxical one, for the government agencies that have been created to administer these statutory regimes, also carry out some of the Trust's original functions—education and conservation particularly—and are often much better funded than the Trusts to do so.

- What then is the role the Trusts currently play in national heritage protection?
- What are the impediments that are preventing the Trusts from working fully effectively?
- What would be the most appropriate means to redress this dilemma?

The ACNT would argue that it was Trust conservation action that first demonstrated the value of historic places to the community, that stretched the paradigm then operating—if it's old, tear it down—that first fired community interest in its heritage. It is this capacity to respond to community interests, to act independently on the community's behalf, which is the hallmark of the National Trust.

While the Trust is recognised by the community as its heritage advocate, increasingly the work of the Trust is not bearing banners in the street, but generating and informing public debate. It may be that the lack of perceived need for direct action to 'save' an iconic site deters commitment to historic heritage advocacy, yet this argument is contradicted by the often vociferous community protests against planning changes in heritage areas in inner suburban areas. These protests are generally supported by the Trusts, but often now through

informed mediation, similar to the Trust supported protests over government disposal of publicly-owned sites.

It is more difficult to attract new volunteers to support the management of heritage places, rather than to fight to save them, but the lack of programs supporting community conservation of historic sites contrasts dramatically with the many well-funded environmental conservation programs that have attracted thousands of community members to volunteer to conserve natural heritage sites.

Over the years, an increasing amount of the capacity of the Trusts has been directed away from active conservation and protection campaigns and its resources have been increasingly directed towards the management of (saved) properties.

The ACNT has recognised the need to review continually the strategies and direction of the National Trust movement, if it is to remain relevant and justify the government and community support that it receives. State and territory Trusts likewise are constantly reviewing their activities and finding cost-effective ways of achieving the objective of conserving historic heritage places.

Indeed, the ACNT is currently undertaking a complete review of its operations with the assistance of consultants. The review, to be completed in October 2005, will (in conjunction with the Commission's conclusions) assist the ACNT determine the most efficient and effective arrangements for the National Trust movement into the next decade and beyond.

As part of this review, the ACNT has identified the strengths of the National Trusts and also the major issues and concerns that it needs to address. These will be briefly discussed in turn below.

As the largest not-for-profit organisation in the historic heritage conservation area, these experiences of the National Trusts should be of interest and relevance to the Commission as it considers the most effective ways of delivering heritage conservation services in the future.

7.1 Strengths of the National Trust movement

Strengths of the National Trusts include the following:

- *Substantial conservation expertise and experience*—National Trusts have a long history and corporate conservation culture extending back 60 years, which can be applied to new challenges.
- *Widespread community recognition*—The words 'National Trust' have very high and positive community recognition associated with

heritage conservation. The organisation is held in high regard across the country, and its name is synonymous with built heritage conservation.

- *Substantial volunteer base*—National Trusts have a significant volunteer base, in both rural and urban areas, providing a range of skills and a significant contribution of time and resources to conserve heritage places and collections. The Trusts are able to secure volunteer support even in remote and low population areas, to preserve local heritage. Volunteers link communities to the protection of their heritage places.
- *Positive regional impacts*—The properties owned and operated by National Trusts strengthen local identity and provide job opportunities in regional and rural areas, and this has significant flow-on benefits to these communities.
- *Cost-effective property management*—National Trust properties operate on a cost base significantly below government-owned properties, because of the extensive volunteer input and rigorous cost management practices.
- *Contribution to policy and regulation development*—National Trust Committees and experts make significant contributions to the development and implementation of government policies, regulations and programs, contributing their practical and detailed experience and knowledge at no charge.
- *Facilitation of better planning outcomes*—The National Trust, through its community advocacy, contributes to achieving better planning outcomes by ensuring developers, local councils and the community are better informed about the heritage value of places and the range of options available to them in order to achieve a more balanced outcome, including the long-term conservation of heritage values.
- *Skill development*—Through their extensive networks, the National Trusts develop the skills of heritage and building professionals, tradespersons and volunteers on building and collections conservation, providing community benefit at low cost.
- *Education and community advice*—Because of their community recognition, Trusts are seen as a source of credible and independent advice to the community on conservation and heritage matters, including history and heritage education, and this advice is provided generally at no or low cost.
- *Access to international experience*—The National Trust movement draws on the expertise and knowledge base of similar organisations

in many countries, exchanging information and ideas at international gatherings and through widespread networks. Resources are readily made available at no charge, and this information is available to share with heritage professionals and volunteers.

These strengths of the National Trust movement demonstrate its capacity and its capability as a cost-effective deliverer of heritage conservation services for the community. They also demonstrate the basis for the widespread community recognition and respect the Trusts enjoy. Ways to build on these strengths will be considered later.

7.2 Concerns and issues for National Trusts

Despite the many strengths of the National Trust movement, there are a number of key issues and concerns that the movement has been attempting to address in recent years. These include the following:

- *Ageing and declining membership and volunteer bases*—National Trusts in some jurisdictions are experiencing difficulties in attracting younger members and expanding their volunteer base (although this varies across the Trusts: for example, the NSW National Trust has always had more volunteers than needed to operate its properties).

  As indicated previously, this may be due to a perception of a changed role of the Trusts as primarily managers of heritage places rather than advocates for heritage conservation. However, apart from radical activism regarding Tasmanian forests, very little environmental activism is currently occurring, so perhaps the explanation lies with more general shifts in community attitudes.

  There is no question that heritage conservation has become more complex. What is needed (as with nature conservation) is better funding for the training and resources to allow 'hands-on' heritage conservation programs. A Cultural Heritage Trust similar to the Natural Heritage Trust would achieve a renewed community commitment to historic heritage conservation.

- *Renewal of Trust property portfolios*—National Trusts recognise the need to review their current holdings of heritage places and collections, to ensure they are appropriate to Trust objectives, and reflect contemporary society. However, the Trusts do not have the resources to undertake this difficult and sensitive task, and existing portfolios do not therefore necessarily provide the most appropriate representation of the heritage of the community they represent. Similarly, the lack of resources for ongoing conservation and renewed interpretation of heritage sites can entrench conservative

attitudes, deter visitation and make it harder to attract new volunteers.

The National Trust of South Australia (NTSA), for example, addressed this issue in 2002 with a major review of its 130 properties. In a comprehensive study of each property, it adopted a three tier classification system based on certain criteria:

Tier 1 Places of State significance, able to generate basic income to cover short-term operating and maintenance costs, with adequate volunteer support.

Tier 2 Places of regional/local significance supported where appropriate by a comprehensive collection derived from local history, with ongoing volunteer support

Tier 3 Places of purely local interest, with minimal collections and ability to cover basic operating costs.

The NTSA agreed to a strategy of removing Tier 3 places from its responsibility, either by transferring to a local council or community organisation or, if that was not possible, disposing of the property. Tier 2 properties were to be encouraged and supported to move towards accreditation and local management, whereas Tier 1 properties were to be the focus of significant efforts to upgrade and make part of a comprehensive, coordinated and professional collection of State heritage places. This strategy has struggled to be implemented because of a lack of funding to support the Tier 1 developments.

- *Anti-development image*—Because Trusts have been involved in campaigns to protect heritage places, the Trust can be viewed as anti-development by certain developers and property owners. However, while the Trusts will argue strongly for the conservation of important places, they have often been able to facilitate excellent outcomes for the preservation and use of heritage properties, because their views are based on sound heritage conservation policies that do take account of various community interests. The Trusts have been a strong voice in support of owners of heritage properties, and this aspect of their work needs greater recognition.
- *Lack of resources*—National Trusts in general across the country (and particularly in the smaller states and territories) suffer from a chronic lack of funding and resources. Funding is primarily from government grants and membership fees, with small amounts of donor funding (see Appendix 1). However, most properties operate at a loss, and there is not sufficient funding to adequately conserve the properties and collections or to provide quality interpretative and public programs. Trusts have been forced to cut back in areas

like education and community advice, so as to divert limited resources into marketing and fundraising.

- *Colonial focus*—Trusts are conscious that, because of the lack of resources, their current properties and collections do have a bias towards 19th Century heritage and hence seem focused on British or Colonial heritage. Trusts would, if more resources were available, be able to expand their heritage conservation activities to focus on more recent periods and the diversity of cultures that now form part of Australian society.

  The move away from the 'stately home' museum has been under way for some time, but the current Trust property portfolio imposes considerable constraints. All Trusts actively promote a variety of heritage projects, including Indigenous and multicultural heritage, and less mainstream topics such as industrial and rural heritage, but the majority of flagship properties remain 'colonial'.

- *Weak sponsorship support*—Trusts have experienced considerable difficulty in attracting sponsors for built heritage conservation, as most private sponsors appear more interested in funding nature conservation projects and other charities. The number of competing charities has grown significantly in recent years, and the National Trusts have struggled to secure ongoing support and major funding.

  The reasons for this are not clear, but it may be linked to the relatively local nature of much built heritage, and the limit this places on the breadth of exposure Trust sponsorship could provide. It is easier to obtain sponsorship for heritage events, and well nigh impossible to achieve sponsorship for conservation activities, and this may be because there is a perception that government should fund heritage conservation, or because conservation of itself doesn't appear to appeal to potential sponsors.

- *Volunteer management*—Another of the problems associated with a lack of funding is the difficulty in providing supervision and ongoing training for volunteers. Trusts are aware they need to upgrade the quality of interpretation and education at places visited by the public, but that requires comprehensive volunteer management programs and training resources, which unfortunately they cannot currently provide.

  A key issue, for example, is the increasing complexity of the management of heritage places. Conservation and interpretation are now more professionally managed, less autonomy is allowed to volunteers, and greater sophistication is required of them. The once relatively simple task of presenting a property pleasingly and

telling a linear story about it to visitors, has been transformed into an interpretation plan requiring acknowledgement of prior Aboriginal ownership (and of the darker side of the colonial story), the recounting of multiple histories, and the placement of the site into a broadly acceptable historic context. This can be very demanding of volunteers, and certainly deters some of the more traditional volunteer cohort.

- *Skill development*—Trusts also recognise that they are struggling to provide support to staff and to their professional volunteers (working on Trust boards and committees), to ensure they are being exposed to the latest ideas and information on best practice heritage conservation and education. Trusts do not have resources to invest in such staff professional development. Salaries paid to Trust professional officers are generally well below those paid to equivalent positions in government or the private sector.
- *Information management*—Despite the existence of a large amount of knowledge and information in each Trust, the lack of sophisticated databases and information sharing programs means that access is restricted internally and externally. This diminishes the effectiveness of the Trust movement considerably. In terms of public benefit, the fact that this knowledge is not readily available is a major concern. Investment in such information sharing requires resources that are not available under current funding arrangements.
- *Quality of heritage experience*—Heritage places must compete with other attractions for public attention, and the standard of experience must be of a similar high quality to that available in publicly-funded museums, art galleries and historic houses. Trusts are conscious that they are generally unable to compete with such venues where considerable government funding allows professional interpretation, changing exhibitions and frequent events to be provided. The Trusts struggle to provide a similar quality experience with considerably less funding. Many Trust properties seem tired, their interpretation is sometimes inappropriate, most need renewal.

7.3 Possible solutions

It is suggested that the experience of the National Trusts is likely to be similar to that of other not-for-profit organisations operating in the historic heritage market (such as community heritage bodies and historical societies).

While limited short-term project funding is made available by state governments and local governments to some facilities, funding is

generally obtained only from admission fees, donations and volunteer work.

The problems of government-owned and operated places will not be considered here: the ACNT has argued previously that governments must be held responsible for managing their own heritage properties and adequately funding them. Equally, the problems of private operators of heritage places open to the public, are different from those of not-for-profit places, and in general are handled through the taxation system (with expenditures allowed as tax deductions for legitimate activities. Nevertheless, the ACNT would recommend that such operators also have access to public funding where they can demonstrate a net positive community impact from such support.

The ACNT will consider the impact of local heritage planning controls on private owners of heritage places in Part D of this submission.

This chapter specifically deals with the problems of the not-for-profit sector, of which the National Trusts are the major players.

The ACNT suggests a three-part program is necessary to address the problems identified previously:

1. *Recognition of the contribution of not-for-profit organisations*—This Inquiry presents an opportunity for a realistic and independent assessment of the contribution of organisations like the National Trusts to heritage conservation, and recognition of the value of the work undertaken to secure benefits to the community from heritage (as outlined in detail in Part B of this submission).

2. *Increase funding for property NFP management*—If, as the ACNT has argued, there is justification for more government support to heritage conservation in recognition of the non-market benefits to the community, then it is proposed that this funding should primarily flow to the NFP sector as the area where the most value can be received from additional funding. In particular, funding is needed to allow NFP properties to raise their standard to that achieved in government-owned and operated properties where considerably more funding is provided.

3. *Provide funding to support professional development*—The NFP organisations are lacking in resources to attract, develop and utilise skilled resources, and to make these resources available to the community and volunteers. Specific funding is required to allow the Trusts to:

    - review and renew property portfolios, and better relate them to national and state heritage themes

- employ more heritage professionals
- upgrade property maintenance and collection management
- expand and improve training and management of volunteers
- develop a broader range of quality education programs
- incorporate broader cultural perspectives into property interpretation and collections management
- renew research and publication programs
- provide electronic access to Trust archives and databases.

This additional funding would go some way towards addressing the market failures identified previously, which have particular impacts on the NFP sector. The NFP sector has extensive community involvement, it operates at the community level, it provides a low-cost and effective means of engaging with the community and of ensuring that heritage conservation is relevant to the community.

Submission 10

National Trusts offer many advantages in the delivery of cost-effective services for historic heritage conservation. However, their capacity to deliver these services is severely constrained by lack of funding. Increased funding for heritage conservation and education should be primarily be directed at the NFP sector, where the potential for increased returns is greatest, given it is that part of the industry where market failure and externalities are most readily observed.

If funding is to be made available to help offset the market failure impact on community (and private) providers, consideration needs to be given to the most effective means of allocating such funds. The Commission, in a number of reports, has addressed similar issues and identified approaches that offer a transparent process for allowing identification of the cost–benefit trade-off.[41] In particular, the Commission has considered ways of establishing markets that may be an efficient means for allocating scarce resources between competing projects. The Commission has used the term 'market creation' to refer to government intervention to form markets for services that are non-excludable in consumption (as with heritage conservation services).

[41] See, for example, Productivity Commission Staff Research Paper (2002), *Creating Markets for Ecosystem Services*, and Productivity Commission Research Paper (2001), *Harnessing Private Sector Conservation of Biodiversity*, Canberra.

The Commission has in its reports referred to programs that are non-tradeable and without offsets as one example of a created market; for example farmers compete in an auction to receive biodiversity grants for maintaining native vegetation, and grants are awarded to those offering the most ecosystem services per dollar granted. Examples of such programs are the Conservation Reserve Program in the United States and the Victorian Bush Tender program. To a degree, these programs are a variation of traditional grant programs.

The ACNT believes that such programs are transferable to the historic heritage market. Community and private suppliers can bid for funding against the delivery of specified outcomes of heritage conservation and community involvement.

Another approach to addressing market failure is via use of taxes and subsidies. For heritage conservation, this can include tax exemptions and rebates.

A further approach is via the establishment of revolving funds to support the conservation of historic heritage places, based on similar programs for the natural environment. A recent paper by the National Incentives Taskforce for the Environment Protection and Heritage Council has provided a comprehensive review of such programs.[42]

A revolving fund is a pool of capital created and used for heritage conservation, typically for the conservation of 'at-risk', low-return heritage properties that others are unwilling or unable to invest in. The paper concludes:

> A Revolving Fund for historic heritage would complement the conservation work undertaken by the private sector, State heritage agencies, National Trusts and Local Governments. It would perform a role that those other parties are not able to fill.
>
> It would complement and support the fundamental objects of State and Commonwealth heritage legislation.[43]

The ACNT believes there is no one preferred means of allocating funds to support historic heritage conservation:

- Tax and rate rebates are an important and direct way of targeting support at the property owner, in recognition of the community listing of such properties and in return for the assumption of a duty of care for the heritage of the place.

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[42] Environment Protection and Heritage Council (April 2005), *Revolving Funds for Historic Heritage*, accessed on www.ephc.gov.au.
[43] ibid., p. 1.

- Grants provide a means by which competing projects can be measured against set criteria and each other, and funding allocated in proportion to the benefits and/or compliance with the criteria.
- Market auctions would provide an alternative approach to allocating funds to competing projects.
- Revolving funds will assist target funding to places that offer the opportunity to be saved, restored and returned to the community with appropriate covenants for long-term protection.

The ACNT supports the use of all these approaches, as they allow better targeting to the areas of greatest need. They also are able to be directed towards the NFP and private sector heritage place owners who will generate the greatest benefits from such funding support.

Submission 11

There should be a variety of approaches to funding heritage conservation activities, including tax/rate rebates, grants, market auctions and revolving funds.

Allocation of funds should be on the basis of which activities can offer the greatest returns (in terms of key criteria established as part of the overall historic heritage policy framework) relative to the funds requested.

PART D

NATIONAL HERITAGE MANAGEMENT FRAMEWORK

8 Heritage and planning regimes

Each jurisdiction has a different approach to implementing heritage protection in conjunction with planning controls. Appendix 3 presents a summary of each regime.

There have been a number of recent changes to these arrangements in certain jurisdictions, and others are in the process of being developed or implemented.

The continued disparity between the statutory arrangements for heritage in different jurisdictions, and the notable gaps in consistent and adequate statutory protection for the full range of heritage values, should be addressed through the EPHC as recommended earlier. The differences across jurisdictions can be confusing to owners and investors and the ACNT strongly supports greater consistency across heritage regimes, and the standardising of threshold definitions and approaches to heritage identification and protection.

It is timely to identify the best-practice elements of existing regimes, and to design a nationally consistent approach based on experience with the existing regimes.

However, it is a difficult task to compare regimes, as the problems are often to do with how they are implemented rather than necessarily with their design. In judging which regimes are most effective, it is necessary to first agree the criteria against which such evaluation will occur: a 'light-handed' regime might appeal to some developers but fail to satisfy others more concerned about preserving historic heritage places.

There are two broad functions of heritage and development regimes: to identify and protect places of national, state and local significance, and to control the broad range of activities that may impact on the heritage values of the set of places that make up the heritage fabric of our communities.

8.1 National heritage framework

All jurisdictions have arrangements in place to identify and protect places of heritage significance. As discussed previously, the national heritage system, which commenced in 2004, introduced a new approach at the national level for identifying, protecting and conserving places of outstanding *national* significance. The new regime is still at an early stage of implementation, but there appear still to be

difficulties with determining and articulating the threshold at which a place is agreed to hold outstanding national heritage value.

The national heritage system includes the following elements:

- *The Australian Heritage Council*—The national heritage system established the Australian Heritage Council to provide independent advice regarding the listing of heritage places, and to provide national leadership regarding the identification, conservation and interpretation of heritage places through research, publication and community education programs.

  It would be fair to say that little of this community leadership has been provided so far, and the ACNT remains concerned that the Council is insufficiently resourced and funded for these core activities.

- *The Register of the National Estate (RNE)*—the RNE with its 13 000 listed places (and some 13 000 nominated places awaiting registration) was also retained as part of this new national heritage system. Places listed on the RNE, including many Trust properties, and many places classified by the National Trusts, are nominally provided with some protection through the EPBC Act. Commitment was given during the negotiations regarding the passage of the Heritage Bills for all RNE places to be assessed by relevant state/territory authorities for consideration for heritage listing within their appropriate jurisdiction. Little of this appears to have occurred.

- *Australian Heritage Places Inventory*—While the Commonwealth has undertaken to ensure that all the information concerning RNE places will form the basis of the Australian Heritage Places Inventory, again, little funding has been provided for this much-needed national heritage database.

While there are differences across jurisdictions in the kinds of places they list and protect (not all protect cultural landscapes, historic precincts or areas of natural heritage value for example), and how protection is designated (whether it is the place itself or the values embedded in the place which is identified for protection), all jurisdictions do list places of heritage value, and do provide protection, some even provide conservation funding.

National Trust registers formed the basis for most state/territory lists and the Commonwealth Register of the National Estate. The lists are continued and updated through ongoing surveys and processes at a local or jurisdictional level to assess places and determine whether they satisfy prescribed criteria for inclusion on a list that provides protection.

Appendix 3 summarises the different jurisdictional arrangements, and the ACNT has identified a number of elements that it believes are important in ensuring an efficient identification and listing process. Such a process should be based on:

- comprehensive surveys, extensive public consultation and research
- input from community, experts and property owners
- clear criteria for the assessment of values
- minimum standards for the holistic protection of all places of heritage value
- a clear, comprehensive and agreed set of policy guidelines for the conservation of heritage places.

The system should incorporate:

- a heritage council (or equivalent) comprised of heritage experts
- limited resolution procedures for listing disputes
- clear statement of obligations on the property owner of a listed properties
- funds and grant programs to support conservation and interpretation of heritage places.

A number of problems can be identified with certain regimes, including:

- lack of consistent approach to heritage place identification
- Heritage Councils comprising representative interests
- optional and sometimes politicised listing process especially at local government level.

One of the key challenges is to achieve consistency across the jurisdictions, linking into the new national regime. Ideally, there should be consistency in the classification criteria for a heritage place to be categorised as of local, state/territory or national significance.

This will require the current state and territory regimes, through the EPHC, to implement the Integrated National Heritage Policy to ensure governments work together effectively to ensure heritage places are protected and conserved nationwide. This will require governments to agree:

- to collect and share consistent and standardised data

- to work together to identify gaps in statutory protection for places and types of places
- to agree minimum standards for the protection of heritage at all levels
- to develop best-practice benchmarks for heritage protection systems
- to commit to report comprehensively against the agreed standards and provisions.

Submission 12

COAG via the EPHC should require all jurisdictions to agree to a National Heritage Strategy in order to implement the agreed Integrated National Heritage Policy to ensure seamless heritage protection nationwide.

The ACNT has some concerns about the apparently slow implementation of the new national regime, but accepts that there will be delays while the criteria for establishing outstanding or significant heritage thresholds are developed. Similar delays will be encountered in developing criteria for the other levels, but this can be enhanced by a collaborative approach incorporating inputs from all parties.

It is still necessary to consider the most effective way of funding the conservation of national and state heritage places, and deciding how access to funds can be given to NFP owners as well as government-owned properties. The cessation of the Cultural Heritage Projects Program (CHPP) has meant that Commonwealth funding for the conservation of community heritage places has reduced considerably in recent years.

The only conservation program now available is the new National Heritage Investment Initiative, providing $10.5 million over three years for financial incentives to restore and conserve Australia's most important historic heritage, with priority being given to places included in the National Heritage List. Sharing Australia's Stories only provides for interpretative programs.

Dramatically better resourcing needs to be provided to the Australian Heritage Council if it is to provide national leadership and carry though its full range of statutory functions, including research, as well as its responsibilities regarding the assessment and listing of NHL and CHL places within a reasonable timeframe.

8.2 Local heritage and planning controls

While there may be disagreement at times about whether certain heritage places should be identified as having national or state heritage listing, in general the criteria for nominating such places (and the process for considering such nominations) are sufficiently clear, transparent and fair that few can dispute the outcomes. There would therefore be general community support for the process and resultant listing of heritage places of state and national significance, even if the process is seen to be excessively lengthy, bureaucratic and demanding of resources.

This is not to say that everything currently on such lists should be listed, nor that everything that should be on such lists is currently listed; the current lists require a thorough review and update, but available resources are inadequate to allow this.

The major issues arise in the application (or lack of application) of heritage and planning controls at the local level. Where such controls do exist, questions arise as to why a particular property must be retained (when possibly there are many others similar to it, or the place appears to some to have no particular architectural or historic merit, or the owner simply wants to replace it with something new).

It is in this difficult area that many of the debates about the value of heritage protection occur, with extreme views (from saving everything to saving nothing) adding fuel to the debate. It is clear that in such a sensitive area, it is necessary to have clear policies and guidelines so that all parties are aware of the rules and cannot claim to have been caught out by surprise about the protections applying to the property in question. Of course, defining the policy and guidelines is the challenge, so that the outcome to society is efficient and maximises net community benefits.

The ACNT believes that the key criteria for evaluating existing heritage/planning regimes include the following:

- *Clarity*—How easy is it to understand?
- *Consistency*—Does it produce similar outcomes in equivalent circumstances?
- *Credibility*—Does it produce outcomes that are seen to be fair and credible?
- *Timeliness*—Does it give outcomes in time for critical decisions?
- *Transparency*—Is the process open and available to all, with efficient dispute resolution processes?

The ACNT expects the Commission will form views, based on an evaluation of each regime and comments from those affected by the regimes, about the performance of each relative to these (and possibly additional) criteria. This should allow best-practice elements of regimes to be identified, and for a best-practice model to be developed that jurisdictions could adopt or move towards over time.

The ACNT observes that the jurisdictional regimes have developed over time in a somewhat haphazard fashion, and in response to pressures that have arisen at different times. A number have recently completed some reforms to their systems, while others are implementing systems developed some years ago. It is time for an overall review of the advantages and disadvantages of each regime, so that a best-practice regime can be identified: this Inquiry presents an ideal opportunity to achieve such an outcome.

The ACNT proposes that the essential elements of such a heritage/planning regime should be as follows:

1 an overarching strategic and policy framework statement

2 separate heritage and planning regimes, but closely integrated with a heritage overlay in the planning regime

3 a clear and mandated role for local government bodies, guided by supplementary planning guidelines

4 a specific 'duty of care' obligation on owners of heritage properties (including governments)

5 expert heritage councils to make decisions regarding listings of state and national significance

6 consistency in threshold definitions for all jurisdictions

7 adequate enforcement powers and resources

8 provision of incentives and support/resources

9 clear, timely, thorough and transparent processes

10 appeal rights (restricted for listing, more open for end use).

It should be noted that there is a difference in maturity of heritage regimes across the country, and while some jurisdictions have gone a long way towards completing their surveying and assessing of heritage places, others still have a considerable amount of work to do.

In these latter places, there is a high degree of uncertainty about how a property will be treated under a development application, and that is

not desirable for property owners. However, once an assessment of heritage value has been undertaken, and places of interest identified and listed, the risks are reduced and property owners should be clear of their obligations (and the price of the heritage asset should reflect its true value having regard to the costs and rewards).

The ACNT requests that the Commission encourage the EPHC to move to develop and adopt a consistent approach to heritage identification and conservation based on best practice elements drawn from existing regimes, and that the EPHC then commit to implement and apply such an approach across all jurisdictions.

8.3 Conclusion

The ACNT has drawn a number of conclusions about the current arrangements in jurisdictions for heritage and planning controls. While experiences differ between jurisdictions, and most are in need of review, the overall observation is that the current regimes have made a major contribution to the protection of cultural heritage places and have not prevented appropriate property development from proceeding in most areas.

