

The LNP and Queensland Heritage: A Fresh Start or A New Threat?

The Queensland Government is reviewing the *Queensland Heritage Act*, the main legal instrument for identifying and protecting the State's cultural heritage. The Minister, Andrew Powell, has announced "it's time for a fresh start" and released a discussion paper, with proposed changes.¹ The proposals are about post-colonisation heritage covered by the *Act*. They do not apply to Aboriginal and Torres Strait Island cultural heritage which are subject to separate legislation and processes.²

The paper proposes some measures that would strengthen current protections, such as the introduction of a heritage duty of care for owners of heritage-listed sites, and a new power for the department or Minister to issue a temporary protection notice when a place under heritage assessment is at imminent risk of intentional damage. These would be positive changes. Unfortunately, they are the exceptions in a sea of proposals that will not improve and will possibly diminish heritage protection in Queensland.

We believe that, taken together, the proposals in the discussion paper would compromise the *Act's* protections and sanitise how history is represented in the heritage system. The current post-colonisation heritage system already excludes too much. It is big on churches, war memorials and grand buildings. Places of the underlings are under-represented. Stories of labour, women, people of non-English background and other subaltern groups are either not collected or are written-out of the accounts of the places on the Heritage Register.³ The changes proposed in the discussion paper will make it even harder for working people and marginalised groups to preserve the heritage and stories that matter to them.

The mooted changes fall into three broad groups. One set alters how places can become listed on the Heritage Register. A second set alters the membership of the Heritage Council, favouring 'expertise' over representation. The third set is about increasing the influence of tourism and local government and economic development on heritage matters. These three are discussed in order.

From open nomination to management of heritage determinations

Currently, any organisation or a member of the public can apply to have a site listed on the Queensland Heritage Register. This is termed 'open

standing applications’. The application triggers a process which leads to the Heritage Council deciding whether or not the nominated place will be added to the Register. The test of adding something to the Register is that the Council must be satisfied that a place meets one or more of the eight cultural heritage criteria stated in the *Heritage Act* and that it is of state significance.

The Heritage Branch of the Department organises the process but the Heritage Council is the decision-maker. The Branch investigates the application and calls for public submissions. On the basis of its research and the submissions, the Branch makes a recommendation to the Heritage Council on whether or not to enter the place on the Register. The Council makes its own deliberations and decision and can accept, reject or modify the Branch recommendation. The Council also gives the nominee(s), the property owner and other interested parties an opportunity to make direct representations to the Council. This means that the recommendation made by the Branch can be scrutinised by the nominees and others.

We think that the current form of nomination, the call for public submissions and the possibilities to scrutinise the Branch research and recommendation make heritage listing decidedly more open than many public and governance processes. It should be seen as a strength of the system, especially given the very political nature of actions and decisions about development and heritage.

The Discussion paper takes a contrary view: viz

Open standing applications can be motivated by public outcry or media attention, often in response to proposed demolition or other development that may harm the heritage values of a place. Reactive applications create greater uncertainty for property owners and developers, who may have invested time and money in a development proposal. (p.25)

Note how in this phrasing,

- “*Public outcry*” is the problem, not the possibility of losing community heritage.
- Sympathy is due to the property owners and developers whose time and money is elevated in importance above that of the community.

- Or put more plainly, it seems protesters are almost assumed to be rat-bags who are unfairly using the nomination process to get at developers.

The discussion paper wants to abolish open nomination; viz

It is proposed to repeal the current application driven register process and replace it with a community nomination process that allows the chief executive to identify priority heritage themes (as identified by analyses of register gaps. (p.25)

This is a cleverly written sentence. The justification for abolishing open nomination is to allow the Heritage Branch to deal with the situation that *'there are 4 out of 17 regions in Queensland that are significantly under-represented on the register, and key gaps in heritage types'*. (p.25) Perhaps it is fortuitous that this will also remove problems of 'public outcry' about heritage and development.

Gaps in the heritage register are a distinctly different matter to people trying to get protection for places that they think are under threat. The gaps in regional and types of heritage are significant and need attention. As already noted, many of the absences are places associated with activities and stories of workers, women, people of non-English backgrounds and other underling and subaltern groups.

