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TRANSCRIPT OF PROCEEDINGS

PRODUCTIVITY COMMISSION

INQUIRY INTO THE CONSERVATION OF AUSTRALIA'S HISTORIC BUILT HERITAGE PLACES

DR N. BYRON, Presiding Commissioner
MR T. HINTON, Commissioner

TRANSCRIPT OF PROCEEDINGS

AT ADELAIDE ON WEDNESDAY, 3 AUGUST 2005, AT 9.04 AM

Continued from 1/8/05 in Perth

DR BYRON: Good morning, ladies and gentlemen. Welcome to the public hearings of the Productivity Commission's national inquiry into the conservation of Australia's historic heritage places. I thank you very much for coming today. My name is Neil Byron and I'm the presiding commissioner for this inquiry. My fellow commissioner is Tony Hinton. This inquiry stems from terms of reference that the commission has received from the Australian Treasurer with the endorsement of all state and territory governments. It covers the policy framework and the incentives in place to encourage the conservation of heritage places including built heritage.

We've already talked to a large number of different organisations and individuals with interest in heritage conservation in most parts of Australia, including some fascinating rural and regional visits in most states. Written submissions have been coming into the inquiry following the release of our issues paper about two months ago. We now have over 50 submissions, all of which are on our web site and continuing to go up as they come in. The purpose of these hearings is to provide an opportunity for any interested parties to discuss their submissions with the commission and put their views on the public record.

Following these hearings here today, we'll be holding other hearings progressively over the next couple of weeks so that we cover all states and territories. We're working to produce a draft report for public comment no later than early December. Then there'll be another opportunity for public input through hearings where we'll be looking for feedback, probably in February next year after people have had time to read, digest and think about our proposed recommendations.

In the Productivity Commission we always try and conduct these public hearings in a fairly informal manner, but we do take a full transcript for the record and because of that it's not really helpful to have interjections from the floor. But to make sure that anybody who wants to has the opportunity to have their say on the record, we always give an opportunity for anyone at the end of the day to come forward and say their piece. Sometimes we can do that a couple of times a day.

The transcripts will be put on the commission's web site as soon as they have been checked for accuracy of transcription. They're also available to the public through libraries in all states or written copies available from the commission using some of the request forms that are here.

To comply with Australian government occupational health and safety legislation, I have to inform everybody in the room that in the very unlikely event of an incident, the alarms will sound and we'll go out to the fire escape, just out through the door and down the corridor and assemble outside in the street. The other bit of essential housekeeping is that there are toilets just at the back of the room there, which is very convenient for today. I think that's all the housekeeping I need to do.

Without any further ado, I'd like to welcome our first participants, Mr Andrew Durham from Artlab with some colleagues. Andrew, if you'd like to come, take a seat in front of a microphone and when you're comfortable there, if each of you could introduce yourselves for the transcript so that the transcribers can recognise voices later, then our normal way of proceeding is if you'd spend maybe 10 or 15 minutes summarising the main points in your written submission which I thank you for. Then Tony and I would like to pick up some of the issues that you raise. Thanks for coming.

MR DURHAM: Thank you, commissioner. My name is Andrew Durham and I am the director of Artlab Australia.

MR FERNANDEZ: My name is Keith Fernandez and I'm an assistant director at Artlab Australia.

MS BARR: My name is Joanna Barr. I'm a conservation project manager at Artlab Australia.

MR DURHAM: First of all, thank you for the opportunity to make a submission to the inquiry. Before going any further, we should describe what Artlab is, which is one of the main purposes in making the submission. Basically we're the conservation centre set up here in Adelaide after the Edwards report, which was a report on the state collections in South Australia, published in 1981. We were set up in new premises and opened our doors for work and to the public 20 years ago, in 1985.

We look after the state collections here. That's our primary purpose. But what makes us unique as a conservation department within both government-funded departments and state-owned collections is that we have a very substantial commercial element to our activities. That's one of the other considerations we'd like to put before the inquiry, to describe the funding model which Artlab represents.

Our presentation comprises the written submission and we had hoped also to have a PowerPoint presentation just showing some of the work for illustrations and images of the work that we've carried out, both to describe and demonstrate the work that Artlab does but also to give you some idea of some of the elements of the conservation of historic heritage places. Instead we've just supplied you with some of the images, so we're not going to comment on those in any detail. It was just 40 or so images to give you an idea of the work we do.

DR BYRON: Very impressive they are, too, thank you.

MR DURHAM: Further to that, I've mentioned already Artlab as a funding model. We then have six specific points to make apropos the terms of reference of the

inquiry from our own point of view. I'd like at this stage to point out that the South Australian government has made a written submission to you and Artlab's submission is to be seen alongside that and specifically from the Artlab perspective as practising practitioners in the conservation field.

The points we want to make: I'll just go through them very quickly then come back to them individually. Under the pressures element - number 1 in your scope of inquiry - we'd like to make the point about the skills shortage, not just the financial pressures. From our point of view, the shortage of expertise and skills in our field is a very important pressing issue. Under the benefits, our starting point is an agreement with the general acceptance of the benefit, the overall benefit, of conservation but we're rather taking that as read and wanting to make two further points from our own experience, the first being that we'd like to point out the popularity to the public of conservation procedures. I'll come to that in due course.

Secondly, and I should have said this when describing our activities, we operate here in Adelaide and in the state of South Australia but very much throughout Australia and, additionally, internationally - in particular, South-East Asia and South Asia. So the third point we want to make is the importance of the international context of not just the work we do but conservation of heritage places generally. They're the two things under benefits.

Our fourth point is the importance of research. We've put that under your heading of technology so we'd like to say something about that. Then fifth and sixth, under the policy area, we'd like to point out the importance of cultural impact assessments, again from our point of view. I'm going to ask my colleague Keith Fernandez to talk about our involvement in the South-East Asian region in particular. Then our sixth point is the importance of disaster preparedness planning or emergency planning as we sometimes refer to it.

They are our six points very germane to your scope of inquiry but we'd like to make a further point regarding that scope of inquiry, which is just to make the point that we find the distinction between the moveable heritage and the built or in situ conservation is often a blurred one. We just have a couple of points to make on that.

The illustrations we've provided, I just have general comments to make. It just gives an idea of the variety of the work that we're involved with. We've carried out work on statues and monuments, historic interiors and exteriors including mural paintings - for example, materials such as textiles - and also vessels, ships and vehicles. There's also a great geographical spread: certainly Adelaide, Melbourne, Sydney and Western Australia are represented here. I think I've included in the written submission that we've worked in Taiwan. We haven't got any images of Taiwan but I'd like to make the point that we do have that geographic spread.

So on to the specific points. The funding model: as we've described, we are a business enterprise working within Arts SA - Arts South Australia - which is part of the Department of Premier and Cabinet of the South Australian government. We receive about 67 per cent - two-thirds - of our funding from the government. The other third we have to earn commercially. The spread of that covers private enterprises, businesses, the general public, as well as other government agencies in all states and, as I've said, overseas also. So we're just presenting Artlab's funding model for comparison or as an example for Australia-wide.

MR FERNANDEZ: I'd just like to elaborate on that point a little in that, South Australia being a small state, it would not be feasible for conservation services to be provided to the general public on a purely market basis. If the South Australian government had not made an investment in the early 80s in the conservation of its own collections, and then Artlab was able to use that investment to provide services to the general public at a very high level - Artlab manages to bring together the critical mass necessary to provide high-level conservation services.

If left purely up to the market, the operators would be too small, in a state like South Australia, to afford the infrastructure that's necessary to provide high-level conservation services. So I'd very much like to make the point that that investment by the South Australian government in the early 80s has made it possible for South Australians to have their heritage conserved. I'm speaking specifically of moveable heritage.

MR DURHAM: Perhaps it's worth pointing out, too, the advantage of this arrangement is the flexibility that we have as a conservation department, conservation organisation. One of the disadvantages is the pressure that we're under as professionals to go out and look for the work, in some cases; but we do feel that that pressure over the years has led to a particularly efficient way of conducting our affairs.

Our first point, the skills shortage: as I said, we take it as axiomatic that there is a common good in conservation of heritage generally. The threat we see is the lack of suitable skills both generally throughout our profession, in some specific areas - and specific to Artlab we would mention paper conservation and the preservation of books, which we realise is not absolutely germane to this inquiry but nevertheless we would argue it is associated in terms of the conservation of archives, for example, of historic sites. Then also outside Artlab, when we are contracting out, we have come across difficulties, as we say in the submission - a shortage of skilled stonemasons, wheelwrights and carriage-makers, for example, and gilders. These are just some of the examples of the areas where we feel that the skills are somewhat lacking and we do feel that the situation is worsening.

We'd like to point out, too, that it's worsening in the general conservational sense because of the closure of the Canberra training course - this is the University of Canberra training course which closed two or three years ago, leaving just two courses in the country for conservation, both of which are masters degrees. We do feel that the actual hands-on skills and technical expertise is under threat. Apart from the general situation, we do feel, too, that in Artlab's case we have particular practitioners who will be retiring imminently and are seeking for some sort of continuity in trying to perpetuate their own skills and again, generally, in the workplace. So we would like to make the point that we do see a clear need for further training courses and apprenticeship schemes.

Our second point was the very positive one that we would like just to, from our own experience, point out the popularity that the public holds for conservation. Using Artlab as an example of this, we hold clinic days when the public can bring in their own collections - their own possessions - for expert comment and treatment, if that's appropriate, and also studio tours. They are generally very interested in the work of conservators - the act of conserving heritage - and of course that leads to a deeper appreciation of the heritage itself.

Another model which we've pointed out is in Liverpool in the UK, where the conservation centre there had these huge visitor figures comparable to exhibitions and museums, although they don't have their own collections. The conservation centre there was in fact the European Museum of the Year. So this is just to emphasise this interest. One of the other submissions from Mr Bowie, I think it was, in Bowral: I'd just like to point out a comment he made, about how heritage is very personal, that everyone carries their own heritage with them. I thought that comment of his was very appropriate to the point we are making here.

Moving on to the international context, I'd like to hand over to my colleague Keith Fernandez here, because Keith has been very involved in work for ASEAN and other projects.

MR FERNANDEZ: Artlab has been involved in doing work internationally since 1995. One of the predominant characteristics of conservation that we have discovered is that as a process it's very culturally neutral because it deals with cultures, but in itself it doesn't bring a lot of baggage with it. Therefore, we found that Australian embassies in particular, throughout South-East Asia, have been quick to embrace the use of conservation projects in order to further some of their diplomatic goals.

I'll give you a very simple recent example, which was that Australians, through a network called AusHeritage, recently developed a strategic plan for the

conservation of ASEAN's culture, which in May of this year was adopted by all 10 countries. This is a pretty significant achievement for a very small organisation, in managing to bring together all 10 countries in agreement on a strategic plan for conserving their cultural heritage.

I'd just like to point out that a strong heritage industry in Australia has some strategic benefits for the country as a whole. This doesn't just apply to the Australian government's diplomatic efforts; it could also apply to private companies, such as mining companies, et cetera, which often have a diplomatic effort of their own and they could use the processes of cultural heritage to further their objectives.

MR DURHAM: Moving on to our fourth point, which is the importance of research - and we put this under your heading of Technical Developments - our main point is that we want to point out the importance of the appropriate funding and support for well-focused technical research, and we use the instance of the development of laser technology for both the cleaning of artworks or sculptures, monuments and the buildings themselves. This is something that we are becoming involved with. We are involved with the Australian National University and the Art Gallery of New South Wales, the Australian War Memorial; at the moment pursuing some research funding for that, which is an opportunity that technology presents.

On the other hand, new technologies also present challenges to us as conservators, so the new materials which are being introduced - concreting buildings, plastics, and also the audiovisual and information technology technologies, which perhaps don't appear pertinent to the conservation of buildings - we would argue that they are very much part of the archive and the recording of heritage generally. Our fifth point is that again we sit currently in the international context, and I'd like to ask Keith to talk to us again because he has been involved in the development of the cultural impact assessments in various areas and, as he has just pointed out, including not just for governments but for the companies involved in various projects.

MR FERNANDEZ: This is really a comment on the process of conservation again, but looking at conservation at a very holistic level. Over the past several years the World Bank has been developing an approach, which is very far-sighted really, to introduce a process of cultural impact assessments analogous to the environmental impact assessments that are routinely carried out; looking at the effects on the culture of significant infrastructure investments. One of their first examples was a project that I was involved with on the island of Bali, looking at the effects of significant investments in tourism infrastructure and how those investments were likely to affect the culture, which was the basic tourist asset of the island, and then develop its strategies for mitigating the impact of that investment on the culture.

I'd just like to ask the commission to investigate whether that process is

appropriate within the Australian context. It is already being carried out in some areas and I'm sure there will be submissions today to talk about how those sorts of assessments are being done on Aboriginal culture, for example. But can we apply that process: the evaluation of how investment in infrastructure is likely to affect the cultural heritage of the communities into which that investment is going and the development of strategies to mitigate the adverse impacts on that cultural heritage.

MR DURHAM: Our next point is to point out the importance of disaster preparedness planning. Sadly, this is brought into particular focus with recent events in South Australia: the fire at Millicent and on the Eyre Peninsula. This is something that our lab is specifically involved with. We have been funded to set up training in the various areas throughout the state; it's a much broader question than just those two areas. We would like to point out the importance of that, in terms of heritage conservation generally.

Our final point - which is, as it were, outside the scope of reference in a way, but we just wanted to make the point - is that it's often difficult to make the distinction. On the images we have given you we do include one of some Tiffany windows, for example, which are now in the Art Gallery of South Australia, which were formerly at a school in Adelaide and, I understand, prior to that in a church in Adelaide. This just makes the practical point that something that is very much a fixture in a building is now part of the moveable heritage.

We also mention the more controversial case at Purrumbete, which is in Victoria. Some 15 years or so ago I was involved in reinstating paintings, which had been taken out by a private owner purely for monetary gain but were seen by, in that case, the National Trust of Victoria to be very much part of the fabric of the building. The further case we have been involved with, and are currently in discussion with, is Old Parliament House in Canberra, where the furniture, furnishings and fittings are very much part of the significance of the place.

DR BYRON: Thank you very much. Just on that last point, a number of people have made that point to us quite firmly already. I don't think we can second-guess why our terms of reference were written in the way they were, but we have received our instructions to focus on "built" and "historic" and for some reason excluded "moveable". We have spoken before, and we will speak again, with the Collections Council. So that point is loud and clear.

Can I start by coming back to the point that you made about skills shortages? That point has been made to us by a few others. I was talking to a guy in Victoria who did the restoration with the National Trust for the Polly Woodside, and he apparently is now a world expert in historic ropes and sails. He made the point that, as you said, there are a very small number of people who have these specialised

skills - church steeples, or 19th century glass, et cetera. They seem to know each other, and many of them move from state to state because they get enormous personal satisfaction out of working on a great project.