It is the view of the ACNT that the advantages of the heritage/planning regimes far outweigh the disadvantages, although it agrees that further improvements can be made to make the regimes more consistent and comprehensive and more understandable, more transparent and more certain in their outcomes for property owners. We have made some suggestions about best-practice elements in current regimes, and propose that the Commission itself identify a best-practice model that could be adopted by jurisdictions across the country.

The ACNT believes that there are many benefits to parties that arise from certainty, and there are dangers to all parties from light-handed and flexible arrangements. Developers will not benefit from regimes that leave each decision open until the end—some knowledge and certainty about what is allowed and what is not is best provided up front. People may object to not being able to do whatever they want, but they can hardly complain if they were well aware of those restrictions at the time of purchase or decision.

Submission 13

The Commission should identify a best-practice heritage/planning model for adoption by jurisdictions, based on the provision of greater protection and certainty to property owners about their obligations and rights concerning the management of their heritage places.

PART E

KEY ISSUES AND RECOMMENDATIONS

9 Central issues of the Inquiry

The Commission, in its Issues Paper, identified three central issues on which it specifically sought submissions. They were:

1. What is the rationale for government involvement in historic heritage conservation and what principles should guide that involvement?

2. How does the policy framework for historic heritage conservation currently operate and what are its strengths and weaknesses?

3. What are the current pressures and emerging trends influencing the conservation of historic heritage places and, in light of these, how can the policy framework be improved?[44]

The ACNT agrees that these are important matters that need to be addressed. Based on the background presented in the previous parts of this submission, the ACNT sets out below its views on these key issues.

9.1 Rationale for government involvement

The ACNT has argued previously that there are two broad areas of government involvement that are justified:

- policy and regulatory development and implementation
- funding support for historic heritage conservation activities.

The justification for the former is that it is the responsibility of government to reflect in policy the wishes of the community for the identification and conservation of those historic heritage places that contribute to an understanding of who we are and where we have come from; that help build the community wellbeing and social capital referred to in Part B of this submission.

In a society based on the rule of law, it is clearly a responsibility of government to set out the rules governing the rights and responsibilities of land and property owners. It is also for the benefit of such owners that these rules are clear and understandable, and that they are enforced.

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[44] Productivity Commission Issues Paper, *Conservation of Australia's Historic Heritage Places*, May 2005, p. 5.

Providing some certainty to investors about the rules is a fundamental component of an efficient market, and it is the responsibility of government to provide that through a heritage and planning control system.

Such a system should, of course, be appropriate for its purpose and this Inquiry presents the opportunity for a critical review of the effectiveness and efficiency of the different regimes in place across the country (and for the development of a benchmark best-practice regime for future adoption).

Clearly, governments have a responsibility to fund the heritage and planning agencies properly to ensure that these functions are implemented effectively and achieve their objectives; this includes funding to ensure the framework is continually updated and that the necessary research and education activities are undertaken.

The second area of government involvement in historic heritage conservation is its responsibility for funding, and this can be considered in three distinct areas:

- conservation of government-owned heritage places
- research and education activities
- conservation of community- and privately-owned heritage places.

Given that many of the significant national and state/territory heritage places are owned by government, it is appropriate that they be held responsible for maintaining and presenting these places for the community. This is a justified expenditure of funds by the government in recognition of the value placed on such assets by the community and the social capital created by such places.

As has been observed, there are a number of examples of market failure in the historic heritage market, as a result of the problems associated with lack of information (see Chapter 4).

Given the non-private benefits arising from much heritage conservation, and the overall 'public good' characteristics of the product, there is justification for government to provide funding support to bodies able to provide the community with information and advice in a cost-effective manner.

Good information also requires proper research and evaluation, and the provision of adequate program funding to provide for the development of electronic management and dissemination of information, and consistent and regularised data collection. As program functions like these are unlikely to be provided by the market, there is a role for government to fund such activities.

Finally, it has been shown that public funding for community- and privately-owned heritage places is extremely limited (especially relative to the funding provided to the natural environment). However, some distinctions are necessary in commenting on whether there is a market failure that justifies public funding or intervention.

The private value of conservation of historic heritage places can be seen in the increasing value of such places (relative to the general property market) and the additional value of locations where much of this heritage has been preserved. In both residential and commercial sectors, there is little evidence to suggest that heritage conservation has lowered values—indeed, the opposite may be the case.

Undoubtedly, there are cases where the owner could increase their wealth by demolishing a heritage place and replacing with multiple modern alternatives, but in general, in a jurisdiction where the heritage/planning regime is established and efficient, there are few grounds for complaint (ie while there may be a reduction in potential wealth growth, there is not a loss or penalty—and the reduction is the value the community has placed on preserving the heritage).

However, this submission has sought to demonstrate that the area that is most impacted by the nature of this market is the community-owned (and some privately-owned) heritage places operating as heritage tourism facilities. Visitor income is in most cases inadequate to cover operating and maintenance expenses, let alone fund the development of displays and special events. Any capital gain is of no value as the place is unable to be sold: the owners may be asset rich but income poor (although in many rural and remote locations, the property may not have much capital value either).

These places comprise much of the interesting and varied collection of heritage places, left to the community to manage on behalf of the community. Because they are local, they play an important part in generating the community spirit and character. They can provide value to others (such as tourist and hospitality industries nearby), but yet they are unable to access sufficient funding to secure the optimum value from the heritage place. Funding programs typically are short-term, project-based funding activities, not supportive of employment.

At the present time, there is very limited funding available to them, as all previous Commonwealth conservation funding programs (such as the Cultural Heritage Places Program) have ceased.

If it is accepted that there is a market failure (and a community 'willingness to pay' that is greater than current outlays), then it is suggested that the most effective way of addressing this is to provide greater funding support to this sector.

Part C has attempted to show that the NFP sector (exemplified by the National Trusts) is cost-effective and efficient in delivering these services. It is community based, it has extensive access to volunteers, and it engages the community in heritage education and conservation. It is an efficient way of expanding the social capital of the nation.

In summary, the ACNT believes there are a number of different justifications for government involvement in heritage conservation, addressing different aspects of the heritage market; and that appropriate targeting of that support is appropriate given that not all of the market is subject to market failure.

The principles guiding such support should therefore be that it is cost-effective and that it targets an area where market failure can be observed or deducted.

9.2 Current policy framework

In Part D of this submission, the ACNT has set out the current heritage/planning regimes across the country and attempted to identify the strengths and weaknesses of each. In particular, it has drawn on this work to identify a number of best practice elements that might be the basis of a more consistent national approach.

The ACNT believes that it is inefficient to have different regimes in each jurisdiction, although it could be argued that there may be advantages in having some variety in approach to meet local differences and to provide some opportunity for experimentation with new approaches.

Nevertheless, the ACNT considers that some changes to existing regimes are desirable, firstly to remove some inefficient provisions in certain regimes, and secondly, to facilitate the working of a more consistent national and state heritage places scheme.

If there is to be a consistent approach (and threshold or standard) for defining what is (and isn't) of *state/territory* significance (as with the assessment of places of outstanding national heritage value), then there needs to be an agreed framework and guidelines for such an assessment of places.

Furthermore, the process used at the local level to identify places of heritage significance must be complementary to the assessment of state and national significance, if it is to avoid becoming complex and confusing with multiple listings.

Such an approach will require a commitment from all governments via COAG, to work towards the implementation of a 'best-practice' model

(hopefully) identified by the Commission in this Inquiry. As indicated previously, this model must incorporate a 'top-down, bottom-up' approach to identifying heritage places, must engage the local community, be open and transparent, and provide greater certainty to property owners and the community.

Such a national heritage framework must be based on clearly defined principles and publicly available policies if it is to succeed in providing consistent and comprehensive conservation and protection for Australia's heritage places[45].

9.3 Trends, pressures and options

There are a number of factors impacting on heritage conservation at the present time, and the ACNT has alluded to a number of these in its previous comments. However, it is appropriate for it to examine some of those trends here in greater detail, in response to the Commission's identification of this as one of the three key issues to be addressed.

The key trends impacting on heritage conservation include the following.

Trends	Pressures
Demographic Ageing of population, growth of cities, depopulation of rural areas	Housing stock and composition Retirement homes/coastal pressures Tourism (remote) Volunteers in rural/remote Abandoned places (residential, industrial, religious)
Workforce changes Casualisation, part-time, multi-jobs, female participation, service economy	Fewer volunteers Reduced leisure hours Facility opening hours (24/7) Skill shortages in trades

[45] The ACNT supports the work of the Development Assessment Forum in developing a Model DA process (see www.daf.gov.au), but more needs to be done to ensure heritage considerations are integrated with planning—one approach would be for COAG to task a working group drawn from the Heritage Chairs & Officials and the Planning Officers Group to develop a 'best practice' planning model.

Trends	Pressures
Health, education and policing Greater expenditure on basic services	Reduced funding for heritage
Urban consolidation Inner city renewal, conversion of discarded sites, apartments, subdivision of blocks	Housing stock/demolition Streetscape/neighbour impacts Locality/precinct impacts
Wealth Growth of wealth and affluence	Café society Housing impact (size, facilities) Infrastructure needs Tourism impacts Second/holiday homes
Comfort Demand for greater levels of comfort (cooling, lighting, heating)	Housing stock and replacement Re-use limitations External equipment location Renewable energy technology
Technology Growth in use of computers, home entertainment, the web, Internet	Tourism impacts Standards and competing leisure options Education opportunities Access to information
Outsourcing/privatisation of government services Services now provided in competitive market	Disposal of public buildings Reduced public funding Focus on small/downsized government Transfer responsibility to others
Role of government Changed relationship to NGOs, expansion of government cultural facilities	Higher standards of museum/gallery Competition for private funding Payment for services Transfer responsibility to others
Tourism/leisure Growth in travel, alternative opportunities	Tourism impacts Greater competition for visitation Higher standards
Natural environment, greenhouse effect Greater focus on environmental issues	Greater competition for volunteers, visitors Reduced sponsorship Reduced public funding Renewable energy technology
Multiculturalism Appreciation of other cultures	Need to incorporate wider range of places Lack of specialised skills/knowledge
Reconciliation Recognition of Indigenous cultures	Need to incorporate wider range of places Lack of appropriate skills/knowledge
OHS Greater focus on safety and access	Re-use limitations External equipment location Cost implications Insurance

The ACNT would not claim it has identified all of the current trends in society that are impacting (or will in the future) on heritage conservation: the Commission is in a better position to consider these trends (and impacts) through some of the innovative work it is doing on long-term population changes.

However, the above list may be a reasonable collection of trends that are impacting on the historic heritage market and that need to be considered in developing any policy response for the future. It is for this reason that the ACNT is currently reviewing its whole operation with a view to better positioning itself to address the challenges of the future.

The above 'pressures' are producing stresses in the management of historic heritage places, and these can be summarised as follows.

Pressures	**Stresses**
Reduced public funding Reduced sponsorship Public competition for private funding Transfer responsibility to others Focus on small/downsized government OHS cost implications Higher standards Greater competition Web-based information Need to incorporate wider range of places	1. Funding Maintenance Insurance Conservation Education/information New heritage places Interpretation Research and publication
Fewer volunteers Reduced leisure hours Skill shortages Transfer responsibility to others Greater competition Higher standards Need to incorporate wider range of places Lack of skills/knowledge	2. Skills Trades Conservation Volunteer management

Pressures	Stresses
Housing stock and composition Retirement homes/coastal Second/holiday homes Abandoned places Demolition/consolidation/apartments Streetscape/neighbour impacts Locality/precinct impacts Café society Infrastructure needs Re-use limitations External equipment location Disposal of public buildings Need to incorporate wider range of places	3. Places Heritage places Public buildings Abandoned places Coastal Streetscapes Precincts Rural and remote Industrial Redundant government sites
Fewer volunteers/remote Reduced leisure hours Facility opening hours Reduced funding Tourism impacts Standards and competing leisure options Education opportunities Higher standards of museums/galleries Greater competition for visitation Need to incorporate wider range of places	4. Operations Quality of presentation Opening hours Volunteers Training for staff/volunteers
Housing stock and composition Reduced funding Streetscape/neighbour/locality impacts Re-use limitations External equipment location Transfer responsibility to others	5. Accountability Local government Governments and NFPs Owners

The above analysis has attempted to identify the impact of a number of apparent trends in certain societal factors on key elements of historic heritage property management, and then to consider the implications for policy options arising from those pressures. As indicated, the stresses can be considered in five broad areas: funding, skills, places, operations and accountability.

9.3.1 Funding

As indicated, public and private funding for historic heritage conservation has fallen behind that for the natural environment, despite recognition of the value that heritage conservation makes to the overall wellbeing of the community and the development of social capital. The lack of funding is impacting particularly on the NFP sector, where increased capital values arising from heritage conservation are

of no relevance given the need to conserve the heritage place for the community.

The lack of funding is currently accommodated by reducing necessary expenditure on essential maintenance and conservation, and by failure to invest in improved interpretation and the identification of new heritage places.

Inadequate funding also reduces the capacity of governments at all levels, and the NFP sector, to provide the kinds of information and advice the public requires in order for them to properly conserve their own and the community's heritage assets.

Not all heritage places suffer from a lack of funding, and indeed it has been shown that many (if not most) private owners of heritage places are able to receive an appropriate return from investment in their properties: they do not necessarily receive all that they could if the external benefits were captured, but nevertheless, their ownership of heritage properties is financially viable.

Policy options need to consider how to target funding support to those areas of the heritage conservation market that have significant externalities, rather than to those parts of the market where financial returns are sufficient compensation for any additional costs incurred in managing a heritage asset.

This may best be handled by a system of grants or market auctions for funding in return for a demonstration of the contribution towards the creation of heritage value, as discussed earlier in this submission (together with the traditional funding mechanism of tax/rate rebates for listed places and community heritage organisations).

9.3.2 Skills

Unfortunately, because of the limited funding available, there has been inadequate allocation of resources to train people in heritage conservation skills, covering both trades and management/conservation areas. This has resulted in many conservation programs and projects using materials and practices that are not in compliance with the *Burra Charter* and that result in outcomes that compromise the values of the heritage place.

The ACNT accepts that it is not appropriate to argue for more skilled resources if it is not possible to employ such resources; however, it believes it is essential that funding in heritage conservation must ensure that proper conservation practices are applied in the future, and for this to occur, skilled resources will be required at a level well above current numbers.

Policy in this area should be based on research to ensure that best-practice conservation techniques are applied (and indeed are required), and then the necessary investment in training will be justified. At the present time, resources are being wasted by the use of inferior (but no less costly) techniques. Education and support of those involved in heritage conservation activities for the benefit of the community is justified, and this should be a priority area for government funding.[46]

9.3.3 Places

This area is where the most intense pressures are occurring, as it is where the conflict between private and public benefit is most apparent. While the ACNT has argued that in general there are appropriate benefits accruing to owners of heritage properties (as witnessed by prices for properties in heritage precincts), there is nevertheless some tension between those who wish to remove a heritage place and the existing heritage and development control regimes.

The ACNT does not apologise for its position that the public has a right to identify places of heritage significance that contribute to our understanding of our history and our culture, and to limit the activities of those who are custodians of such properties. The ACNT has argued that there is no common law right for a property owner to be able to do whatever they wish with their property: that is an erroneous interpretation of the common law position on property rights.

The key challenge for any jurisdiction is to complete as quickly as possible an assessment of all places to identify those of heritage significance, and to put in place a heritage management regime that is able to be understood and implemented consistently and transparently. There should be no reason for any property owner to claim ignorance of the rules—which should be enforced without fear or favour. Unfortunately, many regimes are vague and allow for undue influence by parties without appropriate governance arrangements.

Many planning authorities have been unprepared for the onslaught of applications for developments in recent years and, as a result, many important heritage places and precincts have been lost. Whole landscapes have been removed, particularly on coastal regions and wind positive locations.

The ACNT is not arguing that all existing places are sacrosanct and must not be touched; however, it is necessary to have an agreed process in place (and enforced) so that property owners have no

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[46] See the recent report by the Cultural Human Resources Council of Canada—*Human Resources in Canada's Built Heritage Sector: mapping the work force and setting strategic priorities*—www.culturalhrc.ca.

doubts as to what their responsibilities (and rights) are with respect to any particular property.

Accordingly, the appropriate policy response in this area is to ensure that there is a consistent heritage places assessment, identification and conservation regime in place across all jurisdictions, and that it is enforced. Education and support for affected parties is a necessary adjunct to such a regime.

9.3.4 Operations

A heritage regime must also address the practical issue of how it can be operated effectively and efficiently, when most of the benefits are community based and not private. Further, for NFPs, there is limited ability to secure any private value, assuming they are required to hold such places on behalf of the community and are therefore unable to secure any gain by selling the asset (whose value may be high, but this is not of any relevance to the entity that is responsible for maintaining and presenting it to the public).

The ACNT has argued that there is a justification for public funding to support the operation of heritage places, and that this consists primarily of two components: the responsibility to support places in government ownership, and to assist those NFP operators that manage heritage places on behalf of the community.

The ACNT has observed that private operators of heritage places have access to the taxation system, and like any business are subject to the rigours of the market. However, there are clearly arguments that would support such owners having access to funding that recognises that they also are unable to harness the external benefits associated with operating a heritage property. Accordingly, the ACNT accepts that there may be justification for allowing such private owners access to any funding support available to NFP operators.

The most efficient process for allocating scarce funds may be via a system of either or both grants and market auctions as proposed by the Commission in a number of its recent reports.[47]

Funding from these sources could be directed towards any of the activities where market failure has been demonstrated (or could be inferred) such as education, research and conservation. Grants and auctions could be used to fund those activities where parties (NFPs or private) could demonstrate the greatest returns (in terms of heritage

[47] See for example Productivity Commission (2002), *Creating Markets for Ecosystem Services,* Staff Research Paper, AusInfo, Canberra; and Productivity Commission (2001), *Harnessing Private Sector Conservation of Biodiversity,* Commission Research Paper, AusInfo, Canberra.

values for the community) relative to funding requested—and competition in funding should ensure that the scarce resources are allocated efficiently.

9.3.5 Accountability

The ACNT recognises that, in requesting greater public funding of heritage conservation activities, there must be an acceptance of greater accountability of all parties for the effectiveness of such expenditures.

However, there is also the need for greater accountability of all levels of government for their roles as custodians of the country's heritage. The ACNT has argued that government at all levels has a responsibility for heritage conservation, just as they have a responsibility for law and order, health, education and social infrastructure: it is a role of government.

There appears to have been a trend recently for government to minimise its responsibilities and to attempt to pass these over to other bodies (NFPs or NGOs) or to other levels of government. It is necessary for governments to accept their responsibilities, and to ensure that there are clear accountabilities of the different levels without overlaps or gaps.

The ACNT believes that COAG must agree to a process to define the responsibilities of each level of government in this area, to ensure the regimes in each jurisdiction are complementary (and avoid duplication), and that each is properly funded to carry out its responsibilities.

Equally, the governments must ensure that funding of NFPs and private owners of heritage places is appropriate, and that proper accountability of expenditure is achieved through the funding mechanism (be it grants or auctions, or both).

9.4 Conclusion

The Commission identified three key issues relevant to this Inquiry. The ACNT has addressed these issues in the preceding chapters of this submission.

In brief, the ACNT has identified a number of trends of the past few years that have impacted seriously on the historic heritage conservation market, and that justify this current Inquiry to ascertain reasonable and realistic policy responses for the future.

The ACNT argues that heritage conservation is an important role of government and is fundamental to ensuring that society is able to

operate effectively and efficiently. Social capital is created through the focus on defining our national heritage and identity, and given the essentially external benefits that accrue, justifies government involvement and financial support.

The area most impacted by the externality aspect of this market is argued to be that of community heritage bodies, and it is argued that this is the area where government funding should be concentrated. Methods of allocating such funding have been briefly explored.

The National Trust movement, as the largest NFP operating in this area of heritage conservation, is limited in its current operations by a shortage of funding. Correcting this deficiency should result in this sector contributing significantly to the Australian economy and to overcoming the current limitations inherent in the heritage conservation market.

10 Terms of reference

The Treasurer, in setting the Terms of Reference for this Inquiry, required the Commission to examine:

1. The main pressures on the conservation of historic heritage places

2. The economic, social and environmental benefits and costs of the conservation of historic heritage places in Australia

3. The current relative roles and contributions to the conservation of historic heritage places of the Commonwealth and the state and territory governments, heritage owners (private, corporate and government), community groups and any other relevant stakeholders

4. The positive and/or negative impacts of regulatory, taxation and institutional arrangements on the conservation of historic heritage places, and other impediments and incentives that affect outcomes

5. Emerging technological, economic, demographic, environmental and social trends that offer potential new approaches to the conservation of historic heritage places, and

6. Possible policy and program approaches for managing the conservation of Australia's historic heritage places and competing objectives and interests.[48]

The ACNT provides below its comments and recommendations on these specific items identified by the Treasurer.

10.1 Pressures on the conservation of historic heritage places

Section 9.3 of this submission has set out a framework in which the impact of a number of trends in society and the economy can be considered in terms of the pressures they have produced on the conservation of historic heritage places, and the resultant stresses on organisations responsible for the management of these places.

It is an interesting irony that, at the same time as globalisation and international competitiveness drive the need for economic efficiency in the economy, a key strength of the Australian economy derives from its

[48] ibid., p, 3.

national identity and culture based on local heritage—this community agreement about our history, our achievements, our challenges and our values. These are not open to resolution in the marketplace: they need nurturing and support, if they are to sustain the underlying strengths on which Australia depends as a nation.

As reported earlier, these stresses appear in five key areas:

- funding
- skills
- places
- operations
- accountability.

These stresses need to be managed if they are not to impair Australia's ability to compete internationally and to operate effectively as a nation. Government will ignore such stresses at its peril: nurturing the heritage of the nation and creating a common understanding of our heritage underpins all of the government programs concerning economic and social development.

10.2 Economic, social and environmental costs and benefits

The ACNT in this submission has set out the economic and social benefits arising from the conservation of historic heritage places. It has argued that these benefits should not just be measured by the size of the heritage tourism industry; indeed, these are a small part of the benefits to the nation and to communities from the conservation of our diverse culture. Conservation of our historic heritage is not only the glue that holds together our diverse experiences as a nation, it is the substance that allows us to continue to incorporate new cultures and experiences into our nation and that facilitates our growth and capacities.

The ACNT has argued that the Commission would fail in its duty if it did not undertake an evaluation of the value Australians place on the preservation of their heritage (or at least recommend that such an evaluation be undertaken). The ACNT believes that such an evaluation will show the value is well above the direct valuation witnessed by such measures as income from visitations to heritage places.

In terms of the costs of the conservation of historic heritage places, the ACNT has provided reference to the research associated with the impact of heritage listing on property valuation. In general, there is evidence that property values are positively impacted by such listing,

although clearly some properties are negatively impacted (relative to potential earnings).

The ACNT believes that the main 'costs' associated with historic heritage conservation stem from incomplete or poorly defined heritage regimes, as owners or potential owners may be inadequately informed about the heritage protections on the property: the sooner such regimes are implemented fully the better for all parties.

Identification of a property as one of heritage significance is a recognition that the community has a legitimate interest in the conservation of that property, and that the owner has a duty of care to conserve that property for the community. There have been claims that this is an infringement on the common law rights of property owners; the ACNT disputes this claim as ill-founded. Private property rights have always had limits associated with such ownership, and to suggest otherwise is to misunderstand the law.

The ACNT submits that the benefits of historic heritage conservation far outweigh any costs that may be incurred by owners of such properties, and that any such costs (if they are incurred) are an expected and legitimate cost arising from the duty of care for such property ownership.

10.3 Current roles and responsibilities

It is not possible to outline in detail in this submission all of the current roles and responsibilities of governments, heritage property owners, community groups and others with regard to heritage properties. Nevertheless, the ACNT has presented considerable details of the operations of the National Trust movement and outlined the different heritage regimes and organisations in each jurisdiction.

The ACNT has argued for greater consistency and coordination across the jurisdictions, especially to ensure a common heritage listing process and criteria thresholds. It has identified a number of best-practice elements that should constitute the basis of an agreed nationally consistent approach to heritage conservation (and planning) regimes.

10.4 Impacts of regulatory, taxation and institutional arrangements

It is extremely difficult to comment on this term of reference, as it is so broad in its conception. Clearly, regulatory, taxation and institutional arrangements vary widely across the country and in their impact on individual historic heritage properties: it is not possible to provide a consistent assessment across the country on the impact of such arrangements when they are so different.

The presentation of the current state and territory heritage and development approval regimes (see Appendix 3) illustrates the different arrangements (and the different impacts—some positive, some negative) of these arrangements.

In terms of the efficient operation of the historic heritage property market, it is the view of the ACNT that property owners have the right to expect clear guidelines as to how the system will impact on any individual property: inadequate information is a major contributor to market failure. Accordingly, a key step to addressing the negative impact of any heritage regime is to ensure that all regimes have completed their assessments of heritage places and instituted a system to ensure all property owners are aware of their obligations and any restrictions on the future development of their property.

The ACNT highlights the need for consistent and complementary heritage regimes across the country, providing clear information to owners (or prospective owners) of historic heritage places about their rights and responsibilities. Chapter 8 of this submission has set out the ACNT's views on the best-practice elements of such regimes, and the ACNT encourages the Commission to support the adoption of such elements in a nationally consistent approach to heritage identification and planning controls.

Chapter 5 of this submission has presented certain information on the impact of heritage controls on property values. It shows that, in general, property values are enhanced by the existence of a heritage conservation regime—although there are examples where negative impacts arise. It is not clear what factors contribute to a negative impact, but it is apparent that such impacts can be reduced by ensuring parties are informed upfront of the obligations and controls inherent in any regime.

The ACNT repeats its previous comment that inclusion of a heritage place on any list is a declaration of public interest in a private property. Ownership of such a property brings with it a duty of care for the property, reflecting its significance and importance to the community. In many cases, this uniqueness will result in a greater increase in value

than if it was not so special; in others, it may reduce the value relative to other options that might theoretically be available.

However, it is important to recognise that there are two distinct and separate processes: the first concerns heritage listing, which should be determined purely on heritage principles; and the second is the development approval process, which is intended to take into account a variety of other factors.

The heritage listing regime should not be compromised by consideration of these other factors: they are best taken into account in considering what uses are allowed under the development controls. That is why it is important that property owners (ideally) know in advance the limits allowed by the development controls, so they are able to make informed decisions.

The impact of taxation arrangements on conservation of historic heritage places is also difficult to identify, because of the range and different impacts of such measures. For example, taxation deductibility of expenditure is relevant to businesses but not private individuals or non-tax-paying organisations; certain exemptions from taxes (eg GST, land tax, rates) apply differently to alternative classes of ownership; and donations to certain organisations are treated as tax deductible. The overall and differential impact of such arrangements is difficult to determine, as to whether or not they introduce distortions in the market.