The mooted changes to the process of submission are unlikely to rectify these omissions. Details are lacking but the discussion paper appears to propose that the public will be invited to make what might be termed preliminary nominations of places that fit within "priority heritage themes". These themes are, apparently, to be determined by the Heritage Branch. In turn the Heritage Branch will decide, from the list of public nominations and any that it itself makes, which nominations will proceed to the Heritage Council for a decision. There is no indication that applicants whose nominations do not proceed to the second stage or which fall outside the priority areas will have a right of appeal. Furthermore, the discussion paper is silent about who might have a right of direct submission to the Heritage Council about those nominations that proceed to it.

The proposed removal of 'open' nomination will restrict the ability (and some may say the rights) of any citizen to invoke the heritage protection processes.

They will be subdued via a ‘managed order’ in which people can choose to select from a provided list. In doing so, orderly management is being preferred over what is often raw politics. This may be more conducive for Ministers and public administrators and for developers and their financiers. But it is unlikely to increase the public good.

A far more effective way to address the gaps in the Heritage Register would be to require the Heritage Council to conduct regular public audits and reviews of the inadequacies in the current listings and to recommend priorities to make coverage more comprehensive. This would need effective and wide public involvement and the power, whether with the Minister and/or the Council, to designate where to start to meet the deficiencies. Historic England (formerly English Heritage) points the way with its adoption of “Inclusive Heritage”.⁴

Changing the membership of the Heritage Council

The discussion paper proposes to reduce the membership of the Heritage Council from twelve to nine members. This is justified as ‘*contemporising the membership*’ and ‘*modernisation to improve efficiency, transparency, and the quality of stakeholder engagement*’. The discussion paper also says it will save money. (p.23)

The current *Heritage Act* specifies that the 12 members include one representative from each of the National Trust of Australia, the Local Government Association of Queensland, the Queensland Council of Unions, organisations representing property owners and, separately, rural producers. The latter two have been filled by nominees of, respectively, the Property Council and AgForce. The other seven members are individuals appointed by the relevant Minister.

The discussion paper proposes reducing membership to nine while keeping the National Trust and Local Government representatives. As stated:

It is also proposed to retain representative membership from National Trust of Australia (Queensland) and Local Government Association of Queensland nominations as both organisations have considerable interest in heritage outcomes.

Put plainly, the National Trust and LGA will be kept on the Heritage Council because of their considerable interest in heritage “outcomes”. This suggests that the Queensland Council of Unions loses its membership because it has no, or too little, interest in heritage outcomes. Does the Minister and the drafters of the discussion paper believe the working people of Queensland have no interest in the heritage of their State, and hence deserve to be excluded from any role in its administration?

The discussion paper provides a list of what is termed ‘*the required field, skills or expertise for members*’. (p.24) The list of the ‘*one or more*’ qualities individual members are to have is as follows:

- Aboriginal and Torres Strait Islander history
- archaeology
- architecture
- built environment
- economic development
- heritage conservation and management
- History
- legal
- property development
- rural interests and
- urban and regional planning.

This list explicitly provides for members in the two ‘*fields*’ of property development and rural interests, which neatly gets around the removal of the representatives of property and rural interest groups from the Heritage Council. No such provision has been made for workers and their collective organisations, perhaps indicating that some ideology or even animus to workers and unions is in play.

The move to a Heritage Council membership which is ‘*field, skills and expertise-based*’ has its own inadequacies. The discussion paper recognises one of these, stating that a smaller number of members “increases the risk for there to be possible conflicts of interest as many potential members are likely to have had dealings with matters under consideration or people involved in applications.”(p.24) Put less politely, the discussion paper itself is acknowledging there is a risk that the experts will be looking after each other and their kind. And will be doing so in the language of their skills and expertise. Experience suggests that architects,

for example, 'see' and favour the physical, structural and architectural features of places and are relatively blind and insensitive to the political and social histories.⁵

Overall, the proposal to move to a more expert-based QHC puts experts on top not on tap. The list of expertise in the discussion paper is decidedly limited. For example, construction, engineering in all its guises, botany and landscape gardening and arboriculture do not rate inclusion. Nor of course does sociology, politics or such other perfidious disciplines. Likewise, it is presumably too woke to mention diversity, whether race, gender, sexuality or class.

