

HERITAGE PROTECTION SOCIETY (TASMANIA) INC.
P.O. Box 513 Launceston Tasmania 7250

27 February 2015

Ms Natasha Exel
Committee Secretary
Legislative Council
Parliament House
HOBART TAS 7000

by email to tht@parliament.tas.gov.au

Dear Ms Exel,

**Re : LEGISLATIVE COUNCIL INQUIRY INTO
BUILT HERITAGE TOURISM IN TASMANIA**

We note that the Legislative Council Government Administration Committee 'B' has recently determined that a Sub-Committee inquire into and report upon the management, preservation, tourist marketing and promotion of built heritage assets in Tasmania, with particular reference to:

1. The current and future potential contribution that built heritage makes to tourism in Tasmania;
2. The role of Government;
3. The role of tourism organisations;
4. The role of heritage organisations;
5. Any relevant considerations in other jurisdictions;
6. Any other matters incidental thereto.

Heritage Protection Society (Tasmania) Inc.

Firstly, it is appropriate that I introduce our organization to you. Heritage Protection Society (Tasmania) Inc. (HPS(T)) is a community based organization that is formed to recognize the cultural heritage significance of what the Tasmanian community has inherited from the past and what we value enough today to preserve for future generations.

Cultural heritage is about people, society and the environment, and is represented by natural, indigenous and historic places with cultural heritage values; related objects and artifacts; and the records and stories of social history.

The aesthetic, historic, scientific and social values comprising the cultural heritage significance of Tasmania, for its past, present and future generations, as established in the Australia ICOMOS *Burra Charter*, is a concept to which we aspire to further, promote and enhance.

We aim to communicate, educate and advocate for the protection of cultural heritage in Tasmania, and to participate positively in the planning system to seek to minimize the level of physical intervention in relation to cultural

heritage fabric and practices, whilst sustaining dynamic continued adaptive uses.

Basic objects of HPS(T)

- Promoting or ensuring the preservation and maintenance for the public benefit, of places and objects of beauty or having an historical, scientific, artistic or architectural interest; knowledge of, interest in, and respect for those places and objects; and the provision and maintenance of activities and services to facilitate their enjoyment by the public.
- Recording and preserving the cultural heritage practices of Tasmanian communities; identifying the qualities for which Tasmania has become a focus of spiritual, political, national or other cultural sentiment to both majority and minority groups; and facilitating an educational program at the broadest possible level in these communities.
- Ensuring the public acquisition where only absolutely necessary for the protection and maintenance of cultural heritage places and artefacts, and assisting in this process in a material way.
- Supporting the common aims and activities of other like-minded organizations, such as and including historical societies, cultural groups and associations, the National Trust of Australia (Tasmania), and collaborating with national and international bodies to reach a collegiate outcome.
- Raising funds and seeking outside funding support from government and public agencies for the promulgation of the aims of the Association.

Background Comments by way of an Introduction to the Topic

Before we address your Terms of Reference, we make some general comments concerning the background to heritage recognition in Tasmania, and express some of our views on some past experiences leading up to the present state of affairs.

For too long, State heritage continues to be in a state of peril

Tasmanian heritage remains without an effective champion across all 3 levels of government 54 years after a National Trust was established in this State.

Many State government departments seem to operate in a heritage vacuum and if government does not take heritage seriously it cannot expect business and individuals to do so.

The latest government idea that State and local heritage lists be divided between the Tasmanian Heritage Council and local councils is a political stunt and means that no single authority will care for, or adopt, a singular stance.

There should be no conflict between heritage and development needs, if both sides think constructively, but where is the guidance to allow this to happen?

The Tasmanian community owes a great debt to the National Trust's Classification and Historic Committees headed up by people such as Bruce Wall, Geoffrey Stilwell, AJ Green, June Williams, Clifford Craig, Isabella Mead, Thomas Orr, Allan Orr, G Hawley Stancombe, Karl von Stieglitz, Roy Smith, Gary Forward, Michael Court, George Brown and many others.

Without the efforts of such people, Tasmania would have lost heritage buildings, not created Local Government and National lists or enabled the State Government to second the National Trust Register of 5,000 + places, to create the modern Tasmanian Heritage Register. Without these efforts, Tasmania would not have been encouraged to keep its built heritage and from that base, been able to present Tasmania as a cultural heritage tourism destination.

The Classification and Historic Committees of the National Trust were the first committees established after the Tasmanian Trust's commencement in 1960 but were closed down after 40 years service

A new National Trust Board was told that maintaining registers and undertaking combats to protect heritage would not be tolerated if it wanted continuing government funding.

From its first year, the Trust adopted the Victorian system of grading buildings from A – D and by 1969 the Launceston City Council had accepted 17 “A” buildings, imposing Preservation Orders, under the Launceston Corporation Act.

