

# Heritage Council Regulatory Committee

## Cultural Rubble Sculpture

Swanston Street, Parkville, Melbourne City, Wurundjeri Woi Wurrung Country

**Members** – Mr David Helms (Chair), Dr Steven Campbell-Wright, Ms Ruth Redden.

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### DETERMINATION OF THE HERITAGE COUNCIL

The Heritage Council has considered a request to review the Executive Director's decision to refuse to accept a nomination to include Cultural Rubble Sculpture at Swanston Street, Parkville, Melbourne City, Wurundjeri Woi Wurrung Country in the Victorian Heritage Register. Pursuant to section 30(5)(c) of the *Heritage Act 2017* ('the Act') the Heritage Council has determined to set aside the decision under review and remit the matter for reconsideration by the Executive Director in accordance with directions and recommendations.

**Mr David Helms (Chair)**  
**Dr Steven Campbell-Wright**  
**Ms Ruth Redden**

**Decision Date** – 23 May 2025

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## ACKNOWLEDGEMENT

As a peak heritage body, we acknowledge the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

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## INTERESTED PARTIES

### EXECUTIVE DIRECTOR, HERITAGE VICTORIA (THE EXECUTIVE DIRECTOR')

Information was received from the Executive Director, Heritage Victoria ('the Executive Director') in relation to the refusal of the nomination.

### NOMINATOR

Ms Harpreet Tanday ('the Nominator') nominated Cultural Rubble Sculpture for inclusion in the Victorian Heritage Register. The Nominator provided additional information in relation to the Nomination.

## OTHER INTERESTED PARTIES

### MELBOURNE CITY COUNCIL

Melbourne City Council ('MCC') was notified of the matter as the responsible authority for the Cultural Rubble Sculpture. Although notice was given to MCC, no additional information was received from the MCC in relation to the refusal of the nomination.

### UNIVERSITY OF MELBOURNE

University of Melbourne was notified of the matter as the owner of the Cultural Rubble Sculpture. Although notice was given to University of Melbourne, no additional information was received from the University of Melbourne in relation to the refusal of the nomination.

## INTRODUCTION / BACKGROUND

### THE OBJECT

01. The Cultural Rubble Sculpture, located at Swanston Street, Parkville, Melbourne City ('the Object') is a sculpture situated on the facade of the Ian Potter Museum of Art, University of Melbourne. The sculpture was created in 1993 and comprises four high-relief panels of white, reinforced polyester resin. Each panel references works of classical sculptural casts from the Louvre Museum, Paris, respectively titled: (a) Perfect architectural support; (b) Perfect woman; (c) Perfect man; and (d) Perfect Pots.
02. The Object is included in the art collection of the University of Melbourne, and is located on Wurundjeri Woi Wurrung Country.

### THE NOMINATION

03. On 28 August 2024 an application to nominate the Object ('the Nomination') for inclusion in the Victorian Heritage Register ('the Register') was lodged with the Executive Director, pursuant to section 27 of the *Heritage Act 2017* ('the Act').
04. The Object was nominated for inclusion in the Register under the following Criteria of the Heritage Council 'Criteria for Assessment of Places of Cultural Heritage Significance' (updated by the Heritage Council on 1 December 2022) [**Attachment 1**]:
  - Criterion A – Importance to the course, or pattern, of Victoria's cultural history;
  - Criterion B – Possession of uncommon, rare or endangered aspects of Victoria's cultural history;
  - Criterion D – Importance in demonstrating the principal characteristics of a class of cultural places and objects;
  - Criterion E – Importance in exhibiting particular aesthetic characteristics;
  - Criterion F – Importance in demonstrating a high degree of creative or technical achievement at a particular period;
  - Criterion G – Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons;
  - Criterion H – Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

### DECISION OF THE EXECUTIVE DIRECTOR

05. Pursuant to section 29 of the Act, the Executive Director may refuse to accept a nomination if it is considered that the nominated place or object has no reasonable prospect of inclusion in the Register.
06. On 13 February 2025, the Executive Director notified the Nominator of his refusal to accept the Nomination on the grounds that the Object has no reasonable prospect of inclusion in the Register. The Executive Director's refusal stated that 'On the basis of the material provided with the nomination and further investigations, it is considered that there is no evidence that the object is significant to Victoria at the State level'.