Does that partly ameliorate the problem that you can't maintain all those skills in Adelaide, but as long as there is a network of people who are willing to move around you can manage? The corollary question is, when you talk about the training needs, there's a proposal that has been put to us for recognition of sort of master artisan or master craftsman. How would you feel about that idea?

MS BARR: The point you raise about a network is a really good one. We certainly operate in South Australia with network relationships, with master craftspeople or tradespeople here, and with interstate colleagues as well. I think those relationships amongst the community are critical. One of the problems we see, though, is that the systems aren't in place or aren't strong enough at the moment for those skills to be passed down to the next generation. So as these tradespeople - these master tradespeople - are growing older and retiring, there are very few people growing up and filling their shoes. I guess we are looking into the future and saying that that will be a critical problem. The issue of recognition is perhaps related to that, and if young people can see that there is some sort of future benefit to getting involved in the industry, then that master craftsperson idea is a great one.

MR DURHAM: The point we made wasn't really a point about Adelaide or the situation here in Adelaide, although we do refer to Adelaide; we would see it as an Australia-wide problem and issue.

MR HINTON: There is an economy-wide factor as well - that is, the labour market more generally has been very tight in the last X years, associated with quite strong economic performance more generally. It is seen by many sectors of the economy as a skill shortage not only now but also in the future. Do you have a feel for disentangling those two factors - that is, you've flagged a skills shortage specific to your sector associated with, in effect, a supply damaged by changes in training practices and shortages of training skills more generally, or training institutions more generally? Can you disentangle that factor away from the broader, economic conditions that show tighter economic labour market circumstances?

MR FERNANDEZ: Yes, I think with some very specific examples we can. I have been involved with Artlab for 20 years and there are some quite specific areas, such as book conservation, which is not quite germane to your inquiry but as an example. It has become impossible to find a book conservator in Australia. At the moment we have the best book conservator in Australia and he is going to retire in the next few years. We have not been able to find another one in Australia and this appears to be a worldwide problem. This specific skill is so narrowly defined that we've not been

able to find someone and we are having to invest, personally, in talking someone into becoming a book conservator, undergo the training and apprentice themselves to this person before this person retires. That is the only way that we've been able to fill that skill gap, and that has been a strategy that has been in place for five years now.

MR HINTON: How generic are the skills to the world, as opposed to Australia - that is, does the skilled migration program provide scope to add supply, or is that - - -

MR FERNANDEZ: Yes, I think it does, but I still believe that in book conservation, for example, it is a worldwide problem, and we can survive by attracting someone out of Europe to come to Australia. Yes, that will help to fix our problem, but in the long term, I think we need to train people in Australia. For an organisation such as Artlab, we can afford to have one person apprenticed at any one time. We've got another person in another area, which is photographic conservation. We can't afford to have two apprentices going at the same time, but that person is going to retire in the next few years as well, and we've just had to decide which one is the more important of the two. We won't be able to recruit within Australia a photographics conservator.

DR BYRON: You raised the international context, the international comparisons. Are there other places that seem to do this very well? Is there a model that you can point to somewhere else, in Europe or North America, where they seem to have solved this problem? A lot of the technical people that I've been speaking to said that there's what they described as a de-skilling in their own trades, that the apprentices now do an awful lot of what they call bookwork, and not a lot of hands-on training. When they do hands-on training, it's with machines rather than hand tools, for example.

MR FERNANDEZ: Where these skills lie in abundance, of course, is in the developing world, where - - -

DR BYRON: They're still using hand tools.

MR FERNANDEZ: Absolutely. They lie absolutely in abundance - stonemasons throughout - - -

MS BARR: Carvers.

MR FERNANDEZ: - - - Indonesia, for example. It would not be a problem at all.

MR HINTON: I had a question about Artlab's funding model. It's a more detailed question, rather than some of the broader issues we're looking at, but you talked about approximately two-thirds of funding received from the South Australian

government, and that is provided on a fee-for-service basis. That implied to me that it was in fact tied funding, as opposed to general purpose funding which you then allocated to what you thought was an appropriate set of projects. Can you clear up that sort of uncertainty for me? Is the two-thirds funding from the South Australian government to your budget bottom line, or is it actually a fee-for-service process?

MR FERNANDEZ: It's a hybrid of the two. What happens is that an amount of money is allocated for conservation of the state's collections. That money is apportioned in a figurative sense to, for example, the art gallery.

MR HINTON: By you or by the South Australia government?

MR FERNANDEZ: By the South Australian government, but we being part of the South Australian government have a significant say in how much we think the art gallery should get, based on our knowledge of what their conservation needs are. But then, as we supply services to the art gallery, we will charge them: we will give them quotes, we will give them invoices, and we will acquit all of the dollars that were assigned to them, in terms of individual jobs that we've done for them, in exactly the same way as Mr Smith may come in off the street with his painting. We'll give him a quote; we'll do the work. If he's satisfied with the work, he pays the invoice that we give him.

MR HINTON: So part of that 67 per cent goes via another element of the South Australia government?

MR FERNANDEZ: Yes, all of it.

MR HINTON: All of it.

MR FERNANDEZ: All of the 67 per cent is accounted for in that way. It's all fee for service, if you like, though at the end of the day, no cash changes hands. The art gallery doesn't give us cash.

MR HINTON: I'm then going to explore the source of your discretionary funds - that is, if you're going to invest in research - - -

MR FERNANDEZ: Yes.

MR HINTON: - - - which you have alluded to, that implied to me that you have within your budget a set of funds, an amount of funds, that you can actually decide that it will be used this year for research or not research.

MR FERNANDEZ: Yes.

MR HINTON: But fee for service doesn't have discretion in it, because it's contracted.

MR FERNANDEZ: Once we've received the money, we can decide what we want to do with it. That's our internal business choice - how we spend the money. How we receive the money, though, that is the fee-for-service component of it. The art gallery proposes a project; we quote it; they're happy with the quote; we proceed with the job; we do the job; we send them an invoice; they're happy with the outcome of the job; they authorise the invoice for payment; and then we've got that bit of revenue.

MR DURHAM: I think I might answer your question: there are four income budget streams which are not connected to either delivering for the gallery or the museum or Carrick Hill or the library, so they are agreed with our funding agent. So public access, for example, is one new initiative. So any research could be paid for within that budget stream. So it's not necessarily tied to one of the agencies.

MR HINTON: Thank you.

MR FERNANDEZ: Does that help?

MR HINTON: That helps. I also had a question about the technology part, which in fact is picked up in our terms of reference quite explicitly, so a number of interested parties have referred to this issue. You gave an example of laser technology for cleaning particular artefacts or whatever, but I'd like to sort of examine this issue more; not the technology itself, but the extent that technology has shifted and changed in the recent years - that is, if the objective is conservation, has technology not only improved by degree, but also in kind, such that decisions about conservation today are quite different to conservation, say, 10 years ago? Have the options for conservation - whether it be by video systems, as opposed to keeping the building there and maintaining it - are they such now that there is an increase in options for achieving the conservation product?

MR DURHAM: Can I start? I think that conservation in a way operates at both ends of the spectrum of technology, so the answer to your question in one area is yes. For example, the recording technologies have given us a great advantage over our colleagues, you know, 20 or 30 years ago. Laser cleaning, laser scanning is an example of that. But at the other end, I think problems arise because the technologies are very traditional, as Keith has alluded to already. Some of the technologies that are so important to us are absolutely basic, and are now found in - what was the phrase you used? - the developing world. So on the one hand we're losing traditional technologies, but the new cutting-edge technologies are of benefit,

so I think the answer is a mixture of those two.

MR HINTON: Well, taking it to the next extreme - that is, if there is a shortage of funds for preservation and conservation, particularly for buildings, and if it is a category of building that might be on the margin, or whether or not scarce funds should be allocated to it - maybe one alternative, while not the best alternative, one available alternative might be to have reality conservation, simply because the technology exists today that didn't exist 10 years ago, to record in fine detail the sorts of characteristics of that building, even though the building itself doesn't continue. Put a reality check on that hypothesis for me, please.

MR FERNANDEZ: If I can answer that, it very much comes down to the issue of significance, and what is significant about the thing that you are wanting to conserve. The object of conservation is not necessarily the conservation of things. It's the conservation of values, and how those values attach to the thing. If in the case of a building it's purely the look of the building that is important, then certainly a highly-detailed visual representation of the look of the building would be an act of conservation. Generally speaking, though, the values are not so narrow as to just encompass one aspect of it, like visual appearance alone. There are multiple aspects of it, in which case a visual representation is not an adequate act of conservation.

MR HINTON: Yes. I'm not suggesting we knock down the Opera House and record it in reality conservation.

MR FERNANDEZ: But in some cases it is.

MR HINTON: It is that whether or not there's a category of a building that might lend itself to this technology, when technology of this kind didn't exist 10 years ago, that now might give an option that wouldn't be available - - -

MR FERNANDEZ: Certainly, yes.

MR HINTON: - - - that probably would have been lost.

MR FERNANDEZ: Yes. It certainly would have application, but it would be fairly narrow. But at the end of the day, conservation is still - it's not an absolute activity. It's relative to all the other values within society, so a decision would still need to be made whether that is an adequate act of conservation. But adequate might be better than no act at all.

DR BYRON: Just to add to that: when you say that it may not be just the look of the building - it may be, for example, how it was made or who made it and so on, so having a very good photograph doesn't retain those other features - just thinking a bit

more about how it was made, I was intrigued by your point about interest in conservation procedures, which I don't think anybody else has made to us. The impression I have is that both government organisations and NGOs like national trusts have wanted to present to the public a finished product. But what you're suggesting is the public are also very interested in seeing what happens behind the scenes, in getting from perhaps a damaged or a derelict asset to one which is sort of restored to its full glory. That seems to suggest another element of how national trusts, for example, could engage with the public, rather than just showing finished or fully-restored objects.

MR DURHAM: I think they'd like to engage in the process and see the decision-making process between whatever the starting point was and, as you say, the finished process. As Keith has said, it's all very relative, so there is no absolute finished project as such: the decisions made, the considerations given, the issues that arise, are all extremely interesting and part of that finished process. In my experience, people are extremely interested in that.

DR BYRON: But it seems to me that the public have generally been excluded from that process; that it's all done behind some sort of secret curtain.

MR DURHAM: Yes.

DR BYRON: What you're suggesting is that people are interested in sort of poking through the curtain.

MR DURHAM: Absolutely. We're more than suggesting it, and that's why we quoted the Liverpool example, where there are live video-links linking studios to a public area so that the public can be far more closely involved in those processes.

MR HINTON: You mentioned cultural impact assessments coming out of initiatives from the World Bank. Are they really different in kind to environmental impact assessments? Cannot the EIA processes be sufficiently broad in concept to encompass CIA - - -

MR FERNANDEZ: Yes.

MR HINTON: I shouldn't have used those - CIA - cultural impact assessments. Be careful with acronyms.

MR FERNANDEZ: In fact, I believe that's where the cultural impact assessment will lie, within the broader environmental impact assessment. I suppose what is interesting and innovative about this is that it is actually going to look at culture, as opposed to purely the environment. As it's being applied in the developing world, it's

looking at what is commonly termed "living culture" so it's looking at not just the fabric, not just the tangibles, but it's also looking at the intangibles, the customs and the practices and language, music, dance et cetera.

DR BYRON: Yes. Some of the environmental assessment agencies even in Australia take a very very broad definition of environment, so it's not just sort of biophysical, but includes historical, cultural, indigenous, et cetera.

MR FERNANDEZ: Yes. Tends still to be limited to the fabric though. You tend to look at tangible things as opposed to - - -

DR BYRON: Intangibles.

MR FERNANDEZ: - - - intangibles, and in common experience our sense of culture is almost entirely the intangible.

MR HINTON: You also flagged the need for us to understand disaster preparedness as an important part of risk management for heritage policy or the heritage industry. Is it really different in kind to the general objective of being prepared for disasters - that is, what is specific to the heritage industry that raises rather special issues or different issues with regard to preparedness?

MR FERNANDEZ: Yes, certainly. In the event of a disaster in a heritage place, or with heritage collections, there are phases of response. There is the immediate emergency response. With some information the fire brigade, for example, may be able to choose to use low-pressure hoses instead of high-pressure hoses, because whilst their first objective is to extinguish the fire they can have a parallel objective as well, which is to do as little damage as possible. It's really about informing them about their options for particular buildings or particular places.

MR HINTON: That's a good example, yes.

MR FERNANDEZ: They can make informed choices then. The next phase is the recovery after the fire is put out, if you like, and that's quite often a very critical short period of time - 24, 48, 72 hours - where some decisions need to be made, very precise decisions need to be made, and acted upon very quickly in order to maximise what you save. The only way that those decisions can be made is if the people making them have been trained. So that's where it's critical.

MR HINTON: Thank you very much.

DR BYRON: Just one related point to that: people, particularly here in Adelaide, raised the issue with us about the difficulty in getting insurance for private historic

homes in particular, and the point was made there that if the place is completely destroyed, burnt to the ground, then no amount of insurance is going to put back the original, and having a replica is not the same, and the insurance problem was probably worse if the place was significantly damaged, but only partly destroyed. That became much more difficult to deal with than total destruction. But insurance isn't much help if a place with very high heritage significance is totally destroyed.

MR FERNANDEZ: Insurance is an economic thing. It's not a cultural thing.

MR DURHAM: You say replica isn't the same thing, but it might be better than nothing and it could be part of the recording and representing the culture in a different way. But to add to Keith's point, in the disaster preparedness planning it won't be Artlab who are training the fire brigade, for example. Our role we see very much as making the people who are responsible for whether it's a museum collection or a heritage building - our role is to make them aware and to train them in the issues of disaster preparedness.

DR BYRON: I think particularly with built heritage places there are issues about fire protection systems and retrofitting of sprinkler systems and so on. I guess there are a lot of contentious trade-offs to be made in terms of what adjustments can be made to the shell of the building, which may in some way modify it, but increase the chances of not losing it all.

MR FERNANDEZ: Yes, that's very much within the realm of the risk management process. I mean, my feeling is that it's probably leading far more towards preserving its integrity and authenticity than looking at the risk to it of a disaster.

DR BYRON: That has all been extremely helpful, thank you. I think we're going to have to move on in view of the time, but if there is anything else you would like to say by way of summarising or for emphasis - - -

MR DURHAM: No. We thank you for the opportunity to have made those points and I think they are represented in our written submission.

MR HINTON: Thank you very much for your participation.

MR DURHAM: Thank you.

MR FERNANDEZ: Thank you for the opportunity.