This difficulty is compounded by the diversity of participants in the historic heritage market: from governments that fully fund the operation of certain places, through community subsidised operations, to private activities either as a business or for private consumption. The funding, taxation and rebates arrangements impact differently on each historic heritage place; and the lack of special treatment in the income taxation area may be offset elsewhere by access to rate rebates or grants.

Focusing specifically on the private owners of historic heritage places, it is possible to provide a generalised observation that there are no special taxation provisions that support heritage conservation activities differently from general business and property maintenance expenditures. The only areas of difference are where there are (generally local) arrangements for rate reductions and/or heritage grants. Overall, therefore, there would appear to be minimal market distortions caused by the current taxation arrangements.

In summary, the overall impacts of regulatory, taxation and institutional arrangements are reflected in the value of heritage properties after listing, and this is in most instances positive. A key

factor is that owners (or prospective owners) should be aware of the historic heritage associated with a property, and the potential limits this may place on alternative uses. Such limits are not unreasonable given the community's interest in the property, and certainly are not an unjustified restriction on the property owner's rights.

There are many advantages from owning a historic heritage place, and these can far offset any potential negative impacts from an inability to pursue alternative uses.

10.5 Emerging trends and new approaches

Section 9.3 of this submission has commented on the emerging trends in society and their impacts on historic heritage places. This term of reference has specifically queried how these trends can offer potential new approaches to the conservation of historic heritage places.

Some of the trends identified earlier can offer new approaches such as:

- *Emergence of the Internet*—offering new options for presenting information and engaging the community in ways other than by direct visitation of historic sites.
- *Electronic information management and communication*—electronic databases and the internet provide much greater opportunity to consolidate, research and provide access to information about heritage conservation places and practices.
- *Ageing of the population*—potentially provides greater opportunities for attracting visitors and volunteers.
- *Government outsourcing/privatisation*—provides opportunities to utilise community-based organisations to deliver services and manage facilities in a more inclusive and cost-effective manner.
- *Recognition of the value of community*—provides an opportunity for community-based organisations to provide services and support smaller communities through regional programs.
- *National consistency*—could allow for the introduction of national programs in education and professional standards for conservation.

In summary, the ACNT believes that future approaches to conservation of historic heritage places should build on current arrangements by incorporating:

- greater use by government of other organisations (NFP and private) to deliver conservation programs

- increased use of web-based educational and promotional materials to assist the community, schools and owners of historic heritage places
- greater linkages between heritage places to develop further the interconnected nature of heritage and to explore key themes in Australia's heritage and history.

10.6 Possible policy and program approaches

The ACNT believes that the current national heritage management framework provides a good basis for designing a new historic heritage places program for the future. Considerable experience has been acquired through the development of existing programs, and this provides a sound basis for developing a nationally consistent approach for adoption by all jurisdictions.

The ACNT has set out in various parts of this submission its views on what such an approach might comprise. It needs to start with a recognition of the value that the conservation of historic heritage places makes to the community via its contribution to social capital and community wellbeing. Such recognition supports a strong role for government in implementing a heritage conservation regime, comprising such elements as:

- a comprehensive national framework
- consistency in threshold definitions across jurisdictions
- separate heritage and development regimes
- clear and specific obligations on local planning authorities
- clear and specific obligations on owners of heritage properties
- transparent processes and clear definition of rights.

Alongside the heritage and development regimes, there must be provision of adequate funding to support research, education, conservation and professional development activities.

Such funding should be available via a variety of sources including grants, market auctions, rebates and revolving funds. The ACNT has discussed these options elsewhere in this submission.

11 Conclusions and recommendations

The ACNT has sought in this submission to bring its considerable experience of 60 years of operation in the historic heritage area to addressing the terms of reference of this Inquiry.

The ACNT believes this is an important Inquiry, and one that requires the Commission to extend further its analysis of the value of social capital and community wellbeing in developing public policy.

The value provided by historic heritage conservation is a significant reason for it to be seen as relevant to government (at all levels) to provide funding and other support, and indeed why it is necessary for them to be actively involved in setting policy guidelines and enforcing compliance. This subject is at the core of government programs concerning the nation and community, and it is instrumental in facilitating the efficient delivery of other programs that depend on social cohesion and cooperation.

The ACNT accepts that there is a finite limit to the support that governments can provide, and that not everything is of heritage significance; a clear and coherent policy and approach is necessary to ensure the optimum outcome for the community.

This submission has attempted to identify those parts of the historic heritage market most affected by the 'public good' characteristics of this product, and to propose that additional funding be targeted at those parts. It has suggested that the area most affected is that of community-operated heritage places, and that these community-based operations are a cost-effective and efficient means of maximising the community benefits from heritage conservation.

11.1 ACNT consolidated conclusions

In developing this case for presentation to the Commission, the ACNT has drawn the following conclusions:

1. Historic heritage conservation plays an important role in developing a national culture and identity, and this contributes to the nation's social capital and the wellbeing of the community. It facilitates the smooth operation of society and the economy, and supports the implementation of government programs across all sectors of society.

2. The market for conservation of historic heritage places is characterised by a number of elements that make it unique and that compromise the efficient operation of the market (public good, significant externalities, contribution to social capital and community wellbeing), such that many owners of such places do not receive the full benefits from their existence.

3. To improve market efficiency via enhanced information, it is essential that the community value of heritage is reflected in the design of a heritage regime that informs owners and potential owners of the heritage status of places (local, state or national heritage significance), and such a regime should ideally be consistent across the nation in its criteria and processes.

4. There are a number of best-practice elements that must form the basis of the nationally endorsed heritage and development regimes.

5. Owners of places identified as having heritage significance must have a duty of care for such places, and government owners in particular must commit adequate resources to conserve places in their care.

6. Funding must be provided to address those areas of market failure, and in particular for research, education, conservation and professional development. Funding support should particularly be directed towards the NFP sector and private owners of heritage places where market failure can most be observed.

7. The NFP sector is an effective and efficient group for delivering heritage conservation services to the community and, in future, could be used more by government to provide services to the community and owners of historic heritage places.

8. Funding should be provided through a variety of approaches, including tax/rate rebates, grants, market auctions and revolving funds.

11.2 ACNT recommendations

The ACNT believes that the Commission should acknowledge that market failure has occurred in the area of heritage conservation, especially with regard to the NFP sector, and therefore should:

1. seek to establish the value that 'heritage' has for the community, through the commissioning of a community survey as broad

ranging in scope as the *Power of Place*[49] study conducted by English Heritage in 2000

2. establish the community's preparedness to fund the conservation of its heritage through the commissioning of a consumer's 'willingness to pay' survey.

Further, the ACNT believes that the Commission should recommend that:

3. governments commit to completing the national heritage framework to provide seamless protection to heritage places nationwide

4. the Environment Protection and Heritage Council (EPHC) implement the agreed Integrated National Heritage Policy, incorporating best-practice elements from all jurisdictions and finalising all necessary intergovernmental agreements

5. governments recognise that owners of places identified as having heritage significance have a duty of care for such places, and government owners in particular must commit adequate resources to conserve places in their care

6. funding must be provided to address areas of market failure, and in particular for education, conservation, research and professional development

7. governments acknowledge that the NFP sector is an effective and efficient group for delivering heritage conservation services to the community and, in future, could be used more by government to provide services to the community and owners of historic heritage places

8. funding support should particularly be directed towards the NFP sector and private owners of heritage places where market failure can most be observed

9. allocation of funds should be on the basis of which activities can offer the greatest returns (in terms of key criteria established as part of the overall historic heritage policy framework) relative to the funds requested

10. there should be a variety of approaches to funding heritage conservation activities, including tax/rate rebates, grants, market auctions and revolving funds.

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[49] ibid.

The ACNT appreciates the opportunity to present this submission on behalf of its member organisations, and is willing to work with the Commission to develop further some of the key conclusions.

APPENDIXES

Appendix 1 National Trust data

Australian Council of National Trusts (ACNT)

Vision	A nation celebrating and conserving its cultural, Indigenous and natural heritage for present and future generations.
Purpose	Through advocacy, research and promotion support the National Trust movement in conserving Australia's heritage.
Structure	Company limited by guarantee
Members	The members of the ACNT are the eight state/territory Trusts
Date formed	1965
Key functions	• Represent the National Trust movement at a national and international level. • Provide a forum for information exchange for the National Trust movement. • Promote publicly the roles and achievement of the National Trust movement and support its aims and activities. • Position the National Trust as a peak body. • Monitor and assess government activities, to enhance the protective framework for the environment and heritage. • Liaise with government, political parties, bureaucracy and other organisations. • Foster community support for heritage conservation.
Structure	The ACNT is governed by an elected Board representing the member Trusts.
Staff	The ACNT has four full-time staff.

Current programs

- Prepare submission for the National Trust to the Productivity Commission Inquiry into Historic Heritage Places.
- Support Minter Ellison as they undertake their review of the National Trust.
- Provide National Trust views on key conservation issues, particularly to the Australian Building Code Board regarding their proposal to modify the Australian Building code to provide greater disabled access to all sites.
- Manage the Endangered Places Program on behalf of the National Trusts.
- Support educational programs and initiatives that extend the reach of Trust education—including the development of the Woodford Academy website, and sponsorship of History Challenge.
- Publish the International Property Guide for Trust members.
- Support the Heritage Outreach Officer in the EPBC Unit, and provide ongoing information to the Trusts concerning the development of the National Heritage System.

Funding

Under the Commonwealth Government Grant-in-Aid to National Trusts (GIANT) program, currently administered by the Department of the Environment and Heritage, each state and territory National Trust receives annual funding of $77 000 (GST inclusive), while the ACNT receives approximately $225 000 to fund advocacy and conservation work.

The national role of the ACNT is further supported by the state and territory Trusts through receipt of a membership levy, currently set at $3.65 per member.

National Trust of Australia (ACT)

Vision	To be an independent and expert community advocate for conservation of our cultural and natural heritage, based on a committed and active membership and strong financial base.
Purpose	To identify places and objects that are significant to our heritage, foster public appreciation of these places and objects, and advocate their conservation.
Structure	Company limited by guarantee
Members	2000 members
Date formed	15 December 1976
Key functions	• Undertake heritage assessment on ACT places funded by ACT government grants, which must be bid for annually. • Act as a community advocate for heritage conservation issues in the ACT. • Manage a retail shop at Old Parliament House selling Australian and National Trust goods, which fund many of the Trust activities not funded by grants. • Conduct successful tours and walks programs to local, interstate, national and international destinations. • The Trust takes a leading role in the ACT annual Heritage Festival, managing a number of key events.
Structure	The Trust is governed by an elected Council and has a number of committees—Heritage, Membership, Finance and Tours, and the Lanyon Homestead Acquisitions Committee.
Properties/ collections	The ACT Trust owns no properties but it owns the collection at Lanyon. Under an historic and complex arrangement, the ACT Government gives a proportion of entry monies from Lanyon to the Trust to recommend and buy furniture and other acquisitions for this ACT Government owned and managed homestead.
Registers	The National Trust holds a Register of Trust listed ACT places. The Register is available to the public.

Staff/volunteers	The Trust is managed by a small office staff of three part-time employees. One full-time employee manages the shop with the assistance of two regular casual staff and volunteers. Casual tour leaders are also employed to manage the tours program. Heritage consultants, mostly Trust committee volunteers, are employed on a consultancy basis to assist with project management with successful heritage grants The Trust is assisted in its duties by over 100 volunteers who include expert committee and council members, shop, office and tour volunteers, and volunteers at Lanyon homestead and other ACT Government historic places.

National Trust of Australia (NSW)

Vision	To live in a community in which we all understand and enjoy our heritage.
Mission	To be an independent, non-government community advocate, understanding and safeguarding our heritage today and tomorrow.
Structure	*National Trust of Australia (NSW) Act 1960*—No 10—repealed National Trust of Australia (NSW) Bill 1990
Members	27 500 members
Date formed	6 April 1945
Key functions	• Advocacy, conservation and interpretation, and membership support on a financially sustainable basis. • The Trust advocates for heritage conservation on behalf of Trust members and the public, and also raises awareness of broader planning issues, which will have an impact on the character, and settings of heritage places. • The Trust has an educational role of the broader community and also runs16 innovative school and public programs at eight properties. • The Trust supports its members through many events and activities and in turn is supported in its core activities by the many volunteer members. • To maintain a financially secure basis and sustainability the Trust also engages in many fundraising events, which serve the double purpose of raising the Trust's profile as a major partner in heritage conservation in NSW. The Trust also has an active Bushland Management Program, and runs a very successful Heritage festival program. The Trust monitors and lists heritage places throughout NSW as an independent audit of places of significance in NSW. • The Trust has also initiated its 'Living Treasures' program and has recently inaugurated to celebrate its Diamond Jubilee a 'Pillars of the Community' register to encourage and recognise public and private donors to the Trust.

Properties/ collections	The Trust owns 25 properties and manages another eight, including nature reserves. Twenty properties are open to the public.
Funding	The income from properties of $1 689 000 is comprised of 50% from rentals, 30% from entry fees, and 10% each from merchandise and functions and events at properties. $1 859 000 is expended on operating costs of properties and $310 000 on capital works, and is composed of 10% public programs and education, 20% maintenance, 50% staffing, 15% collection management and acquisitions and 5% merchandising.
Collections	22 000 items are held as collections. • 10% of collections are considered of national significance • 40% of state significance and the rest are locally significant • 80% of the collections are well presented • 30% well documented but 10% are in need of urgent repairs. Five collections are held without properties: • Bedervale collection • Brownes Stonemasonry Tools • Hebburn Steam Winding Engine • Lydham Hall collection • Tathra Wharf collection.
Staff/volunteers	The Trust employs 29 full-time and, 23 part-time employees at Head Office with another 22 persons employed at its properties, plus 80 casual bush-regenerators, with a staff to volunteer ration of 1:12. Volunteers are essential to the functions of the Trust, with over 2000 volunteers assisting with many functions especially at Properties and contributing 70 000 hours pa. 100 volunteers are on expert technical committees or the governing board, 1255 on other committees, 50 assisting at Head Office and 500 volunteering at properties.
Register	The NSW Trust has classified over 11 000 items covering built, natural and cultural heritage.

Branches

The NSW Trust has 19 branches throughout NSW

- Bathurst and District
- Berrima
- Blue Mountains
- Broken Hill
- Central West Women's
- Gulgong Mudgee Rylstone
- Hawkesbury
- Hunter
- Illawarra
- Inverell
- Lachlan
- Lithgow
- Macquarie
- Northern Rivers
- Orange and District
- Parramatta
- Riverina
- Tamworth
- Wentworth.

The National Trust of Australia (Northern Territory)

Objective	The National Trust is an independent, community-based organisation with a charter to promote the conservation and understanding of the Northern Territory's cultural heritage. This includes the natural, built and cultural environment.
Mission	To promote the preservation and awareness of the heritage of the Northern Territory.
Structure	Incorporated under an Act of Parliament in 1976, the National Trust is a member of the Australian Council of National Trusts (ACNT), a federation of Trusts from all States and Territories. A Council elected by the membership governs the Trust in the Northern Territory. The Council of twelve comprises five representatives of the Trust's Branches, the Branch Councillors, and seven General Councillors. The Council meets four times a year.
Date formed	1976
Members	The Trust has approximately 380 individuals listed in its membership database.
Key functions	• Manages and presents historic properties throughout the Northern Territory. • Opens its properties to the public to allow public interaction and encourage appreciation of the cultural and heritage values of the NT. • Assesses sites of cultural and natural significance and (lists them) for possible listing on the National Trust Register of Significant Places. • Provides detailed nominations to both the Register of the National Estate and the Northern Territory Heritage Register. • Maintains a database of historic sites and heritage places. • Provides advice to government and government agencies on matters pertaining to cultural and natural heritage in the Northern Territory. • Maintains reference libraries in Darwin and a local archive service in Tennant Creek. • Provides resources relating to the cultural and natural

heritage of the Northern Territory for researchers, students and other individuals seeking information.

- Undertakes projects under both the Cultural Heritage Projects Program and the Northern Territory Heritage Grants Program that provide for the research and documentation of sites, conservation works to heritage places and sites, and thematic studies relating to the heritage of the Northern Territory.
- Prepares and publishes materials relating to heritage matters and Trust properties.
- Manages consultancies relating to the conservation and presentation of the heritage of the Northern Territory to the public.
- Maintains small retail outlets offering a range of Territory specific and National Trust products to members and the public.
- Publishes a journal, *Territory in Trust*, twice a year to allow dissemination of information regarding the protection of heritage and cultural values and properties while promoting public and government participation in its work.
- Produces Trust eNews as a information service to its members.
- Organises the annual Heritage Festival activities throughout the Territory.
- Involves itself in the community through heritage awareness activities, field trips, guided tours, presentations, and social and community-oriented events.

Properties

The NT Trust owns eight properties, manages nine and of this number some eleven properties are open to the public.

These properties come under the direct control of the National Trust, which cares for them on behalf of the people of the Northern Territory. During the year conservation works have been undertaken at some sites.

Total income from sites during 2003–04 was to the order of $90 000, total expenditure on properties is in the vicinity of $102 000, which represents 88% of income/expenditure.

Collections

The NT National Trust has nine museums each of which

	has a collection.
	Five of these hold highly significant collections—Hartley St School, Pine Creek Repeater Station Museum Chinese Artifacts), Borroloola Police Station, Timber Creek Police Station and Tennant Creek Museum (local archive).
	Approximately 60–70% of the collection is documented.
	The entire collection is in need of long-term care with a good percentage in need of urgent conservation work.
Volunteers	The Trust has approximately 20 volunteers with a estimated number of hours being 1040 per annum.
Staff	One full-time, one part-time and one part-time casual with six casual museum attendants across the Territory.
Structure	The Trust has five regional branches.
	Two management committees.
Register	The register of the National Trust NT provides information on a wide number of interesting properties and locations across the territory.

The National Trust of Australia, Queensland

Vision	To be an organisation that will continue to seek to achieve a balance between the importance of the sense of continuity of society and that society's advancement, with this balance will come an enjoyment of our heritage.
Mission	To identify, preserve and promote Queensland's heritage.
Structure	The National Trust of Queensland was formed by a small community group in 1963 and constituted under an Act of Parliament the same year. The Trust is governed by a Council comprising both elected and appointed members, which is responsible for all aspects of the Trust's activities. The Council exercises its responsibilities through its Executive Director, small central staff, property managers and a network of branches and volunteers.
Date formed	1963
Members	8900
Key functions	The National Trust of Queensland is a community not-for-profit organisation that works to conserve Queensland's cultural and natural heritage. One of the National Trust of Queensland's more valuable roles to preserving our state's heritage is its ability to coordinate appeals for heritage conservation projects, offering contributors to fundraising, the ability to claim their donation as a tax deduction. Currently the Trust has some 20 such projects in hand. Following is a list of current projects/organisations with appeal programs for conservation projects: • Holy Trinity Church, Fortitude Valley • St Paul's, Spring Hill • St Paul's, Ipswich • St Paul's, Rockhampton • St Mary's, Ipswich • St Mary's, Kangaroo Point • St Andrew's, Vulture St South Brisbane • St Andrew's, Ann St Brisbane • St John's Cathedral, Brisbane • St Monica's Cathedral, Cairns • St Brigid's, Red Hill • Booval House Appeal

- Beaufort Bomber Appeal
- Cressbrook Station
- Graceville Uniting Church
- Sacred Heart Church, Townsville
- St James' Cathedral, Townsville
- Brisbane Polo Club
- Church of the Good Shepherd, Brookfield
- Moreton Club, New Farm
- All Saints, Wickham Terrace
- St Thomas', Toowoong.

Properties

The Qld Trust owns eleven properties, manages thirteen and of this number some eleven properties are open to the public.

Total visitation etc from sites during 2003–04 generated income to the order of $230 000, total expenditure on properties is in the vicinity of $450 000 (excluding Currumbin Wildlife Sanctuary).

Below is a list of National Trust of Queensland properties, which are open to members and visitors.

- Currumbin Wildlife Sanctuary, Gold Coast
- Wolston House, Wacol
- The Royal Bull's Head Inn, Drayton (Toowoomba)
- Brennan and Geraghtys Store, Maryborough
- National Trust Heritage Centre, Townsville
- Zara Clark Museum, Charters Towers
- Stock Exchange Arcade, Charters Towers
- Tent House, Mount Isa
- Hou Wang Chinese Temple and Museum, Atherton
- James Cook Museum, Cooktown site
- Powder Magazine, Cooktown.

Collections

The Trust has received collections as donations over the years, the estimated value of these holdings is $280 000.

Of the total held collections, approximately eighty per cent is in good condition and well-conserved order; the remaining twenty per cent is in need of urgent or long-term care.

Volunteers	The Trust has approximately three hundred and fifty volunteers (this includes approximately 120 at Currumbin Wildlife Sanctuary), many of who contribute to day-to-day management of properties. Others form advisory and technical committees or assist with heritage services. Volunteers are an essential and valued resource, but are managed by a professional staff.
Staff	The Qld National Trust employs twenty-four staff state-wide that is the equivalent of eight full-time staff.
Structure	The Trust has six regional branches.
Register	The Trust identifies and classifies places and objects of heritage significance and keeps files on the documentation, assessments, outcomes, plans and maps for each identified place.

The National Trust of South Australia

Vision	That the lives of present and future South Australians will be enriched by the conservation of our natural and cultural heritage.
Mission	It is our mission to be an independent membership organisation, committed to the conservation of Natural and Cultural Heritage.
Objectives	Lobbies to conserve and preserve our State's heritage. Lists movable heritage items. Works in strategic partnership with local, state and federal government on heritage based tourism and community facilities. Produces discussion papers and policies on heritage conservation matters.
Structure	The National Trust of South Australia was established by an Act of Parliament in 1955. Forty-seven branches, four being in the city and some forty-three country branches.
Date formed	1955
Members	6000 members
Key functions	Managing heritage buildings and nature reserves including over sixty museums and folk history collections. Devising and disseminating policies on a range of heritage issues and lobbying for improved protection of our heritage. Providing awareness raising programs in the broader community on cultural and natural heritage matters.
Properties	The SA Trust owns 62 properties, it also manages 52 state and local government properties (included in this figure is 28 nature reserves). Total visitation etc from sites during 2003–04 generated income in the order of $330 000.

Collections	The SA National Trust holds collections to the value of $4 610 638 (insured value): • significant—95% • well documented—60% • urgent care—10% • long term—all long term.
Volunteers	The Trust has approximately 1000 volunteers.
Staff	The Trust has the equivalent of 6.5 full-time staff.

The National Trust of Australia (Tasmania)

Mission	Promoting or ensuring the preservation and maintenance for the public benefit, places and objects of beauty, or having an historical, scientific, artistic or architectural interest. Encouraging and promoting among the public knowledge of and interest in and respect for those places and objects. Education—to promote the values of Australia's heritage to the community as a whole through use of National Trust Tasmanian heritage sites to indicate the best principles for conservation, collection management and garden management and conservation.
Objective	Conserving Australia's heritage for future generations.
Structure	As of 29 December 2004 the National Trust of Australia (Tasmania) was placed into Administration, an Administrator was appointed by the Minister for Tourism, Parks and Heritage.
Date formed	1960
Members	1417
Key functions	• The organisation opens to the public eight heritage places in Tasmania. • Property management—using the National Trust portfolio of heritage properties as both a tourism asset for the state of Tasmania, and as a tool to educate the community on the principles of conservation, collection management. • Education—the organisation educates the community on the values of Tasmania's heritage, its conservation practices using the properties as the example. It educates the community on collections and object management. • The community on the conservation and management of heritage gardens. • To put in place training programs for the community. • Advocacy—on matters pertaining to heritage conservation with relevance to development applications and listing.

Properties	North • Clarendon, near Evandale • Franklin House, Franklin Village, Launceston • Old Umbrella Shop, Launceston • White House, Westbury South • Battery Point Walks, Hobart • Penitentiary Chapel and Criminal Courts, Hobart • Runnymede, Hobart • Oak Lodge, Richmond North West • Home Hill, Devonport
Collections	Collections, especially the unique collections of colonial Tasmanian and English furniture are a considerable asset of the National Trust in Tasmania and appraised by visitors from interstate and National Trust members. Home Hill site—specific collection of the Lyons family.
Volunteers	The Trust has approximately 1000 volunteers giving approximately 58 210 hours per annum.
Staff	The Trust has three permanent full-time staff, five permanent part-time staff and four casual staff.
Trust register	Tasmania holds the most quantity of heritage sites worthy of registration for classification and heritage protection.

The National Trust of Australia (Victoria)

Mission	The mission of the National Trust of Australia (Victoria) is to inspire Australians to conserve our heritage.
Vision	The Trust's vision for Australia's wonderful historic places is to create a 'journey of discovery' across Australia featuring vibrant historic houses and flourishing gardens with the objective of inspiring new generations of Australians to understand, appreciate and respect our heritage.
Structure	The National Trust of Australia (Victoria) is a not-for-profit membership organisation. In its near 50 years since incorporation as a company limited by guarantee, the Trust has been the major influence on conserving the Victoria's heritage. Through its life, the Trust has classified thousands of significant places across the state, accumulating an extensive bank of knowledge in the process. It has acquired more than 70 heritage buildings and places for their protection many of which it continues to manage, providing Victorians with a unique insight into their proud history. The Chief Executive Officer reports to a board, comprising 12 elected and three appointed Directors. The number of elected Directors is expected to reduce by three in July 2005 following the passing of a replacement Constitution. The Trust has 14 branches, which together cover approximately one quarter of the Victoria geographically. The Trust is the largest community based heritage organisation in the state with a large and committed membership and supporter base. It is the major operator of house museums and historic properties open to the public, It is independent of Government except that it works collaboratively with Government, local councils, business and local communities to strengthen heritage protection, increase community involvement in heritage conservation and arrest creeping destruction of heritage. Except for specific grants for conservation projects, the State Government contributes only $233 000 annually to the Trust for which the Trust manages nine state-owned properties.
Date formed	1956
Members	13 000 memberships (or approximately 20 000 members).

Key functions	The work of the National Trust is divided into four main areas: constructive engagement, problem solving, facilities and project management and purposeful networking. Learning is at the heart of everything the Trust does.
Properties	The Trust in Victoria manages 40 properties in the state, of which it owns 32 and has Committee of Management responsibilities for a further eight on Crown land. There are 25 properties that are regularly open to the public, and 15 that are rented out or that do not have public access.

Collections	33 000 items (mostly catalogued)
	
	The total value of collection items approximately $10 million. These include:
	
	• a significant collection of Australian art including:
	  - Latrobe Water Colours (housed at the State Library of Victoria)
	  - Hoddle Water Colours (ditto)
	  - Sir Daryl Lindsay paintings at Mulberry Hill
	  - 'The Great Lake, Tasmania' by Eugene von Guerard
	• provenanced furniture and other items associated with the majority of Trust open properties
	• Costume Collection
	• E. G. Robertson Cast Iron Collection
	• Caine Tool Collection
	• Carriage Collection
	• Ned Kelly Gun.