Tourism and heritage

The third set of change relates to the object of the *Heritage Act*. Currently the object is “*to provide for the conservation of Queensland’s cultural heritage for the benefit of the community and future generations.*” The discussion paper proposes to amend the objects in the *Heritage Act* to,

include references to protection and conservation of the State’s heritage places, adaptive and sustainable reuse of places, and high standards of heritage conservation. Amendments will also provide more guidance for decision-makers, industry and the community about application of, and achieving, the ‘Objects of the Act.’ (p.23)

It is difficult to disagree with the first sentence about protection, conservation and adaptive reuse. But the intention of providing ‘more guidance’ is quite ambiguous since it begs the question of what kind of ‘guidance’ is needed. When considered in conjunction with the proposed changes to the composition of the Heritage Council, it is difficult not to conclude that the authors of the discussion paper believe the heritage apparatus needs changing because it does not adequately institutionalise a role for certain external stakeholders. It is their guidance that apparently needs bolstering. The discussion paper expressly identifies local government, the tourism industry and the arts and education sectors as key players, although arts and education receive only a cursory mention. The document is vague on details of how a greater involvement and influence of these sectors would be achieved. The clear implication, though, is that the *Act* could be amended to widen the administrative apparatus to include

explicit roles for local government and commercial tourism. This could even be mandated within the *Act* itself.

Such changes would open the door to potentially serious conflicts of interest between external actors and the goal of heritage preservation. To take the most glaring example, there's a strong sense that more Queensland heritage has been lost due to local government decision-making than has been protected. Similarly, we feel that commercial tourism has demonstrated it is as equally adept at destroying heritage as preserving it. The notion presented in the discussion paper that tourism is one of the forces "*vital to achieving strong stewardship and protection of Queensland's cultural heritage*" (p.23) seems to fly in the face of both logic and evidence.

The proposal to give local councils and tourism operators greater influence highlights two underlying flaws with the government's approach. The first relates to due process. The discussion paper conflates governance and stakeholding. If laws for heritage protection are actually going to protect, they must establish an administrative apparatus and processes that are independent from forces that could do harm. This is not to imply an adversarial approach, it simply recognises the fact that not all stakeholders are similarly motivated. In particular, some do not have an intrinsic interest in preserving places of heritage significance. Because of this they should not be granted an undue say in what does and does not get protected and the conditions that might apply.

The second problem is more fundamental. In a market-oriented capitalist economy, heritage is in tension with the imperatives of "development." The discussion paper calls this "competing priorities." (p.14) Put another way, development in a market economy is about individual interests and private profit. Heritage, on the other hand, is about limiting individual interests and serving the collective, public good. Development in this dichotomy is neoliberal shorthand for outcomes flowing from private capital investment. From Queensland's recent history, examples could include developer-led housing estates of dubious amenity, urban luxury apartments and marinas in RAMSAR wetlands, new coal mines, LNG fracking operations and Trump-style resorts.

Under the National Party governments of the 1970s and 80s, the solution to tension between heritage and development was to obliterate the heritage (ala the Bellevue, the Queen Street precinct and Cloudland). In 2026, the

solution seems to be to subordinate heritage to economic and market drivers. By waving an invisible hand over heritage, development will ensure, in the words of the discussion paper, that heritage can “*help improve urban amenity and people’s sense of place.*” (p.14) And although this might be too radical for the discussion paper to state, it can be monetised and commodified as “heritage tourism.”

One danger of this is to open up heritage management to nefarious deal-making. Another is to narrow the scope of what constitutes cultural significance in the first place. Commodification, whether for residential amenity or tourism, brings with it pressures to package heritage in ways that serve the commodity provider’s own interests. Maximising return on investment is the heart of this, however well camouflaged in statements about place and history. As a consequence, the very concept of heritage value will be distorted, and the meaning of places of significance will be trivialised, even infantilised, in the pursuit of marketable stories. Complexity will be sacrificed for the pithy spiel. The whole approach proceeds on the basis that engagement with heritage is a transitory experience, fleetingly interesting but ultimately incidental to the deeper rhythms of life. It conceives history as little more than bling, and heritage as a mere economic resource, its value and protection-worthiness determined by its utility to economic development.