DR BYRON: Next we have Mr Ian Conrad from Adelaide Arcade Pty Ltd.

MR CONRAD: Good morning.

DR BYRON: Thank you very much for the written submission, which Tony and I have both read carefully.

MR CONRAD: Yes.

DR BYRON: And thank you for coming today. If you could just introduce yourself for the transcript and perhaps summarise the main points from your submission, and we would like to discuss it with you.

MR CONRAD: Yes, thank you. My name is Ian Conrad. I am a practising chartered accountant and I'm the corporate secretary of Adelaide Arcade Pty Ltd, that is responsible for the built heritage of that building in the city of Adelaide. I've been involved with Adelaide Arcade since it was heritage listed in the early 80s. I've known the owners over that time, so I've got a very close relationship with the building and am very familiar with the difficulties and problems we've encountered over those 20 years.

The submission that I'm giving is very economic, it's very financial, because it's a commercially-listed heritage building. Therefore, financing that building and the economic aspects of that building are very important. It was built in 1885. It is the largest remaining arcade in Australia of its size. It was built before the Strand in Sydney, it was built before the Queen Victoria Building in Sydney and it was built before the Block Arcade in Melbourne. The building, in its entirety, is heritage listed: its facades, its vaulted ceilings, its shopfronts, its pilasters, its skylights, its domes. It's not just a facade that is listed. The whole building, in its entirety, is heritage listed, which presents its own problems.

My submission is really concentrating on commercial building and the finance of a heritage building that is commercially listed. Really, the survival of Adelaide Arcade has been very much on the basis that it is commercially listed and has been able to generate its own income stream. The owners have been able to reinvest a lot of that income in the conservation of the building, despite limited or no grants over the last 20 years. It is a building that is its own economic unit. It generates its own income; it pays its own rates and taxes; it is a significant economic unit in the city. For that reason it has worked against us over the years, we feel, when we have made application for heritage funding. People have said, "Well, it can stand on its own two feet. It has got its own income stream. It can finance its conservation." Well, it can, but it has come at a huge cost to the owners.

If the owners had waited for heritage funding, tax relief grants, that building would now be derelict, it really would, because the owners have spent in the order of $3 million that can be easily identified, of which heritage funding has been approximately around 5 per cent. So none of the heritage grants or funding schemes that have been made available, or are available, have encouraged the owners to spend the money. It has been the owners that have made the decision themselves. When a building is classified as heritage, particularly a commercial building, it takes on a totally different economic stance. Expenditure becomes non-discretionary. If the building is not heritage listed you can say, "I'll knock it down, because the expenditure of maintaining it is just too great," but in Adelaide Arcade's case in many instances we have had to spend quite substantial sums of money, because we just have to.

We had to spend $70,000 to keep the white ants out of it four or five years ago, and we got $5000 in heritage funding. So it's a building that requires continual maintenance, heavy maintenance. It has got to be applicable to today's retail environment, because it's a significant building in the heart of the city. I heard insurance mentioned a bit earlier. It's a huge problem at Adelaide Arcade. It's full of timber. It's heritage listed, we've got limited fire protection, and the loading on our insurance is just enormous. It's just enormous. It's about three times the standard rate of a modern energy-efficient, highly fire-rated building.

It costs a lot to maintain a building, which you do not see. There's painting; there are extensive skylights that need replacing; there's the insurance. It's not an energy-efficient building; it has got big voids, big open doors. So it costs a lot to run, and this is not really recognised in the rating process, which I want to talk about. One of the biggest difficulties with the listing of the arcade, back in 1984, is the huge loss in capital value. It was valued at 8.5 million, for rating purposes, in 1985. In 2004 - its current rating is 12.5 million. So it has gone up $4 million, or 50 per cent, in 20 years. It's a disastrous property investment by any measure, but this has never been recognised, acknowledged or compensated in any form whatsoever.

The grants that have been made available to Adelaide Arcade by the Commonwealth government have been spasmodic. The grants by the South Australian government are so small that it's just not worth us making application, because the costs of a project there could be 50 or 60 thousand dollars and you might get $5000 from the state government. It's not worth the time. The same with the Adelaide City Council heritage program. For a building of Adelaide Arcade's size they will give us $15,000 over a five-year period, an average of $3000 a year. Our rates and taxes to the city council are quarter of a million dollars a year. So the grants that are made available do not have any recognition of the value or the size of the building.

We do see a way forward, because I don't want to be totally negative about all this, but the system of financial incentives has got to change, because the owners have been bearing too much of the burden. It would be lovely if you had the financial incentives, the grants, the tax rebates such that people were clamouring to have their property listed. I know in the UK there is inheritance tax issues such that there you fight tooth and nail to get your property on the heritage list. There was a submission from someone in Brisbane, an architect, which you may have already. Have you been to Brisbane?

DR BYRON: Yes.

MR HINTON: Yes.

MR CONRAD: Ivan McDonald.

DR BYRON: Yes.

MR HINTON: Yes.

MR CONRAD: He said, "Having people wanting their place listed would allow easier and more reliable comparative assessments of significance and would relieve much of the current community and government costings in objecting to and appealing such listings." If the whole system could be turned around, where you don't object to your listing but you object to the fact that you're not listed, the decision-making on built heritage would be totally different. The environment has to change and that means the financial incentives have got to change, particularly as a commercial building.

The areas that we have looked at are land tax. The land tax provisions in South Australia do give heritage properties some relief, but we've got to continually appeal our valuations. It's not an automatic relief. You're heritage listed, you're exempt from land tax. End of story. We've got to appeal every four or five years, because they keep inching our land tax assessments up. We've got an appeal running at the moment and the Land Tax Department are in a little bit of a dilemma, because our valuers are telling us that our land has a negative value because the building on it is such that it would cost more to replace that building than its value. As I mentioned earlier, the value of the building is 12.5 million. To replace Adelaide Arcade from quantity surveyors is 26 and a half million dollars. So that gives the land a negative value. This is a dilemma that the land tax people can't quite get to grips with at the moment.

DR BYRON: They should charge you a negative rate.

MR CONRAD: We would suggest that, but - - -

DR BYRON: Sorry, that was a flippant comment.

MR CONRAD: We have made it. The council rates are another issue that really concern us, because our heritage aspect has not been fully recognised. The Adelaide City Council use an annual rental value method. It's a method that was set in 1971 and it was set on the basis that low-rise buildings would get a given statutory allowance. High-rise buildings get a higher statutory allowance, because they have lifts, they've got airconditioning; they've got a lot of other aspects that are associated with a high-rise building. The basis of that was because it cost more to run the building, and as it cost more to run the building so your allowance given, in calculating the rates, was greater.

Now, we have no argument with that, but the fact that this legislation was set in 1971 before heritage came into play we maintain that Adelaide Arcade has its own significant additional running costs. But they're not recognised under the act and we have argued with the city council, we have argued with the minister for heritage here, that the act in place blatantly discriminates against a commercial-listed heritage property in the city of Adelaide to the extent that we are subsidising the rates on high-rise buildings. They agree with our argument but changing the act is extremely difficult. But, again, we draw the conclusions that a lot of the government bodies are protecting their revenue rates, their revenue levels, at the expense of heritage.

The Income Tax Assessment Act is another area that's very important as far as a commercially- listed heritage building. There's a very fine line between what is a repair and what is an improvement under the Income Tax Act and, as an accountant, I am very much aware of this difficulty. A repair is tax deductible; an improvement is not. In many instances in a heritage building, and I quote the example: in Adelaide Arcade we have heritage wooden floors - not heritage floors, but wooden floors all through the building. If they need repair we replace them in wood because it is a repair. That may not be the best answer for the integrity of the building.

The best answer for the integrity of the building may be to put a cement floor in - stop the white ants, stop the vermin - but if we were to put a cement floor in, there's every likelihood we would not get tax deductibility for that cement floor because it's classified as an improvement. If the Tax Act said, "Expenditure on maintaining and keeping the integrity of the building, whether you use a wooden floor or a cement floor, you get a full tax deduction" - because we have difficulty getting grants from government let alone then arguing with the Tax Office as to whether we now get a deduction for something that we see as vitally important in maintaining the integrity of the building.

I also heard you talk a little about fire systems. This has been an extremely difficult issue for Adelaide Arcade, because having been built in 1885 it gives absolutely no allowance or provision within the building to put fire systems through. We are tackling it at the moment. It's a huge cost relative to the amount of work that we're doing. We applied to the federal government for a grant because we saw this as an extremely important project to ensure the longevity of such a heritage building. We were told it was a low priority. It would not be approved. We would argue that it was one of the highest priorities in maintaining the integrity and longevity of the building, having spent quite substantial sums of money over the last 20 years in bringing it up to the magnificent state it is in now. The fire protection was the one project that was really going to ensure its life for many years.

DR BYRON: Would installing the fire protection system be an improvement rather than a - - -

MR CONRAD: The other issue is, no, it's a depreciable item at 7 and a half per cent. That gives the owners absolutely no encouragement to put good fire-rating systems into the building and, as I mentioned in my submission, depreciation allowances would improve the decision-making process of owners to make those very important commitments. We're really looking at all levels of government providing assistance in a very positive way so that owning a heritage building would be a welcome advantage. At the moment it's not.

We would see that land tax is a very important issue. Council rates have got to be addressed for the local heritage items. The Income Tax Assessment Act has got to give some benefits to the integrity of the buildings and the work that's required to maintain the integrity. By doing that, I think we would produce a commercial built heritage that at least is going to have a value in the market. There's going to be a market for heritage buildings. Let's make them attractive for people to buy. Let's give them stamp duty relief when they buy the building. Let's give them some income tax breaks. Let's make heritage, built heritage, a commodity that can be traded. It can be useful. People can buy it and they can sell it. There is a market for it, and people will appreciate its value. I've got that off my chest, commissioners.

DR BYRON: Thank you very much for that. You've raised a number of very good points there. I guess one of the things I would just like you to clarify is that many of the expenses of maintaining and running a building like this would occur whether it was heritage listed or not.

MR CONRAD: Yes.

DR BYRON: One of the things I'm interested in is whether the costs of doing certain necessary repairs are higher simply because it has that heritage registration

imprimatur on it, or whether there are significant delays or red tape getting approvals or anything like that, that mean the costs are higher than they would have been simply because of that heritage recognition.

MR CONRAD: The maintenance costs are very hard to equate, but I know our plumbing costs are extraordinarily high because we're dealing with earthenware pipes that are 120 years old in many instances; getting to them, replacing them. They are costs that a new 10-storey building doesn't incur. They don't have to have white ant treatment.

DR BYRON: But by virtue of the listing itself, does that impose higher costs than if this building itself was there but not officially listed?

MR CONRAD: If it wasn't listed, I doubt whether it would be there now. That would have been a real option over the last 20 years.

MR HINTON: Ian, as a personal comment, I think the Adelaide Arcade is fantastic, but that's - - -

MR CONRAD: You should go down and have a look at our new museum, which does record its - - -

MR HINTON: But thank you very much also for your submission, because I feel that this particular case - case study in effect - is a very useful mechanism for highlighting the sorts of policy challenges and systems challenges that the commission is looking at with regard to the objective of conservation and preservation of historical buildings, heritage buildings, so thank you very much for it. I also appreciated your particular focus on some commercial financial aspects of managing this particular building, the Adelaide Arcade, because that's not the norm for many of our submissions; in fact it puts some hard financial issues on the table. So thank you very much, Ian.

I also liked your focus on land tax, council rates and the Income Tax Assessment Act, though with a very quick qualifier: Neil and I are not going to get into reviewing the Income Tax Assessment Act - thank heavens - but it's useful to see how the intersection of running a building like the Adelaide Arcade does intersect with the Income Tax Assessment Act in terms of achieving the heritage objectives, so thank you.

I had a number of more detailed questions, and the first one related to the council rates issue. You talked about the annual rental value method being the rates approach of council, but you also made some import to the point that the capital value for rating purposes has only gone up from 8 and a half to 12 and a half as

opposed to the counterfactual, which would have been much higher than that if it had been a "normal building".

MR CONRAD: A normal building, yes.

MR HINTON: That implied to me that implicit in that is in effect some discount for the nature of the building itself associated with council rates, or am I misreading the - - -

MR CONRAD: Yes, you are. The Adelaide City Council don't use a capital value method. They use an annual rental assessment method.

MR HINTON: So that's just in fact a book entry capital value for rating purposes. It's not an operative - - -

MR CONRAD: No. Water supply, engineering and water supply - SA Water use capital value for our water rates, but the City of Adelaide use an annual rental assessment. I don't know how many councils now use an annual rental assessment value method. I think there are very very few. What the Adelaide City Council actually do is they go along and look at the shop and say, "That's worth $30,000 a year, that shop, in today's rental value," and then they give you some allowances because of the - as I mentioned earlier, whether it is a 10-storey building or a five-storey building, whether you've got lifts and so forth. The allowances can get up as high as 40 per cent. With a modern 10-storey building with lifts and airconditioning, you get a 40 per cent rebate.

Adelaide Arcade gets a 30 per cent rebate because it's a low-rise building and doesn't have a lift, so we would maintain that a high-rise, modern, efficient in energy and maintenance building getting a 40 per cent rebate is unequal to Adelaide Arcade that has exceptionally high running costs which are not recognised in the allowances that they receive, which is only 30 per cent. Hence we argue that we are subsidising the rates of other buildings in the city - heritage buildings.

MR HINTON: The way forward from your perspective would be bringing up to date the 1971 act that explicitly acknowledged the characteristics of a heritage building such as the Adelaide Arcade?

MR CONRAD: Yes, because when the act was brought in in 1971 heritage wasn't an issue.

MR HINTON: Yes. Then going on to land tax, I'm not sure there what the way forward is from your perspective. You flag the issue, but I am not so sure what - - -

MR CONRAD: The governments have got to bite the bullet on the heritage funding and they have got to make the market of built heritage a lot more fluid and a lot more attractive for investors - for people to buy heritage property. If someone came along and saw this heritage property - "Ah, it's free of land tax. Good. The council rates are rebated. That's good. I don't have to pay stamp duty on the purchase - - -"

MR HINTON: But what could be the conceptual framework to give that particular financial incentive? Is it that the alternative of knocking it down and redeveloping it is not an option; therefore that should be embedded into the land tax impost on the building, on the site itself. Is that the concept?

MR CONRAD: There has got to be some certainty given to the legislation relative to built heritage. At the moment there is no certainty in any of the legislation.

MR HINTON: You've got to appeal at every - - -

MR CONRAD: You've got to appeal it. It's an adversarial environment that we work in all the time. We're continually competing with heritage authorities, the councils, to recognise heritage to the extent that they should, which they don't.

MR HINTON: So the system is flexible enough to take it into account, but the discretion involved and the extent they take it into account leads to uncertainty on behalf of commercial owners?