Volunteers	The Trust has approximately 1400 volunteers.
Staff	The Trust has 66 equivalent full-time staff.
Register	The National Trust of Australia (Victoria) has classified approximately 6000 places of cultural or natural heritage significance that are considered worthy of preservation, including buildings, public art, industrial sites, historic areas and precincts, cemeteries, landscapes, historic gardens, trees and urban parklands. The Trust also holds files on a further 2000 places of heritage value to Victoria.

The National Trust of Australia (WA)

Vision	The National Trust of Australia (WA) will be the pre-eminent independent community body promoting the conservation and interpretation of Western Australia's unique heritage and educating the community about the use of cultural and heritage (built, natural and Indigenous) for the long-term social, economic and environmental benefit of the community
Mission	The National Trust of Australia (WA) will conserve and interpret Western Australia's heritage
Objectives	• The identification of places and things of national and local importance: in particular, our natural flora and fauna and historic buildings, monuments and objects. • The education of the public in the existence of these places and things. • The stimulation of interest, appreciation and enjoyment in the work of identification, assessment, restoration and conservation.
Constitution	A statutory authority under the *National Trust of Australia (WA) Act(1964–70* responsible to the Parliament of Western Australia.
Date formed	1959
Members	3000 memberships (5500 members)
Key functions	• Heritage identification, classifications and documentation. • Holistic management of heritage places incorporating Business, Conservation and Interpretation Plans into an overall Management Plan. • Public tax deductible appeals for heritage places. • Nature conservation on private land through the Covenanting and BushBank programs utilising incentives, revolving funds and appeals. • Heritage education and awareness including an active schools education program at heritage places, and lifelong learning initiatives to raise awareness of heritage issues in the community.

Properties	The WA Trust manages on behalf of the community 44 heritage places, some of which are multiple properties. Except where closed for conservation purposes (currently two) or leased as private accommodation (currently three) all National Trust heritage places have a degree of public access. A significant number of Trust properties are managed through partnering agreements with local government authorities. The others are managed on a day-to-day basis by locally employed wardens under the guidance of professional Trust staff. Total paid visitation from sites that record visitors was 35 000 during 2003–04 generating an income in the order of $250 000. Public access for the purposes of special events, functions, catering or promotional purposes exceeded 100 000. All Trust properties at the end of 2003–04 had Conservation Plans, 30% have Interpretation Plans and 53% Business Plans.
Collections	The Trust has received collections as donations over the years. In 1998 a collection policy was formulated to ensure that all new objects served a purpose and enhanced property interpretation or were of significance. An assessment of the collections is currently being undertaken to ensure that the collections will be managed and conserved appropriately and meet the criteria of the collections.
Volunteers	The Trust has 500 active volunteers, many of who assist with the to day-to-day presentation of heritage places. Others form advisory and technical committees or assist with heritage services. Volunteers are an essential and valued resource, but are managed by a professional staff. The Trust also participates in work-for-the-dole schemes.
Staff	24 staff members are employed in the areas of property and collection management, advocacy, education, community liaison, membership and heritage services. Consultants and other staff are also employed on casual basis as heritage conservation practitioners
Structure	Although covering a large area, the Trust has no regional branches. Regional activities for members are coordinated through National Trust heritage paces.

Register	The Trust identifies and classifies places and objects of heritage significance and keeps files on the documentation, assessments, outcomes, plans and maps for each identified place. As at 30 June 2004, the National Trust has 8509 files on heritage places and had classified 1813 places, the register of classified places representing 21% of all places documented. The National Trust documentation of heritage places constitutes a valued research resource for commercial, educational and community users.

History of the National Trust in Australia

Table 1 History of the National Trust in Australia—significant dates

Date	National Trust event	Related events
1879		Royal National Park NSW established—world's second national park
1895		World's first National Trust established in England, Wales and Northern Ireland [NT UK], modelled on USA's Trustees of Reservations of Massachusetts (1891)
1930		National Parks Association formed in Qld—first in Australia
1931		National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated
1945	National Trust of Australia (New South Wales) formed [NTNSW] third NT in the world after England and Scotland; first NT preservation fight (Macquarie St buildings, Sydney)	Scenery Preservation Board, Tasmania began preservation of Port Arthur and Richmond convict buildings: first major action by government in Australia
1947	Public launch of NTNSW	National Trust for Historic Preservation (USA) formed
1955	National Trust of South Australia formed [NTSA] under National Trust of South Australia Act	Native and Historical Objects and Areas Preservation Act (Commonwealth, for Northern Territory)
1957	Roachdale Reserve, Mt Lofty Ranges, first property donated to NTSA Tenterfield School of Arts occupied by NTNSW First attempt to establish NT in (sthn) Tas failed (started in 1946)	
1956	National Trust of Australia (Victoria) formed [NTV]	
1959	National Trust of Australia (Western Australia) formed [NTWA] NTV purchased Como House, its first property	WA Government provided for an annual grant to NTWA

Date	National Trust event	Related events
1960	National Trust of Australia (Tasmania) formed [NT Tas] in Launceston NTNSW incorporated by Act of NSW Parliament	
1961	NTNSW submitted first recommendations for Aboriginal relics legislation to government Opening of Franklin House, Launceston by NT Tas: purchase and restoration the stimulus for successfully establishing NT in Tas	
1962	Clarendon, via Evandale, one Australia's great Georgian houses, given to NT Tas	State government resolved that NT Tas would be the body it consulted on matters of historic preservation
1963	National Trust of Queensland formed [NTQ] under NTQ Act NTNSW and others sponsored formation of Berrima Village Trust and held first church appeal to restore St Matthew's Church (Windsor) Old Farm Strawberry Hill, Albany was first property vested in NTWA NTSA bought paddle steamer Marion: restored by Mannum Branch	
1964	National Trust of Australia (WA) Act NTV and Royal Australian Institute of Architects [RAIA] campaign saved Capitol Theatre (Melbourne), first 20th Century building classified by a NT NTQ acquired first property, Wolston House, Wacol (opened 1969)	International Congress of Architects and Technicians developed Venice Charter: set out key principles for conservation of buildings (later adopted by ICOMOS)
1965	National Trusts formed a national coordinating body, the Australian Council of National Trusts [ACNT] Sydney-based, NTNSW supported (Mid 60s) Reciprocal rights established between ACNT and NT UK gave members free access to NT properties in each country NT Trust established NT Preservation Fund to buy classified buildings facing demolition NTV classified Maldon as a 'notable town' (first such NT classification)	International Council on Monuments and Sites (ICOMOS) founded at a meeting at Warsaw Australian Conservation Foundation (nature conservation organisation) established in Melbourne SA first state to legislate for protection of Aboriginal sites
1966	Commonwealth government agreed on $5000 pa administration grant to ACNT	National Parks Act SA
1967	ACNT and Australian National University arranged first national seminar on historic preservation in Australia, Canberra; NTSA joined ACNT, making it fully representative of all six state National Trusts NTNSW published first Register; Old Government House occupied	Japan National Trust formed: involved in survey, conservation and public relations Aboriginal and Historic Relics Preservation Act, 1965 SA proclaimed: Koonalda Cave first prohibited area proclaimed under Act; first Aboriginal site in Australia so prohibited National Parks & Wildlife Act NSW

Date	National Trust event	Related events
1968	To save historical buildings, NTV bought/became managers of Castlemaine Market, Ebenezer Mission Station, Bendigo Joss House, 'Lorení House', Black Springs Bakery at Beechworth and the ship *Polly Woodside*; also helping to save Lal Lal Blast Furnace and Bulla's Bluestone Bridge	
1969	ACNT drafted heritage legislation for NTs to seek enacted in each state; and compiled a List of Buildings of National Importance	First Historic Reserve proclaimed (SA Act): Paxton Square cottages Burra
1970	Commonwealth rejected ACNT request to fund a Captain Cook bicentenary foundation to preserve nationally important buildings Convent restored, opened as NTQ James Cook Historical Museum	National Parks & Wildlife Act Tas. Scenery Preservation Board replaced by National Parks Service: could preserve land and historical buildings
1971	NTNSW and seven other large conservation organisations conducted major public campaign for state government to establish first coastal national park in NSW beyond Sydney region at Myall Lakes and to stop beach mining (National Park gazetted in 1977; mining terminated in 1982) In its long-running efforts to save the historic town of Beechworth NTV bought several places, including (in 1971) Old Star Hotel	First Commonwealth Environment Department established Public concern for heritage aroused in SA by demolition of SA Hotel and successful campaign to save ANZ Bank (Edmund Wright House) Environmental Protection Act, Vic and WA Trades Hall Council Vic temporarily banned labour on Port Phillip Bay pipeline: might damage ecology; Builders Labourers Federation (BLF) coined term 'green bans' for withholding labour from project threatening natural and historical places that aroused public opposition
1972	Commonwealth government gave $50 000 capital grant to ACNT for use by National Trusts on a national basis (in addition to annual administration grant to ACNT)	Convention (on?) the Protection of the World Cultural and Natural Heritage (World Heritage Convention): required signatories to conserve heritage and submit properties for a World Heritage List Archaeological and Aboriginal Relics Preservation Act (Vic); Aboriginal Heritage Act (WA)
1973	National Trusts adopted new Australia-wide system of two-tier classification NTV campaign saved Melbourne's Commercial Bank chamber Government plans to demolish the Rocks, Sydney (Australia's oldest urban area) opposed by NTNSW, Resident Action Group and BLF NTWA began acquiring and restoring buildings in Greenough Hamlet, its largest project, with NEGP support	NT largely responsible for Commonwealth setting up a National Estate Committee of Inquiry (Hope Inquiry): Commonwealth's National Estate Grants Program [NEGP] started Maritime Archaeology Act WA:first of its kind in Australia RAIA started a Twentieth Century Buildings of Significance List

Date	National Trust event	Related events
1974	NTs assistance to and grants from NEGP commenced; full-time ACNT Secretary appointed Rippon Lea acquired by NTV (after long heritage battle); Historic Buildings Council adopted as first Register NTV classified buildings	Hope Inquiry recommended Commonwealth action on heritage; World Heritage Convention ratified; Australian Environmental Protection (Impact of Proposals) Act Committee of Inquiry into Museums and National collections (Piggott Inquiry) established Establishment of the National Estate Grants Program Historic Buildings Act Vic. NTV chairman was first chair
1975	Commonwealth's new Register of the National Estate was initially based mainly on the NT Registers National Trust of Australia (Tasmania) Act Completion of conservation of Charters Towers Stock Exchange, owned by NTQ, first major conservation project undertaken in Qld (Charters Towers was first NTQ branch formed, in 1972, to save the building)	Australian Heritage Commission (AHC) Act—modelled on USA's National Historic Preservation Act Section 30 required that Commonwealth agencies avoid damaging National Estate places. AHC established to create Register of the National Estate (RNE): inventory of natural and cultural places with aesthetic, historic, scientific, or social significance or other special value Australian Heritage Commission (AHC) formed—David Yenken Chair, Max Bourke Director Commonwealth National Parks Service established (National Parks & Wildlife Conservation Act) and also in Vic (National Parks Act), Qld (National Parks & Wildlife Act) Aboriginal Relics Act (Tas)
1976	National Trust of Australia (ACT) (NTACT) formed National Trust of Australia (Northern Territory) formed NTV played a leading part in Collins Street defence in Melbourne NTWA implemented declaration of York as an Historic Town NTNSW adopted Bradley Method of Bush Regeneration on its properties (removing weeds to allow natural regeneration)	International Charter for Cultural Tourism AHC started RNE; Historic Shipwrecks Act: protected designated shipwrecks in coastal waters, applied state by state upon agreement with Commonwealth Australia ICOMOS established (Australian National Committee of International Council on Monuments and Sites)
1977		Heritage Act NSW Greenpeace international group formed Australian branch
1978	NTNSW opened SH Ervin Museum andArt Gallery at NT headquarters, Observatory Hill, Sydney	SA Heritage Act (Aboriginal & Historic Relics Act also retained) Environmental Law Section of Law Institute of Vic founded: first in Australia

Date	National Trust event	Related events
1979	NTV moved its headquarters into Tasma Terrace (Melbourne), saved in one of the Trust's biggest preservation battles Concerned that another Canberra town centre was to be built beside Murrumbidgee River, NTACT conducted a study of the nationally important area (with NEGP grant) NTQ opposed demolition of Bellevue Hotel (Brisbane): destruction drew wide criticism and promoted heritage interest in Qld	Australia ICOMOS adopted a Charter for the Conservation of Places of Cultural Significance (Burra Charter) at Burra, SA (code of professional practice for conserving historical sites) Environmental Planning & Assessment Act (NSW) Australia's first submissions for World Heritage inscription—Great Barrier Reef and Kakadu
1980	Heritage Week initiated by NTV: ACNT agreed to consider an annual national heritage week celebrated in each state/territory on the same dates	International Union for the Conservation of Nature and Natural Resources (IUCN) launched a world conservation strategy NSW Historic Houses Act: state trust to administer house museums Conservation Commission Act (N Territory) Australia's first national conservation strategy proclaimed by Commonwealth—for natural environment only
1981	ACNT moved secretariat to Canberra in response to Commonwealth government's encouragement to national bodies to move to there With ACNT support Heritage Week became fully national. Held by all National Trusts, Australia's largest community heritage event	SA History Trust Act: state authority established to promote historical research and care for objects; Historic Buildings Act Vic
1982	NTV led campaign to save Olderfleet, Rialto Buildings and King Street buildings in central Melbourne	International Florence Charter for Historic Gardens
1983	ACNT hosted third International NT Conference in Sydney; ACNT supported defence of the Franklin River and gave evidence to Senate Committee on South West Tas	Australian World Heritage Properties Conservation Act. It was defended by Commonwealth in High Court to prevent Tasmania from constructing a dam in Franklin River, a World Heritage area AHC established Australian Heritage Research Program to fund major national surveys and projects
1984	NT (N Territory) led successful campaign against government plan to demolish Myilly Point (Darwin) houses for new casino	Australian Aboriginal and Torres Strait Islander Heritage Protection Act
1986	New national symbol (gum leaves) adopted by ACNT and all NTs; Jones Lang Wootton sponsored ACNT Australian Heritage Award (five year sponsorship): first award to No. 1 Collins St, Melbourne (Olderfleet Buildings) Restoration of Adelaide River Railway Station, saved by local NT members, was completed for NT (Northern Territory)	Australian Protection of Moveable Cultural Property Act
1987	NTQ successfully lobbied government to retain three historic buildings on Brisbane's World Exposition site	Cultural Record (Landscapes Qld and Qld Estate) Act; Wilderness Act NSW Burra Charter revised
1988	ACNT Bicentennial program: Amatil gave $1.6 m, Commonwealth Bank $0.5(?) m for nationally significant NT buildings	Bicentennial: nationwide commemoration of bicentenary of British settlement in Australia with many heritage projects funded

Date	National Trust event	Related events
1989	NTSA ceased Register (only NT to do so) due to new state Register; Millicent and Naracoorte museums fully accredited by History Trust NTQ published political party platforms on heritage before elections	Aboriginal Sacred Sites (N Territory) Act Qld Government established Qld Heritage Fund
1990	ACNT organised Regional Conference of National Trusts in Darwin; first ACNT National Heritage Photographic Contest Reciprocal rights established between ACNT and seven overseas trusts, including in Malaysia, Barbados, Fiji and the Netherlands	Heritage of WA Act; Heritage Buildings Protection Act Qld
1991		Land (Planning & Environment) and Heritage Objects Acts (ACT) Heritage Conservation Act (N Territory)
1992	Darwin CBD heritage study undertaken for NT (N Territory) NTSA produced East End Market Concept (Adelaide): balanced development & conservation and later implemented by developers	Queensland Heritage Act Intergovernmental agreement on the environment
1993		Native Title Act Heritage Act (SA)
1994	Strong lobbying by National Trust helped gain Australian taxation incentives for privately-owned heritage-listed properties NTV led campaign to save Melbourne's W-Class trams	Taxation Inc Tax Incentives for Heritage Conservation (TIHC) Program introduced by Commonwealth Government
1995		Cultural Heritage Bill (Tas) New Heritage Act (Vic)
1996	(1995, 96) ACNT assisted Cape Town Heritage Trust in establishing a National Trust in South Africa; NTs, ACF, Local Government Association formed a national coalition for undergrounding of cables NTWA received funding from Lottery Commission Heritage Grants; NTWA support helped to save Council House, Perth	11 Australian World Heritage areas now listed; 11 000 RNE places; Indigenous and historic places now protected under state and Commonwealth Acts but not all heritage objects Commonwealth established Natural Heritage Trust Fund (funds from partial sale of Telstra) Abolished state/territory component of NEGP Committee of Review (Schofield Report) on Commonwealth heritage properties First meeting of the Council of Australian Governments (COAG) First State of the Environment (SoE) report issued, with cultural heritage as one of seven key themes to be reported on Australian Natural Heritage Charter published by the Australian committee for IUCN Report of the Evatt Review of the Aboriginal and Torres strait Islander Heritage Protection Act

Date	National Trust event	Related events
1997	Conference of Australian National Trusts held in Brisbane	Historic Cultural Heritage Act, 1995 (Tas) proclaimed Committee of Review of Commonwealth Owned Heritage Places (Schofield Report) recommends Commonwealth agencies be required to assess and conserve heritage places in their care National Cultural Heritage Forum (NCHF) established to advise the Ministers for Environment and Heritage, and the Arts AHC discussion paper *Australia's National Heritage – Options for Identifying Places of National Heritage Significance* issued COAG heads of Agreement on Commonwealth/State responsibilities for the Environment
1998	State NTs gained $18.03 m in Federation Funds for heritage restoration, interpretation, including for NTWA's 'Golden Pipeline' ACNT launched first Endangered Places List of heritage places under threat (annual) and website	Commonwealth provided $70.4 m Federation Fund for culture and heritage projects First National Heritage Convention (HERCON), organised by AHC, held in Canberra as part of National Heritage Places Strategy adopts Draft Principles for Australian Heritage Places Aboriginal and Torres Strait Islander Heritage Protection Bill introduced
1999	NTV completed reports for review of all Vic planning schemes. Its recommendations to include classified places in overlays were accepted by most councils across Vic: first protection for many places NTWA hosted first State Heritage Convention, Perth	*Burra Charter* revised by Australia ICOMOS, including greater emphasis on social value Tax incentives scheme and NEGP abolished by Commonwealth Government and replaced by Cultural Heritage Projects Program (CHPP) Release of the Commonwealth consultation paper *A National Strategy for Australia's Heritage Places*
2000	ACNT organised 9th International NT Conference, Alice Springs; led campaign to amend new Commonwealth legislation	EPBC Act commenced Commonwealth introduced first 'heritage' bills—to replace AHC Act, including replacement of RNE with a National List and a list of Commonwealth heritage places Release of the report by the Built Heritage Conservation Resources Working Party *Heritage: the Cinderella of Cultural Funding*, which recommended increased funding across all governments for built heritage
2001	ACNT issues the *Cinderella Revisited* report challenging government to implement recommendations from the Commonwealth report of 2000	Centenary of Federation celebrated Second SoE Report issued Senate Inquiry and report on the 'heritage' bills Senate Inquiry and report on the disposal of defence properties
2002	ACNT *Aboriginal and Torres Strait Islander Heritage Policy* released	Second set of Heritage Bills introduced

Date	National Trust event	Related events
2003	Regional Cultural Alliance formed (ACNT with the Federation of Australian Historical Societies, the Australian Library and Information Association, Museums Australia and Regional Arts Australia)	Heritage Bills—amendments to the EPBC Act passed through Parliament 18 Dec—launch of the Distinctively Australian Program by the Prime Minister
2004	Victorian Trust agrees to purchase Robin Boyd's own home and establish it as a Centre for Research and Scholarship in Design, Architecture and the Built Environment NSW Trust issues CD-ROM of journals and technical bulletins ACNT and the Australian Wind Energy Association commence Stage One of their Wind Farms and Landscape Values Project	1 Jan—commencement of the new national heritage system Establishment of the National Heritage List and the Commonweath Heritage List NCHF develops their Vision for Australia's Cultural Heritage
2005	Trusts commission Minter Ellison to review the structure of the National Trust	Productivity Commission Inquiry into Australia's Historic Heritage Places

Source: written by Susan Marsden 2000, revised by Marie Wood 2005. Based on information from ACNT archives, including Board Minutes 1965 to 2001; ACNT and other NT books (see below), newsletters, magazines and reports; ACNT 'The National Trusts of Australia', Year Book Australia 1991, AGPS Canberra 1991; information provided by NT for Scotland and NT UK (2000); G Davison & C McConville, *A Heritage Handbook*, Allen & Unwin, Sydney 1991; B Fraser (ed.), *Macquarie Book of Events*, Macquarie NSW 1983; JF Ley, *Australia's Protection of Movable Cultural Heritage*, AGPS, Canberra, 1991; M Pearson & S Sullivan, *Looking After Heritage Places*, MUP, Vic, 1995; B Samuels 'The history of Heritage South Australia and its predecessors;a chronology' Draft, Heritage SA, June 2000; and David Young (Australia ICOMOS), Christine Debono and Eve Levanat (ACNT), Julie Blyth (NTNSW) and Jinx Miles (NTQ).

Australian Council of National Trusts chairs and secretaries/executive officers

First meeting (Canberra, 27 Feb 1965)

ACNT Chairs

Hon Mr Justice John McClemens 1965 to 1969

Sir John Moore 1969 to 1978

VH Parkinson 1978 to 1982

Rodney Davidson 1982 to 1991

Kevin Newman 1991 to 1995

RW (Bob) Piper 1995 to 1997

Mrs Dianne Weidner 1997 to 2001

Simon Moleworth AM, QC 2001 to present

ACNT Secretaries/Executive Officers

Reg N Walker (1965 to 1981) app F/T 1974

Ian A Higgins 1981 to 1987

Helen Halliday 1987 to 1990

Duncan Marshall 1990 to 1992

A/g Fiona Peachey 1992 to 1993

EO Alan Graham 1993 to 2005

Selected National Trust publications

The ACNT website (www.nationaltrust.org.au) is the gateway to all National trust websites.

Note: If the author/publisher is usually stated as 'National Trust of Australia' the specific state or territory trust is given instead, as below. For reasons of space the list excludes the many NT reports, histories of individual places, technical bulletins and magazines. (A substantial publication was the journal *Heritage Australia*, published twice yearly by the ACNT, 1982 to 1991, and under the same title as part of *The View* in 1995 to 1996.)

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Appendix 2 National Trust case studies

National Trust of Queensland: James Cook Museum, Cooktown

Description

James Cook Museum (the property) is a two-storey brick building. It was erected by the Sisters of Mercy as Saint Mary's Convent in 1889. It was a most prominent building in Cooktown, up on a rise overlooking a wonderful western view.

The Trust achieved a major Bicentennial grant of $2.3 million in 1998–99. The property was expanded with a new section at the rear specifically for housing the *Endeavour* anchor and cannon, both on loan from the National Museum. This funding also saw major conservation of the collection.

Significance

James Cook Museum is on the Queensland Heritage Register and the Register of the National Estate. It demonstrates historic significance through its origins with the Sisters of Mercy. It was the only place in north Queensland that provided secondary education for girls. The building was used by American soldiers during World War II and then as the Cooktown Museum, displaying a large collection of artifacts including telling the story of James Cook and the *Endeavour*.

The Sisters evacuated to Herberton in early 1942, and never returned. The building gradually declined into a derelict state, and was to be demolished by the Catholic Church in the 1960s. The new National Trust of Queensland became involved at the request of the people of Cooktown and Sir Raphael Cilento called a public meeting. There had been a Cooktown Museum for some time but the collection had grown beyond an ability to house it—a new museum was required. The Church then gave the building to the Trust in 1969. Work went ahead quickly to meet a target of opening the building in the bicentenary of Cook's time in Cooktown in 1770. This was achieved with Her Majesty Queen Elizabeth opening the property as a museum in April 1970.

Key dates

- Acquired at no cost by NTQ in 1969.
- Initial stabilisation through donations, which matched a $6000 grant from the Queensland Government.

- Opened as a museum in 1970.
- Major upgrading from1999 to 2000.

Statistics

Capital expenditure

Early expenditure not readily available

1994–95 NEGP Stairs repair	6 376
1995–96 Museum grant Cook Gallery display	8 900
1997–98 Qld Community History—booklet	2 240
1997–98 Qld Heritage Grant—fire safety	7 500
1998–99 Gaming Community Fund—computer	6 376
1999 Commonwealth Federation grant	$2.3 million

Operating expenditure

It is not possible to ascertain a clear figure on this for the main reason that Head Office salaries have never been apportioned in regard to the operation of properties.

Annual figures

JCM has consistently run at a profit.

1985–86	6 903
1986–87	15 885
1987–88	44 879
1988–89	14 163
1989–90	24 532
1990–91	52 732
1991–92	25 068
1992–93	29 752
1993–94	35 297
1994–95	57 769
1995–96	34 274
1996–97	61 243
1997–98	56 538
1998–99	47 392
1999–00	28 805
2000–01	5 199
2001–02	1 065
2002–03	51 700
2003–04	29 843

The museum was closed for parts of the 2000–01 and 2001–02 years because of the major addition being built on the rear.

The property provided a residence for staff (a married couple) for many years. This adjacent building in now a resource centre.

Annual visitation

Visitation to the property has always been higher than other NTQ properties. Major factors for this include the fact that the museum tells a 'national story' that is well-known. JCM has a reputation that is often remarked upon by visitors.

There is also considerable tourist travel to Cape York Peninsula, it having increased since 4WD vehicles became fashionable. Driving to the northern tip of the country remains popular. There are also regular day boat trips from Port Douglas, and recently cruise ships have commenced a day stop in Cooktown.

The road from Mareeba to Cooktown was notoriously bad. It has been gradually upgraded with bitumen for four years and at the end of the 2006 dry season will be sealed all the way.

Since the major upgrade, annual visitation has increased from approximately 17 000 to 25 500. The figures can still be somewhat erratic as there are always elements that can impact on tourism in the tropics—late wet seasons, cost of fuel etc.

Employment and volunteers

There is a full-time manager and casual staff. The latter is pushing salary costs up, and a second full-time job as a job share is being considered as a better expenditure of funds.

There are no volunteers for the museum. Cooktown has a small population (averaging 1400) with a number of people being transient. Thus it is difficult to attract volunteers and efforts to do so have not been successful.

Impact

JCM is a key element of tourism in Cooktown. It has the highest visitation of any destination in the town, and is most likely contributing to a flow-on effect for the town and the region.