In 1972, the National Trust simplified its Register into two categories Classified and Recorded.

Also in 1972, the McMahon Government allocated money to the Australian Council of National Trusts for conservation work, and in 1973 a permanent Statutory Authority was to be established to deal with the protection, conservation and preservation of the National Estate which was to be surveyed, and an inventory created.

After Labor's re-election in 1974, the Australian Heritage Bill was passed in 1975 but after "The Dismissal" of the Whitlam Government, the Australian Heritage Commission only limped along and the completion of the National Estate Register was hampered by a lack of funding with the National Trusts making most of the recommendations for registration.

The 295 page ***Launceston National Estate Conservation Study*** was completed in 1977, having identified places and how they may best be preserved.

National Trust President, R. M. Green said: "Tasmania had an unduly high proportion of heritage sites to its size" noting that by June 1979, there were 963 Tasmanian items on the National Register.

Developing the register was time consuming with each item requiring name and address of owners, reference to title deeds where available, short history of property ownership, architectural significance, sketch plan of site and photograph.

During the 1980's the National Trust's Northern Committee classified about 25 buildings per year working without government funding.

Conservation battles were won and lost.

Patricia Ratcliff's 4000 signature to save Launceston's Union Bank and Macquarie House resulted in a public meeting of more than 250 people at the Launceston Town Hall on 17th November 1971.

It wasn't until 1974 when then Attorney General Neilson and Minister Barnard announced that the State Government had bought the Union Bank Building and in 1975 with national funds, Macquarie House was finally saved.

Launceston's shipping warehouse complex known as the C H Smith buildings, was listed on the Register of the National Estate, the National Trust Register in 1984, and the Launceston City Council Heritage List.

In defiance of the law, Redline Coaches, owners of the buildings, started demolition on the evening of Saturday 3 March 1990 and on Sunday morning, Patricia Ratcliff and a small band of supporters stood in front of the an excavator that was intent on levelling the site.

Launceston City Council employees sought an interim injunction from a Court official encouraged from his bed in Hobart. Delivered and served under police escort, the document stopped the work. On March 7, the Supreme Court upheld the temporary injunction.

In 2010, more than 30 years after National and Local level heritage recognition, and 24 years after the Supreme Court injunction, this place was entered on the Tasmanian Heritage Register.

Once fully researched, re-assessed and listed the status was fully accepted by its owner and it is now inconceivable that in recent months there is an application for demolition of one of the essential parts, the so-called Cordial Factory, the old Supply River Flour Mill Store fronting Canal Street. The battle has now been re-ignited before the Planning Tribunal, although as at the date of preparing this submission, HPS(T) can report that partly through its efforts

as a party supporting the Tasmanian Heritage Council, the Hearing Dates have now been vacated pending a fresh proposal from the owners that will result in the retention of the old Mill building. .

Soon after being legislated, a Tasmanian Heritage Council Scoping Study found that in addition to the 5,000+ places entered permanently or provisionally on the Tasmanian Register, the true quantum would probably reach 20,000 places.

Since then little registration progress has been made and at a rate of assessment of 40-50 places a year little progress will be made on the backlog of 2200.

Given this slow progress political imperative suggests that one third of the old incomplete list is no longer worthy. There should be no place for politics in the serious business of heritage assessment and protection. The politicians must butt out.

Local Government has a responsibility to keep their planning schemes and heritage lists up to date by reviewing them every 5 years but Launceston, the largest and wealthiest municipality, has not delivered on these responsibilities.

Launceston's interim planning scheme has a great number of errors, inconsistencies, omissions and inadequacies and many aspects of the previous scheme were not incorporated into the interim scheme.

When the Launceston Interim Planning Scheme was unveiled at the end of 2012, the following was evident:

- the heritage places schedule had not been updated since at least 1996
- the list of Significant Trees had not been updated since 1985 and has now been deleted;
- the heritage precincts list, part of the previous and earlier schemes has been deleted and some sort of alternative interim protection has been given to all individual properties within the pre-existing precincts, even those that have no heritage value in their own right;
- Aspects of precincts located within roadways and nature strips, such as trees, landscaping, stone gutters and stone retaining walls, previously protected, are not protected at all.

New provisions of the state-wide model planning scheme that called for protection of archaeological sites, are blank pages in the Launceston Interim Planning Scheme:

- Launceston's burial grounds, some located under converted recreational grounds, both private and publicly owned, and on private residential land, are not protected at all;
- Archaeology in Launceston is unprotected by the planning scheme, and where there are highly regarded sites with potential for important

archaeological 'finds' identified as having had buildings from the 1826 and 1835 surveys of Launceston, are disregarded.