### REQUEST FOR REVIEW

07. On 14 March 2025, the Heritage Council received a request for a review of the Executive Director's refusal to accept the Nomination of the Object, pursuant to section 30 of the Act. A Heritage Council Regulatory Committee ('the Committee') was appointed to consider the request for review, information received in response to it, and to make a determination, as delegated by the Heritage Council pursuant to sections 13 and 15 of the Act.

## PRELIMINARY, PROCEDURAL AND OTHER MATTERS

### CONFLICTS OF INTEREST

- 08.** The Chair invited Committee members to make declarations in relation to any matters that may potentially give rise to an actual or apprehended conflict of interests. The Committee members were satisfied that there were no relevant conflicts of interest and made no such declarations.

### REQUEST FOR INFORMATION

- 09.** On 3 April 2025, the Committee requested from the Executive Director all information used in determining to refuse the Nomination.
- 10.** On 3 April 2025 the Committee wrote to the Nominator, MCC and University of Melbourne and afforded each party an opportunity to provide any additional information that they felt may assist the Committee in undertaking the nomination review.
- 11.** The Executive Director and Nominator responded to the Committee's request on 15 April 2025 and 16 April 2025 respectively. No additional information from the MCC or University of Melbourne was received.

### ISSUES

- 12.** The following section is not intended to be a complete record of information provided to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the position the Committee takes on each issue.

### SUMMARY OF ISSUES

- 13.** Interested parties provided the Committee with a range of additional material in relation to whether or not the Object has a reasonable prospect of inclusion in the Victorian Heritage Register.

### REASONABLE PROSPECT OF INCLUSION

#### *Information received*

- 14.** The Nominator provided the Committee with the original Nomination and set out the view that the Object is of State-level cultural heritage significance based on an assessment that it satisfies Criteria A, B, D, E, F, G and H at State level.
- 15.** The Nominator provided letters of support from experts in the fields of art and art history in the Nomination, in addition to a statement from the sculptor Christine O'Loughlin.
- 16.** In providing further information to the Committee, the Nominator provided additional letters of support from art historians and artists, which chiefly pertained to the Object's significance as a distinctly postmodern artwork, its uniqueness as a site-specific sculpture and landmark, and its significance to and influence upon the Victorian art community.
- 17.** In providing further information to the Committee, the Executive Director clarified that Criteria A, D and E were most relevant to the Object. The Executive Director reiterated the position that the Object has no prospect of satisfying any of the Criteria at State level.
- 18.** The Committee agrees that Criteria A, D and E are most relevant to the assessment of the cultural heritage significance of the Object.

### Criterion A - Importance to the course, or pattern, of Victoria's cultural history

- 19.** It was the view of the Nominator that the Object satisfies Criterion A at State-level, being 'of historic importance due to its strong association with the pattern of commissioning and creating art for public places in Victoria' and that it is 'one of Victoria's most well-known examples of statuary from the second half of the 20th century and is considered one of the first examples of public sculpture from postmodernism'.

20. In relation to Criterion A it was the view of the Executive Director that all public art in Victoria shares the association put forward by the Nominator, and that the Object does not meet the required State-level test, being an ability to demonstrate this pattern better than other examples.

### **Criterion D - Importance in demonstrating the principal characteristics of a class of cultural places and objects**

21. It was the view of the Nominator that the Object satisfies Criterion D at State level, submitting that it is a 'public icon that belongs to the class of public sculptures in Victoria'. The Nominator further submitted that the Object is an influential work, and cited its recognition by authors, journalists, art historians, art critics, different Victorian cultural communities and national and international tourists.
22. In relation to Criterion D, the Executive Director put forward the view that many different public sculptures in Victoria have appeared in newspaper articles and publications and that this type of recognition does not necessarily demonstrate influence at the State level. The Executive Director submitted that the test for demonstrating influence at State level would require evidence that the physical characteristics of the Object 'were copied in subsequent places/objects' or other places or objects 'were created, altered or used in response'. It was the view of the Executive Director that the Object does not meet this test.