Opportunities

JCM has had a major upgrade with the $2.3 million Federation grant and no further upgrades are planned for the short term. However, it should be noted that the level of funding required to conserve the collection and provide best-practice interpretation is indicative of the 'hidden liabilities' that the property carried for many years—even though it made a profit.

Conclusion

JCM has, in many ways, always been a successful National Trust property. There had been much criticism in Cooktown that NTQ was milking the profits to support other properties and not putting enough back into the property. The upgrade has seen a stronger working relationship with the Shire Council and the community generally.

National Trust of Queensland: Wolston House, Wacol

Wolston House, Wacol. (Wacol is a far western suburb of Brisbane)

Description

Wolston House (the property) is a long, low set stone and brick farm house, located on the edge of the Brisbane River at Wacol. It was commenced in 1852 as part of the settlement pattern along the Brisbane River in the post-convict era.

Its oldest section is brick, commenced by a prominent colonial bureaucrat. It was sold in 1860 and developed by the one family for 46 years as a dairy farm. During that time the house was developed with stone sections on either side of the central brick section. A children's wing was also built at the rear. A second long-term family held the property then until the 1960s when it was re-sold for a short time before being bought by the Queensland Government as part of an agricultural field station.

The National Trust of Queensland (NTQ) was formed in 1963. It lobbied the government about the significance of Wolston House, resulting in a section of the field station being excised and the property given to NTQ. Wolston was NTQ's first building.

Much of the early work at the property was undertaken through donations. NTQ's President at the time was Sir Raphael Cilento who took a personal interest in the property and influenced many others to do so. The house was in poor condition, and some of the early works such as the demolition of the children's wing, were done without the benefit of a *Burra Charter*.

Significance

Wolston House is on the Queensland Heritage Register and the Register of the National Estate. It is the only remaining example of an early farm house that demonstrates the 640-acre development pattern along the Brisbane River in the 1850s.

The property not only satisfies the accepted criteria for assessment of significance, but also has a strong 'existence value' for the people of Brisbane. School visits have been encouraged for three decades and many people in Brisbane have strong associations with the property.

Key dates

- Acquired at no cost by NTQ in 1965.
- Initial stabilisation through donations ($4000) in 1967 after extensive working bee clearing up (eg one end of the building was covered with out-of-control creepers).
- Further work in the early 1970s—source of funds not readily available.
- Antique Dealers Association assisted with the acquisition of furniture through donation in the 1970s.
- The property was open to the public as a house museum in the early 1970s.
- Construction of caretakers cottage in 1972.
- Further works in 1976–77—source of funds unknown.
- National Estate Grant Program (NEGP) kicks in in 1978–79 and a list is provided below of works.

Statistics

Capital expenditure

1978–79 Roof plumbing NEGP	15 000
1983–84 Road, toilets, education hut NEGP	41 000
1986–87 Verandahs NEGP	11 166
1987 Amatil (Bicentennial sponsor) Verandahs	80 000
1987–88 NEGP (work unclear)	15 000
1988–89 Jupiters Casino Community Fund Education video	11 137
1990 Donation Public utility area	10 000
1991–92 Interiors and floors NEGP	30 482
1999–00 Gaming Community Fund Outdoor furniture	7 500
1999–00 Gaming Community Fund Collections inventory	6 500
2004 Brisbane City Council display	6 500

In summary, the majority of capital funds have been NEGP at $112 548 with donations coming a close second with $94 000 known and a considerable amount, particularly for the furniture, unknown. Much of

the early Australian furniture was purchased prior to prices dramatically rising for such furniture. Current valuation for the furniture is $140 000 (with a policy of only valuing items over the value of $2000).

Operating expenditure

It is not possible to ascertain a clear figure on this for the main reason that Head Office salaries have never been apportioned in regard to the operation of properties.

Annual figures

Wolston House has consistently run at a loss.

1985–86	(8 476)
1986–87	(10 710)
1987–88	(11 665)
1988–89	(16 326)
1989–90	(14 408)
1990–91	(20 111)
1991–92	(18 684)
1992–93	(23 923)
1993–94	(21 035)
1994–95	(19 821)
1995–96	(26 071)
1996–97	(15 856)
1997–98	(3 048)
1998–99	264
1999–00	(1 830)
2000–01	(6 043)
2001–02	(11 419)
2002–03	(11 878)
2003–04	(19 527)

The property has had live-in caretakers since the 1970s. Arrangements appear to have been to pay these people very little or nothing at all, with them taking a percentage or all of the takings from the sale of morning teas etc. NTQ made a decision in recent years (after having an industrial relations complaint) to pay award wages.

Overall losses at properties have been offset by other sources of income, including some rental properties as well as membership fees. This situation does not appear to be sustainable into the future.

Annual visitation

It is only possible to provide figures for recent years. In 2000–01 visitation was 2015, with year to date for 2004–05 being 1518. During that time school visitation has dropped from 1296 to 623, whereas

group numbers have increased from 222 to 467. NTQ has been targeting the 50+ bus trip market only for the current financial year.

Thus numbers of visitors have never sustained Wolston House.

Employment and volunteers

Essentially NTQ has never had dollar-capital to invest in its properties. Its major investment has been through volunteers. Because the committee structure has changed over the years, it is not possible to accurately estimate the volunteer hours for Wolston House.

However, through the 1970s and 80s there were three committees—management, events and furniture—and NTQ has a photographic record of some of the working bees. If one were to be conservative, a rough estimate of free time might include 30 people at 4 hpw x 40 wpy x 30 years—which rounds off to approximately 140 000 volunteer hours. There is currently a Wolston Support Group with about 30 volunteers.

Employment at Wolston House has consistently been two people. Currently we employ one person, and have a tenancy arrangement with special conditions for grounds maintenance for a second person.

NTQ employed architects (one at a time) for a period of some 20 years. All measured drawings and specifications in the later years were done in-house by that person. It is estimated that other head office staff time would include another two FTEs involving a range of people from the Director, accounts payable clerk and receptionist.

It is not possible to estimate the number of tradesmen who have worked at Wolston House. In recent years annual maintenance includes tradesmen to the value of approximately $7000 pa.

Impact

Wolston House would appear to have had very little measurable impact on a regional economy.

The property is not readily marketable for tourism. Its location is in close proximity to a number of Correctional Centres.

Opportunities

Considerable recent planning for Wolston House has resulted in a decision to make the house more user-friendly and less of a static house museum. Actions have just commenced in this regard.

Walk-through-the-door visitation remains low, and will be phased out. The 50+ bus tour market is being successfully targeted and there has been an increase in activity this year.

A new fund has been established to build up funds to totally upgrade the utility area and to install a commercial kitchen in order that functions can develop.

The saving grace for Wolston House comes potentially with the proposed major developments in the Wacol area. The Queensland Government has recently completed a regional plan to deal with the increasing population in the south-eastern region of the state. Wacol and the western corridor have been identified as a major development area. A Master Plan for the immediate Wacol area is current.

Government officers have recognised the importance of Wolston House as a historic connection in an area to be developed. They are currently planning to have a major recreational area some 500 m to the north of Wolston House on the river and linking the house to that area. Preliminary talks have indicated the government's willingness to assist in the development of the house for day-to-day casual visitation as well as functions (eg increase of the area around the house, car park, café).

Conclusion

The development of the surrounding area may be the saving of Wolston House from a business sustainability point of view. It is interesting to note that the 'existence value' of the property has featured in the government's strategic planning.

National Trust of South Australia: Burra

Overview

The purpose of this case study is to provide evidence of the economic and social importance of the heritage 'product' of the old mining community of Burra through the work undertaken by the National Trust of South Australia (NTSA) and the Regional Council of Goyder.

Specific information about the operations of the Burra Branch of the National Trust of South Australia is also provided.

Background

The town of Burra is located approximately 160 kilometres north of Adelaide in what was the old copper mining district of the mid-north of the state.

Copper was discovered in the district in 1845 (after nearby Kapunda a year earlier) and by 1851 some 5000 miners (mostly of Cornish background) resided in the town and immediate hinterland. At this time South Australia was the third largest copper producer in the world.

Copper mining dwindled over time and as a consequence the town went into economic decline. Its fortunes revived when the tourism potential of the area, focusing on the heritage of the town and district, was recognised.

This tourism revival stemmed from the early 1960s when a group of enthusiastic citizens intent on conserving the town's unique heritage formed the Burra Branch of the National Trust. Over the next decade responsibility for several government-owned historic properties, including the Redruth Gaol, Miners' Dugouts, Police Lock-up, Stables and Police House (North Burra), were handed over to the Trust and the then District Council of Burra Burra. The National Trust and the Council has progressively acquired a number of additional properties since.

These properties formed the basis of what has become known as the Burra Heritage Passport, a tourism 'product' that allows visitors access to a large number of heritage places in Burra and surrounds. Visitors armed with a set of keys and a guidebook are able to visit all of the heritage sites the town has to offer.

The sites that currently form part of the passport product are:

- National Trust owned and/or managed

- Bon Accord Mine Museum
- Bon Accord Cottage (leased as B&B)
- Market Square Museum
- Fire Engine Sheds
- Peacock's Chimney
- Redruth Gaol
- Courthouse
- Old Police House
- Lock-up and stables

- Regional Council owned
  - Burra Mine Site
  - Morphetts Enginehouse Museum
  - Unicorn Brewery Cellars
  - Burra Creek dugouts
  - Hampton Village
  - Smelts Paddocks
  - Maolowen Lowarth Museum/Cottage
  - Burra Visitor centre.

Capital expenditure—research/conservation/interpretation

Capital expenditure, sourced from various Federal and state funding programs since 1983 is detailed below:

1983	Archival photograph copies, enlarge some photographs for display purposes	$2 300
1984	Develop thematic displays and upgrade Bon Accord Mine site	$8 500
1984	Rescue Archaeology report	$3 000
1985	Install displays in Bon Accord Mine site	$3 283
1986	Research and excavation strategy at Bon Accord Mine site	$3 500
1986	Rebuilding/restoration of Morphett's Enginehouse and surrounds (bicentennial grant)	$750 000
1986	Morphett's Enginehouse Burra: registration of collection	$2 000
1986	Conservation work at Bon Accord	$30 000
1988	Conservation management review	$1 400
1988	Conservation work at Redruth Goal	$50 000
1989	Install movement—activated sound modules and spotlights	$5 293
1992	Copy 1860s costume; buy vacuum cleaner for conservation; photocopy records	$730
1993	Scale model of beam engine	$3 500
1994	Install display panels in Redruth Goal	$6 303

1995	Produce seven more panels to complete display at Redruth Goal	$3 600
1996	Conserve a silk taffeta dress	$550
1996	Burra Creek Sweller—Dugout Conservation Study	$9 000
1997	Lighting inside Redruth Goal	$1 000
1998	Computerise collections	$3 130
1999	Continue with establishment of computerised collection database	$1 500
2003	Continue adding the collection to database	$1 500
2004	Soundscapes at the Bon Accord Mine site	$5 670

Aside from the bicentennial grant for the Morphett's Enginehouse project surprisingly small amounts of money have been provided from government sources over the last 20 years to help with the conservation effort.

Operating expenditure

The Burra Branch provides details of income and expenditure on an annual basis. The 2002–03 financial figures are typical of the situation that has existed in recent times. (Please note that these figures do not apportion head office expenses to the operations of the branch. This could vary in any given year depending on issues/activities that head office may become involved with.)

- Total income $261 000 (rounded)

  Major income sources include:

Admissions	126,108
Lease	12 996
Sales shop	27 497

- Total expenditure $260 000 (rounded)

  Major expenditure items include:

Purchases	24 692
Salaries	55 701
General expenses	69 217

A number of features are important when considering the above. Firstly, nearly half of the branch income is sourced from admissions from visitors. Secondly, to be able to run the operation successfully the volunteer activities are being supplemented by part-time paid positions. Currently some 22 individuals are on the 'books'.

Interestingly, aside from that part of the expenditure budget allocated to salaries, the remainder of the expenditure allocation is used for conservation/maintenance, interpretation and marketing.

The Burra Branch currently holds about $100 000 in reserve funds.

Visitation

Absolutely accurate visitation figures cannot be provided because much of the heritage product can be viewed without necessarily entering the place. Additionally not all visitors visit all of the places.

However visitation to the local Visitor Information Centre provides some evidence of growth in numbers of visitors to the town. In 1995–96 there were 13 767 visitors to the centre. By 2004–05 the number had increased to 28 485, having grown steadily during that period. The Visitor Information Centre estimates that in any given year about 20% of visitors to the town actually visit the centre.

Employment and volunteers

On a weekly basis volunteer hours are conservatively estimated at 45, equating to around 2400 per year.

Because of the size of the heritage 'product' on offer the volunteer effort needs to be augmented by paid part-time positions.

Conclusions

A unique partnership exists between the National Trust of South Australia and the Goyder Regional Council to 'present' the Burra heritage experience. This partnership provides a useful model for others to consider and is undoubtedly the key factor in ensuring the success of the operation.

In many respects it is staggering what has been achieved given the relatively small amounts of financial support that has been provided. Additional financial resources, appropriately targeted, would further enhance not only the heritage conservation work but the economic and social opportunities for the town.

National Trust of Australia (Tasmania): Clarendon Homestead

Location: 234 Clarendon Station Rd, Evandale

Description: One of the great Georgian country homes. Built in 1838 by James Cox. Situated on the banks of the South Esk River with extensive formal gardens and parklands. Includes 19th Century farm complex with service wing, wool shed, stables and coach house. Also includes 'The Menzies Restaurant'. Open to the public.

Significant status: Listed as 'classified' on the Register of the National Trust of Australia (Tasmania). Listed on the Australian Heritage Commission's, Register of the National Estate. Listed on the Tasmanian Heritage Council's Tasmanian Heritage Register.

Ownership: Bequeathed to the National Trust in 1962 by Mrs WR Menzies following which the Trust undertook major restoration works. Outbuildings (coachhouse and stables) purchased in 1986. Woolshed and Shepherds cottage purchased in 1995.

Date of commencement of National Trust portfolio: 1962

Historic attraction: Open to the public seven days per week, 10–5

Lease/tenant: 'The Menzies Restaurant' and the 'Shepherds Cottages' leased to Mrs P Coombe.

Maintained: Totally by National Trust of Australia (Tasmania)

Staff: Mrs Gwen Richards, House Supervisor, Mr Bruce Limbrick, Groundsman

Number of volunteers: 103

Volunteer hours: 11 659 at $19.69—$229 565.71

Grants received: Federation Cultural and Heritage Projects Program 1998. Tasmanian Community Fund Round 6 2003

Accreditation status: Tourism Council Tasmania

Management plan: Yes

Interpretation plan: Yes

Conservation plan: Yes

Volunteer aid manual: Procedure Guide available.

Operating loss: –$38 652.00 deficit

Economic benefit: Recognised as a significant Tasmanian Heritage Attraction. Tourism Tasmania promote this site extensively with travelling journalists program and other tourism activities. Tourism icon for immediate surrounding area Evandale/Heritage Highway route. Included in all touring/tourism manuals on a state-wide basis. Helps to profile immediate surrounding area of Evandale by drawing the visitor. Restaurant a popular eating place. Work for the dole and Green Corps have been involved at the property from time to time.

National Trust of Australia (Victoria): expert committees

Background

The National Trust of Australia (Victoria) has made use of volunteer expert committees to aid in its assessment and management since its inception in 1956. These groups of experienced and knowledge professionals contribute to the Trusts work through preparing and reviewing classification reports, advising on responses to planning applications, reviewing external appeal requests and providing general advice.

The expert committees contribute knowledge and experience to the work of the Trust and considerably strengthen its status and a reasoned and creditable voice in historic heritage conservation. Without these group's activity the Trust's knowledge base would be severely diminished. An alumnus of former expert committee members also provide ad hoc assistance as expert advisers in their particular area of expertise.

Current situation

There are presently ten expert committees that report to the Conservation Advisory Committee, a standing committee of Trust board, which cover the full range of historic and natural heritage that the Trust advocates on behalf of. The Buildings and Twentieth Century Buildings Committee amalgamated into a single committee in 2004 and earlier this year the Cemeteries Committee was restructured from an advisory committee to one that undertakes classifications. In recognition of a need to provide a timely and informed responses to current heritage issues and planning responses a Campaigns Committee was established at the beginning of this year. Separate project subcommittees exist under the Industrial History Committee to review the thematic studies into timber and metal bridges the Trust is undertaking on behalf of VicRoads and Heritage Victoria.

Case study methodology

The paid staff member of the Trust who coordinates each expert committee was asked to supply the median attendances and numbers of meeting per year. Members of each committee were also asked to identify how much time they estimated they contributed to their work for that committee in meeting preparation and attendance, research, report writing and other activities in the last twelve months. The estimated number of pro bono hours supplied by expert committees is included in Table 2 below.

Value of volunteer expert committees

This assessment of the value the Trust obtains through the use of volunteer expert committees is approximately $171 000 per annum.

As well as supporting the classification process of the Trust the work of expert committees directly contributes to the development of the statutory lists of Commonwealth, state and local government. Historic heritage places classified by the Trust are nominated to the appropriate level of government depending on their level of significance (local, state or national etc), with much of a research and comparative analysis already undertaken by the Trust at no cost to the regulatory body

The Trust's role in identifying and researching historic heritage places is greatly enhanced by the use of pro bono expert advice. The coordination and resourcing of these committee's by the Trust leverages out valuable research and understanding of historic heritage that is of significant economic and social value to Commonwealth, state and local governments as well as the wider community.

Table 2 Value obtained through expert committees

Name	No. of volunteer members[1]	No. of meetings per year	Estimated pro bono hours[2]	Estimated $ value (at $60 per hour[3])
Buildings	8	11	500	30 000
Conservation advisory	8	8	240	14 400
Campaigns	4	24	150	9 000
Cemeteries	10	4	160	9 600
Collections	4	4	40	2 400
Gardens	6	6	240	14 400
Industrial history[4]	8	10	400	24 000
Landscapes	8	6	400	24 000
Pipe organs	6	6	180	10 800
Public art	10	6	300	18 000
Significant trees	10	4	240	14 400
Total	**82**	**89**	**2 750**	**171 000**

1 Based on the median number of volunteer members of the committee attending each meeting.

2 Per annum figure based on the total meeting preparation and attendance, research and report writing time. Note: the amount of research and report writing undertaken by volunteer committee members compared to paid members of staff varies considerably from committee to committee.

3 $60 per hour figure is arrived at as the minimum cost of obtaining paid research or review of research in a specialist discipline.

4 This figure does not include the work of the bridges thematic study subcommittees.

National Trust of Australia (WA): Central Greenough Historic Settlement

Overview

Beginning in 1965, the National Trust began advocating for the heritage conservation of the cultural landscape of the Greenough Flats. The dispersed colonial settlement pattern, the lack of a community focus and rural depopulation was seeing an acceleration of the abandonment, decay and destruction of the colonial buildings. With the purchase of the Central Greenough Courthouse, Goal and Post Office complex in 1976, the National Trust began an ongoing process of assembling the buildings and curtilage of Central Greenough and a range of inter-visible sites across the Flats.

To date the National Trust is exercising stewardship over 20 major structures, including churches, mills, hotels, cemeteries, stores, bridges, schools, convents, residences, barns, and halls. Since 1975, the National Trust has raised and committed over $3 million towards heritage conservation, much of it necessarily devoted to conservation of essential fabric and holding the heritage places in a stable condition pending the raising of funds for further conservation. Only recently has the National Trust, in partnership with the Shire of Greenough raised funds supplemented by LotteryWest, Commonwealth Regional Development and other grants to the value of $1.5 million to begin the first phases of detailed conservation and interpretations. The recent work on the Central Greenough Café and Visitor Information Centre and St Catherine's Hall may be regarded as just the first phase of moving towards a heritage vision conceived over 40 years ago, which has been slowly but continuously progressed.

Heritage outcomes demonstrated

The Central Greenough Historic Settlement project illustrates clearly the need for a long-term heritage vision. After 40 years, the project may be said to be well begun but it is nowhere near completion, with an estimated $9.5 million needed for further conservation and interpretive works for the Central settlement alone.

On the one hand, the slow and incremental pace of conservation works has been irritating and frustrating. The resource commitment to date has not yet developed an income stream in any way proportional to the investment. On the other hand, had the heritage values of the place not been recognised, had the original vision of a major heritage outcome not been initiated, it is quite clear that there would be no Central Greenough Historic Settlement today only scattered piles of rubble in barren fields paddocks.

As an NFP operating without the constraints of election schedules, the National Trust has been able to form strategic partnerships with local government and other agencies such as the Greenough Regional Prison and the Mid West Development Commission, Regional Tourism and Indigenous groups to initiate and sustain a project of the scale and vision commensurate with the nationally significant heritage values of the place.

Key factors

Key factors associated with success of the program are:

- *Heritage leadership*—It was the volunteer leadership of the National Trust that recognised and articulated the heritage values of the cultural landscape of the Greenough Flats. It was the same leadership that gave freely of their expertise and services to develop and promote a long-range heritage vision for the place and to convince decision makers of the unique opportunity this vision presented. At the time, the National Trust was the agency of last resort with no other group or agency foolhardy enough to undertake a project of such scope, complexity or difficulty without any promise of funding.
- *Continuity of vision*—One of the strengths of the project has been the soundness of the original heritage vision and the dogged determination through the vicissitudes of planning and incremental funding with which the vision was pursued.
- *Innovative partnering*—Through its reputation, good offices and volunteer commitment the National Trust has been able to engage effective local and regional partners as noted in support of the project.
- *Experienced project management*—By drawing on key professional volunteers (architects, planners, conservation tradespersons) and by exploiting local networks for contributions in kind, the National Trust has been able to multiply the impact of available funding and to produce heritage outcomes far in excess of any funded agency, which would have to bear full project costs and overheads.
- *Community commitment*—The colonial settlement pattern of widely dispersed services and settlement failed to develop a strong community focus. The Central Greenough project has provided a means to draw the remaining community together and to encourage a valuing of its heritage. The project has consulted and researched widely to bring the community stories into the interpretation and to guide the priorities of conservation. The relevance of the heritage values of the place have been emphasised because of the ongoing links between conservation and

interpretation with the agriculture and social themes still relevant to the wellbeing of the local community.

- *Economic deliverables*—The scale of the overall project and the visibility of the Visitor Centre and Café have made Central Greenough the de facto regional gateway to the region. The visitor centre information is oriented to this regional focus and access as well as orientation to the Historic Settlement itself. Ongoing evaluation of the effectiveness of the investment of regional development funding will examine the impact of the centre and the current phase of interpretation projects have had on the regional economy. Recent community workshops have explored the opportunities presented by Central Greenough to act as a catalyst to further promote and integrate local attractions, including nature trails, crafts, other heritage sites and sustainability infrastructure.

National Trust of Australia (WA): Heritage appeals

Overview

Since 1985, the National Trust has been able to direct over $2.5 million towards heritage conservation outcomes through the facility of its tax-deductible heritage appeals. Over 80 separate appeals have been initiated with the authorisation of the Australian Taxation Office during this period. Some appeals are ongoing and some were related only to a single project. At any time, there is approximately $200 000 on deposit with the National Trust to fund expenses relating to heritage appeals. Annual expenditure of heritage conservation varies, depending on the community interest in the appeal and the commissioning schedule of heritage conservation works. The National Trusts absorbs the administrative costs of program management.

Heritage outcomes demonstrated

The National Trust Heritage Appeal is a significant community awareness means to encourage heritage conservation outcomes on private property. The tax deductibility provides a reasonable incentive for the general community. The program adds value to heritage conservation by funding works and details that, while central to the values of the place, may be viewed as non-essentials or too expensive without the incentives offered by tax deductibility.

The current list of active appeals illustrates the range of works and geographic distribution of current conservation projects funded through the appeal process.

Halls Creek Post Office	Halls Creek Association
Alexandra Hall	Anglican Parish of Mosman Park
Applecross PS	Applecross Primary School
St Luke's Organ	Anglican Parish of Mosman Park
Holly Trinity York	Holy Trinity Parish
Kalgoorlie Trades Hall	ALP Kalgoorlie-Boulder Sub-Branch
Monumental Restoration	Metropolitan Cemeteries Board
Norman & Beard Organ	St Patrick's Anglican Church
Peninsula Hotel Maylands	City of Bayswater
St Andrews Perth	St Andrew's Church Appeal Office
St Constantine	Helene Community of WA (Inc)
St Georges Cathedral	St George's Cathedral
St Josephs	St Joseph's Parish of Subiaco
St Luke's Gingin	St Luke's Restoration Committee

St Mary's Middle Swan	St Mary's Rectory
St Matthews Guildford	St Matthew's Anglican Church
WARC Boatshed	West Australian Rowing Club (Inc)
St Aiden's Claremont	St Aiden's Uniting Church Claremont
Sacred Hearts Beagle Bay	Broome Diocese Finance Officer
Christ Church Claremont	Christ Church Claremont, Anglican Church
Terraced House Queen Victoria	Terraced Houses, Strata 7292
St Paul's Community Hall	St Paul's Beaconsfield, Anglican Church
Denmark Conservation Appeal	Shire of Denmark
WA Rowing Club Memorabilia	West Australian Rowing Club (Inc)
Rottnest Island Heritage Fund Appeal	Rottnest Island Authority
Cape to Cape Trail	Mr Tom Tuffin
Bibbulumun Track	Bibbulumun Track Foundation
St Thomas Claremont	St Thomas Parish Church
St Mary's Busselton	St Mary's Anglican Church
St Mary's Cathedral Perth	Accounting and Investment Manager
East Perth Cemeteries Monuments	The Old Observatory
Golden Pipeline Heritage	The Old Observatory
Monsignor J Hawes Geraldton Appeal	Diocese of Geraldton

Key factors

Key factors associated with success of the program are:

- *Legislative/tax framework*—The tax deductible gift recipient status of the National Trust and the legislative provisions under its Act.
- *Community perceptions*—The program is voluntary, easy to access, perceived as free from government direction, and benefits from the heritage conservation track record of the National Trust and its holistic approach to heritage.
- *Linkage with incentives/best practice*—The program is based on heritage conservation best practice as enunciated in the *Burra Charter* and has professional supervision and advice built into the implementation and works processes.
- *Integration with town planning*—The program is coordinated with town planning and precinct concepts and recognises the value of

Municipal Inventories required by each local government authority under the *Heritage Act 1990* (WA).

- *Public good*—The program operates in the public good by allowing the heritage conservation not only of individual buildings and details but also streetscapes. It allows small individual community contributions towards major heritage projects.

Examples

Some examples illustrate the public good and the conservation benefits obtained:

- *Queen Victoria Street, Fremantle*—Conservation of parapets and decorative ironwork on a range of privately-owned terrace houses on a major access road into Fremantle ($85 000).
- *Lawson Apartments, Perth*—Conservation of exterior facade and art deco details together with removal of intrusive elements and colours on a 12-storey apartment complex ($850 000).
- *City of Perth Appeal*—Recently launched incentive program for owners of heritage places within the Perth CBD. Initial funding of $300 000 from the City of Perth, and a fundraising committee with an initial target of $5 million for conservation incentives and works.

