

27 July 2011

Senate Finance and Public Administration Committees
PO Box 6100
Parliament House
CANBERRA ACT 2600

**SUBMISSION TO THE COMMITTEE ENQUIRING INTO THE
PERFORMANCE OF THE DEPARTMENT OF PARLIAMENTARY
SERVICES**

1. This submission addresses the Terms of Reference Item (b) – *policies and practices followed by DPS for the management of the Parliament House and its contents.*
2. The Australian Parliament House is of unparalleled heritage significance at any number of levels but neither the building nor the objects it contains appear subject to a rigorous system of heritage conservation in the same sense that other places of National Heritage significance are bound to adopt.
3. Generally, the heritage values of places and objects of National and Commonwealth significance are protected by the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* ('the Act'). Chapter 13 of the Act provides for the registration of places of National and Commonwealth heritage significance, and in the case of places occupied or owned by Commonwealth agencies, their management in accordance with a heritage management plan approved by the Minister.
4. Statutorily, two laws apply to Parliament House. The *Parliament Act 1974* prevents building or other works being carried out in the Parliamentary Zone without the approval of each House of Parliament.
5. The *Parliamentary Precincts Act 1988* defines the physical precinct of the Parliament and places the precincts under the control and management of the presiding officers. The Parliamentary Zone coincides with the Parliamentary Precinct.

6. The Department of Parliamentary Services has prepared a strategic plan (*Strategic Plan Supporting the Parliament 2010-13 Our 20-year vision and 3-year action plan*).
7. The Department's three-year strategy for Building Services and Amenities states that the Department will *inter alia*:

“Manage the heritage values and art collection of Parliament House through the preparation of a heritage plan, and continued development of the Parliament House /art collection.

This initiative will:

- *ensure that heritage assets are cared for over time and are available for future generations;*
- *ensure Senators, Members and other building occupants have access to a range of artworks which reflect the diversity of their interests and geographical representation; and*
- *enhance the working environment for building occupants, and expose visitors to a range of aspects of Australian life, landscape and society.”*

8. The language and scope of the strategy as expressed in the document indicates that the Department has little or no understanding of a “heritage plan”. There may be other departmental documents that deal in the subject in more detail (and strategies are by definition broad statements of intention), however there is no use of any of the terms that one would expect in a heritage document. The general tenor of the initiative is inconsistent with the documentation of requirements for the conservation of heritage values elsewhere, and it is difficult to engender any feeling of confidence in the Strategy, notwithstanding that it was most likely devised with the best of intentions.
9. Nothing in either Act relating to the Parliament would appear to preclude Parliament House from being subject to the provisions of the EPBC Act to ensure that the National heritage values of the place are protected and managed in accordance with prevailing laws and best management practice.
10. If Parliament House were to be entered onto the National Heritage List, the Minister would be required to make a written plan to protect and manage the place (s.324S). The Department of Parliamentary Services would be required manage the place in accordance with the plan (s.324U). Under the Environment Protection and Biodiversity Conservation regulations the plan would be required to address the matters set out in Schedule 5 (R.10.01C). For the Committee's information I have attached Schedule 5 as Annex A to this submission.
11. The recommended process for documenting the requirements for the conservation of heritage places owned or controlled by the Commonwealth requires the preparation of a heritage strategy

(EPBCA s.314ZA). The matters to be included in the strategy are prescribed by regulation. There is no parallel requirement for places on the National Heritage List, however the development of strategies is unavoidable in best practice management.

12. Following registration, the Department would then prepare a Heritage Management Plan in accordance with the EPBCA s.324S and Regulation 10.03B, Schedule 5A, and with the principles prescribed under Schedule 5B of the Regulation.
13. There are a number of benefits generated by formal registration of the Parliament House:
 - The heritage values of the Parliament House are crystallised into a set of written statements that allow Australians at large to appreciate the heritage value of their Parliament House;
 - Conservation is based on an established statutory system covering all aspects of the conservation of the heritage values of the place;
 - Conservation is subject to independent review and overview to ensure that the conservation process is not subjugated by the normal operational demands on the agency responsible for the place;
 - The process is subject to a range of professional inputs that ensure that the heritage management plan is effective in the short, medium and long range scenarios for the place, in terms of conservation of the fabric, identification of particular elements and objects that require special protection, and in the implementation of actions necessary to give effect to the plan;
 - The process is transparent and open and allows the Australian community to participate in the evaluation phase of registration;
14. In a recent response to a Question on Notice in the Senate, the Department of Sustainability, Environment, Water, Population and Community said that there were 89 places on the Commonwealth Heritage List, but only 40 plans had been finalised, with a further 5 draft plans under review. This would seem to indicate reluctance by agencies to undertake what they probably regard as an onerous diversion from their primary function. Their position is understandable in an increasingly difficult and demanding work environment.
15. There are a number of aspects of the preparation of a heritage management plan that I consider make it essential that the task is carried out by an independent person or body. The task requires specialist skills to carry out exhaustive and detailed research on the building and its contents, to identify their heritage significance, and to determine the principles that should apply to both the conservation task and to responding to the inevitable pressures created by the

occupants to add and extend the building for operational reasons. Further, the task of preparing a heritage management plan and initiating its implementation is much more likely to be achieved if it is the full time responsibility of an independent agent than if it is an additional and unrelated burden to the core responsibilities of a Departmental officer.

16. In an environment as dynamic as Parliament House there is an ever-present danger that inappropriate changes will be made and elements, important to a proper interpretation of the place by future generations of Australians will be damaged or lost. For example, the erection of 'temporary' partitions or walls to meet demands for accommodation could change the nature of the interior of the building. There is also the danger of well meaning 'enhancements' eventually masking the original architecture and interior design.
17. In these situations Departmental offices might be prone to operational pressures to override a heritage management plan, where independent consultants are better able to give unbiased advice and indicate the consequences of departures from the plan.
18. In conclusion, the perceived complexity of the task should not be allowed to become a deterrent to the timely institution of a formal conservation regime to protect Australia's most important building. Its external form, interior design, layout, landscape and the array of cultural objects are an important expression of the political freedom and cultural richness that Australians enjoy. Its' conservation for future generations should not be left to chance.

Yours sincerely.

Paul D Cohen
FPIA MURP