MR CONRAD: Yes. The City of Adelaide maintain that there is absolute certainty in the way they calculate their rates, and they're correct because they're using the act that's been in place for 30-odd years. That's certainty as far as they're concerned, but it is unequal as far as we're concerned.

DR BYRON: I was just going to say that you said earlier that you thought a commercial enterprise was discriminated against on the basis that it is capable of standing on its own two feet. There are different criteria by which a limited bucket of money can be allocated to a number of competing worthy claimants, and one is to say, "Well, we'll give moneys equally according to merit." Another is to say, "We'll give it according to need," and presumably many of the grant-making agencies are using a need criteria rather than, "What is its contribution to heritage as perceived by the citizens of this state or this city?" in which case the allocation may be different. So it simply comes down to what criteria are used when there is a very small bucket of money and many claimants.

MR CONRAD: We've got a real mishmash. We've got local heritage. We've got state heritage. We've got national heritage. We've got grant schemes by councils.

We've got grant schemes by federal government. They're all trying to do the same thing but they're all fragmented. They're all looking at different needs, different priorities. There's no coherent heritage track. There's heritage and there's heritage: there's significant heritage; there's minor heritage. If you're heritage you should be heritage and you shouldn't be discriminated against.

But there seems to be a discrimination within the heritage listings that's hard to quite put your finger on or recognise. But we have certainly had the feeling that because we're a significant economic unit, being able to generate our own income, we've certainly been put to the bottom of the pile on need.

DR BYRON: One business that we spoke to in Launceston said that they are operating out of a listed building which means that they have much higher costs than their competitors down the road. If as a result of that his business goes broke, then the question is who is going to pay for the new slate roof or whatever? Is that a consideration with the arcade in that I imagine you have commercial competitors who don't have the costs of operating out of a 110-year-old, 120-year-old building?

MR CONRAD: I guess the commercial reality is in what the building is valued at. The building alongside Adelaide Arcade, called Regent Arcade, which has just a heritage-listed facade, is a similar-sized building, has a similar rental revenue, sold three or four months ago for 26 million. Adelaide Arcade alongside is valued on a cash stream because that's the only method in which that building can be valued. You can't value the land and the buildings because the land, we maintain, is worthless while there's a building of such significance on it. So the real difference in that equation there is what is the capital value at the end of the day?

MR HINTON: Ian, there are some other legislative requirements around that I'd welcome your reactions to in terms of impacting on your commercial activity - well, three I had in mind: the Occupational Health and Safety Act and access for persons with disability requirements embedded in the Disability Discrimination Act. The third one I had in mind was the Building Code of Australia. Do those sets of requirements also impinge upon you in a particular way because of your building heritage characteristics?

MR CONRAD: What was the last one - the Building Code of Australia? In Adelaide Arcade there's an arcade that runs off Adelaide Arcade called Gays Arcade, named after Patrick Gay the furniture-maker who put the building up at the same time Adelaide Arcade was put up, so hence Gays Arcade. It's got a magnificent skylight roof. We've got to replace those skylights every now and again because they crack and they become unsafe.

To replace that glass now under the Building Code of Australia we've got to

use glass that's double the thickness, hence double the weight. It's okay while we're replacing individual pieces of glass but our engineers have told us that they cannot guarantee that the original structure would hold the weight of the glass if the whole glass ceiling had to be replaced under the Building Code of Australia requirements. That would most probably require additional structural work.

We then run into the Income Tax Assessment Act problem. Is this a repair or is it an improvement? Now, if it's an improvement it's not tax deductible. Here we are trying to retain the integrity of the building and spend substantial sums of money for which we get no tax deduction. Whether we get a grant for it is another question. That's where the Building Code of Australia impacts quite severely. The occupational health and safety is a matter we've had to address on our roof and at great cost. We've had to put catwalks all through the roof.

MR HINTON: For window cleaning, is it?

MR CONRAD: No, we don't have too many exterior windows. We have a balcony from which we can clean all our internal windows. Fortunately we don't have any exterior windows that require those measures but we do have a roofline that's 100 metres long that requires maintenance and we had to put in, again, catwalks costing us 80 or 90 thousand dollars so we that we can walk along the roof.

MR HINTON: And you had to do it in an empathetic way to the heritage characteristics.

MR CONRAD: How do you put a walkway on a roof that is sympathetic? It's very difficult. On disability, that's a problem we're trying to address at the moment. Again, putting a lift in the building is not an easy task; an extremely difficult task. It's on our list of matters to look at.

MR HINTON: But there would be particular help if the Income Tax Assessment Act brought clarity, or at least sympathy, to your maintenance costs that had focused on integrity of the historic building - the heritage building.

MR CONRAD: If the Income Tax Act said in a building such as the Adelaide Arcade, which is totally heritage listed, to put in disabled toilets and lifts you'd get an automatic tax deduction, we would be there winding the project up.

MR HINTON: Thank you.

DR BYRON: I think you've made those points very very clearly. I don't have any other questions. Tony?

MR HINTON: No. Thank you very much.

DR BYRON: Was there anything you wanted to say by way of a conclusion?

MR CONRAD: No. No, thank you.

DR BYRON: Thank you very much. As Tony said it's a very very interesting case study and you've given us some real figures to digest.

MR CONRAD: Thank you.

DR BYRON: I think now we can probably take a break of about 15 minutes for a cup of tea and resume with Ms Kath Crilly. Thank you very much, ladies and gentlemen.

DR BYRON: Thank you very much, ladies and gentlemen. Ms Crilly, if you'd just like to introduce yourself for the transcript, and thanks for the summary of your submission that we've received by email. I gather you've got a lot more that you'd like to tell us.

MS CRILLY: Right. I cut down my submission to two pages because a lot of what I want to say has been said by other people in submissions, and I'm concentrating on historic and cultural heritage, not built heritage. My name is Kath Crilly and I'm an individual historical records researcher and I am particularly interested in the history of South Australia and concentrating my research over the last 16 years on the period 1827, which is the start of the planning of South Australia, to 1857 when we finally received self-government as promised in 1834. So my focus is really going to be mostly about cultural and historic heritage and the lessons we haven't learnt from our past.

All of the built heritage that we have actually been talking about today, and that people have mentioned in their submissions, without historic and cultural heritage they are just structures; they're just structures. The information in museums, without an explanation of what the item is, who it belonged to, what is its significance, is meaningless. So cultural and historical heritage is the untapped resource I see for cultural tourism, and that is part of this new EPBC Act.

First of all I want to start by explaining why South Australia is unique because our two heritage counsellors here are both from Victoria and one of the problems I see with Australian heritage is we are all lumped together as Australia, and that means here, the eastern states. The other states are basically ignored. We don't exist because we're on the wrong side of the Blue Mountains. I want to start by saying why South Australia is unique and why our cultural heritage is of world significance.

The National Colonisation Society experimental democracy: the idea for the experimental democracy of South Australia came largely as a result of the failure of the Swan River settlement in Western Australia in 1829, better known as Perth. That failure - brought about mainly by land greed and the dispersion of the settlers, the lack of labour to make the land productive, the monopoly of water frontage - gave rise to the creation of the National Colonisation Society: the world's first think-tank.

This society was perhaps the most influential society in history, concerned with immigration, social, industrial, parliamentary, education, health and town planning reforms, while the 1836 select committee of the British parliament largely made up of these same founders and planners of South Australia recommended the Wakefield land system to aid immigration be extended to all British colonies which still contained public or unappropriated lands.

Our founders and planners were way ahead with such innovative ideas because they had spent decades of effort in contending with the industrial revolution; the reform of a colonial office; the reform of parliament after 300 years; public health - the 1831-32 cholera epidemics in Manchester and London killed 60,000 people; the first public cemeteries, 1833, were created to cope with the burials; previously bodies were buried in churchyards - the ending of slavery in the British empire; slaves were not freed in the United States of America until 30 years later; abolition of the corn laws - that is, a trade monopoly was ended for the first time; also 300 years of the East India Company; the Canadian settlement scheme's problems with the provision of clergy reserves; immigrants abandoned on landing in the new country; conflicts with the native inhabitants; the new Poor Laws Act 1834; nepotism, cronyism and jobbery in borough governments.

There were no local councils and no-one but hereditary royal charter holders could vote; MPs purchased their seats in the House of Commons; the average person had no vote; creating trade unions - before Robert Owen's Grand National Consolidated Trade Union 1834, unionism was banned; establishing industrial laws. Owen at his new Lanark mill in Scotland stopped employing children under 10 and reduced their labour to 10 hours a day; he provided the first green spaces for his workers and the first kindergarten; public education - there was Oxford and Cambridge, divided on religious grounds; there were private schools but no public schools; newspapers were taxed, both the paper and the advertisements; the stamp duty on newspapers was called taxes on knowledge - we hear this every day; libraries but no public ones; the only space for the ordinary citizen's recreation was the common, if they had one; most of the public land had been fenced off under enclosure bills; no footpaths, just walk on the dusty road; of course there were parks but these were royal parks or privately owned and not freely accessible to the public.

South Australia had a library and a literary and scientific association set up before the Foundation Act was passed which was 15 August 1834. 5 per cent of our first budget was to be devoted to culture; the first ever British colony that actually thought about the arts at foundation because we had free settlers, as everybody knows; and 15 per cent was to be devoted to the protection of the Aboriginal inhabitants. South Australia was the colony that established the world force for the rights of Aboriginal people. South Australia became the first preplanned colony, right from the start; everything. Its whole social atmosphere, its whole political system, its whole town planning system was preplanned before anybody even got here.

Adelaide was the first preplanned, healthy, green town, as William Penn called it - based on all the experiences and the mistakes learnt from the founding of other British settlements. This brings us to the next point of the way we are governed now and our lack of understanding about what the meaning of responsible government

actually is. This is highlighted in Mr Des Hanlon's submission which is submission number 33. His whole submission is about the definition of crown land, but I will just go on with what I have written here otherwise I'll get confused.

Importantly, all the land of South Australia at foundation, excepted the roads and the footpaths which remain crown land, were declared public land under the control of 10 commissioners, otherwise known as trustees or responsible ministers on behalf of the crown: the first ministers of any British colony that were actually made responsible to the Privy Council of parliament. All of the other governors had operated independently - they gave land away for free. The South Australian land system was introduced into the other Australian and British colonies by the Wastelands Act of 1842. Governors were stopped from giving away the people's land; that set up having to have a title to your land - it ended squattocracy in Australia.

All the people that had been squatting in Victoria, or what it was known then as Port Phillip land, then had to go back to the British crown and get a legitimate title to their property. The definition of crown land - I do not intend to go any further into the definition of crown land as that subject has been dealt with brilliantly by Mr Des Hanlon in his submission, number 33, and will - I am sure - be elaborated on by other speakers. Suffice to say that if there is not a nationally, constitutionally acceptable definition of the crown as trustees on behalf of the people of Australia, and that the responsibility for crown land is not returned to the governor and the parliament, we are all wasting our time.

The 1975 Australian Heritage Act failed because the legislation across governments had duplication across governments and no protection of sites. The COAG agreements seemed to have entrenched this useless bureaucracy. The new Environmental Protection and Biodiversity Conservation Act commenced from 1 January 2004, and there is an amending act to that called the Australian Heritage Council Act 2003. They can be summarised thus - the way I have written them on the board here. It's a 700-page act but most of it is to do with Commonwealth heritage, but the national heritage processes, the four main things in it, are that identification of heritage places, the current register of the national estate, is inadequate, and I'll explain more about that later.

Secondly, there is authentication. That is of research about historic places to put them up onto that register of the national estate. Thirdly, there is protection. Now, how can we protect things nationally without a national audit, without that audit being in some way constitutionally legal and without going through the first steps of that audit of identifying and authenticating what we're going to put on this list? Lastly, there is plan. You can't plan, unless you've done your homework, and that's the first three steps. It's impossible. Authentication of research about historic

places is now carried out by a team of heritage councillors who have been elected under this new EPBC Act, and they are placed at La Trobe University in Victoria.

To get the first three steps we need a national audit similar to Heritage Counts in the UK. I believe some states have already started this concept. What we have actually been doing for the last 25 years in South Australia in particular is starting from the bottom two: that is protect and plan. I call this the knee jerk reaction strategy to get re-elected, or shutting the barn door after the horse has bolted. "Oh, the building has been destroyed. Darn. We didn't know why it was significant, but we knocked it down anyway, because it got in the way of something else we wanted to do," or the old favourite, "Let's re-invent the broken wheel." Hire consultants to come up with a cloud cuckoo-land folly and then blame them when it doesn't work, or after the brief runs out and they have left.

Then there is the perennial "sell it to fund it" mentality, or "neglect it and leave it for the next generation to sort out" scenario. The Environmental Protection Biodiversity Conservation workshops - which there has been one in South Australia and it had to be hosted by a private individual. There was no government hosting of this workshop. It didn't cost them anything to put on. All they had to do was to provide a room for the workshop to be carried out, and it was an exceptionally good workshop, conducted by the EPBC unit, run by the World Wildlife Fund. Tracy Rich was excellent.

There were a few heritage consultants turned up to it and a whole lot of individual people. There are a couple more planned. The next two coming up should be made compulsory attendance by local governments and authorities' consultants and planners. South Australia has had five sites nominated under the new act and they have all been public nominations, but typically because of the mushroom farming being carried on by state government spin doctors, particularly the DEH branch and Planning SA, the general public and the media have no idea of their rights under this act or the fact that the public can nominate places for any list.

The identification and authentification state system has been entrenched. I'm sorry to say that South Australia has the weakest Heritage Act in Australia since 1993. Please look at the examples on the register of the National Estate database. Every site that is not a built structure has "history not available". Sites dating back to 1985 and earlier that have been listed have still got that on the web site. I mean, that's 20 years ago. What have they been doing? Don't get me started on the loss of our built heritage. Other people are going to speak about that. There is no provision to identify, recognise, protect, conserve, present or transmit to all generations any national heritage values of any site in South Australia.

This leads me to the Adelaide City Council, as our capital city. As it is now

constituted, the city of Adelaide under the City of Adelaide Act 1998 is both a planning assessment body and a developer. Like the sign says - that one there - "Unworkable". Just about every week there is an advertisement seeking public comment about some public space or site in the city, or hiring some genius to come up with the iconic strategy. All planning decisions have been taken over by professionals and they make them in secret.

Why bother making a public comment, because no-one takes the slightest notice of what you say. This has been proven from personal experience over the last four years. I have put in submissions about the parklands over the last four years. I've spoken directly to the minister, I've spoken directly to the mayor. You tell them one thing, they agree with you, they think it's fantastic; end of story. Never heard of again.