Appendix 3 State and Territory planning and heritage regimes

Australian Capital Territory

Heritage conservation is implemented in the ACT through the *Heritage Act 2004* and the *Land (Planning and Environment) Act 1991.*

Background

Before the new heritage protection system came into force, provisions relating to heritage were contained in numerous parts of the *Land (Planning and Environment) Act 1991* and the *Heritage Objects Act 1991*. There was no separate and discreet heritage legislation as such. A Heritage Advisory Council had existed for a number of years and had provided advice to government on heritage protection and been responsible for the compilation of a Register of Heritage Places. The statutory basis for the register was the *Land (Planning and Environment) Act 1991*.

Following five years of consultation with the community and stakeholders the *Heritage Act 2004* came into force on 9 March 2005. The ACT National Trust was one of the major stakeholders in the consultation process and supported the new statutory system. In summary, it is considered that the new system provides stronger legislation to establish a comprehensive system to conserve significant heritage places and objects, bringing the Territory into closer alignment with the other states and territories.

Heritage system

The main elements of the new heritage system include:

- a process to establish a system for the recognition, registration and conservation of natural and cultural heritage places and objects, including Aboriginal places and objects
- the establishment of the Heritage Council as the key advisory body on these issues
- the establishment of a more comprehensive and accessible heritage register with streamlined processes to nominate and register heritage places and objects
- the provision of heritage guidelines to protect heritage significance

- defining obligations of public authorities to protect heritage
- the introduction of enforcement and offence provisions to provide greater protection for heritage places and objects
- the provision of a more efficient system to consider development applications, by closer integration with land use planning and development processes
- the provision of heritage agreements to protect heritage significance.

Administration

Following the Territory election in October 2004, ministerial responsibility for heritage was transferred to the Chief Minister. The ACT Heritage Unit within the Chief Minister's Department carries out the responsibility for heritage within the bureaucracy. This unit administers the *Heritage Act 2004*, services the Heritage Council and administers the small heritage grants program (c$200 000). There are no administrative grants or assistance provided to community organisations working in the field of heritage protection, such as the National Trust. The Unit does however run a free heritage advisory service through a local firm of architects to provide heritage owners with limited professional advice on the development/restoration of a place.

Planning and development

Once a development application is made under the *Land (Planning and Environment) Act 1991*, an integrated process is followed to ensure that potential effects on heritage values are taken into account and managed appropriately. Under this process, the planning authority provides the Heritage Council with a copy of each development application that relates to a registered or nominated place or object. The Heritage Council provides advice within 15 working days to the planning authority on the heritage significance of the place and on ways to avoid or minimise its impact on heritage significance. This advice must be considered by the planning authority in approving or refusing to approve the development application. The Heritage Council may apply for a review of a planning authority decision by the Administrative Appeals Tribunal. Proponents or other interested persons are also able to apply to the AAT for a review of a decision.

New South Wales

In New South Wales heritage conservation is regulated through the operation of two Acts:

- *Heritage Act 1977*
- *Environmental Planning and Assessment Act 1979*.

Indigenous heritage and natural heritage are protected through the *Heritage Act 1977* and the *National Parks and Wildlife Act 1974*.

Heritage Act

Background

The NSW *Heritage Act 1977* was passed by Parliament in December 1977, proclaimed 14 April 1978 and amended in 1979. While the legislation was not completely in accordance with the NSW National Trust proposals, it was considered by many at the time as progressive legislation.

The *Heritage Act 1977* originally protected buildings, relics and places and provided for Interim and Permanent Conservation Orders, rate concessions and grants under specified conditions.

The Act creates a Heritage Council to advise the Minister on a number of heritage matters. Trust is able to provide a panel of three from which the Minister is able to nominate one to represent the NSW National Trust on the Heritage Council.

The Act was amended in 1998 to establish the State Heritage Register in place of Interim and Permanent Conservation Orders. The Act was later amended to clarify the status of individual items and places within listed areas.

Heritage regime

In NSW there are two types of statutory listings. A property is a heritage item if it is listed in the heritage schedule of the local council's Local Environmental Plan (LEP) or listed on the State Heritage Register.

NSW State Heritage Register

The State Heritage Register is a list of places and objects of particular importance to the people of NSW. The register lists a diverse range of over 1500 items, in both private and public ownership. To be listed, an item must be considered significant for the whole of NSW. Heritage items may be valued by particular groups in the community, such as

Aboriginal communities, religious groups or people with a common ethnic background.

The State Heritage Register lists a diverse range of places, buildings and objects including: Aboriginal places, buildings, objects, monuments, gardens, natural landscapes, archaeological sites, shipwrecks, relics, streets, industrial structures, public buildings, shops, factories, houses, religious buildings, schools, conservation precincts, jetties, bridges and movable items such as church organs and ferries.

Listing on the State Heritage Register means that the heritage item:

- is of particular importance to the people of NSW and enriches our understanding of our history and identity
- is legally protected as a heritage item under the NSW *Heritage Act 1977*
- requires approval from the Heritage Council of NSW for major changes
- is eligible for financial incentives.

The Heritage Inventory

There are about 20 000 places listed on other statutory listings. These include the following instruments:

- *Regional Environmental Plans (REPs)*—REPs typically cover more than one local government area and are coordinated by Department of Planning, Infrastructure and Natural Resources. Heritage items may be included in schedules to REPs. REPs are prepared under the *Environmental Planning and Assessment Act 1979*.
- *Local Environmental Plans (LEPs)*—LEPs are prepared by councils and shires to protect heritage items. Heritage items are listed through a Heritage Schedule attached to the LEP. Some councils have special heritage LEPs. LEPs are prepared under the *Environmental Planning and Assessment Act 1979*.
- *Aboriginal sites* are identified by the National Parks and Wildlife Service and are placed on an Aboriginal Sites Register. The Shipwrecks Database—lists all known shipwrecks in or adjacent to NSW. These shipwrecks may be subject to either the Commonwealth's *Historic Shipwrecks Act 1976* or the NSW *Heritage Act 1977*.
- The *National Heritage List* compiled under the Commonwealth's *Environment Protection and Biodiversity Act 1999*.

- The *Register of the National Estate* maintained by the Australian Heritage Council under the Commonwealth's *Australian Heritage Council Act 2004*.

Non-statutory registers and listings

Non-statutory registers and listings provide an early warning system about places of significance. These registers include:

- the *National Trust Register* maintained by the National Trust of Australia (NSW), which is the most comprehensive of the non-statutory registers. It was first established nearly fifty years ago and is a reference for the compilation of statutory registers, particularly local government heritage studies
- the Royal Australian Institute of Architects' *Register of 20th Century Buildings*, which is an important resource in assessing the heritage of our own time
- the *Art Deco Society Register*, which lists important buildings from the interwar (1918–39) period
- the *Geological Society Register*, which lists important geological sites
- he *Institution of Engineers Australia* lists sites or objects of engineering significance
- the Professional Historians Association (NSW) *Register of Historic Places and Objects* lists sites and objects of historical significance
- *Australian Museums On Line* site provides information on movable heritage.

Administration

There are two bodies in NSW that have responsibility for administering the *Heritage Act 1977*.

NSW Heritage Council

The Heritage Council of NSW is an advisory body appointed by the Hon. Diane Beamer MP, the Minister assisting the Minister for Infrastructure and Planning, the Hon. Craig Knowles MP. Its membership includes members of the community, the government, the conservation profession and representatives of organisations such as the National Trust of Australia (NSW).

The Heritage Council makes decisions about the care and protection of heritage places and items that have been identified as being significant to the people of NSW. The council provides advice on heritage matters to the current Assistant Minister for Infrastructure and Planning (Planning Administration), the Hon. Diane Beamer MP. It recommends

to the Minister places and objects for listing on the State Heritage Register. The current Chair of the Heritage Council is Michael Collins. The council receives advice and administrative support from the NSW Heritage Office.

NSW Heritage Office

NSW Heritage Office is the State Government's principal heritage agency. It administers the Act, maintains the State Heritage Register and supports the work of the Heritage Council.

NSW Heritage Office also administers grants through the Heritage Incentives Program. The Program includes eight priority areas:

1. Site works and presentation projects—called every two years. Next round to be called in late 2005.

2. Heritage study and promotion projects—called every two years. Next round to be called in late 2005.

3. Aboriginal heritage projects—applications can be made at any time.

4. Conservation management plans on items of State heritage significance—$2500 per project. Applications can be made at any time.

5. Special purpose small grants and loans projects—upper limit of $5000 per project but subject to special conditions. Applications can be made at any time.

6. Local government heritage management—three year service agreements to local councils for heritage advisory services, heritage studies, local heritage funds, etc. Applications can be made at any time.

7. Support to heritage related organisations—for example, the National Trust.

8. Local history and archives projects run by the Royal Australian Historical Society—once a year, applications closing in May each year.

The mission of the NSW Heritage Office is 'to help the community conserve our heritage'. The work of the Heritage Office includes:

- working with communities to help them identify their important places and objects

- providing guidance on how to look after heritage items

- supporting community heritage projects through funding and advice
- maintaining the NSW Heritage Database, an online list of all statutory heritage items in NSW.

The work of the Heritage Office is guided by the Heritage Council of NSW.

Environmental Planning and Assessment Act

Background

Environmental planning under the New South Wales *Environmental Planning and Assessment Act 1979* is the process of developing plans to regulate competing land uses. Environmental planning in relation to land use and development is achieved through 'environmental planning instruments'.

At about the time the Act was introduced, the National Trust in NSW expressed its reservations about the Act's provisions for consultation, stating in its magazine that 'gradually it has become apparent that the Government will sacrifice our heritage, paying scant attention to the wishes of the public'.

Planning regime

The *Environmental Planning and Assessment Act 1979* establishes three types of environmental planning instruments (EPI):

- local environmental plans
- regional environmental plans
- state environmental planning policies.

The provisions of environmental planning instruments are legally binding on both government and developers. Environmental planning instruments must provide an overall plan and vision for development into the future and set out aims and objectives designed to achieve any of the objects of the *Environmental Planning and Assessment Act 1979,* and policies and strategies for achieving those objects.

Environmental planning instruments will usually provide a range of possibilities and constraints for development over the whole area to which the plan relates.

Certain planning instruments are 'deemed' to be environmental planning instruments. These are planning instruments created before the commencement of the Environmental Planning and Assessment Act in 1979, such as 'planning scheme ordinances' or 'interim

development orders'. They contain similar sorts of provisions to environmental planning instruments.

Local Environmental Plans

Local Environmental Plans (LEP) are developed by local councils. LEPs divide the area they cover into 'zones' such as residential, industrial and commercial zones. The LEP usually gives a list of 'objectives' in relation to each zone, and a list of the types of development that are permissible without consent, permissible with consent, and prohibited in each zone.

To determine whether a development is permitted, a proponent must first establish what the zoning is under the LEP, referring to the colour coded planning map of the area, then to the land use table in the LEP which sets out the permitted and prohibited land uses for the relevant zone. Particular purposes may include homes, shops, factories, open space, conservation and environmental protection areas.

A number of EPIs may affect a particular site. A certificate can be obtained from the local council telling you which EPIs apply. These certificates, called section 149 certificates, are usually prepared for inclusion in contracts to sell land or obtain finance and cost about $100.

Regional Environmental Plans

Regional Environmental Plans (REP) are plans drafted by the Department of Infrastructure, Planning and Natural Resources (the Department), and apply to a nominated 'region', which may be smaller or larger than a local government area.

REPs can regulate any matter which the Minister for Infrastructure, Planning and Natural Resources (the Minister) believes is of environmental planning significance for a region. The state government can use an REP to completely override controls in an LEP applying to that area, substituting its own list of permissible and prohibited developments, or it may substitute the Minister for the local council as consent authority in respect of certain types of development.

State Environmental Planning Policies

State Environmental Planning Policies (SEPP) cover matters that the Minister believes are of state significance. These policies may take many forms—they may facilitate development or provide increased planning protection in sensitive areas. They may apply generally across the state or apply to specific areas.

The practical effect of SEPPs is often to take power away from councils to prohibit certain types of development in their own local government area. Other SEPPs make the Minister the consent authority for certain

types of high-impact development, or for development in sensitive areas.

Other planning documents

Development control plans and council codes or policies

Development Control Plans (DCP) and council codes or policies deal with particular parts of LEPs in more detail than the LEP. DCPs are not legally binding. However, they must be taken into account when considering development applications.

Departmental circulars

Circulars issued by the Department of Infrastructure, Planning and Natural Resources are not legally binding but they provide practical guidance to councils on how to interpret and implement the legislation.

Master plans, development plans or precinct plans

Some environmental planning instruments require the making and consideration of a master plan for the land before development consent can be granted. Master plans must be made or adopted by the Minister or a public authority. For example, State Environmental Planning Policy No. 56—Sydney Harbour Foreshores and Tributaries requires master plans to be prepared for listed strategic foreshore sites.

Consistency between environmental planning instruments

When there is an inconsistency between environmental planning instruments, the most recent instrument prevails over earlier instruments. SEPPs and REPs may (and usually do) provide that they prevail over any inconsistencies in LEPs.

Environmental Impact Statements

An application to carry out designated development must be accompanied by an Environmental Impact Statement (EIS), which may be prepared by the applicant, but is usually prepared by an appropriately qualified expert or experts on the applicant's behalf.

An EIS should give a detailed analysis of all potential areas of concern in relation to the development and its environmental impacts. An EIS should be written in easy to understand language and contain material that would alert lay people and specialists to problems inherent in carrying out the activity.

An EIS must include, among other things:

- an analysis of the proposed development, including
  - a description of the activity

  - a description of the environment that is likely to be affected by the activity
  - an analysis of the likely impacts of the activity
  - an analysis of measures proposed to reduce the environmental impacts of the activity
- a full list of approvals that must be obtained before the activity can be carried out
- an analysis of any feasible alternatives to the carrying out of the activity
- a justification for carrying out of the development in the manner proposed, having regard to environmental, social and economic considerations, including the principles of ecologically sustainable development.

Administration

The main bodies responsible for administering the *Environmental Planning and Assessment Act 1979* are as follows.

Department of Infrastructure Planning and Natural Resources

The Department of Infrastructure, Planning and Natural Resources (DIPNR) brings together:

- the land use planning and development control functions of the former agency, Planning NSW
- the core natural resource management functions of the former DLWC
- the strategic planning team from the Transport Ministry
- the Infrastructure Co-ordination Unit, formerly part of the Premier's Department.

The government's priorities for the Department are to:

- form one department making integrated decisions about natural resource management and land use planning; that is to bring the social, economic and environmental agendas together to promote sustainability
- improve service delivery and provide clear, concise and coordinated information to customers
- simplify policy and regulation to resolve confusion and duplication

- reduce costs and redirect savings back to the community
- link decisions about vital infrastructure with the broader plans for NSW
- devolve decision making to the communities that those decisions affect.

Local Councils

Local councils are established under the *Local Government Act 1993*. The number and formation of local councils is changing across the State. On 3 July 2003, the Minister for Local Government, the Hon. Tony Kelly MLC, wrote to all NSW councils calling on them to review their position and to consider how they 'may more effectively and efficiently deliver local government services and facilities to local communities' and to submit their proposals by 31 August 2003. The results are being debated although some changes and amalgamations have already been implemented.

Recent developments

On 30 September 2004, the Hon. Craig Knowles MP, Minister for Infrastructure and Planning and Minister for Natural Resources announced a major overhaul of the NSW planning system to ostensibly:

- focus on strategic planning for growth areas
- simplify planning controls
- improve development assessment processes
- allow flexibility in the use of developer levies for local facilities and services.

On 27 May 2005, the Minister for Infrastructure and Planning, Craig Knowles, introduced the Planning Reform Bill into Parliament; a new state environmental planning policy outlining what developments are classed as state significant and require the Minister's approval. As part of a major overhaul of the planning laws, new types of development require the Minister's consent while other developments will return to local council for approval.

This single policy replaces provisions in 85 separate planning instruments, directions and declarations. It also turns off both the *Environmental Planning and Assessment Act 1979* and the *Heritage Act 1977* for 'State Significant Development'. Those developments proposed by government bodies where they are the consent authority are also exempted in the way outlined above.

Key documents

- *Heritage Act 1977*.
- *Environmental Planning and Assessment Act 1979*.
- *Environmental Planning and Assessment Amendment (Development Contributions) Act 2005*.
- *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005*.
- Environmental Defenders Office—Fact Sheets.

Northern Territory

Heritage Conservation Act

The *Heritage Conservation Act 1991* is administered by Heritage Conservation Services, Office of Environment and Heritage, Department of Infrastructure, Planning and Environment.

An advisory council, the Heritage Advisory Council, oversees assessments and makes recommendations to the Minister regarding listings.

The Office maintains the Northern Territory Heritage Register.

A grant program operates to assist owners of declared heritage places in the conservation of property. It distributes $200 000 each year.

Northern Territory Aboriginal Sacred Sites Act

The *Northern Territory Aboriginal Sacred Sites Act 1989* is administered by the Aboriginal Areas Protection Authority.

Maintains a Register of Sacred Sites

Works with Land Councils, traditional custodians and the government to ensure that all measures are taken to protect the sacred sites.

Comments

There is no local government involvement in heritage planning and control in the Northern Territory. There are no LEPs. All heritage management is undertaken by the Office of Environment and Heritage.

Development applications to the Planning Authority can trigger action under the Heritage Conservation Act if they affect declared places.

Review of the Heritage Conservation Act

When the Martin Government came to power in 2001 it promised a full review of the ACT. This has been undertaken over the past four years and a draft has been placed before Cabinet. The draft gained 'in principle' support.

The direction of the new Act will be towards greater community involvement in the process of listing and management. This will see the creation of an expanded Council with greater representation from the business and tourist areas.

There will be a Heritage Council with powers to list heritage places however the Minister will retain call in powers. Listing will carry financial implications for government and owners.

There is provision for serial listings, heritage landscapes and precincts.

Queensland

Historic heritage conservation is implemented in Queensland through two Acts:

- *Queensland Heritage Act 1992*
- *Integrated Planning Act 1997*.

Heritage protection and conservation for Aboriginal and Torres Strait Islander cultural heritage is provided through separate legislation:

- *Aboriginal Cultural Heritage Act 2003*
- *Torres Strait Islander Cultural Heritage Act 2003*.

Queensland Heritage Act

The *Queensland Heritage Act 1992* was preceded by earlier interim legislation that was introduced as an interim measure while the current Act went through government and community consultative processes.

The main elements of QHA are as follows:

- The *Queensland Heritage Act 1992* provides for the formation of a statutory authority called the Queensland Heritage Council (QHC) to provide advice to Government, as well as having decision-making powers in relation to the inclusion of places in the Queensland Heritage Register, and for any subsequent development applications.
- The *Queensland Heritage Act 1992* also provides for the formation of a Queensland Heritage Register (QHR). The processes are similar to other heritage regimes, allowing for assessment by criteria and appeal processes. It is imperative that places entered in the QHR are proven to be of state significance, there having been successful challenges in the Planning and Environment Court in this regard.
- There are some 1400 places on the QHR. No precincts have been entered in QHA.
- The *Queensland Heritage Act 1992* was amended in 2004 to allow for development applications to be submitted through the Integrated Development Assessment System (IDAS) as included in the *Integrated Planning Act 1997* (IPA) (see following section).
- The 2004 amendments also allowed for the registration of precincts for the first time.

Administration of the *Queensland Heritage Act 1992* is as follows:

- The Cultural Heritage Branch (CHB) is located in the Environmental Protection Agency (EPA). The Head Office in Brisbane is primarily involved in policy and planning, with operations being administered through regional offices located in Cairns, Townsville, Rockhampton, Brisbane and Toowoomba. The QHC secretariat is located in Head Office.
- All applications, whether they be nominations to the QHR or for development go through a process called 'Ecoaccess'.
- Comments have just closed on a review of the *Queensland Heritage Act 1992*. The Trust's submission emphasised the lack of staffing resources for proactive heritage work. Indeed, many regions find it difficult to meet statutory timeframes in the current circumstances.
- There is currently no incentive funding for heritage conservation in Queensland.

Integrated Planning Act

The *Integrated Planning Act 1997* (IPA) was introduced in 1997. This was the first time heritage provisions were specifically included in planning legislation in Queensland.

In summary, the provisions relating to heritage are as follows:

- All local governments were required to have a new IPA planning scheme in place five years after the introduction of the legislation in 1997. This timing was later extended.
- Local governments were required to identify 'valuable features', which were defined to include historic and Indigenous heritage places. There has been a mixed response to this provision, with some local governments doing professional heritage surveys and others resisting such work.
- The utilisation of valuable features in the planning provisions is not specified in IPA. A number of local governments have introduced character area provisions, while some others have adopted their own heritage registers. Others have no heritage provisions.
- As mentioned, the Integrated Development Assessment System (IDAS) fields all property-related applications, with a referral system in place for 'State Interests', one of which is inclusion on the QHR. Thus all QHR development applications are made through a local government authority.

Comments

There are statutory timing problems with the use of the IDAS system for heritage development applications. Complex developments cannot be readily dealt with within the IDAS timing. This timing problem is causing dissatisfaction, particularly with major developers.

The EPA's Ecoaccess system is really designed to make scientific ecological decisions, and is not catering for the needs of heritage. For example, the system only allows officers to have one meeting with proponents and this is not helping find consultative solutions for complex heritage issues.

There is also a perceived lack of consistency in the decisions of the QHC. Overall, with the range of activity being undertaken by local government authorities, there is no longer a clear public understanding of the heritage regime. Thus, with some Councils operating their own register, there is confusion on what is 'listed' and what is not, and on the implications of registration at the two levels of government.

All this has resulted in a recent review of the QHA. The National Trust believes there needs to be an overall policy and strategy for heritage in Queensland.

South Australia

Heritage conservation is primarily implemented in SA through the combined operation of two Acts:

- *Heritage Act 1993*
- *Development Act 1993*.

Heritage Act

Background

The *Heritage Act 1993* introduced criteria for the assessment of heritage places, updated terminology for consistency with national legislation, and established new arrangements for heritage protection in conjunction with planning controls in the *Development Act 1993*.

Heritage regime

The regime comprises the following key elements:

- *State Heritage Register*—The *Heritage Act 1993* provides for the establishment of a State Heritage Register. A place or area that is entered on the Register, must reflect important aspects of the history or culture of SA. There is an extensive consultation process with the property owner prior to listing. The State Heritage Authority determines whether a place will be entered in the Register. There are about 2200 places on the Register.
- *State Heritage Places*—The *Heritage Act 1993* provides for the identification and protection of State Heritage Places through placement on the Register or (more importantly) through recognition in a Development Plan containing heritage policies. Section 16 of the Act contains criteria for the assessment of places of state heritage value.
- *State Heritage Areas*—Under the previous legislation, State Heritage Areas were listed in the Register (which currently contains 13 such areas including locations like Port Adelaide, Moonta Mines, Burra and Hahndorf). Such areas are now established and protected under the Development Plan (see below). A further four State Heritage Areas have been established since 1993 under the Plan Amendment process (including Petticoat Lane, Penola and the suburb of Colonel Light Gardens). While the Act does not contain criteria for identifying such areas, the Heritage Branch has developed criteria based on those used for state heritage places.

Administration

The main bodies responsible for administering the Act are:

- *State Heritage Authority*—The Act established the Authority to administer the Register and to undertake other functions on heritage conservation, including the provision of advice on the State Heritage Fund. The Authority is an independent group of eight members appointed by the Governor on the recommendation of the Minister. Administrative and policy support is provided by Heritage Branch.
- *Heritage Branch*—The Branch is part of the Department for Environment and Heritage. Its principal roles are to identify, protect, conserve and promote the state's built and maritime heritage. It has approximately 20 staff.
- *State Heritage Fund*—The Fund is established under the Act to assist with conserving places entered in the Register. Financial assistance can be provided by way of grant or loan, based on recommendation of the Authority.
- *Local Heritage Advisory Committee*—The Local Heritage Advisory Committee (LHAC) assesses submissions from property owners and provides a final decision to the Minister on the designation of local heritage places for inclusion in the Development Plan.

Development Act

Background

The *Development Act 1993* and Development Regulations provide an integrated system of planning and development assessment in SA. The Act provides that the relevant Minister must ensure a planning strategy for development within the state is prepared and maintained. The Planning Strategy may incorporate documents, plans, policy statements, proposals and other material designed to facilitate strategic planning and coordinated action on a state-wide, regional or local level. The Planning Strategy seeks to guide and coordinate development for the state and indicates directions for future development to the community, local government and the private sector. Local government councils are required to consider the goals of the strategy when formulating their development policies. Heritage policies may be introduced in Development Plans for both local and State Heritage Places and Areas through an amendment to a Development Plan.

Planning regime

The regime comprises the following key elements:

- *Development Plans*—Development Plans are required for each Council, and can contain Council-wide and specific heritage plans for State and Local Heritage Places and Areas. Specific heritage controls are usually developed through a separate Heritage Plan Amendment Report, whereby controls can be tailored to suit local circumstances based on a heritage survey and investigations.

- *Local Heritage Places*—The Act introduced arrangements for Councils to identify and protect places of local heritage value through the Development Plan amendment process. Protection and management is then provided through Objectives and Principles of Development Control in the Development Plan. Section 23(4) contains criteria for identifying places of local heritage value.

- *Historic (Conservation) Zones or Policy Areas*—Councils are able to establish Zones or Policy Areas, and protection is then provided through Objectives and Principles of Development Control contained in the Development Plan.

- *State Heritage Areas*—Although the identification of State Heritage Areas is provided for in the *Heritage Act 1993*, their establishment is achieved under the *Development Act 1993* through the Plan Amendment Report (PAR) process (through collaboration between Heritage Branch and Planning SA). The recommended approach for the establishment of new State Heritage Areas is the preparation of a Conservation Management Plan in the first instance, followed by the preparation of detailed policies and controls for the area to be included in the Development Plan.

- *Development Approval*—The *Development Act 1993* defines a range of activities that affect State and Local Heritage Places and Areas as 'development', for which approval is required. A development in a State Place or Area requires the advice of the Minister. If the Council does not fully accept the recommendations and/or conditions of the Minister, the application is referred to the Development Assessment Commission (DAC) for review. If the DAC does not concur, then the council must reject the application. Applications affecting Local Heritage Places and places within Historic (Conservation) Zones and Policy Areas are the responsibility of councils. All applications are assessed against the relevant Objectives and Principles of Development Control contained in the Development Plan.

Administration

The main bodies responsible for administering the Act are:

- *Planning SA*—The *Development Act 1993* establishes Planning SA to develop and implement the planning regime. It is part of the

Department for Transport, Urban Planning and the Arts. It provides administrative support to the Development Planning Advisory Committee (DPAC) and related subcommittees.

