

State passes buck on heritage



PAUL MURRAY

Nedlands MLA Sue Walker has caused a furious ruffling of feathers in the hen house with her new private member's Bill seeking to make the State pick up more of the cost of protecting WA's heritage.

Ms Walker has been fuelled by the row over demolishing Sir Charles Court's former family home and the ditherings of the Nedlands City Council and the Heritage Council.

The shadow attorney-general wants to amend the Lawrence government's 1990 Heritage Act to give owners the right to force the State to buy their property if it is put on WA's register of heritage places.

The philosophy underpinning Ms Walker's Bill is hard to dispute: if the State thinks things are worth preserving it should pay for them.

"The process needs to be more open and there needs to be automatic compensation," Ms Walker says.

"Those who are victims of the Heritage Council's sometimes whimsical interpretations are left to bear the financial and emotional anguish and not the Government."

The problem with Ms Walker's legislation is that it might save some people from the depredations of the State Government, but it won't protect them from similar moves at the local council level where heritage zealotry is often at its worst.

And that points to one of the great problems with heritage laws in WA. They are a dog's breakfast and therefore dysfunctional.

Ms Walker's Bill should be the trigger for a complete reappraisal of the approach to heritage in WA. The Carpenter Government needs to look no further than the draft of its 2006

State of the Environment report, currently nearing completion for release early next year.

"The current approach to statutory recognition and protection of heritage in WA is fragmented,"

the draft report says.

"There is no comprehensive register of heritage places in the State and separate Acts protect different types of heritage.

"Heritage registers exist at all levels of government. In general, heritage registers at the Commonwealth level identify places of national significance. State registers identify places of State significance and local government registers identify places of local significance, although overlaps exist. Not all registers provide statutory protection for registered places."

However, the report points out the deeper problems that exist between the different levels of heritage protection: "Significant impediments exist to the effective protection and management of heritage places in WA.

"Incomplete statutory identification and recognition of heritage places is often the result of inadequate resources at the State Government and local government levels.

"There are also significant gaps and deficiencies in heritage legislation. For example, there is currently no formal register at the State level for much of the State's natural heritage."

WA is facing its greatest crisis in protecting natural and Aboriginal heritage with the threat to the internationally important rock art on the Burrup Peninsula by the expansion of oil and gas infrastructure.

Once again, protection of the sites — the biggest concentration of rock art in the world — falls between Federal and State responsibilities.

The State Government initially opposed the National Heritage listing of the rock art. Last month, Alan

Carpenter relented and entered into discussions on management plans and a bilateral agreement on approvals.

"The State Government has long acknowledged the significant heritage values of the Dampier Archipelago," the Premier said.

"Nevertheless, we strongly believe that it is possible to protect these values of the archipelago and that industry and heritage may co-exist in the area.

"So while protecting heritage, we need to ensure that it does not constrain current projects, the capacity of industry to expand within agreed boundaries or impact on transport corridors for the facilitation of these industries."

All that will sound like bad news for those wanting to protect the sites. The prospect is that neither government has the will to save the bulk of the threatened sites, listing or no listing.

And you'd have to say that if our heritage laws are ineffective in preserving sites of such international significance, then they are not much use at all.

It seems a ridiculous situation when you compare it to the ability of local government authorities to stop

the demolition of derelict weatherboard shacks on presumed heritage grounds.

The State of the Environment draft report points out that there are 17,000 listings in local government inventories in WA.

"There are a number of problems with listing at the local level, including an increased potential for disagreement on listing criteria and the confusion of heritage with local planning issues," the report said.

"The main pressures mitigating against statutory identification and recognition are objections to heritage listings from owners and other stakeholders; the costs involved in achieving comprehensive listings; inadequacies in heritage legislation; and in the case of natural heritage, the absence of a statutory recognition system

system.
“Objections to proposed listings are typically the result of development pressures and views about property rights from some sectors of the community.”

Even though the report paints a dim view of heritage preservation in WA, it was criticised by the National Trust for not going far enough.

“Though the narrative of the report gives reasonable coverage of

the state of the environment for heritage in WA, the key findings and suggested responses fail to adequately reflect this,” the Trust said. “There is clearly an absence of a State heritage strategy, little linkage between agencies dealing with heritage at a local, State and Federal level nor acceptance of heritage

principles, policies and programs across government.”

Heritage Minister Michelle Roberts is yet to show her hand on the SOE report.

However, she has attacked Ms Walker’s legislation — which has the support of the Liberal party room — saying it amounts to an act of heritage vandalism.

No other State had similar provisions, she said. Perhaps that’s because their heritage legislation is as neglected as ours.

And Mrs Roberts said expecting the WA taxpayer to foot the bill for the purchase of, potentially, hundreds of heritage properties demonstrated a lack of insight into the heritage process. Or, maybe, just a pragmatic approach to it.

Ms Walker points out that during debate 16 years ago on the Heritage Act, now Attorney-General Jim McGinty said the most likely impact of a residential property being placed on the heritage register was that its value would increase enormously.

“He could not be more wrong,” Ms Walker says.

“From my own observations in my own electorate it is obvious that once a residential property has been put under heritage assessment, most buyers will not touch it with a barge pole and owners can whistle in the wind for any compensation.”

There is a glimmer of light on the horizon. Mrs Roberts’ office confirmed yesterday that she would host a forum to review WA’s heritage laws next year, the first since 1999.

paul.murray@wanews.com.au
Letters for publication:
letters@wanews.com.au



Concern: Sue Walker with Janet and David Green, owners of the old Court home