The 2005 South Australian Heritage Act. This recently amended 2005 Heritage Act - we've amended the 1993 one - is akin to rearranging the deckchairs on the Titanic, because it just doesn't integrate with the new EPBC Act. It has no genuine public involvement in the planning or decision-making process. Likewise, I have no doubt, will the new state plan. I couldn't wait a half century for it to download. Everything they put on their web site is pdf and it's like in geek speak. We need a simple public involvement process. What we have got is "keep the public in the dark and feed them on spin doctoring" propaganda.

Under the existing state plan the parklands have been zoned commercial, recreational and institutional. That information comes from a select committee of the South Australian parliament of August 2001, which has yet to report to parliament. The information in there has not been published, even though it is in Hansard's official report. In South Australia, heritage is just a word; a political football, an election promise, a useless list. It gets in the way of development. Unless we get rid of this re-election imperative, the economic rationalist view, get public rights back to parliament and away from the influence of gullible ministers, nothing will change. The idea that there is going to be some agreement for cooperation with local authorities seems pretty hopeful. State governments have been talking about cooperating for over five years already.

Public nomination involvement: the biggest problem faced by members of the public in South Australia is that our local system is completely inadequate in providing meaningful ongoing public involvement in the planning process, as required under this new act. There is no forum for genuine public discussion; no publicly accessible research centre to coordinate a cooperative approach; no historic library or web site readily accessible; no local independent referee to evaluate primary source evidence; no opportunity of direct involvement in the RNE process; no transparency in any planning process. Public consultation is a farce.

The positives are this is the digital age, so an act written in 1993 hasn't been upgraded to the fact that we have an email network going already of researchers. This new act doesn't take that into account. It's back to the old "let's get a consultant to write a feasibility study", which is so old hat. It's just so out of date. We are 15 years behind America. We are 12 years behind UK. Look at their web sites: English heritage; project for public space. You will see what I mean. They have forums on a regular basis between all their cities about what they're doing about heritage. We don't have that interaction here. It's them and us, telling us what they're going to do. That's not democracy.

The EPBC Act, the National Heritage List and the World Heritage List public nomination process: I believe that there has been over 120 sites already nominated Australia-wide. More than 22 of those are under emergency listings, some of those more than once, and this will show you how the public actually feel about what's happening with our heritage. 22 emergency listings. 19 of those are in New South Wales and some of them have been listed several times. However, only five of those nominations have come from South Australia and, as I said, they're all public nominations.

We have to ask ourselves why this is so. Is it because there has been no publicity about this new act and the new Australian Heritage Act 2003 in South Australia or the fact that it might suit Planning SA to entrench our outdated system? The fact is that the nomination for the South Australian old and new parliament houses has been recently accepted to the National Heritage List. It received no publicity at all in South Australia. I might add that Senator Meg Lees was the nominator of that site and its connection is to women's suffrage, we being the first place in the world to allow women to stand for parliament. That's why it got onto the list. We have lots of other sites that have that sort of significance, but there's nothing happening about it in South Australia.

The Australian Heritage Council emergency listing provision: the federal minister and his team of heritage councillors are only given 10 days to determine the values and assess the threats for emergency listings, which is simply not enough time; nor are there sufficient processes in the act in respect of the public nomination process. There needs to be a local evaluation process and response provision, not only to assist the Australian heritage councillors with the local research, but because it is exceptionally difficult to put your case to a group of individuals whom you have never met. Also, it is a personal financial impost conducting correspondence and providing evidence at such a distance. I have conservatively spent over $500 on my nomination and submissions over the last four years.

The current process is too geared to the old Heritage Act idea of the

government's prerogative. Again, I refer you to Mr Hanlon's submission. If this new act is going to be any better than the one it replaced, the whole process of public consultation must be redefined as a nationally adopted policy. You will find that this is how they do it in English heritage. On this aspect the submission from them is a shining example of the cooperative approach. They have been doing it for 10 years and they know all the problems that are going to come up. Just in the town and country parks white and green paper that they issued back in 96, they had 450 individual submissions. They have five task forces. They reported to law. They have a minister over there, a minister of urban regeneration, who took 105 recommendations from all that five-year process. They now are really going full steam ahead. I would urge anybody here, if you want to know how to do it, to look up English Heritage's web site.

State heritage listing, the parklands, which is my particular soapbox: just up on the wall there is the minister's reply and the current government's election promises. Now we jump to 2003, the current minister's options paper. This is an option for the public who cared about the parklands and wanted to know what to do with it. They were asked to decide between three options. One was (a) stay with the Adelaide City Council as manager, (b) was an independent trust and (c) was a joint capital city committee, the Adelaide City Council and the government working in a partnership.

If you can just see that chart - there are like three charts there. If you take the most opposed being at the top of each one of those charts and the most supported being at the bottom, the result would be that the most opposed is number 3. That's option (c), state and the Adelaide City Council. The most supported, which is the second one, is the parklands trust. That's what everybody voted for. 65 per cent of people voted to have an independent parklands trust, but we are being offered the least supported option. We are being offered the council-state government partnership; the entrenched bureaucracy.

Why are we bothering to respond to these papers put out by government when our opinion is completely ignored? We don't have a comeback facility. We don't have a third umpire, put it that way. We don't have the third umpire. The government wanted that option. They told the working group. They provided them with a working brief to come up with that option before anyone had sent in a submission. I know, because I attended the select committee submissions in parliament and heard the three speakers that were allowed to speak. The Adelaide City Council wants to get the parklands back to parliament, but that was not in the option that they wanted. They want to control them. The government wants to control them.

An independent chartered Adelaide Parklands Trust, that's what the public want, but because our wishes were not honoured by our elected representatives, it

became necessary to take action. The state government and the Adelaide City Council were surprised last year when the Australian Heritage Council wrote to them about a nomination received for the Adelaide parklands. The state government, I am sure, thinks that the nomination came from the Adelaide Parklands Preservation Association, as does the Adelaide City Council. The nominator is not and has never been a member of any parklands group or political party.

The Adelaide parklands and Colonel Light's plan, National Heritage List nomination October 2004: as the nominator of a potential national World Heritage site, I have spent the last nine months trying to find out who altered the title and boundaries, and removed the nominator's primary source references to Colonel Light and his maps in the above nomination. Who changes the nominated, acknowledged historic author Colonel Light to "the plan"? Who approved and authorised this fabrication of our history, infringed my copyright and research integrity?

Assessing criteria, values and significance: the criteria for nomination to the new National Heritage List is based strictly on heritage values alone; not political expediency. A place either has heritage values and significance or it doesn't. This is determined by comparative international research. Assessment is carried out by those specifically designated and qualified. The nominator has to verify the information supplied to the Australian Heritage Council and this is impossible if unauthorised interference in the nomination is allowed. The nomination process is only the identification part of the phase. It's only the first part.

A public nomination for the Adelaide parklands encircling the City of Adelaide, as laid out by Colonel William Light in 1837 - now, that's how I put it in.

MR HINTON: Excuse me, Ms Crilly. I don't wish to interrupt you but I think I need to. On seeing a summary of your submission you're about halfway through yet you've already taken over half an hour. I'm a little bit concerned about how long this particular appearance is going to take the commission.

MS CRILLY: Right.

MR HINTON: So we really would appreciate to pick up your key points - - -

MS CRILLY: I want to get to the point right now. Okay?

MR HINTON: Good. Thank you.

MS CRILLY: Now, the purpose of my nomination is to assist the formation of an independent chartered parklands trust to work with the government, the elected members of the Adelaide City Council and the community in a cooperative

environmental partnership towards a World Heritage listing. Unless there is the capability for us to all to get together to work on such a thing as a World Heritage listing it will never happen. What I would like to see in the act is for that process to be put in there. I've got here:

> A national grievance provision must be made a compulsory requirement of the national heritage policy. Protection of sites under dispute and forward planning will be impossible without it.

In English heritage they have a spot registration provision while the dispute is being sorted out so that the site is not destroyed, and that's what is happening here. We have upcoming legislation where they want to push their bureaucracy option. That goes to parliament and that excludes us having a say so that's really it.

MR HINTON: That's your presentation?

MS CRILLY: Yes. I'd only like, at the end, to say that as I said at the start it's good to have the built heritage but unless you have the historical and cultural heritage attached to that, even it's only on a database, the building does not - it doesn't register with the public out there for cultural tourism values. They have an excellent scheme in England where they have blue plaques on the historic buildings saying so-and-so was born here.

Now they've got a system where that plaque can be downloaded on your hand-held phone - it's called hand-held history - and more information about the plaque and the building comes up on your phone. That could be adapted as a national strategy for cultural tourism where a percentage of that phone call could go to funding the database. I put that up as a federation project but it didn't get anywhere.

MR HINTON: Well, thank you very much for your presentation, your submission and your participation here today and in the inquiry more generally. If I understand your views correctly you endorse the basic objectives of the EPBC Act but you feel two things: (1) the state act is not integrated appropriately with that particular set of objectives and that in any case the EPBC Act does seem to be deficient with regard to the nomination of nationally significant sites. Is that a quick encapsulation of your particular concerns?

MS CRILLY: I think the EPBC Act will be good but it will only work if all the states adopt it. It's no use having this COAG agreement where they're going to be talking about cooperating for five years. That's been going on for five years already. The reason why the old Australian Heritage Act foundered was because there were disputes - local disputes - which the Commonwealth government was asked to sort

out and there was too much self-interest and vested interest in local governments and state governments all competing for a very very small fund as the previous gentleman said.

There's no financial support here and that's what I want to mention also; in reading all the submissions historic and cultural heritage tends to be the realm of volunteers. They're the ones that care about it. The actual people out there are the ones that care about it the most because it's their environment; where they live. It's their history. There doesn't seem to be a way of putting any money on that; putting a money value on it.

DR BYRON: My understanding of the reason for the EPBC and the heritage provisions was to try to get some sort of clarity about which level of government was responsible for which sort of heritage, and to avoid the confusion about which jurisdiction should be responsible for it, and to have a mechanism for saying, "These things are clearly of national interest. These are the things that are highly significant at the state level, and others are highly significant at a local level."

Now, it seems to me that what you're saying is that that process hasn't worked. Now, is that because of things that have happened out of the national government in Canberra or is it because of the way that the states and local government haven't actually clarified their role in this sort of hierarchy of system?

MS CRILLY: Well, our problems are all local. We've had a state heritage branch since 1993, but if you go down there it's just a room full of brochures. There are no people that you can actually talk with. The recent amended one is just really changing words. It hasn't changed the whole way that - there's no public involvement in the process. It's like everything in South Australia. There's not a Productivity Commission here. We don't in actual fact have a heritage minister. He's the minister of environment and conservation. We don't have a heritage minister. It's no-one's responsibility. It's an afterthought.

DR BYRON: The point that you've raised, I think, in the answer to Tony's question is that a lot of the knowledge, expertise and interest and time and effort is coming from members of the public who are personally very, very interested. Somebody said to me once, "If we had to rely on agricultural departments for all the food we eat we'd all be hungry."

MS CRILLY: That's right.

DR BYRON: But if we had to rely on government heritage agencies to do all the heritage conservation work we probably wouldn't have anything like what we've got at the moment because so much is being done by people who know or care outside of

the formal structures. Is that what you're saying?

MS CRILLY: Well, conserving our heritage is too much - in my opinion it's too much about building and structures. What we're actually losing in South Australia is our historic heritage. How we got here. Why that building is significant. We've got hundreds of historical societies and their expertise and their archives are not brought into the process. That's what you'll see on English heritage. They have an archives project where they bring it all onto one source. There's one source where you can click onto how to save a heritage building. It's all brought into one, easy, simple place and it's all the responsibility of one person.

DR BYRON: Well, I think I've noticed - - -

MS CRILLY: Here it's fragmented. You go and talk to that person and they're a member of a team. It just gets nowhere. There's not a chain up to the top person because there is no top person.

DR BYRON: One of the things that has been pointed out to us is that some people - I guess particularly architects and engineers and builders - are particularly interested in the fabric, the material, the technology of how it was made and so on. I guess there are others who in a moveable collection are particularly interested in "the thing". Historians are more interested in the history about the thing; who made it and why it was made and how it was used and those sorts of things.

So heritage seems to be a meeting place between those who are interested in the physical object and those who are interested in the more abstract and the intangible histories - stories - about the things, you know. It seems to me that it's not a choice of saying, "Which one do you need?" Actually you need the intersection of them both.

MS CRILLY: That's right. Other speakers are going to speak more about the relevance of - cultural tourism comes out of knowing what the local history is. When you go to a different city or you look at a heritage building it's just a structure unless you know something about what that building represents. That's where the blue plaques in England are significant. They have "so-and-so was born here" and you've got an immediate interest. Like, if you were doing a thing on a Jack the Ripper tour, you'd go around that cultural tourism heritage trail.

It leads into things like heritage trails. That's where it can come to the refund on the investment; intercultural tourism and tourist operators knowing all of the historic and cultural heritage behind the built heritage. At the moment the register and the national database is just a list. It doesn't really tell the stories enough. It could be expanded much more. That could be done by historical societies; the

people who have the local particular interest being able to be involved in the Register of National Estate a lot more.

At the moment it's got to be done by government departments, and they always put a dollar value on it. I mean, that is just now an information database so why not have the public involved in it more?

MR HINTON: You imply that reactivation of the Register of National Estate is important. Would that not just add another list in effect. Already we've got lists - - -

MS CRILLY: Well, that's what I mentioned. On all the ones that we've got in South Australia - because they haven't been updated for 20 years because they haven't had the staff or the money is they've all got "history not available". So it's just, "This is blah, blah, blah, blah site starting in so-and-so" and that's it. Then it's got - for the bibliography at the bottom it's got a brochure or a pamphlet. It's got no feedback. Where do you go to get more information about this site or this object? There's no follow-on. There's no building up of an archive or a national database of information.

You go to America. Every building has got its heritage right up there. They're proud of their heritage. We're not. We seem to say, "It's old. Let's knock it down." It's that kind of mentality.

DR BYRON: So that the Register of National Estate is really an empty shell that doesn't have any of the details fleshed out?

MS CRILLY: Yes.

DR BYRON: If we were relying on government departments to do all that fleshing out it would probably be very expensive. But what you're saying is there are stacks of people throughout the community who could do that if it was opened up to them?

MS CRILLY: Yes. Exactly. I've done that myself. I've started my own web site which has 120 pages on it already which is about the foundation history that I'm researching. I get comments all the time, especially from schoolteachers who know nothing about - they don't have any resources to give to their kids about why Catherine Helen Spence, for example, was a significant person; why women getting the vote in our parliament house was significant. There is no place for them to get a resource. There is no resource for them. They've got to go round, searching around libraries. We could do it much more as a cooperative project if we have the public involved more.