- *Local Heritage Advisory Committee*—The *Development Act 1993* establishes the LHAC, which advises the DPAC on proposed amendments to Development Plans as they relate to local heritage.
- *Development Assessment Commission*—Established under the *Development Act 1993*, the Commission considers disputes between the Minister and councils on development applications affecting State Heritage Places and State Heritage Areas.

Comments

The SA heritage protection regime is comprehensive and generally clear to all parties. While there is significant work in establishing the regime in each council area, once established, it goes a long way to providing certainty to property owners and proposed developers.

The main problem is that it is optional for a council to incorporate heritage via the PAC process. A number of councils have chosen not to do this.

The *Development Act 1993* implicitly recognises the community value of local heritage places, and Planning SA understands that voluntary listing of local heritage places does not create a consistent and comprehensive schedule of heritage assets for local government areas. Consequently, the process of voluntary listing has been overruled in most cases and councils are required to follow the comprehensive and logical process set down in the *Development Act 1993* for the listing of local heritage places.

Recent developments

After a period of extensive consultation in early 2003, the government announced nine key directions for the future management of heritage conservation in SA, which included a commitment to establish a new legislative and policy framework and increased funding as part of a Heritage Directions program. The program included a significant expansion of the heritage advisors program, developing an integrated Heritage Register, establishing a new SA Heritage Council, increased funding for management of government-owned properties and expansion of information and education services. The program was to be developed in conjunction with councils.

In August 2004 a draft Heritage (Heritage Directions) Amendment Bill was released for consultation, and a revised Bill was introduced to Parliament in March 2005 and passed on 6 July 2005. The Bill aims to achieve better integration between the management of State heritage

under the *Heritage Act 1993* and local heritage under the *Development Act 1993*, and to establish the Heritage Council. The Bill is expected to be debated again in August 2005.

The Sustainable Development Bill has also been introduced into Parliament, and it aims to further strengthen the requirements for consistent local heritage schedules in Development Plans through the strengthening of provisions which require local governments to undertake mandatory Heritage Surveys and to accept the recommendations of heritage consultants in the preparation of Local Heritage Schedules. This will provide a consistency of management of local heritage places across the state in all local government areas. The Bill also provides for greater coordination between the Heritage Branch and local government in the management of State Heritage Places within local government areas. The Bill also strengthens the protection for Local Heritage Areas (currently called Historic (Conservation) Zones) in the Regulations to the *Development Act 1993*.

Key documents

- *Heritage Act 1993*.
- *Development Act 1993*.
- Planning SA (2001), Planning Bulletin: Heritage.

Tasmania

In Tasmania historic heritage conservation is regulated through the Act:

- *Historic Cultural Heritage Act 1995*.

The National Trust in Tasmania has no legal powers to protect heritage places.

Historic Cultural Heritage Act

Background

The purpose of the *Historic Cultural Heritage Act 1995* in Tasmania is to promote the identification, assessment, production and conservation of place having historic cultural heritage significance and to establish the Tasmanian Heritage Council.

Heritage regime

The regime comprises the following key elements:

- *Tasmanian Heritage Register*—The Act requires that the Tasmanian Heritage Register be established and maintained.

  The Act also includes the requirements to provide for Heritage Agreements and assistance to property owners, to provide for the protection of shipwrecks and to provide for control mechanisms and penalties for breaches of the Act.

  The Tasmanian Register holds 5277 listings, developed initially from the National Trust Tasmania listings of 4850.

  The National Trust Tasmania listing process listed either as recorded and or classified.

- *The Heritage Inventory*—The definition of place in the Act protects:

  a. a site precinct or parcel of land
  b. any building or part of a building
  c. any shipwreck
  d. and item in or on, or historically or physically associated or connected with, a site, precinct or parcel of land where the primary importance of the item derives in part from its association with that site, precinct or parcel of land

e. any equipment, furniture, fittings and articles in or on, or historically or physically associated or connected with any building or item.

The places on the Tasmanian Heritage Register have been judged as being significant by the Heritage Council. Some of these places may also be on one of the following registers:

a. the Register of the National Estate

b. the Register of the National Trust of Australia (Tasmania)

c. a local Planning Scheme.

Administration

The main body responsible for administering the Act is:

- *Tasmanian Heritage Council*—The *Heritage Act 1995* established the Tasmanian Heritage Council as an independent statutory authority in 1997, separate from government responsible for the administration of the Act and the establishment of the Tasmanian Heritage Council register.

  The Heritage Council is the state's main decision-making body on heritage. There are fifteen members who are appointed by the Minister of Primary Industries, Water and Environment, who are representing diverse community and professional interests including property owners, farmers and graziers, conservation interests and areas of expertise such as history, architecture, archaeology, engineering and tourism. The National Trust of Australia (Tasmania) has a representative on this committee.

The Act

The Act defines 'historic cultural significance' as:

a. It is important in demonstrating the evolution or pattern of Tasmania's history;

b. It demonstrates rare, uncommon or endangered aspects of Tasmania's heritage;

c. It has potential to yield information that will contribute to an understanding of Tasmania's history;

d. It is important as a representative in demonstrating the characteristics of a broader class of cultural places;

e. It is important in demonstrating a high degree of technical achievement;

f. It has a strong and special meaning for any group or community because of social, cultural or spiritual associations;

g. It has special association with the life or work of a person, group or an organisation that was important in Tasmania's history.

Comments

The Tasmanian heritage protection regime is fairly comprehensive.

Planning and heritage regimes

The overlay between local planning and the Tasmanian Heritage Council is improving with time.

A development application is made under the *Land (Planning and Environment) Act 1993*. No work on heritage sites is to commence without the approval of the Tasmanian Heritage Council. The planning authority provides the Heritage Council with a copy of each development application that relates to a registered or nominated place or object at least 28 days before the works are to be carried out stating the nature and detail of the works. The planning authority may deal with a works application if it has a delegated power from the Heritage Council to do so, or must refer the works application to the Heritage Council if it does not have the delegated power. The planning authority must deal with a works application in accordance with directions given to it by the Heritage Council.

A person may make a submission in relation to a works application by lodging the submission with the planning authority within 14 days after a notice is given. The Heritage Council must approve or refuse an application no earlier than 14 days after a notice has been given or not later than 42 days after the works application was lodged.

The Heritage Council or planning authority may only approve a works application in respect of works, which are likely to destroy or reduce the historic cultural heritage significance of a registered place or a place within a heritage area if satisfied that there is no prudent and feasible alternative to carrying out the works.

Applicants may appeal a decision to the Appeal Tribunal and it is to be lodged within 14 days after a notice has been provided. The Appeal Tribunal is heard and determined under the *Resource Management and Planning Appeal Tribunal Act 1993*. Fines may be implemented by the Tasmanian Heritage Council as a method of supervision and setting standards by which the works are to be carried out by the applicant.

The process is very much in the control of the Tasmanian Heritage Council, if anything-top heavy, but it does set a strong regulatory

process for both registrations of heritage sites and set guidelines as to how planning within local councils interact with the Tasmanian Heritage Council.

Where the system falls down is in the education process. The Tasmanian Heritage Council and the Planning authorities put little effort into the educating the community as to what method of approach is taken, conveying to owners in an easy comprehensive way the process, and hence many come to grief through a lack of knowledge before developing their sites.

It is through this lack of education that planning applications can cost the private owner considerably more if taken to appeal, which then leads to a negative perception about heritage conservation and the positives of the regulation process.

Recent developments

A development in Launceston approved by the Launceston City Council recently went to Resource Management and Planning Appeal Tribunal. It was lost by the Tasmanian Heritage Council on the grounds that the Tasmanian Heritage Council were trying to implement a registration of the site to be developed after having knowledge of the proposed development.

There has been an example in Hobart where Hobart City Council, in conjunction with Tasmanian Government, tried to implement a planning commercialisation strategy for Sullivans Cove, a Hobart Ports area without the normal transparent public process.

Following an outcry from the community and the Tasmanian Heritage Council a decision was made to remove the area from the hands of the Hobart City Council and form with a representative committee of persons with a specific interest to analyse the situation.

Key documents

- *Historic Cultural Heritage Act 1995*.
- *Resource Management and Planning Appeal Tribunal Act 1993*.
- *Land (Planning and Environment) Act 1993*.

Victoria

In Victoria historic heritage conservation is regulated through the combined operation of two Acts:

- *Heritage Act 1995*
- *Planning and Environment Act 1987*.

Indigenous heritage and natural heritage are protected through the Planning and Environment Act and other state and Commonwealth legislation.

Heritage Act

Background

Victoria was the first State in Australia to provide statutory protection of historic heritage places in 1974 through the *Historic Buildings Preservation Act 1974*, which also established the Historic Buildings Preservation Council. The broadening of the concept of historic heritage is reflected in the current legislation including the *Heritage Act 1995*, which amalgamated the *Historic Buildings Act 1981*, the *Historic Shipwrecks Act 1981* and part of the *Archaeological and Aboriginal Relics Preservation Act 1971*. The 1995 Act has been revised a number of times over the last 10 years and is supplemented by various Heritage Regulations.

Heritage regime

The regime comprises the following key elements:

- *Victorian Heritage Register*—The Act requires that the Victorian Heritage Register be established and maintained. Places, objects, relics, shipwrecks or zones (associated with shipwrecks) are recorded on the Heritage Register if they are assessed as having cultural heritage significance to the State of Victoria. There is an extensive consultation process with the property owner and other interested parties including the National Trust prior to listing. The Executive Director recommends to the Heritage Council places to be included on the Heritage Register.

  There are currently over 2000 places on the Victorian Heritage Register. At the time of the establishment of the Historic Buildings Preservation Act in 1974 the National Trust contributed its 'A' and 'B' and 150 of its 'C' level classified buildings to the new state register.

- *The Heritage Inventory*—The Act also protects all historical archaeological places in Victoria. This applies equally to

archaeological sites that were previously unknown, as well as to those that appear on the Heritage Inventory itself. Consents are necessary to alter or disturb an archaeological site.

Administration

The main bodies responsible for administering the Act are:

- *Heritage Council Victoria*—The *Heritage Act 1995* established the Heritage Council as an independent statutory authority. The Heritage Council is the state's main decision-making body on heritage, with ten members who are appointed by the Governor-in-Council on the recommendation of the Minster for Planning. The National Trust nominates two members of Heritage Council.
- *Heritage Victoria*—Heritage Victoria is the state government's principal heritage agency and is part of the Department of Sustainability and Environment. It administers the Act, maintains the Victorian Heritage Register and supports the work of the Heritage Council. Heritage Victoria administers grants through the Victorian Heritage Program and the Heritage Council Financial Assistance Program. Heritage Victoria employs approximately 50 people.

Planning and Environment Act

Background

The *Planning and Environment 1987* replaced the Town and Country Planning Act and created the New Format Planning Scheme. Providing a largely performance based regime for planning and development, the Victoria Planning Provisions provide a State Planning Policy Framework, local planning policies, various land-use zones and a system of area or site specific overlays. These provisions are applied by the responsible authority (usually the local municipal council). Amendments must be approved and gazetted by the Minister for Planning. The appeal body for decisions made by the responsible authority is the Victorian Civil and Administrative Tribunal. The 1995 revisions to the *Planning and Environment Act 1995* introduced the Heritage Overlay, the purpose of which is to conserve or enhance heritage places of cultural or natural significance.

Planning regime

Heritage is identified and protected under the planning regime through the state and local policies and the Heritage Overlays.

- *State and Local Planning Policy Framework*—The State Planning Policy Framework places an obligation on local planning authorities to '… identify, conserve and protect places of natural or cultural value

from inappropriate development'. This section of the Victoria Planning Provision and the specific local policy statements set out broad policies to achieve the conservation of places of local natural or cultural significance.

- *Heritage Overlays*—The 1995 amendment to the Act introduced Heritage Overlays to identify areas and places of significance to the local community. Heritage Overlay provisions are set out in Clause 43.01 of all Victorian Planning Schemes. A local Schedule to the Heritage Overlay lists the properties affected by the Heritage Overlay and any additional controls that may apply to that particular site. Heritage Overlays may either cover a wider area or identify a single site. The area or precinct overlays might include individual buildings and sites that are not significant in their own right. In these cases the objective is to ensure that any new development is appropriate to the significance, character and appearance of the area. Places on individual overlay or that are included within a wider precinct require a planning permit for demolition or certain types of alteration or addition. There are estimated to be in excess of 80 000 individual heritage places included on individual or area Heritage Overlays in Victoria.
- *Heritage Studies*—Heritage studies are commonly undertaken by external heritage consultants on behalf of the local municipality to identify places of local significance for potential inclusion within the planning scheme. Many of the places recommended for inclusion on the Heritage Overlay (or in some cases whole studies) are not adopted due to local political and community attitudes.

Administration

The main bodies responsible for administering the Act are:

- *Department of Sustainability and Environment*—The Department of Sustainability and Environment (DSE) administers the regulatory framework for land-use planning, environmental assessment and land subdivision. Through its agencies such as Heritage Victoria it provides advice on strategic planning, urban design, heritage and other matters.
- *Local municipalities*—Local municipalities are in most cases the responsible authority for planning and local heritage matters in Victoria. Where a place is included on the Victorian Heritage Register the state agency becomes the responsible authority for that place. Most local municipalities offer a free Heritage Advisor service through independent heritage professionals employed by the Council. Some municipalities offer grants, low interest loans or other incentives to owners of heritage places.

- *Victorian Civil and Administrative Tribunal*—The Victorian Civil and Administrative Tribunal (VCAT) is the appeal body for all planning disputes including those associated with places included on Heritage Overlays. Although VCAT's decision are binding, they can be appealed further to the Supreme Court.

Comments

The Victorian heritage protection regime is relatively comprehensive and the *Heritage Act 1995* is arguably one of the strongest pieces of heritage legislation in Australia.

There is still poor Heritage Overlay coverage and lack of appropriate advice on heritage matters in many rural municipalities, and the extensive use of appeals through VCAT to challenge decisions relating to heritage places disenfranchises many local communities.

There are limited financial incentives available through state and local governments for the conservation of historic heritage places in Victoria, and the lack of a lottery-funded program for heritage limits the monies available and has caused much debate recently.

Recent developments

Revision to the *Heritage Act 1995* in June 2004 widened it to include cultural objects not associated with a particular heritage place. Enforcement provisions within the Act have also been strengthened with the level of court action required reduced from the Supreme to the Magistrates Court.

Melbourne 2030, the state government's strategy for managing Melbourne's expected growth was released in 2003 and has caused much concern within the community over the potential impact of its strategies on Melbourne's historic inner and middle suburbs, many of which are identified as higher density 'activity centres'.

Earlier this year the Heritage Council released (in draft form) the Victorian Heritage Strategy 2005–2010, which will inform the direction of heritage policy in the State over the next five years. This document places greater emphasis on community partnerships, recognising the breadth of the state's heritage and better resourcing those charged with caring for Victoria's heritage.

Key documents

- Heritage Council (2004) *Victoria's Heritage 2010: strengthening our communities a draft strategy.*

- Heritage Victoria (2002) *The Heritage Manual.*

- Department of Infrastructure (February 1999) *Applying the Heritage Overlay* (VPP Practice Note).
- Victoria Planning Provisions, Clause15.11 'Heritage' and Clause 43.01 'Heritage Overlay'.

Western Australia

Legislation

- *Aboriginal Heritage Act 1972*.
- *National Trust of Australia (WA) Act 1964–70*.
- *Heritage of Western Australia Act 1990*.

Structures

National Trust of Australia (WA)

Under the *National Trust of Australia (WA) Act 1964*, the National Trust (Western Australia) was established as an educational institution with an advocacy role, a custodial role involving property management, and an ability to acquire property through vesting and other methods.

The National Trust uses its public membership to raise community awareness and appreciation of heritage values, and to identify, describe and—in some cases—manage vested heritage properties. Members of the National Trust also have access to a resource base of records, books, maps and other documents built up over the last 45 years.

With a strong volunteer ethos and a wide membership base, the National Trust represents the community and is a body corporation with a chairman and councillors elected by the membership. It can therefore comment freely on activities of government and private enterprise. While it does not have the power to impose preventative or restrictive conditions on listed places, it can lobby government on behalf of the community.

The Trust compiles and maintains a list of classified places. It includes places of historic, natural and Aboriginal significance. Classification by the Trust has no legal implications, but can carry moral influence. Classification are made by resolution of the Trust Council, on recommendations from voluntary expert committees.

Heritage Council of Western Australia

The Heritage Council of Western Australia is the state government agency created under the *Heritage of Western Australia Act 1990* to identify, conserve and promote places of cultural heritage significance in WA.

The Act provides for the compilation of Western Australia's Register of Heritage Places, as well as a Municipal Inventory for each local government area. The Heritage Council also promotes and sponsors

academic-based professional education; provides advisory services to the Minister for Heritage and the public; undertakes conservation planning, and administers funding for these purposes.

Under the Act, the Register of Heritage Places carries legal implications for other government departments, municipal councils, developers and individual property owners. The Heritage Council offers financial support in the form of grants for projects that enhance the understanding or conservation of heritage places. The Heritage Council also promotes Western Australia's cultural heritage to the wider community.

In recent times, the activities of the Heritage Council have expanded to include 'cultural tourism', heritage trails and general advisory services for primarily local governments.

Environmental Protection Agency

Primary responsibilities for natural heritage rest with the Environmental Protection Agency and a range of individual bodies including a large Department of Conservation and Land Management. Unfortunately state agencies are exempt from their own regulations and combined with the fact, heritage values (social, aesthetic and historical) are almost never considered in determining impacts of development, much loss is occurring. There is no legislation nor government commitment for natural heritage issues.

Planning Tribunal

The Western Australian Government does have a Planning Tribunal where often built heritage issues are considered as part of an appeal for development. In recent years every appeal except one has been upheld in favour of the applicant. Not only has this resulted in the irreversible loss of heritage values, it has caused much confusion and controversy and some conflict between community heritage values and private owners property rights.

Indigenous Heritage

The Indigenous heritage issues are extremely poorly considered and are covered under a separate Aboriginal Heritage Act. At this point in time, it would be safe to say Indigenous heritage issues are largely focused on resource development opportunities and native title rights.

LotteryWest

The state's lottery agency manages a number of programs that release about $1.5 million a year for heritage conservation and interpretation. This probably is the single most influential thing for conserving heritage along with the National Trust.

Developments

The last two Chairs of the Heritage Council have publicly resigned due to a lack of government commitment. There is currently no Chair.

Many government agencies still believe conserving heritage means retaining old buildings. The result appears to be a focus on retaining or restoring facades rather than place. This is a largely superficial commitment and such work has in fact being the result of advocacy by the community.

There is currently no official heritage policy articulated by the state government. There has been four heritage Ministers in five years with all of these Ministers receiving heritage as their first appointment. The responsibilities for heritage have rested with the Environment, Planning, Regional Development, Local Government and now Housing and Works portfolios.

Appendix 4 National Cultural Heritage Forum—*Vision for Australia's Cultural Heritage*

Presented to the Minister for Environment and Heritage, March 2004

Our vision is underpinned by an understanding of the many connections between cultural heritage and community identity, regional distinctiveness, amenity and quality of life, and the social and economic wellbeing of the individuals and communities, which together form our nation.

Preamble

The National Cultural Heritage Forum (NCHF) is the peak advisory body to the Minister for the Environment and Heritage and the Minister for the Arts on cultural heritage. The Forum provides the Ministers with direct access to non-government organisations most directly concerned with the understanding, conservation and management of Australia's cultural heritage places and collections.

In discussion with the Minister for Environment and Heritage and officers of the Department of Environment and Heritage, the Forum has developed a broad-reaching vision for heritage places and collections in Australia.

This Vision Statement is seen by the Forum as a framework within which changing issues and pressing priorities can be identified and considered. In addition to this framework, a suite of *initial measures* has been identified. These are provided as an indication of some of the steps—large and small—which we believe are required to begin the process of achieving the vision. Implementation of the initial measures will enable early and tangible progress to be made toward the larger vision.

This statement recognises that the Commonwealth Government is a key player in achieving national goals for cultural heritage. The new national heritage legislation and accompanying program—*Distinctively Australian*—provides a good foundation and important opportunities for achieving the vision outlined in this statement. However, the statement also recognises the crucial role of State/Territory and local governments, heritage professionals and communities.

The Forum is therefore seeking a widely agreed and shared vision for the future of our nation's heritage.

Vision for Australia's Cultural Heritage

Australia's heritage, shaped by nature and history, is an inheritance passed from one generation to the next. It is a living record of places, objects, events, associations and memories which define and sustain our natural and cultural history. It is for us, the present generation, to nourish and nurture this inheritance for future generations.

Australia's cultural heritage has many inter-related expressions including places, objects, documents, traditions, customs and languages. Collectively they hold the nation's stories; they are the responsibility of us all. They are fundamental to our sense of identity and in promoting that identity to the world.

Australia's cultural inheritance has been under increasing threat as economic restructuring, and social and technological changes have dramatically altered neighbourhoods, pressured urban centres, and emptied the countryside. Australia's cultural heritage is an important element in sustaining communities, and in local and regional economic opportunities.

This NCHF Cultural Heritage Vision Statement draws on the decades of dedication and commitment of those who have sought and continue to seek the vibrantly healthy cultural environment envisioned by communities and professionals alike.

Based on the *Burra Charter,* the Forum considers that *conservation* means all the processes of looking after Australia's cultural heritage places and collections so as to retain their cultural significance. Conservation is therefore an integral part of good management, and includes physical protection, research, community engagement, interpretation and education. *Australia's cultural heritage places and collections must be effectively conserved in accordance with this definition.*

To achieve the conservation of Australia's cultural heritage places and collections, five major strategic directions have been identified:

1. Government Leadership
2. Recognising the Value and Condition of Australia's Cultural Heritage
3. Community Engagement
4. Best Practice
5. Telling the Stories

1. Government Leadership

All governments share responsibility for caring for Australia's cultural heritage. Governments must demonstrate leadership in the conservation of cultural heritage through:

- commitment to powerful and comprehensive policies and procedures which consider heritage in all government decisions;
- recognition of and care for cultural heritage items in their direct keeping;
- allocation of adequate funds and resources;
- commitment to effective partnerships with other stakeholders (including through intergovernmental cooperation) to support cultural heritage objectives.

Vision Commonwealth government leadership and national cooperation by all governments through the EPHC and Heritage Chairs and Officials in the documentation, protection, conservation and interpretation of Australia's cultural heritage in all its diversity:

- strong statutory protection for cultural heritage;
- comprehensive policies and programs for cultural heritage;
- adequate provision of professional expertise in government agencies to manage the full diversity of heritage values;
- best practice management of government-owned heritage assets.

Measures

1. Commitment by all governments to an Integrated National Cultural Heritage Policy. (*see 1.1 below*).

1.1 Integrated National Heritage Policy

The NCHF acknowledges and supports the decision by the Commonwealth, State and Territory Governments to develop an Integrated National Heritage Policy through the Environment Protection and Heritage Council (EPHC).

With the implementation of the new national heritage system, there is now a basis to develop a comprehensive and integrated national heritage strategy.

The continued disparity between the statutory arrangements for cultural heritage in different jurisdictions, and the notable gaps in consistent and adequate statutory protection for the full range of cultural heritage values must be remedied. These include cultural landscapes, historical archaeology, underwater heritage, intangible cultural heritage, heritage collections, and moveable cultural heritage. There must now be better coordination of legislation between jurisdictions, and more effective information sharing by governments.

Vision

Sustained commitment from Governments for a comprehensive and integrated national heritage policy, and an accompanying strategy for implementation.

Measures

1. As a first step, the EPHC should clearly articulate the vision and policy framework for the Integrated National Heritage Policy. Adoption of the *Burra Charter* (as revised in 1999) by the EPHC should guide the further development of the Policy.

2. The EPHC and Cultural Ministers Council should develop and pursue an agreed and publicly stated set of national strategic priorities for the protection, care and celebration of Australia's cultural heritage, including adequate and consistent systems of statutory protection.

3. A key priority for the new Australian Heritage Council should be to articulate and communicate its vision for Australia's heritage places.

4. Through the EPHC, Governments should commit to providing seamless protection for the nation's cultural heritage.

   First steps in this process should include:

   - early identification of gaps in statutory protection for aspects of cultural heritage;
   - minimum appropriate standards for the protection of all aspects of cultural heritage in all jurisdictions;
   - best practice benchmarks for heritage protection systems that can be adopted by all jurisdictions;
   - 'model' provisions for inclusion in State/Territory cultural heritage legislation;
   - comprehensive reporting by Governments against these established model provisions and standards.

Specifically, the Commonwealth Government should adopt the NCHF recommendations concerning use of the Register of the National Estate as one tool in redressing identified statutory deficiencies for cultural heritage (as outlined in the NCHF paper *The Future Role for the Register of the National Estate).*

5. Commonwealth commitment to the implementation of the recommendations of the *Evatt Report*, and to passage of the *Australian and Torres Strait Islander Heritage Protection Bill* in a form which enacts these recommendations and is acceptable to Indigenous people.

   A similar commitment is also required from State governments to develop adequate Indigenous heritage legislation.

6. As a matter of urgency, the existing legislation for maritime and underwater heritage should be reviewed to achieve nationally consistent and integrated statutory protection for all underwater heritage.

   Completion of the national Underwater and Maritime Heritage Strategy to:

   - enhance perception of Australia's maritime heritage;
   - protect and conserve all forms of underwater cultural heritage, including Indigenous heritage;
   - integrate underwater cultural heritage with maritime aspects of terrestrial heritage;
   - interpret maritime heritage for targeted interest groups;
   - market maritime heritage to create partnerships to enhance management;
   - facilitate the development of standard provisions and policies for use by the Commonwealth and all States and Territories;
   - address the issues of adequate and timely funding;
   - broaden the scope of Australia's programs in preparation for the ratification of the *UNESCO Convention on the Protection of the Underwater Cultural Heritage (see section 1.4).*

7. Through the EPHC, Governments should review the statutory provisions for historical archaeology and ensure that specific legislative provisions are developed for historical archaeological sites, deposits and artefacts/relics. Uniformity of such legislation is strongly encouraged.

1.2 New National Heritage System

The new national heritage system provides the context for many of the measures identified in this Statement. The Forum recognises that it is a key outcome of the 1997 COAG Agreement, and is hoping to work closely with the Commonwealth Government and new Australian Heritage Council to realise the potential benefits for Australia's heritage of the new legislative arrangements and the accompanying *Distinctively Australian* program.

Vision

The new Commonwealth Heritage system providing powerful and community supported identification, interpretation and protection of national and Commonwealth Heritage; and, through leadership and partnerships with the States and Territories, contributing to the protection of Heritage at all levels.