What the Heritage Protection Society is seeking is consistent with the Government's view of greater consistency across the State and the Property Council of Australia made that very point to Government a year ago saying that *there is no consistency in dealing with heritage across the State*.

The State Government, prompted by the cash-strapped Tasmanian Heritage Council is trying to push responsibility for "local" heritage places on to Local Government.

Local Government, other than Hobart, is not ready or resourced to take on this responsibility, and the outcome will endanger the preservation of heritage.

The Tasmanian community must oppose this move and insist that the Tasmanian Heritage Council progress with greater speed and efficiency to complete a state-wide Heritage Register, if necessary utilising the volunteer support of trained members of the community.

Legislation allows the Heritage Council to delegate some of its powers to Local Government, and once the sections of the Register have been completed, then perhaps specific and resourced Local Councils can assist in shouldering the administrative burden of the Register for their areas.

But that time is not yet now.

Addressing the Terms of Reference of the Committee

The management, preservation, tourist marketing and promotion of built heritage assets in Tasmania, can easily be recognised as aligning with the objectives of both the National Trust of Australia(Tasmania) and Heritage Protection Society (Tasmania).

The missing component in achieving these noble and necessary goals, is funding and income sources. In an earlier era, the Council of City Lord Mayors (a national body drawing on local government delegates from across Australia) presented a report to the Commonwealth Government, calling upon a taxation incentive system that would encourage private owners of heritage buildings to retain, restore and maintain these places, for the benefit of the Nation. A lack of vigour and resolve by successive Commonwealth Parliaments has continued to ignore this critical need, and funding for our Built Heritage remains the "Cinderella" in the family of worthy recipients of government financial support. Momentarily, the Howard Government commenced the task of funding heritage icons across the nation, but sadly, this did not continue past restoring an Anglican Cathedral in each of the capital cities. From time to time, community and Commonwealth Government interest stirs in funding our built heritage, such as during the 1998 Bi-centennial Celebrations, and the 2001 Centenary of Federation Projects.

There have been times when businesses and corporations have put their shoulder to the wheel, however, this has been sporadic, and at best only occurs during the 'good times' when funds are more plentiful.

Tasmania has more heritage places on its heritage registers than the sum of such places on the registers of all other Australian States and Territories. The burden of the cost of conserving heritage places in Tasmania must necessarily fall upon the nation, not the people of Tasmania, for whom the financial task is overwhelming.

Relying on tourism and perhaps more specifically on tourism operators to develop and maintain heritage tourism attractions is never going to be adequate nor address the critical need for funding other essential non-tourist attractions that will always comprise the vast majority of our built heritage stock, sadly reliant on the efforts of private individuals. If Port Arthur Historic Site is an exemplar, that place has been wholly funded by the Commonwealth and has never been subjected to a tourism business plan as justification.

In addressing the particular points identified:

1. The current and future potential contribution that built heritage makes to tourism in Tasmania;

There is no question that built heritage is essential to attracting tourists to Tasmania, and present indications are that our next influx will be tourists from China. It is important to recognise that our built heritage does not comprise attractions and places where an admission charge may sustain on-going costs. The entire State of Tasmania exhibits built heritage (notwithstanding the importance of our natural heritage and Aboriginal heritage features, our food and wine attributes and our clean/green lifestyle), but also the safety of Tasmania as an international destination.

2. The role of Government;

The role is to protect, promote and assist with funding. Government at all 3 levels has a critical share of this burden, and more co-ordination and inter-communication is vital from an efficiency point of view.

3. The role of tourism organisations;

Clearly this is to present our built heritage in a positive and productive light, and sometimes to own and operate heritage tourism attractions and events. But the burden does not rest solely with tourism organisations.

4. The role of heritage organisations;

To assist where possible, and provide the army of volunteers that must be supplied. Research, presentation and communication, are fundamental requirements that cannot be all provided by paid staff.

5. Any relevant considerations in other jurisdictions;

The chore befalls all levels of government, in particular the Commonwealth Government for bulk funding and incentives with tax deductions and suchlike. Corporate and private benefactors also have a role, but the shrinking corporate and 'Head Office' base in Tasmania leads to corporation being based interstate and overseas, where the prominence of Tasmania and its funding needs are rarely on the corporate horizon.

6. Any other matters incidental thereto.

Aboriginal Cultural Heritage.

The ridiculous situation akin to "cultural apartheid" is the government's present intention to proclaim separate legislation for the protection of Aboriginal Heritage. The New South Wales legislative model is starkly different, and in one vehicle protects all cultural heritage.