DR BYRON: I think that's a very important point, that there is a great deal of

knowledge and expertise that isn't being made available.

MS CRILLY: That's right.

DR BYRON: Somebody suggested to us that Scottish heritage also has an enormous amount of - it's sort of like the equivalent of an agricultural extension agency, where they provide information to anybody who is interested on a whole range of topics. Again it was suggested that our heritage web sites don't seem to have that breadth of outreach material, but from what you are saying it sounds like it wouldn't be too difficult to have a virtual library of historical information.

MS CRILLY: Yes. A point I will make is that when people have actually nominated things for the National Heritage List, and there are 120 things - I've read them all, and there is far more information about sites and why they are significant on that than there is on the register of the National Estate. It's like, "Fill in this box." You know, you get 10 words to fill in why it's significant, whereas in the nomination process people have put in everything they possibly can think of to try and meet the criteria and it's a great resource for why those sites are significant. It's even better than the register in the National Estate.

MR HINTON: Ms Crilly, is there an issue of authentication of information on widely available access for inclusion? If you go into the Internet and use your Google you'll get lots of sites on lots of topics and there has always been an issue that using that as a primary source runs the risk that information that has been included by a variety of sources need not necessarily be accurate or certainly not authenticated. Is there an issue there with regard to this sort of valuable information that you're referring to?

MS CRILLY: I am glad that you brought that up because that was one of the points that I was going to mention. In my research I deal only with primary source. I go and read old microfilm. I love doing that. But at the moment we have some academics that have been pushing the view that the City of Adelaide was designed by somebody other than Colonel Light. That got into a newspaper here last year and that is now up on the Internet. One of the reasons why I started my own web site was to counteract the kind of nonsense that gets up on the Internet about that. Our history, once it's up on the Net and it's wrong, is taken to be fact. I mean, kids do their research from the Internet.

MR HINTON: Yes.

MS CRILLY: We need, with the register and the national database or the new one - or whatever is put together - it must go through the authentication process. All the research for your nomination is assessed by this Heritage Council and they have

expertise that they can bring in on each particular subject, like they have Aboriginal experts, they have historic experts and they have conservation experts. We need that process for a national database or a national audit of what we put on there. At the moment we might put a site on there - like, our minister of environment at the moment doesn't want to state heritage list our parklands, even though they have been nominated seven times over the last 17 years.

He doesn't want to state heritage list them because they think it might affect their decisions about what they can do with that site. Now, they shouldn't be involved in that at all. It's crown land. If they don't understand what the public want - that's what I'm getting at. He hasn't been given advice from the opposite side of the argument. He has only heard what the government bureaucrats and the spin doctors tell him. He doesn't have the facility to hear the public's argument. He doesn't sit in a forum like this and listen to both sides. He is influenced by his media advisers and how he is going to win the next election. The authentication part of it is left out. It's political expediency - "We'll do the popular thing that helps us get re-elected." That's what I would like to see changed. It either has heritage significance or values or it doesn't. There shouldn't be any other criteria used.

MR HINTON: Is there not an issue of degree of significance?

MS CRILLY: Yes.

MR HINTON: You seemed to mention a sort of an absolute there: either it has or it has not got heritage significance.

MS CRILLY: No.

MR HINTON: We are getting feedback - or even in Perth we got the view strongly expressed that everything has heritage significance, by definition. It's a question then of the matter of degree: what is the level of significance involved, and drawing the line as to when government intervenes and when regulatory action intervenes, or funding intervenes. Then you may need some criteria and an approach to apply that with rigour.

MS CRILLY: Yes. There are two sets of criteria. There is one for national heritage listing, which means you have to meet at least one of those seven criteria, and that overall one is called "outstanding". That's the criteria you have to meet at least one and it has to be authenticated and checked - blah blah. For World Heritage listing it has to be "universal" and "outstanding". It not only has to meet those criteria - at least one of those criteria - it has to be protected before it can get on to a list and be accepted. The management plan of how those values are going to be protected for future generations has to be sorted out, and that's what I'm hoping will

come more out of this act, is the protection part of it.

At the moment sites aren't protected. They are destroyed before they can be saved. There is no moratorium or spot registration to hang on to them while the dispute happens. The developer gets hold of it; he bowls it over before the public knows what is going on and then it's gone - it's gone for ever. And that has just been happening over the last 20 years. We've lost, I don't know - 300 historic buildings in Adelaide alone. You go to the protest but once a developer says, "We want public consultation on this site, what we are going to do with it" - the decision was made. It's like the Holdfast Shores thing here. The decision was made in 1997 and it didn't matter if all the residents protested because it was too bad. The legal agreements were in place before anything could be changed.

DR BYRON: Thank you very much for sharing that with us and for going to all the trouble of preparing it.

MS CRILLY: Thank you for the opportunity to put my case. No-one in South Australia listens to you.

DR BYRON: There is a lot there for us to think about. Thank you very much, Ms Crilly.

DR BYRON: Ms McNamara, thank you for coming. If you could just introduce yourself and a little about the background and summarise what you want to say to us today and how that relates to the inquiry. We look forward to hearing what you have to tell us. Thank you for coming.

MS McNAMARA: Thank you very much. I welcome the opportunity of speaking about heritage. I am the chair of the Heritage Preservation Association, which is a volunteer group that was formed at the discovery that the Old Treasury Building was going to be given to developers to turn into a boutique hotel. I am a proprietor of a tourism guide book publishing business with a heritage focus and I also speak to hundreds of tourism operators the length and breadth of Australia. The problem with heritage, which has been outlined somewhat today, goes far deeper than that because all over Australia, and perhaps in Western Australia they are coming to grips with it. I don't have very much experience with Sydney and I see that Victoria are doing some things really well, but here in South Australia it's something that gets in the way, something to be knocked over or something that costs.

As the volunteer group, we have spent hundreds of hours trying to save South Australia's heritage and create public awareness of what is really happening because the governments of both persuasions have found that it's good to have cranes on the horizon, it's good to have rich mates, it's good to have what we call Clayton's consultation with the public, and as Kath mentioned earlier, of decisions that have been made behind closed doors months or years previously. We have found that this is the case. As the proprietor of a tourism guide book publishing business, stories I have heard include how the Darwin Hotel on the Esplanade withstood both the bombing of Darwin and Cyclone Tracy, the worse natural disaster in Australia, yet was bulldozed at midnight because it had concrete cancer. Campaigners who had tried to save the hotel were asleep in bed.

In Alice Springs, 70-year-old members of the National Trust helped save the old gaol from being bulldozed by assisting volunteers and the local media to get inside the gaol with an unorthodox art exhibition. The story was featured on the front page of the Alice Springs Advocate, creating great public awareness, and the gaol was saved. The National Pioneer Women's Hall of Fame will be relocating there later this year. It's now a heritage asset. The constant campaigning of one woman with a few helpers saved the huge Katanning Mill complex in Western Australia from being destroyed for redevelopment. I have heard concerns from people in Port Lincoln about a possible new marina being built right on the foreshore, in addition to the impressive marina already there in Lincoln Cove.

Residents in historic Quorn in the Flinders Ranges are concerned that their slate footpaths are being replaced with concrete, modernising the town where movies were made using the old-world streetscapes. On the positive side I have seen

Harrow, a small town in country Victoria, put on a wonderful sound and light show. Visitors arriving by bus step back a hundred years as street theatre involving the whole town showcases their heritage with a bit of artistic licence. The 100-year-old log gaol and the quaint main street take on a life of their own with the troopers, bushrangers, mad Chinamen and bush band. Initiative, because of declining wool prices, catapulted the town into cultural tourism instead of accepting the town's demise.

Sovereign Hill is, I think, the most visited tourist attraction in Victoria. The re-created old goldmining town and diggings started with a few Apex Club members sitting around a table, and then they got a grant of $300,000 from Premier Bolte and it got them off to a flying start. Closer to home we have lost the elegant South Australian Hotel, an important part of Adelaide's heritage. We lost the South Adelaide creche, a building constructed in the 1800s with funds raised by schoolchildren.

One would have thought it an important part of our heritage, especially as the creche got little children out of the cellars and cupboards they were locked in while their mothers worked. It was not the case, however, and Mr David Wootton, Minister of Environment and Heritage personally wrote to the heritage authority requesting the building be taken off the state heritage list and assuring them the developer would incorporate heritage recognition. The South Adelaide creche was demolished. I know people who are still upset at this betrayal, years later.

There is a whole book published, called Lost Adelaide, written in the 1970s. We've lost a lot more since. The catchcry in South Australia is, "We can't save everything." Perhaps it should be, "We can't save anything." We lost the East End Market wall, even though it was proved that part of the wall was more historic than another section retained because of its heritage value. The new apartments and lack of parking have had a negative effect on tourism there.

I first became aware that something was seriously amiss with our heritage protection in South Australia when an old heritage building was offered for sale as a boutique hotel. The Old Treasury Building is the most culturally significant building in South Australia, probably in the nation. The first development consortium fell through but a couple of years later it was back on the agenda again. At the time, the Museum of Surveying and Exploration was operating in the building. The museum was visited by many schools and backpackers and visitors to Adelaide found their way there, even though it was seldom advertised.

Across the road in Victoria Square stands a statue of explorer John McDouall Stuart. He was greeted in front of the Treasury Building in a ceremony celebrating his triumphant return after crossing Australia from south to north and back again. It

was a momentous achievement. No other explorer could do it. Stuart had scurvy so badly he was carried back the last 400 miles on an ambulance stretcher between two horses. He died just four short years later. He's a national hero and was known as the king of the explorers. Not only are we not looking after our built heritage but our cultural heritage, too, is sadly neglected. Stuart was a trailblazer and his achievements gave South Australia the Overland Telegraph Line which made Adelaide the centre of communications for Australia, and the Northern Territory was annexed to South Australia because of him.

If you've been to Central Australia, you'll find it difficult to imagine finding water for 71 horses. Many times they dug down eight feet or so in the creek beds and at one stage, after finding all the waterholes dry, dear old Kekwick fell on his knees to thank providence when the last waterhole had a trough of clear water. All 10 members returned safe and well. Some horses succumbed along the way. I clearly remember talking to the manager of the Dunmara roadhouse and he was reading about Stuart that we include in the guide book. He found it of particular interest that Stuart said the country around there would be fearful country to be lost in. He then went on to say that his eight-year-old son did become lost and the search parties were unable to find him in the 50-degree heat before he perished.

Young people today have a great interest in Gallipoli and would have the same interest in some of our other heroes if presented to them in an interesting way. I found it particularly sad that a man who did so much for South Australia was not acknowledged at all when the new Ghan took its maiden journey following the same route that Stuart blazed. None of the John McDouall Stuart Society members were invited at all. Young people respecting and interested in heritage will preserve it for the future. At the moment it's sadly lacking in the schools. It's said, "If you don't know where you have come from, how will you know where you are going?"

But to get back to the Treasury Building, Stuart was greeted in front of it. Gold was stacked in the basement of the Treasury Building by the gold escorts from the Victorian goldfields and the first gold coin in Australia was minted there. It was where Dame Roma Mitchell was sworn in as our first woman judge. The cabinet room at the top of the building saw decisions made that affected every part of South Australia. The longest-serving premier in the Southern Hemisphere, Sir Thomas Playford, worked in the building for 28 years. In the early days, settlers slept in the courtyard waiting for their land grants. I spoke to an elderly man who lived there as a child. The Dog Fence Board had offices there, too.

I'm not aware of any meetings held or surveys done to look at ways of reuse of the building for purposes other than a boutique hotel. It appears the real estate sector was involved and the Olsen government supported the redevelopment. It was a way of offloading the problem of maintenance of a government-owned building. I don't

believe any serious thought was given to its history or using it as a tourist attraction or as benefit to the community. Flinders University were keen to conduct an archaeological dig in the courtyard but were not permitted. Truckloads of soil were removed at night. It was difficult to find out any information from the department in charge of the building. Eventually, because of our insistence, the redevelopment was reviewed at the Public Works Committee hearing.

It was revealed that $2 million was given for a 99-year low interest loan, 13 years rent free and numerous other benefits, 13 years' rent relief - all kept secret from the taxpayers whose money it was. One wonders what benefits could have been achieved to South Australian tourism and society with the Old Treasury Building if the same benefits, grants, money spent on glossy brochures, public servants, et cetera, could have been channelled into a community project, not to mention social issues.

I had the privilege of visiting Mr Charles Wright, an elderly gentleman who had left his business - he was an optician - in charge of his partners for a whole year and mounted a challenge about the demolition of the beautiful Edmund Wright Building. He told me he used to catch the bus to work with a friend. They got talking and became involved in trying to save the education building. They lost it to the bulldozers. Then when they heard about the beautiful Edmund Wright Building, with its ornate ceilings about to be reduced to a pile of rubble in order for a new glass and chrome office block to be built, they were filled with determination. Luckily, they were able to come to an agreement with the developer whereby, if a certain amount of money was raised, he would walk away from the building.

Mr Wright knew they would not be able to raise that amount but felt if they raised part of it, with public feeling the Dunstan government might come on board. He had a friend who was manager of ETSA and had the building lit up at night. They staged art shows, wrote numerous letters and got the unions on board. He said the new building would be a funny sort of a building with no plumbing, so they had the stick as well as the carrot. People signed pledges and eventually the government came on board and the building was saved. He told me at the end of 12 months he almost had a nervous breakdown with the pressure he had been under. In more than 30 years, nothing has changed. We have no better protection than we had then.

If anything, it has got worse. The Department of Environment and Heritage has now become the Department of Environment and Conservation. The Environmental Defenders Office has recently had a policy change and does not cover built heritage now. Perhaps it's the push for multiculturalism or it might be greed, perhaps power for politicians who can make decisions without encumbrance, but it seems that our heritage, our inheritance has no value. Towns like Dresden in Germany and Riga in Latvia, which were bombed almost to obliteration during the

war, have been rebuilt, restoring their old-world buildings.

We are little more than a Third World country when our heritage, everything we hold dear, can be taken without our consent by the very people we elected to act in our interests, and that's the part that hurts me and many South Australians. There's nothing we can do about it because we've got the spin doctors spinning what's happening so that we know what's really happening but it isn't in the papers.

"Historic Glenelg", that's what the sign says. One might have thought that a place that celebrates Proclamation Day where the settlers first came ashore would have heritage significance protection, where Colley Reserve and the foreshore was given in trust to the people of South Australia by Mr Colley. How is it then that the beachside can be taken over by high-rise development and residents fighting their case in court lose? The development was in partnership with our previous State - Olsen - Government and taxpayers' dollars were spent.