The sleeper in the paper

The three sets of issues discussed above require a ‘between the lines’ reading of the discussion paper. As noted, what might be termed the ‘real’ action is hidden in subtle wording. This is also the case in a proposal about ‘development on or adjacent to heritage places’, neatly tucked away in the very end of the discussion paper under the heading ‘*State heritage trigger for development – State Code 14*’. (p.31)

Code 14 is part of the State Development Assessment Provisions applied on behalf of the State Government to development applications that are of ‘state interest’. In particular,

The purpose of this code (Code 14) is to ensure development on or adjoining a Queensland heritage place conserves its cultural heritage significance for the benefit of the community and future generations.
and

Specifically, this code seeks to ensure development on a Queensland heritage place protects the identified elements of the Queensland heritage place that are of cultural heritage significance. (p.31)

The discussion paper proposes

...a review to examine whether the current purpose, concerning development on or adjoining a Queensland heritage place is still relevant; ... including whether the performance outcomes remain current and align with proposed changes in legislation. (p.32)

As noted above, and to translate the jargon, the “performance outcomes” to be reviewed are those that are meant to ensure that development on or adjoining a listed heritage place conserves the cultural heritage for the benefit of the community and future generations.

The proposal to review the criteria for assessing development on heritage places will occur after the legislation is passed. The discussion paper is silent about when and how the review will be done. Its purpose is also not made clear. This is deeply concerning. There would seem to be no need for such a review unless there was an intention to dilute and weaken the protection of the heritage elements of places. Perhaps this is why the proposal is slipped in as the last word in the document. Are we entitled to infer that the authors are questioning the continuing relevance of requiring developers to protect heritage? If this is indeed the “new start” they want, it might bring down much that is treasured.

The deep failures of the discussion paper

Many of the changes proposed or implied in the discussion paper pose significant risks to cultural heritage in Queensland. They also endanger the integrity of the historical knowledge embodied in heritage. Nowhere is this more apparent than in the idea of adaptive re-use. While the ongoing utilisation of heritage structures certainly allows for their preservation, we contend this should not be done without attention to retaining and communicating the historical meanings associated with these sites. Rachel Donaldson, writing of labour heritage in the United States, makes the point that:

in order to use places to teach history, the sites themselves must first be protected in some capacity to ensure their continued presence on the landscape. However, rather than simply saving structures themselves —such as adapting historic factories and warehouses into luxury loft apartments — these sites require some form of public recognition [of their connection to labour] to ensure that the historical meanings of the place are preserved as well.⁶

Without such recognition, the historical associations will be lost and officially-approved meanings or pseudo-history will fill the void.

As innocent as this history erosion may seem, it conceals a deeply ideological undermining of historical truth-telling. The discussion paper offers no conception of heritage as seriously educative, let alone as a pathway to critical understandings of past and present. Whether commodified for commercial gain or deployed as a prop for official narratives of progress, the preferred form of history will be one denuded of the power to elicit deep reflection or an appreciation of how contested the past really was. Heritage in this schema must know its place. Its role will not be to raise challenging and uncomfortable questions. Rather, heritage sites will be expected to evoke a past that affirms the smooth contours of an idealised present, a world in which social friction is non-existent, individual hard work and self-sacrifice are always rewarded and a fair-go invariably triumphant. Cantankerous history – the truthful history of social division and conflict, of exploitation, resistance and transgression, of winners and losers – need not apply.

It is easy to see how such a conception of heritage might influence the way heritage bureaucrats and their supporting cast of professional experts think about heritage worthiness. One can already see it in the themes signalled as priorities by the discussion paper: under-represented regions, gaps in the post-World War Two timeline. As significant as these themes might be, on what basis could they reasonably be considered a higher priority than under-represented social groups? Pacific Island labourers, for example. Or trade unionists. Or persecuted faith communities. Or women in the home. Or the hundreds of thousands who have mobilised in various eras against war, genocide and injustice. The surviving places relevant to their stories urgently need protection too, but are not likely to gain it from a *Heritage Act* skewed to supporting state and local economies.