We do not support the basis of the proposed legislation as it has been our long-held view and submission that Aboriginal Heritage protection should be an integral part of the Historic Cultural Heritage Act. As proposed, the draft legislation is not integrated with other approval systems apart from sharing a commonality with the RMPAT system. It is very important that such basic elements as transparent processes, appeal rights, or effective enforcement and penalties are dealt with in precisely the same manner as other divisions of cultural heritage protection.

As stated above, to not do this is nothing less than cultural apartheid, and will serve to strengthen, not break down the differences in our community.

Aboriginal cultural heritage is NOT the exclusive domain of those members of the Tasmanian community claiming Aboriginal dependency. Academics and community scholars worldwide have developed a proper interest in and regard for the heritage of other cultures, and there is nothing to be feared from opening up the information bank to everyone with a proper interest in the topic in question. Contrary to what is proposed, we believe that it is extremely important to broaden the involvement of the whole Tasmanian community in decision making. The proposal to limit the involvement to just those claiming to represent the Aboriginal community, is ridiculous, and is certainly not the case with other branches of cultural heritage being controlled and regulated by other cultural cliques.

Of course, a properly-based and constituted Aboriginal reference group or expert panel should be assembled and encouraged to advise the Tasmanian Heritage Council, and positions reserved on that Council from accredited Aboriginal community members.

We do not thereby agree with the key features of the Draft Exposure Bill.

There is nothing unusual about restricting access to information concerning heritage objects and sites generally, but this ought not be a restriction based on claimed Aboriginal ancestry.

We have no objection what-so-ever to the objects of

- recognizing, providing for and promoting the protection of Aboriginal heritage
 - promoting the management of Aboriginal heritage as an integral part of the State's resource management and planning system
 - establishing workable and effective procedures for the assessment, conduct and oversight of land activities and other activities with regard to Aboriginal heritage impacts
 - providing appropriate sanctions and penalties to prevent harm to Aboriginal heritage
 - promoting public awareness and understanding of Aboriginal heritage.
- However, we seriously oppose any exclusivity to provide for the involvement of the Aboriginal community in the management and protection of Aboriginal heritage

Interestingly, the definition of Aboriginal human remains contained in the draft Bill means the bodily remains of an Aboriginal person differs from remains of other people from different cultures in Tasmania. It does not include a body or remains buried in a public cemetery. The definition also excludes certain objects made from bodily material, such as a bracelet or necklace made from human hair, and human tissue lawfully removed from an Aboriginal person or dealt with in accordance with the Human Tissue Act 1985.

This difference in definition and the differences in how such remains are lawfully protected add to the cultural apartheid.

Likewise the definitions of Aboriginal object and Aboriginal place contained in the draft Bill and how such objects must be protected is also unpalatable.

Moveable Cultural Heritage.

This is an essential component of Tasmania's heritage assets. Presently, many items of moveable cultural heritage are entrusted to our museums, however there is a vast collection, albeit sometimes of lesser quality, held by private collectors and individual families. These items and important artefacts are commonly not secure or held in an appropriate environment. Most at risk are the items traded on the national and international "antiques and collectables" market, with Australia falling far behind other countries in restricting and preventing our moveable cultural heritage from being exported, albeit legally or illegally.

Cultural Landscapes.

Whilst this can sometimes be included under the heading of Natural Heritage, it is commonly sold short and deserves special identification and treatment.

Time prevents us from addressing this sub-heading here, however we direct you to Gwenda Sheridan [gwendas@netspace.net.au] and strongly suggest that you make contact with her in the event that she has not already made a submission to you.

Conclusion

Heritage Protection Society (Tasmania) Inc commends the Members of the Legislative Council for accepting the need for a committee to investigate and report on Built Heritage in Tasmania. Clear the terms of reference go much further than the title suggests, and we hope that by the information we have included her in our humble submission, further establishes what is at risk in Tasmania and how these risks and needs may be addressed.

Our submission has been necessarily brief and incomplete, but they also reflect the limited resources of HPS(T) to address the issue within the available time. We note that members may choose to invite people to attend hearings, either publicly or in private.

We encourage you to invite our delegates to participate in dialogue with you, and hope that we will be able to respond at the times of your choosing.

We look forward to receiving your further communication.

Yours faithfully,

Lionel J. Morrell

Lionel. J. Morrell

President

Heritage Protection Society (Tasmania) Inc.

Tel. 03 6331 6144

Footnote: Lionel Morrell is a practising architect and heritage consultant; 3 -term past State President of the National Trust in Tasmania and Director of the Australian Council Of National Trusts. He served on the Trust's Classification and Building Advisory Committee for over 20 years, and is a Life Member of the National Trust. In 1998 he was selected as a Tasmanian delegate to the Prime Minister's National Heritage Convention, with a COAG outcome to set out the roles and responsibilities of the Commonwealth States/Territories to identify criteria, standards and guidelines for each level of government, to protect heritage places.