I have taken the opportunity to conduct research with overseas and Australian travellers, because I travel quite a bit. Are they interested in Australian history? Yes, they are! - in capital letters - but it must be presented well. The main problem in South Australia has been our state government policies. This negative attitude is often shared by local government. Development projects have been promoted by government both at state and local government level. They're often ‘in confidence’ and taxpayers are not permitted to know what their taxpayers' dollars are spent on. Our state government can declare a project a major project, giving it even more power and less accountability.

We have Clayton's public consultations, where public meetings are held and it's publicly thought that the decisions have already been made months or years previously behind locked doors and the government is now going through the protocol which is basically meaningless. Development is seen as a quick-fix. Governments can be seen to be doing something and their spin doctors can sanitise it to the extent that the negative impact on future tourism is not mentioned at all. Development is promoted and preserving heritage is seen as a cost, a nuisance. Development projects have been promoted by all governments here.

Now we have the Rann Labor Government who got into office on ‘open and accountable government’. We were delighted. "Won't that be nice?" We now have Port Adelaide. Port Adelaide is being redeveloped and as the volunteer Heritage Preservation Association we applied for an emergency listing on the National Heritage List in the hope that it might show some light onto this very dark corner of South Australia where our heritage and our tourism potential is being destroyed wholesale; and we are helpless to stop them. We hoped that if we could appeal to a higher power, perhaps something might be done.

Just looking at the Port Adelaide National Heritage List - I won't go through all of it, because it's pages, but I would like to send it all to you so that you can read it at leisure - what we have found is that Adelaide would not have been where it was if a port had not been available, and a protected port at that. So Adelaide would not have been there and Port Adelaide is the last undeveloped capital city port in Australia - from the time of the square-rigging sailing ships - and it was one of the last ports to be served by trading sail in 1945. Being the largest island continent in the world, Australia's maritime history is paramount and Port Adelaide is important to the nation in preserving the values of this way of life from colonial settlement days until present time.

Its rich and diverse history, it being a working port still in original condition, makes Port Adelaide the best example of its type in Australia. Port Adelaide has an unrivalled collection of maritime-related buildings and works with over 200 significant buildings identified, of which Elders Wool Stores and Hart's Mill are unique in Australia. There's a police station, courthouse and custom house. As much of the low-lying swampland was raised and reclaimed, a rich tapestry of original structures exists buried beneath Port Adelaide. This is evidenced by Flinders University students discovering archaeological treasures under the guidance of their senior lecturer. Of particular interest was a dig behind the Maritime Museum.

Port Adelaide's Kaurna heritage is equally important. It's called the Black Swan Dreaming and there's a big sandhill where there are a lot of original sites buried beneath. Port Adelaide played a crucial role in the revolutionary Wakefield Scheme that changed colonisation in Australia, that Pat spoke a little bit about. This is really people who had a vision for a better world, who set up South Australia. This is now being destroyed by greed and power, with our government and developers chomping through the history. The new province of South Australia: Colonel William Light's letter of instruction:

> You will now proceed to make a careful examination of the coast in the central parts of the colony, excepting only places where previous examinations by Captain Flinders and other navigators clearly show that no good harbour is to be found.

Port Adelaide had the first government railway. There are five museums; an important cluster. The National Railway Museum is national. The Port Adelaide Nautical Museum is custodian of one of the oldest nautical collections in Australia. The South Australian Aviation Museum; the National Military Museum; the Australian Museum of Childhood which was set up after the demise of the Adelaide creche. The combination of all contributing facets of Port Adelaide create a rich synergy rarely seen and of great value to Australia.

There's the colonial European culture and the other things that I've mentioned. There's the culture of the different nationalities; the Greek, the Blessing of the Fleet. There is the environment; there is the dolphin sanctuary there. There are ships, the tug Yelta, and tall ships. There's a ship graveyard. There are slip yards, some in use. These slip yards are going to be evicted and high-rise buildings are going to be put there instead; the wharf area, the busy port. The South Australian tourism plan basically says that the Port should be restored as much as possible to a working port with ships and the wharf sheds, and so forth.

We wrote an emergency letter last week, because one of the warehouses was coming down. I've read the consultants' reports that the Port Adelaide Council got commissioned. It clearly says there, "Save one or two of the wharf sheds, because it's indicative of all the wharf sheds that were there." What has happened now? They have ignored the previous consultants and they've got new ones in. What they're doing is, they're giving them the brief and saying, "Please work within the brief." The brief is the Newport Quays and it's all being reinvented. The old Port is going to be no more!

Newport Quays is full steam ahead. It's going to be called Edgewater. Where all the activity happened with the ships and so forth is now going to become a marina with waterside housing. There's no public space allowed, so they can't possibly be serious about tourism. I went to the Public Works Committee hearing about it, with an associate of mine who had put together a plan that he had presented to them on a number of occasions. However, that was being ignored. If you have a look at the map of Port Adelaide - I should have one here somewhere - this is the small area. You can see on the scale of things how little and pathetic it is. That's all we want to save, that little bit of heritage area, but that must be incorporated into the development. More of it should be saved.

I don't know whether you can see this very well, because it's in black and white. This is Port Adelaide. We've got the river that comes all the way down and then there's the peninsula. The peninsula isn't large on the scale of things and the idea was, instead of intercepting Port Adelaide with the bridge, which in effect makes a working port now a duck pond because it only opens twice a day and there's no provision for it to stay a working bridge so it may not open - we're spending $280 million, when the headlines in the paper two days ago were Mental Health in Crisis. It's totally irresponsible, but that's just another story about it.

However, the Public Works Committee hearing was flawed. It was made up of three Labor people and two Liberal, and it was pushed through. I'll send you some more information about what was in Hansard so that you can see that I'm not just a little bit cranky. What was said to me in clear terms was that tourism was not

considered; it was not considered important. So we had the trucking industry, we had the grain industry, we had all sorts of industry, but we did not have the tourism industry. Tourism and heritage are linked, and that could be the most marvellous thing for small businesses in Australia. It would get its own legs and it would fly.

We have got a ship called the City of Adelaide, which was especially built for bringing people and cargo to South Australia. It has been mouldering in Scotland, because of the ineffectual action by the government. It could be brought here. It could be restored by volunteers. It could help a lot of the social problems, as well, but it's all too hard - "Let's knock it down, let's put up high-rise, let's turn it into Edgewater and let's forget about tourism, and let's really forget about heritage, too. We'll talk about it. We'll make some nice little noises about it."

I went to a seminar down there the other day. Here it is, bringing new life to the Port centre. Port Adelaide is on the move; the Port Centre Project. What is interesting is one of the people who are now doing the direction, who have been engaged, is one of the previous ones. We read the Hassell report and they said quite clearly, "Restore the working port. Keep the woolsheds," but now they've been engaged to do the opposite; work out how we can have little paths, bikeways and so forth. It's just so frustrating when the government has an agenda to do something, right or wrong, and they have control.

Here's a little cutting that I will also include. It was in the Sunday Mail a fortnight ago. What Mr Rann says is:

> A federal takeover of planning laws along our coastline would be a disaster. Do we really want bureaucrats or politicians in Canberra being in control of part of our planning, but not the rest? We fought them on the nuclear waste dump in the parliament and in the courts, and we won. We'll fight them on the beaches, in parliament and in the courts again, if we have to, to protect our environment and protect our heritage.

Now, if there was an oxymoron, well, that's one. We don't have our heritage protected. In some cases we do have our environment protected: it gets a lot more protection than what our heritage does. This is political arrogance. There has been no consultation, discussion and no reason. That just gives you a little bit of an idea of what we're up against. I've got a little letter from the National Trust, which says:

> Action required: the National Trust of South Australia argues that the lessons of past mistakes need to be heeded. Beachside local governments need to identify these locations as character precincts and ensure that in the development plans policies are created that ensure the future of that valued character is not compromised.

DR BYRON: So how do we fit into all this? What can our inquiry into the framework, the system, for the identification and protection and ongoing management of our historical and cultural places - built heritage - what is the take-home message for what we should do about the information that you have provided us today?

MS McNAMARA: You should help the citizens of South Australia to have some heritage laws that have teeth. Heritage laws that are not fuzzy ones, such as this little area that we've drawn up. The woolshed that was currently demolished last week was in the heritage area. But, guess what, they moved the boundaries. We had a beautiful old building bulldozed - Fernilee Lodge - a year or so ago. Marble ceilings, marble mantelpieces and staircases, and whatnot. It wasn't on the heritage list. Nobody had bothered to list it; down it went.

MR HINTON: I would also like to thank you for drawing your experiences to our attention, because it can enhance our understanding of how different jurisdictions are handling this rather delicate and important issue of heritage conservation, so thank you very much for that. I had sort of a narrower question that I wanted to raise with you and it derives from your experiences with the Old Treasury Building.

MS McNAMARA: Yes.

MR HINTON: You flagged it, appropriately so, as adaptive reuse, which is certainly something that has been brought to our attention at a number of particular meetings. But you seem to put a lot of weight on the lack of consultation and the lack of alternative reuses of that building, if I heard you correctly, as opposed to your rejection of adaptive reuse in its own right - that is, you implied you're not unhappy with adaptive reuse - that is, using the Old Treasury Building for something else - but you weren't sure that the system of how it got to where it is today was appropriately reached. Have I misrepresented you?

MS McNAMARA: No, you haven't. It's quite right. It was not. It was very fudgy, because there were people who put in expressions of interest the first time that it was offered for use. The second time around these people were not consulted.

MR HINTON: Why I raised it is - that's history, of course, but the Port area is not.

MS McNAMARA: No.

MR HINTON: Although it might be shortly. Whether or not from your perspective, taking the Port Adelaide site and looking to it for adaptive reuse, in effect, that would retain for example some of the buildings there that you say should

be retained, but being used for something else. Would that be contrary to your expectation for what you consider to be appropriate achievement of the heritage objective?

MS McNAMARA: There's so much potential there with the heritage and the tourism that is not being looked at. It's being evaluated as wharf-side living: the fact that there's no parking, just flags no tourism. I mean, if people are going to get there, they're going to drive there, aren't they? They will want to park their car somewhere. Wharf shed 1, I think when it was first built, was the largest wharf shed in the Southern Hemisphere. It's quite large. It has an interesting ceiling. This is full of a market they operate on the weekend: all small traders.

The owners of the building how now applied for a demolition order on it and to put townhouses there instead. They're all going to lose their livelihood. Working in the tourism industry, I speak to a lot of small operators and in Coober Pedy, for example, they told me there that their tourism was down two-thirds. They put it down to several different factors. Down in the south of the state, they were offering cheaper petrol to get people there. We are becoming the drive-through state. It's not only that we're losing our heritage, but we're having our head cut off with our tourism, as well.

MR HINTON: Is the Port therefore privately owned and not government owned? Parts of the Port are government owned, surely?

MS McNAMARA: Parts of the Port are government owned, but there is a lot there which has private buildings and so forth. I forget what you call them but they are sort of like little slots where the water comes in. The Maritime Museum could be relocated there. There's the Nelcebee there; there are old ships there. I went and spoke to the Port Historical Society. They were beside themselves with despair. They said, "Well, what can we do? The government is pushing it." They spoke about the Exeter Hotel; they were trying to save that. It was bowled over and a new place put up, but they had the satisfaction of finding that all the local wharfies and so forth didn't go there any more.

DR BYRON: Do you have a vision or a model of what you think the Port area could be like, if it's not converted into waterside townhouses or something? Are you thinking of Fremantle and Georgetown in Washington DC? Do you have some sort of example that you could point out to people and say, "This is how it could be," rather than what's proposed?

MS McNAMARA: I point to Mr Tim Simpson, who is a heritage architect and likes yachting and so forth. He will just tell you a little bit about Mystic Seaport in New England in the USA a minute, which just started with a little old wooden boat.

In Sovereign Hill, for example, that I have a bit of experience of, volunteers became involved and they ended up being employed; in fact they have a shopping centre there. So they have a problem with their main street, which is full of empty shops. So it could be lots of different maritime, including antiques. There could be some street theatre there. We went to a little town, and they had restored their whole town with street theatre on a Saturday night.

Here, the big wharf sheds, they could be convention centres. There are so many ideas that could be thrown in the pot. It's just that the right questions have to be asked. What these people are doing, they are asking the wrong questions - "Would you like little bike bays? Would you like little this, would you like little that?" - all to fit in with the waterside living. The right questions have to be asked, and there have to be the teeth there that say, "No, you cannot just come along and destroy South Australia's heritage. You cannot just override what all the people want."

MR HINTON: This morning you have put a lot of weight on the need for public consultation - the need for proper public consultation.

MS McNAMARA: That's right. It's a farce.

MR HINTON: Can you give me a feel for where Adelaide, or even South Australia for that matter - how it handles that? You mentioned, for example, the National Trust of South Australia. We've had people here this morning, as individuals, appearing in this public hearing. Is it because there is lack of coordination of community views and it's too sporadic? It may not be only a source of problem with those hearing the consultation and undertaking consultation; it may in fact be the community. Or am I being too inflammatory?

MS McNAMARA: No, I don't believe that's the case at all. I believe that the people who work in the Department of Heritage and Environment are probably well-meaning people, but because they are a government department they have to do what they're told. When government goes into partnership with developers and they get an idea in their head, they're almost unstoppable. A lot of people either get grants from the government or they just give up and they say "Well" - in fact it was said to me. We have a South Australian Historical Society and with the Treasury Building - they have lots of members, they have very nice different speakers and so forth. I asked if I could go along and speak about the issues with the Treasury Building and I was told "No. Our members don't want to get involved in a lost cause, because it's a government-pushed development." This has been said to me on a number of occasions re Port Adelaide - "Give up. It's all done and dusted. Don't waste your time. The government is doing it. They have planned it a long time ago." The question is really, "How can we really save our heritage?" - not just have lots of nice

little meetings about what we should do but how can we really save it?

DR BYRON: I'm speechless. I was sort of expecting to hear things like this in another state, but I must say I wasn't expecting to hear it here in Adelaide. You've actually surprised me this morning.

MR HINTON: One final comment or question. If you walk down North Terrace, there are some wonderful buildings there. It's not all as doom and gloom as you say, surely?

MS McNAMARA: No.

MR HINTON: That is, South Australia and Adelaide have done some wonderful - - -

MS McNAMARA: We have beautiful buildings. We have. But did you know that with the GPO there's an application in on that to turn that into a boutique hotel, and demolish the Criterion Hotel next door. I just haven't had the time to even look at that one, but I believe it's the oldest hotel - if not the oldest, it's one of the oldest. That's destined to hit the dust unless there can be some fancy footwork.

MR HINTON: Thank you very much for your participation in this inquiry and your appearance today.

MS McNAMARA: It has been a pleasure. I hope it goes somewhere and does something.

MR HINTON: If you wish to send us that other material that you've alluded to and referred to this morning, then I'm sure our team would welcome that, record it and appropriately put it on our web site.