### **Criterion E - Importance in exhibiting particular aesthetic characteristics**

23. The Nominator put forward the view that the Object satisfied Criterion E at State-level as 'one of the most prominent examples of public sculpture from postmodernism in Victoria' and cited its critical recognition by the Committee for Works of Art and The Visual Arts/Craft Board of the Australia Council.
24. In relation to Criterion E, it was the view of the Executive Director that in order for the Object to satisfy this Criterion at State level, there should be evidence that its aesthetic characteristics are 'beyond the ordinary' or outstanding. The Executive Director concluded that the level of public and critical recognition received by the Object did not indicate its aesthetic characteristics to be 'beyond the ordinary' or outstanding.

### **Summary of comparisons**

25. The Executive Director referred to the Victorian Heritage Register registrations for the public sculptures Vault (VHR H2450) and Forward Surge (VHR H2378) in his notice of refusal to the Nominator, putting forward the view that the Object 'cannot be considered to have the same degree of public recognition or critical acclaim as either of these examples'.

### **Discussion**

26. The Committee has reviewed the information and evidence provided with the Nomination, in addition to further information received from the Nominator and the Executive Director throughout the nomination review process.
27. Based on the information provided, the Committee is not satisfied that the public sculptures Vault (VHR H2450) and Forward Surge (VHR H2378) are adequate comparators for the Object in demonstrating that it has no reasonable prospect of inclusion in the Victorian Heritage Register. The Committee notes that Vault and Forward Surge are characterized as being modernist and not postmodern sculptures. The Committee finds that letters of support provided by the Nominator – particularly that of Associate Professor Robert Nelson, University of Melbourne – indicate the Object's potential state-level cultural significance as an early and influential postmodern sculpture in Victoria.

### *Conclusion*

28. The Committee is persuaded that the Object's cultural heritage significance, particularly within the context of the postmodern movement in Victoria, requires further understanding, specifically in relation to the application of Criteria A, D and E.
29. The Committee does not conclude that the Object has no reasonable prospect of inclusion in the Victorian Heritage Register, and therefore considers it cannot affirm the decision under review.

## CONCLUSION

30. The Heritage Council has considered a request to review the Executive Director's decision to refuse to accept a nomination for the inclusion of Cultural Rubble Sculpture, Swanston Street, Parkville, Melbourne City, Wurundjeri Woi Wurrung Country in the Victorian Heritage Register. Pursuant to section 30(5)(c) of the *Heritage Act 2017*, the Heritage Council has determined to set aside the decision under review and remit the matter for reconsideration by the Executive Director, in accordance with any directions and recommendations [**Attachment 2**].

# Attachment 1

## Heritage Council criteria for assessment of places and objects of cultural heritage significance

<b>Criterion A</b>	Importance to the course, or pattern, of Victoria's cultural history.
<b>Criterion B</b>	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
<b>Criterion C</b>	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
<b>Criterion D</b>	Importance in demonstrating the principal characteristics of a class of cultural places and objects.
<b>Criterion E</b>	Importance in exhibiting particular aesthetic characteristics.
<b>Criterion F</b>	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
<b>Criterion G</b>	Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
<b>Criterion H</b>	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were adopted by the Heritage Council at its meeting on 1 December 2022, and replace the previous criteria adopted by the Heritage Council on 6 December 2012.

## Attachment 2

### **Directions made by the Heritage Council to the Executive Director, Heritage Victoria, in accordance with s.30(5)(c) of the *Heritage Act 2017* in relation to this matter**

Pursuant to s. 30(5)(c) of the *Heritage Act 2017* the decision of the Executive Director not to accept a nomination to include Cultural Rubble Sculpture, Swanston Street, Parkville, Melbourne City, Wurundjeri Woi Wurrung Country ('the Object') in the Victorian Heritage Register is set aside by the Heritage Council and remitted to the Executive Director for reconsideration in accordance with the following directions:

1. Any subsequent decision to accept or refuse a nomination in relation to the Object must include:
  - a. A consideration of appropriate comparative examples of other places or objects associated with the postmodern movement in Victoria; and
  - b. The specific reconsideration of Criteria A, D and E, and any other Criteria considered appropriate by the Executive Director, based on the comparative analysis as directed above.