One can also see how the LNP approach will further entrench the type of history-writing already endemic in heritage interpretation. As noted before, the contribution of workers and other subordinate groups often goes unacknowledged. A few examples from the seemingly random selection used to illustrate the discussion paper will suffice to highlight the point. In the Heritage Register's account of Brisbane's Newstead House, it is a place where the servants and the numerous Aboriginal people living nearby are invisible, crowded out by a narrative of British pioneering success. Likewise the Register's story of Elderslie Homestead at Winton.

In another entry, Mount Morgan Mine is recognised as one of Australia's oldest and richest mines, with the Register explaining how the physical remnants of the operations demonstrate aspects of the evolution of mining in Australia. The place is considered significant for these things. But the Register does not remember the mine for the 12 workers who were crushed to death there in two separate incidents in 1908, even though mine fatalities are also an enduring aspect of the evolution of mining in this country. Those men do not even appear in the entry's timeline.

In the entry for the Boolboonda Railway Tunnel at Gin Gin, the industrious efforts of the engineer and the tendering companies are covered in some detail. They are celebrated as innovators. We are told that "mechanical means, including boilers and air compressors for drills were used to advance the drilling of the two tunnel headings." The passive voice ensures no mention needs to be made of the people who did the using.

This pattern is repeated throughout the Heritage Register. It is a form of sociological blindness that renders workers and colonised peoples invisible in a landscape they have occupied and shaped continuously throughout the history of the State. The discussion paper makes no proposals that would address this neglect, while the proposals that *are* made would make the situation worse. For if heritage management is bent even further towards facilitating the commercial exploitation and adaptive re-use of heritage places, the sector will be even less motivated to rectify its biases.

Unions and workers have a lot to lose if these proposals go through. We must take heritage and history seriously. This is not a matter of sepia nostalgia. It is a question of who controls the political agenda. Control the stories of the past and you control how the present is understood and the future is

imagined. This is why authoritarian regimes invest so much in erasing historical truth. Wanting the present to be the only future imaginable, they endeavour to erase the collective memory and material legacy of the alternative worlds that were fought for and defended in earlier times. We must recognise that historical knowledge is ideological power. From a perspective sympathetic to organised labour, Laurajane Smith and Gary Campbell have written of “progressive nostalgia”, a concept signalling how the collective struggles, achievements, defeats and progressive values of the past provide affirmation and motivation for the movements of the present.⁷ Perhaps the case should be made in even stronger terms. For workers, understanding our common past is vital both for our collective identity as a movement and for overcoming the limitations of our previous efforts. In short, to reach a better future we must traverse our history. Relinquish control of this history to the rich, the powerful and the ‘experts’ and the pathway to that future falls into shadow.

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¹ Department of Environment, Tourism, Science and Innovation, *Delivering a Fresh Start for Queensland's Heritage: Discussion Paper* (2026), https://www.qld.gov.au/__data/assets/pdf_file/0023/671054/qld-heritage-discussion-paper-delivering-fresh-start.pdf.

² Covered, respectively, in the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*.

³ Howard Guille, ‘Let’s Make Unions - and History – Everyday: Alex McDonald Lecture 2021’, *Queensland Journal of Labour History*, No. 33, Spring/Summer 2021, pp.8-27.

⁴ See Inclusive Heritage, <https://historicengland.org.uk/research/inclusive-heritage/> and ‘Inclusion in Action’ https://www.english-heritage.org.uk/siteassets/home/0-about-us-new/02-our-people/02.3-careers-with-us/02.35-edi/8369_edi-strategy-2024-2027-a4-web-2.pdf

⁵ Discussed in Howard Guille, ‘Whose Heritage? The University of Queensland, the Heritage Council and the UQ Union complex’, *Queensland Journal of Labour History*, No. 32, Autumn/Winter 2021, pp.42-57.

⁶ Rachel Donaldson, ‘Placing and Preserving Labor History’, *The Public Historian*, 39:1 (2017), p.63.

⁷ Laurajane Smith and Gary Campbell, ‘“Nostalgia for the Future”: Memory, Nostalgia and the Politics of Class’, *International Journal of Heritage Studies*, 23: 7 (2017), p.624.