Measures

1. Speedy development of the National List, which is fully representative of Australia's natural and cultural heritage, and which captures the essence, the variety and the full range of experience of the human occupation of Australia.

2. Involvement of the States and Territories, the community and key heritage groups in developing the National List, in such a way that there is general ownership of it.

3. Early implementation and promotion of the ability of the new Act to provide effective planning, conservation and protection for places on the National List.

4. Commonwealth department and agency compliance with the new legislative requirements and the speedy development of the Commonwealth Heritage List (*see section 1.4)*.

5. Active cooperation between the government and the National Cultural Heritage Forum to develop and publicise the new National List and its protection; and other elements of the *Distinctively Australian* program, including the development of an active campaign of support for and information about the National and Commonwealth Lists.

6. Regular meetings between the new Australian Heritage Council, and the National Cultural Heritage Forum, to exchange information, and discuss strategies and proposed outcomes.

1.3 Cultural Heritage Funding

There are no long-term national funding programs or tax incentives focused on Australia's cultural heritage places designed to encourage private, corporate and/or philanthropic contributions.

This finding of Australia's *State of the Environment Report* (2001) is in sharp contrast to the commitment of national funding and the use of the Commonwealth taxation system to support natural heritage conservation (including tax deductibility for donations).

Commonwealth programs such as the Natural Heritage Trust have made an immense difference in community understanding of and care for natural heritage. The Forum considers that a similar initiative is urgently required for the conservation of cultural heritage

It is acknowledged that governments cannot and should not be the sole source of funding for the care of the nation's cultural heritage but they must provide an adequate level of basic funding which presently does not exist. Partnerships with property owners, communities, philanthropic organisations and the corporate sector are also needed. Creating the right package of funding and financial incentives is an early necessary step in working toward adequate and sustainable resources for cultural heritage.

Vision Adequate funding for the conservation, management, maintenance and interpretation of Australia's cultural and natural heritage.

Measures

1. A dedicated national fund—similar to the Natural Heritage Trust—is urgently required to support cultural heritage conservation, management and interpretation at all levels and especially by local communities. This could be achieved through the creation of a new fund, or through substantial expansion of the current Commonwealth 'CHPP' program (Cultural Heritage Projects Program).

2. The Commonwealth Government should urgently consider ways of redressing the current low level of applications for the 'CHPP' from Indigenous communities. An important avenue of encouraging Indigenous community participation in the program will be the re-casting of the 'national' focus of the program to enable significant local projects to be supported.

3. All governments should, as a first step, speedily consider and develop responses to the recommendations being developed by the EPHC Taskforce investigating Heritage Incentives and Innovative Policy Tools.

4. The Commonwealth Government should urgently fund key national studies to better determine the economic and social values of the nation's cultural heritage. *See section 2.* All governments should fully and actively participate in these studies.

5. The Commonwealth Government should make a commitment to utilising taxation measures to support cultural heritage conservation:

   - A package of innovative tax measures to ensure the sustainability of heritage places presented to the public is urgently required.

   - Tax deductibility for donations to cultural heritage NGOs is needed to attract additional corporate and philanthropic funds.

   - Substantial incentives should be provided for private owners of heritage property to conserve their properties.

6. Commonwealth and State/Territory Governments should review the impact of the typical short-term nature of grants and funding programs to determine how these programs could be better directed to support sustainable community-driven cultural programs and projects (including for Indigenous communities).

7. All governments should take immediate action, in consultation with Indigenous communities to remedy the stark inequalities in funding for Indigenous cultural heritage conservation and management.

   Governments should acknowledge that, for Indigenous communities caring for their heritage, direct funding assistance will be more effective than taxation incentives.

1.4 Management of Government Heritage Assets

Public property forms a crucial part of Australia's heritage. Many of the places most highly valued by communities are in public ownership.

Governments are the custodians of these places and hold them in trust for the benefit of the community.

Communities nationwide have become increasingly vocal in their concern to see government policy for publicly owned property determined within a broad framework which recognises and protects the inherent values of these places.

The Commonwealth Government has made landmark changes to the way it will now manage its properties through the establishment of the Commonwealth Heritage List. This must be complemented by a clear policy commitment to the retention of places with outstanding Commonwealth heritage values, and to providing transparent mechanisms for ensuring the protection of the heritage values of properties subject to disposal.

Vision *Commitment by all governments to exemplary identification, conservation, management and interpretation of their own heritage properties.*

Measures

1. The Commonwealth Government should act promptly to ensure Commonwealth department and agency compliance with the new legislative requirements and the speedy development of the Commonwealth Heritage List.

   The Commonwealth Government should implement the recommendations of the NCHF *Policy Recommendations for the Ownership and Disposal of Commonwealth Heritage Property*, particularly recommendations 1a (regarding incorporation of cultural heritage into the Commonwealth Property Principles), 1c (regarding retention of properties in public ownership where this is fundamental to the conservation of their heritage values) and 3f (regarding the need for standardised procedures).

2. All other governments should apply the principles outlined in the *NCHF Policy Recommendations for the Ownership and Disposal of Commonwealth Heritage Property* when considering the disposal of public assets.

1.5 Acceptance of International Obligations

Australia has a proud reputation as a good international citizen, active in the initiation and encouragement of international cooperation in support of cultural heritage.

Vision *Australian Government commitment to fulfilling its international treaty obligations, and to actively supporting other forms of collaboration to ensure that cultural heritage is identified, conserved, protected and interpreted world-wide.*

Measures

1. Ongoing commitment to the conservation and protection of Australian World Heritage sites, and properties on the tentative list through Commonwealth Government leadership and intergovernmental cooperation.

2. ***Development of a more transparent and proactive process for identifying possible future World Heritage nominations, including the development of a thematically based indicative list. This could arise from public consultation regarding significant themes for the National List.***

3. *Conclude the development of arrangements for World Heritage nomination of existing cultural sites on Australia's tentative list including the Sydney Opera House, convict history sites, and rock art sites.*

4. *Renewed commitment to Australia's role supporting cultural heritage conservation in the Asia/Pacific region, especially through the provision of training opportunities.*

5. *Commitment to prompt and effective community and stakeholder discussion of the potential opportunities and issues arising from the ratification of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003).*

6. *Prompt progress toward the ratification and promotion of other UNESCO Conventions and Declarations protecting cultural heritage, including:*

    - *UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001)*
    - *Convention for the Protection of Cultural Property in the Event of Armed Conflict*—the Hague Convention *(1954)*
    - *UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage (2003)*
    - *UNESCO Universal Declaration on Cultural Diversity(2001)*
    - *UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)*
    - *UNESCO 'New Delhi' Recommendations on International Principles Applicable to Archaeological Excavations (1956)*

7. *Amendments to international aid funding programs—in particular AusAID—to allow for funding of cultural heritage initiatives.*

8. *Support for the international activities of cultural heritage NGOs, especially where they are mandated by international treaties.*

2. Recognising the Value and Condition of Australia's Cultural Heritage

2.1 Recognising the Social and Economic Value of Australia's Cultural Heritage

While the linkages between cultural heritage and community wellbeing are generally understood, methods for measuring these values are not well established in Australia. Recognising these inter-relationships is an important step in achieving better political support and community engagement in cultural heritage conservation.

Vision

Recognition of the social, economic and cultural value of Australia's heritage places and collections to be embedded in government policy and decision making.

Initial Measures

1. An inquiry into the economic benefits of Australia's cultural heritage should be undertaken as a matter of priority by the Productivity Commission. Initiation of this study should include discussion of the proposed terms of reference with the NCHF.

2. A community-centred review of the social and economic values of cultural heritage should be commissioned as a priority by the EPHC. The recent landmark English study *Power of Place* provides a useful model for developing this work in Australia, which would include:

   - economic studies
   - extensive community consultation
   - analysis of the ways heritage places contribute to community well being
   - implications for action by governments and communities to ensure the long-term viability of Australia's cultural heritage places.

3. A national survey of community attitudes to cultural heritage should be developed and conducted as proposed by the Heritage Chairs and Officials.

   In the longer term, data on community attitudes should be regularly and routinely collected through the work of the Bureau of Statistics. The Heritage Chairs and Officials should initiate discussions with the Bureau's Statistical Working Group to explore these needed initiatives.

2.2 Data Collection, Monitoring and Reporting

The Commonwealth decision to monitor cultural heritage as part of State of Environment reporting was a landmark decision, a world first, and strongly supported by the NCHF.

The Minister for the Environment and Heritage is required to monitor and report every 5 years on the state of Australia's environment. Both the 1995 and the 2001 *State of the Environment* Reports identified the lack of standardised comprehensive cultural heritage data as a key issue needing to be addressed if reporting on cultural heritage and monitoring of changes in condition is to be effective.

State of the Environment reporting enables the condition of Australia's heritage to be understood. Importantly, it also draws attention to trends which may threaten cultural heritage. Rigorous identification of these trends can form the basis for responsive and effective policies and programs.

Vision National and regional reporting on the condition, trends and threats to cultural heritage based on standardised data which is current, accurate, relevant and comprehensive.

Use of regular reporting, including State of the Environment reporting as a major driver for policy and program development by all levels of government.

Measures

1. Commitment by all governments to work through the EPHC to develop a nationally coordinated system for collection of standardised, regular and accurate data concerning cultural heritage, based on agreed cultural heritage outcomes and supported by the use of indicators. This measure is urgent since the next national report is due for completion in 2006.

    - Partnerships between the Commonwealth and the States/Territories are needed to ensure that heritage agencies are accountable for monitoring and reporting on the condition of heritage assets (including in the national State of the Environment Reports). If needed, bilateral agreements can be developed to clarify the expected outcomes of these partnerships.

    - Ensuring that regular monitoring of the social and economic values of cultural heritage to communities is reported, including in State of the Environment Reports (*following the studies identified in section 2.1 above*).

- Developing more effective indicators and methods of data collection for reporting on Indigenous cultural heritage.

- Continued development and enhancement of the Australian Heritage Places Inventory (including improved connections between government heritage databases) is an urgent and important element in improving the monitoring of Australia's cultural heritage.

2. As a first step, a national audit of data collection for cultural heritage should be conducted, so that gaps can be identified, and a complete national set of base level data should be established for the next *State of Environment Report* due out in 2006.

3. Commitment by all governments to include monitoring of the outcomes of the Integrated National Heritage Policy as part of the State of the Environment reporting process.

4. A national survey of rural heritage places should be undertaken to determine the nature and extent of the threats to heritage places in remote, rural and regional Australia.

3.0 Community Engagement

Communities are the custodians, knowledge holders and sources of meaning of Australia's cultural heritage. Understanding and accessing cultural heritage places and collections is fundamental to their well being.

3.1 Heritage Care

Conservation of cultural heritage is specifically excluded from the provisions of the *Natural Heritage Trust*. This not only restricts access to resources for the conservation of cultural heritage, it also artificially divides the more holistic perceptions communities bring to caring for their country and the land.

Local heritage is the heritage asset least well protected through the existing framework of statutory protection. However, local heritage is highly valued by communities, and is strongly linked to regional distinctiveness and to local community identity.

Additionally, Australia's cultural heritage collections do not reside solely in major museums and other collecting institutions. On the contrary, every community, small regional museum, archaeological collection, keeping place, gallery or historical collection acts as a custodian of cultural heritage, held in trust for all Australians.

Vision *Recognition, responsiveness and support for communities in caring for their cultural heritage.*

Measures

1. Establish a *'Heritage Care'* program to develop community heritage conservation programs, achieving both community engagement and substantial and cost effective conservation outcomes.

   In establishing pilot projects to initiate the *Heritage Care* program, regional and cultural diversity should be recognised (including the need for a pilot project with Indigenous communities).

2. Provide broad-scale and expert advisory services sufficiently resourced to assist community identification, conservation, management and interpretation of local heritage places.

   Provide needed heritage advisory services at the local level for Indigenous communities.

   Develop a network of Heritage and Environment Education Centres to support the work of local and regional heritage advisers.

3. Acknowledge and support the Regional Cultural Alliance and its focus on training and capacity building at the regional level.

4. Enhance the appreciation of the social and economic benefits of cultural heritage through specifically commissioned inquiries, surveys of community attitudes, interpretation of heritage places and collections, and integrated approaches to regional cultural tourism (*see sections 2 and 5*).

5. Develop responses to the urgent need for support for the conservation and assessment of significant documentary collections held in a variety of contexts at the local level (including local historical societies and Indigenous communities).

6. Provide adequate Commonwealth Government funding for the operation of cultural heritage NGOs.

3.2 Recognising and supporting the unique cultural rights and responsibilities of Indigenous Communities

Aboriginal and Torres Strait Islander people have a unique status as the traditional owners and custodians of their heritage and country, and have consequent obligations to sustain and maintain their heritage. Their living culture and the evidence of their presence in Australia immensely enhances and enriches Australia's cultural heritage.

Vision

Appropriate recognition and support for Indigenous cultural heritage—including the living and ancient cultures of Indigenous people, and tangible and intangible heritage. Consistent and effective recognition for the Indigenous concept of the indivisibility of the significance of natural and cultural landscapes.

An appropriate level of resourcing and support for Indigenous communities in caring for their heritage, which adequately refects the significance, richness and widespread nature of the manifestations of Aboriginal cultural heritage in Australia, and which provides for its presentation to others through interpretation, education and tourism.

Consistent and effective involvement of Indigenous people in all decisions affecting their heritage—at the national, State and local levels.

Measures

1. Directly involve and resource Indigenous community involvement in the identification of the heritage values of all heritage landscapes, places and collections.

2. Urgent attention by all Governments to redress the gaps in statutory protection for all aspects of Indigenous cultural heritage (including intangible heritage), and the inadequacy of resources available for Indigenous heritage conservation and management. (*see sections 1.1, 1.3)*

3. Ensure that the needs of Indigenous communities are incorporated into all aspects of cultural heritage policies and programs, including:

    - Integrated National Heritage Policy (*see section 1.1)*
    - Management of the values of public land assets (*see section 1.4)*
    - Measuring the social and economic benefits of cultural heritage (*see section 2.1)*
    - Heritage Care programs (*see section 3.1)*
    - Training and Education (*see section 4.2)*

- Research (*see section 4.3)*
- Interpretation and Education (*see sections 5.1* and *5.2)*

4. Ensure that effective responses are developed to identified threats to Indigenous cultural heritage. For example, focused programs are urgently required to retain Aboriginal languages (as identified in the 2001 *State of the Environment Report*).

5. Develop more effective methods for actively involving Indigenous organisations in the work of the National Cultural Heritage Forum.

Note: In keeping with the need for consistent and effective involvement of Indigenous people in all decisions affecting their heritage, this section of the vision, is a preliminary statement only, and requires more input from the Indigenous organisations which are part of the National Cultural Heritage Forum.

4. Best Practice

4.1 Conservation Philosophy and Practice

The aim of conservation of cultural heritage places and collections is the retention of their heritage values and meanings. Achieving this aim will rely on a comprehensive philosophical approach which defines appropriate standards and supports ethical practice.

The NCHF acknowledges and supports the work of the National Collections Advisory Forum. Forum members contributed to the Key Needs Study conducted by the former Heritage Collections Council, and support the establishment of a national body for collections.

In particular, Forum members endorse the explicit recognition of the vital connection between heritage places and the collection material relevant to them made by the Prime Minister when he launched the *Distinctively Australian* program recently.

Vision Identification, assessment and conservation of heritage places will occur in accordance with an agreed set of national standards.

Because definitions of 'best practice' will change over time, professional associations will work with governments, property owners and managers, and communities to determine and communicate appropriate standards of heritage conservation and management practice.

Measures

1. Government heritage agencies should ensure that 'best practice' standards and techniques are identified and disseminated through partnerships with relevant professional organisations. Support for technical research is an essential element of this commitment.

2. Public collecting institutions must be supported to ensure that the long-term conservation and care of heritage collections is achieved.

3. Governments and relevant professional organisations should consider the range of possibilities for working with Standards Australia.

4. A representative, well resourced national collections body supportive of accreditation and appropriate standardisation of collection management, should be established to:

   - fund or source funding for collection documentation, conservation and assessment—and guarantee funding over the whole life cycle of the project;

   - provide flexible and comprehensive training and support for volunteers and isolated professionals working with collections;

   - ensure all collecting organisations are electronically networked for support and training purposes (eg. through renewal of the work of the former *Connecting the Nation* program).

5. Member organisations of the NCHF have produced a range of policy and guideline documents to assist with the articulation of best practice in a range of settings. Many of these deal in detail with specific aspects of Australia's cultural heritage.

   However, several are considered to form a broad framework for articulating best practice in Australia. The NCHF particularly endorses and encourages the widespread use of the following:

   - the Australia ICOMOS Charter for Places of Cultural Significance (*The Burra Charter*)

   - the Museums Australia *Sustainability Policy for Museums and Collection Management*

   - the Museums Australia policy *Continuing Cultures, Ongoing Responsibilities* (concerning relationships between collecting institutions and Indigenous communities)

- the Australian Heritage Commission's guide *Ask First: A guide to respecting Indigenous heritage places and values*

- *Australian Natural Heritage Charter* produced in partnership between the IUCN and the former Australian Heritage Commission

6. As an urgent specific priority, governments should work collectively to resolve the pressing issues of resourcing, access, research and storage of archaeological collections.

4.2 Conservation Training and Education

The lack of a national strategy and commitment to conservation training is detrimental to the long-term conservation of Australia's cultural heritage, and mitigates against the burgeoning international recognition of Australia's expertise in conservation practice.

Vision

Adequate and accessible cultural heritage conservation education and training and ongoing support for professional practitioners, heritage property managers, volunteers and Indigenous communities which:

- is based on best practice standards and techniques across a broad spectrum of disciplines

- ensures that the creativity, skills, capacities and passionate dedication needed to care for Australia's cultural heritage are available

- takes into account the geographic distribution of education and training institutions and opportunities

Measures

1. Establish a National Conservation Training Forum to develop a national strategy to ensure long term provision of conservation training. In undertaking this task, the Forum should:

    - involve governments, peak conservation bodies, community organisations and the education sector;

    - ensure that the full range of conservation training is available, including a mix of general and technical training, apprenticeships and academic courses;

    - ensure that the training needs of Indigenous communities are identified and addressed;

- regularly monitor the findings of audits of training needs and effectiveness;
- foster innovative schemes to encourage sharing of skills and technologies through partnership programs between providers and managers of heritage properties;
- develop national programs for the training of craftspeople and technicians in all aspects of heritage conservation, and promote the employment of trained craftspeople in conservation.

2. Through the EPHC and NCHF, Governments should consider the establishment of professional accreditation standards which are required for professionals undertaking work involving heritage.

3. Establish a comprehensive national program of accredited volunteer training able to provide ongoing training for volunteers in conservation, collection management and interpretation, sited in appropriately adapted heritage sites, where possible.

4. Provision of incentives for cultural heritage training for owners, managers, staff and volunteers caring for important heritage places (particularly for publicly owned heritage properties).

5. Through intergovernmental cooperation, provision of resources for training of Indigenous cultural heritage officers, particularly at the community level.

6. *Support international exchange of cultural heritage professionals for activities such as training and professional development.*

4.3 Research

Cultural heritage has the ability to contribute to knowledge and to our understanding of the past and our environment through research.

Research is vital for the identification and contextual assessment of the heritage values of places and collections—this will be particularly important to support the values-based national heritage legislation.

Research allows us to understand the national and international importance of our heritage, and is an integral element of all aspects of *best practice,* underpinning conservation decisions and providing the basis for engaging and relevant interpretation.

Four major categories of research are needed:

- Academic research, including thematic work and contextual studies (in partnership with regional stakeholders)
- Place-centred studies and area surveys
- Heritage data collection (including statistical studies and consideration of social and economic impacts)—*this area of research is discussed in section 2.*
- Technical research—*this area of research is discussed in section 4.*

Vision

Recognition of the importance of research as the basis of good cultural heritage conservation, management and interpretation.

Enhanced national and international understanding of Australia's unique cultural heritage through research excellence and community access to all publicly funded research.

Measures

1. The Australian Heritage Council should establish a renewed National Heritage Research Program with the support and involvement of all governments.
2. As a first step, an audit and analysis of existing national research should be undertaken to identify gaps in current knowledge.
3. The scope of the existing 'CHPP' (Cultural Heritage Projects Program) should be expanded to enable research projects to be funded.
4. Support for the development and ongoing maintenance of a research and bibliographic clearing house is needed as a priority. The Australian Heritage Bibliography could be used as a basis for a more vigorously developed and accessible source.
5. Commitment to the use of the Register of the National Estate as an important tool for research at national, state, regional and local levels (as discussed by the NCHF paper *The Future Role for the Register of the National Estate).*
6. An integrated and recurrent national heritage places survey strategy should be developed and linked to the Australian Heritage Places Inventory and State of the Environment reporting.

7. 'Cultural Heritage' should be adopted by the Australian Research Council as a priority research area.

4.4 Sustainability and Cultural Heritage

Conservation lies at the heart of sustainability.

No community, no nation, will manage its resources in a sustainable manner without a strong commitment to the conservation of its cultural and natural inheritance.

Communities will only conserve resources if they understand their value for future generations, and believe they will be valued by future generations. Heritage places and objects resonate with stories of Australia's past and their conservation enables the community to respond to change.

Therefore, in order for the principles of sustainability to guide decisions about the use and allocation of present day resources, communities must be able to locate their decisions in a timeframe which sites within the context of the past and the future.

Commitment to the conservation of the nation's cultural heritage is central to the development of a truly nation-wide conservation ethic.

Vision A nation committed to sustaining its natural and cultural heritage through a holistic understanding of the present and future value of this inheritance.

Measures

1. Building on the work initiated through the Heritage Chairs and Officials and the *Year of the Built Environment* program, articulate the relationships and synergies between sustainability objectives and Australia's cultural heritage places, collections and landscapes.

2. Development of national planning guidelines through the EPHC and the Heritage Chairs and Officials to provide for: or: Support the work of the proposed Year of the Built Environment Policy Working Group to develop guidelines/policies ensuring that:

    - heritage significance is included as an integral consideration in all planning processes, and in the assessment and management of development proposals;

    - better adaptive re-use incentives are developed to conserve cultural heritage places;

- more effective relationships are established with professional organisations for planning, development and property management.

3. Through the EPHC and the Heritage Chairs and Officials, ensure that Commonwealth and State/Territory agencies responsible for environmental management have a policy commitment to cultural heritage conservation and management, and take account of cultural heritage values in their programs and activities.

4. Ensure that engineering heritage values are considered and managed in upgrading urban infrastructure.

5. Given that all landscapes in Australia have some cultural value, there is an urgent need for a holistic and effective landscape assessment method (and associated guidelines) to be established throughout Australia through the EPHC and the Heritage Chairs and Officials. It is particularly important that the potential Indigenous cultural heritage values of landscapes—including intangible aspects of culture—are respected.

   As an example, the Forum notes and supports the collaborative project recently initiated by the Australian Council of National Trusts and the Australian Wind Energy Association.

6. The Commonwealth Government should develop protocols under the EPBC Act which ensure that both natural and cultural heritage values are considered in assessment and 'action' procedures.

5. Telling the Stories

5.1 Education and Interpretation

It is only through education and interpretation that the value and meanings of heritage places and collections can be understood, maintained, enjoyed, and transmitted to future generations.

Interpretation is therefore an integral element of cultural heritage conservation. Research, good management of places and collections and community engagement all underpin interpretation.

All heritage places and collections should be interpreted, and their value as educational resources realised. Interpretation of heritage places should always recognise their Indigenous association with country.

Vision

Imaginatively presented and accessible heritage places and collections which play a key role in the cultural and economic life of communities. Telling the range of stories relevant to Australia's history, and representing the diversity of Australia's cultural heritage.

Measures

1. Increased recognition and support for the distributed national collection of heritage properties and collections currently cared for by community organisations (including Indigenous communities) which are struggling to conserve and interpret them.

2. Fully funded programs should be initiated by governments to encourage the visitation of heritage places as both educational and tourism resources.

3. Promotion of the use of heritage in school curriculum (eg. through the use of the *Making History* materials issued to all schools by the National Centre for History Education).

4. Development of better links/collaborations between history education departments and heritage places and collections. Foster the use of heritage places and collections as educational resources.

5. Commitment by Governments to a national review of community opportunities to access and benefit from the national estate, and to develop recommendations to achieve appropriate access. Include consideration of:

    - Costs and charges
    - Geographical distribution and regional disadvantage
    - Means of presentation
    - Ownership/use of accessible places, financial sustainability
    - Resources/skills for interpretation

6. Governments to give early consideration to the adoption of the international 'Ename Charter' for interpretation of places of cultural significance currently being developed by ICOMOS.

7. Development of benchmarking of interpretive tools, and assistance to owners and managers of publicly accessible heritage properties (including Indigenous communities where relevant) to implement best practice approaches to interpretation.

5.2 Tourism

Tourism can and should become a vehicle for enabling the sustainability and promotion of some of Australia's most important cultural heritage places and collections.

Full advantage should be taken of the opportunity presented by the new national heritage system to develop a framework for integrating cultural heritage and tourism initiatives and products.

Vision Sustainable and vibrant cultural heritage tourism, providing new economic opportunities—particularly for regional and rural communities—while supporting regional distinctiveness, social cohesion and community identity.

Measures

1. Encourage adoption by all governments of the recommendations of *Going Places*, the report of the EPHC Tourism and Heritage Taskforce. In particular, the EPHC Task Force should be represented on the Industry Implementation and Advisory Group which is currently advising the Minister for Tourism on the implementation of the recent White Paper.

2. Develop stronger thematic approaches in heritage and tourism, through State and Territory programs, the new National Heritage List and programs arising from the *Going Places* initiatives.

   An integrated approach to the development of themes should be adopted across agencies for use in tourism development and marketing, enabling a cohesive package of tourism and cultural heritage places to be promoted.

   Pilot studies in different jurisdictions should be considered to demonstrate the operation of this approach, including tourism promotion, visitor information and infrastructure.

3. Forge stronger links between cultural heritage interests and the tourism industry. The Heritage Chairs and Officials and NCHF should convene a meeting with the Chairs and CEOs of Commonwealth, State and Territory tourism boards to:

   - quickly identify potential partnership opportunities
   - ensure that the membership of Tourism Boards in all jurisdictions includes at least one person with substantial and recognised heritage expertise
   - arrange reciprocal membership arrangements between the NCHF and the tourism industry

4. Commission the Bureau of Tourism Research to conduct a national study to collate the statistics of visitation to cultural heritage places. This is urgently required to more efficiently assess issues of demand and the contribution that cultural heritage places and institutions make to local, regional and state economies.

5. Consider a range of incentives and policy tools to allow increased corporate and philanthropic contributions to cultural heritage conservation. Such measures are considered to provide the best opportunity for supporting the ongoing care of cultural heritage places promoted as tourism destinations. (*see section 1.3*)

Prepared by NCHF

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