MS McNAMARA: Lovely. That would be wonderful.

MR HINTON: Thank you very much.

MR SIMPSON: I'd like to add something to Shirley's comments. I'm actually here to talk about something far more prosaic and boring than harbours, such as land tax, but if I can do what Shirley suggested I might do - add a little bit more to what she was talking about.

MR HINTON: Perhaps you might like to, for the record - so we can help the transcript - so who you are and where you are from. But welcome.

MR SIMPSON: Tim Simpson is my name. I run an architectural practice with a focus on heritage conservation. I have a background in property management, development and various other fields before that. I'm here to talk about land tax, but I'd like to diverge from that for the moment and support Shirley McNamara's comments about Port Adelaide.

I worked for some time overseas in Gloucester in the UK, and also visited Mystic Seaport in the US and various other maritime heritage centres around the world. It does seem to me that there's an opportunity in Port Adelaide which, if it's not lost, is on the verge of being lost, to develop something other than food and wines and events for South Australia's tourism industry. I guess that's about it. The returns: I have an economic study of Mystic Seaport, which is stunning reading when you think how little they started with in Connecticut and how much they have made of it. Most of our other tourism attractions can probably be taken away from us or duplicated, but ports and maritime history in general appeals to an incredibly broad demographic and can be a great generator of wealth. Anyway, I'd like to get on with what I'm here for.

DR BYRON: Can you give us any lead on how we would track down that Mystic Seaport?

MR SIMPSON: I can give it to you; I have it right here.

DR BYRON: Thank you.

MR SIMPSON: I'll add it to Shirley's stuff or add it to my own material. Before I start on my notes on land tax, I'd like to say that there's a lot happening in this area, in the interface, if you like, between land tax and heritage conservation. A lot of it has happened as a result of future heritage directions, or a similar title, which Minister Hill has been running over the last 12 months or so. There has also been the National Incentives Task Force for the Environment Protection and Heritage Council. That task force has come up with some recommendations which, I'm pleased to say, are in line with mine.

There has been quite a lot of activity in South Australia. Particularly, there

have been changes to the land tax and valuation regimes which haven't yet been announced but which more or less take the wind out of my sails here. What I'd like to do, firstly - apart from thanking the federal government for making this process accessible to ordinary blokes off the street - is request that I send a copy of my submission to you in a day or so, when I have deleted a lot of the stuff which I don't need to say any more.

Basically, the owner of a heritage-listed property has a responsibility, I believe a sort of moral responsibility, to look after it. In doing so, if there's to be general benefit by the community then the community should bear some of the cost and not rely on the enthusiasm of eccentric amateurs or whatever. It's not easy to turn a quid out of a heritage property. The maintenance costs are high. There are various other disincentives to having anything to do with them. Having said that, the people who are interested in them are very interested and there is a good little industry surrounding them in their management and maintenance.

At present in South Australia, the Valuation of Land Act 1971, section 22B, allows for a special valuation, I suppose, for heritage land. Now, whether or not that's always triggered is open to some debate. The classic disadvantaged position would be the owner of a small building on a large piece of land, where the site is listed because the land itself is always the subject of the listing. The improvements are noted but it's basically the land which is listed. In that case the land may not be subdividable always, therefore the owner is paying land tax based on a capital value which doesn't necessarily take into account the heritage status of the land.

My first suggestion in that direction is to make sure that the trigger always works, because I am aware of some properties where we say excessive land tax is being paid. There is a provision for the owner to object, but again the owner may not always be aware. At the moment that provision only applies to properties which are on the State Heritage Register. Referring to what I said a minute ago, one of the things I have discovered in the last couple of days is that that is to be widened, in line with other states, to include the national heritage system, the state heritage system and even local heritage, I'm led to believe.

What will happen there, the mechanism would be that the valuer, whoever it is, takes the heritage status into account and lowers the valuation under normal circumstances. Because councils set their rates by looking at their budget and then dividing it by the rateable property available to them, in theory that should actually compensate the discount, if you like, given to the heritage-building owner. It should actually be picked up and spread widely over all of the other rateable properties in the location. To that extent it is being paid for by the people who should ultimately benefit, which is the society.

The National Incentives Task Force for the Environment Protection and Heritage Council, a document produced in April 2004 called Making Heritage Happen actually - you guys probably had something to do with it, I suppose.

DR BYRON: No, but we have seen it.

MR SIMPSON: Okay. That made the very strong suggestion that there be revaluation provisions for heritage-listed places based on the New South Wales and Victorian model. Now, that model is a fairly simple one. Basically, across Australia New South Wales allows a lower valuation for heritage properties as does Queensland, Tasmania and Victoria. In Western Australia, the only way that the owner of a heritage property can get a lower - or be compensated, if you like, for the high land tax they're paying on an unsubdividable property, is by entering into a heritage conservation management agreement. So Western Australia use it as a carrot, I suppose, to get people to enter those agreements, which involve spending money on the property, or agreeing to manage it in certain ways.

New South Wales and Victoria look at their valuations on a case-by-case basis, so that it's not just a set percentage. Out of interest, the thresholds for every other state except Tasmania are higher than the thresholds in South Australia for the application of land tax. One of the problems - and the reason I'm here, I suppose - I'm not pleading specifically on behalf of any particular owner, but rather on a class of owners. There are all sorts of advantages to heritage listing - social, economic and environmental advantages - and I don't propose to go into them here. I think the best exposition I've ever read of that was produced by English Heritage called A Sense of Place, I think it was called, or something along those lines. It's quite a large document. I might also add I'm on the National Trust Heritage Advisory Committee, and I'm aware that the National Trust through Alan Graham, I think, put in a submission, and I agree with every word in that, too, but I'm not here on behalf of that body either.

The particular class of people who are probably most disadvantaged, I would suggest, are people who operate businesses out of heritage buildings, but don't live in them. In that case, they don't score the 100 per cent or graded rebate for land tax. They cop the lot unless this thing has been triggered, and as I said, it's not always automatic. The situation there is that those people are spending money on maintaining a building. A classic case is a B and B - a bed and breakfast - where you have a building, typically a large old house on a very large piece of land, which could possibly support, say, six or eight townhouses; is rated as such, unfortunately, unless either the reduction has been triggered or the owner has objected.

What happens there is that the actual effect - if you look at the earnings that those sorts of buildings generate, and that's a sad thing because one of them has just

closed. A woman called Beverley Pfeiffer has just closed a facility or a business called Myoora at Prospect in South Australia, which is the typical thing: large house with extensive grounds and four bedrooms or something that she could get 250 a night for. There's another one operating in North Adelaide that I'm thinking of that typically attracts fairly well-heeled - it's not cheap - overseas and interstate visitors. The most recent figures that I've got from SATC indicate that overseas visitors tend to stay a lot longer. They're indicating that they're staying about 18 nights according to this, which I was surprised at, but that's the figure.

DR BYRON: In Australia?

MR SIMPSON: In South Australia. There is enough to do here.

DR BYRON: I wasn't implying otherwise.

MR SIMPSON: SATC indicates that there were around about 324,000 international visitors in 2004, and they stayed for about 6 million nights, so it's about 18 nights each on average. The local visitors - well, not local, domestic - overnight visitors, mainly interstate but includes SA residents as well - about 6 million of those, and they stayed for about 22 million nights, so they tend to only stay for - what's that? - between three and four nights each. So the overseas visitors are good customers, in other words. There's no split-up of what they spend on accommodation, food and beverage, but the operators that I've spoken to have indicated that they've said, "Okay. We'll pick up a week's accommodation from them at 200 a night, so we get $1500 of their money." But the rest of it - these 324,000 people - spent $461 million. The way that's split up, they spend it on food, beverages, trips - all that sort of thing.

My point is that the health of that very lucrative branch of the tourism industry - there are no figures on this, but I would suggest that it depends to some extent on the existence of these top-end private accommodations. I mean, I wouldn't want Russell Crowe staying at my place, but Beverley Pfeiffer reported that he has stayed several times at her place out at Prospect there, because the guy doesn't want to be bothered by - apart from concierges - other hotel guests and things like that. I'm not sort of saying we need more celebrities here, but it's that sort of visitor who's looking for a quiet place to stay, et cetera, who quite often has very deep pockets. So purely on financial grounds, I think that there's a need to expand the sort of largesse - not just a reduction of land tax.

But probably the only thing that I was going to argue for that hasn't already been covered is to probably extend that a little bit more along the Western Australia model, and say, "Okay, you've got a land tax rebate or reduction or remission, but if you enter into a heritage conservation agreement, we'll actually help you out with

either grants or else a hundred per cent land tax reduction," or perhaps something like, "We'll cut your land tax in half, then you can spend the other half on approved conservation measures" - something along those lines, because it seems to me that the system of getting into it at the valuation level does mean that automatically the discount is spread over the people that really benefit ultimately, which is the rest of the society. So really I'm arguing for incentives and remissions to be applied to heritage properties at the valuation stage, because that way automatically the cost of those discounts or whatever is spread over everybody else who has property valued and pays land tax.

That is really about it. The other thing - I'll close my remarks there, but just as an aside, you mentioned that we've got all these old buildings here. Well, we have, but honestly I don't think it's any thanks to us. I think that the reason most of the buildings are so old in South Australia is because there has never been the pressure on the land to have the buildings replaced. We've still got little cottages in the CBD here that are probably on the second or maybe third structures that have ever been on the land, following a tent made out of an old sail or something. You wouldn't find that in Sydney or Melbourne because the land has been turned over so often. So really, the reason that we're living in this sort of semimuseum is because nobody has ever done anything about it. Unfortunately, everybody has the perception that, "There's plenty of it. Let's go for it," but there's not plenty of it. Anyway, thanks very much.

DR BYRON: Don't go.

MR SIMPSON: Sorry.

MR HINTON: Excuse me, Tim.

MR SIMPSON: Yes.

MR HINTON: Would you be good enough to sort of elaborate on some of those points, if I threw some questions at you?

MR SIMPSON: Sure, absolutely.

MR HINTON: If you had the time, of course.

MR SIMPSON: Yes. No, I've got the time.

MR HINTON: I did have one particular question, and the land tax issue and council rates and the taxation system more generally have arisen earlier today, with regard to some commercial properties.

MR SIMPSON: Right.

MR HINTON: So I wanted to explore with you the land tax issue a little. Can you give me a feel for the sort of amounts we're working with here - that is, if it's a rebate on a very small number, then why bother? But if the land tax impost on a commercial property - whether it be a B and B or a large commercial retail outlet in the CBD - is large, then you might see that it could have an impact. But if it's of the first order - that is, small - then the incentive that it might be associated with might be commensurately small as well. Can you give me a feel as if we're working on the right side of the decimal place here for this policy initiative?

MR SIMPSON: Okay. Yes. That's a good point, and there's also the administrative cost of doing this as well, and if you're going to save $500 and it costs a thousand dollars to do - - -

MR HINTON: Precisely.

MR SIMPSON: - - - then the community again is the loser. Take the case of somebody who has reasonably large property holdings, and these days 3 or 4 million dollars in land value isn't out of the range for somebody who's got a few investment properties. Say you have someone who's running a B and B, and take the case of a property in North Adelaide called Buxton Manor. That sits on a very large bit of land, nearly an acre. The land is probably worth about a million and a half. The rate that cuts in at a million is 3.7 per cent, so under normal circumstances if that chap owned that and some other place where he lived, he would pay land tax on 1 and a half million dollars, and he'd be paying 3.7 per cent on top of the 12 or whatever it is for the first million. So he's paying about 28 to 30 thousand dollars a year on that property.

The situation is worse if he owns two or three other properties similar, because of the aggregation provisions. You're then paying the 3.7 on everything after your first million, so that would mean that that particular property in Buxton Street that we're using as an example is rated if the land is worth a million and a half - and again with North Adelaide you're paying up to $1800 a square metre, so that translates to a couple of hundred thousand dollars for a handkerchief that you can build a house on - you're looking at something like $45,000 land tax, effectively, for that property. Now, there are four apartments there that are probably let at an average of, say, 200 a night, 60 per cent occupancy. It's not hard to see the profit levels - say there's 30 per cent clear profit, 40 per cent profit or whatever - with only four units there.

It's different for a hotel like this with a couple of hundred rooms - but with only four rental properties there, just say that the land tax is not 45. Say he's effectively

paying $30,000 a year land tax on that. Well, $30,000 - without getting the calculator out - at $200 a night, means that effectively he's got one and a half or maybe even two of his apartments working just to pay the land tax, in order to make the money on the other two. So that's a fairly heavy imposition.

When you look at the positive multipliers which I suggested with regard to the spending power of the type of customer who uses that facility, the customers who stay there are injecting 4 or 5 thousand dollars perhaps into the local economy. This bloke is bearing the load of having to pick up the land tax, and is paying 30, 40 thousand dollars a year in land tax for the pleasure of being the instigator of that sort of general economic benefit. His own profit is much smaller than you might think; $30,000 out of the profit on a four-apartment bed and breakfast is a fair slice.

Now, if you take that down - as I said, I'm not here to plead on behalf of any particular person - to a B and B that only has, say, two tenancies, if it's on a reasonably normal size piece of land, it's probably not such an onerous burden, but if it's on a large piece of land, and you've got the aggregation thing - I'm just trying to do some figures in my head - I would call it an unfair impost, and that's where the market failure comes in, because the imposition of land tax skews the market, skews the connection between the provider of the service and the consumer. It's a disincentive to provide the service when there's definitely a demand for it, but there's an artificial disincentive of land tax in the way.

MR HINTON: You also put a fair bit of weight on the fact that a rebate or a discount for a land tax then can get spread across other ratepayers, in circumstances where that has an equity function and to the extent that they are also benefiting from the heritage buildings. Is there an issue for those areas or those local government areas, that have a significant proportion of their rateable land in precinct form that are heritage, such that the beneficiaries may, in fact, lie outside a local government area, of which they're not caught up with the funding of the rebate, so to speak?

MR SIMPSON: That's an interesting point. If you look at the legislation in Victoria, I think it says that if the property is in a state heritage area this will apply. Now, in South Australia we have a few state heritage areas somewhere in the country; Colonel Light Gardens is another one; there is a push to make the whole of North Adelaide, for example, a state heritage area. Now, if that happens, that's exactly the case that you're talking about. You then say, "All right, everybody in the whole suburb gets a lower rate of land tax," everybody who has got a largish holding, because the whole area is state heritage. So considering that the Adelaide City Council only has North Adelaide and a little bit of the city as residential, how is the benefit spread?

I suppose the high-rated businesses would pick up the slack there, and it's

drawing a pretty long bow to say that they would benefit other than in the fairly indirect manner. I think the answer to that is that the benefit is still there, but it falls back from the sort of direct cash benefits of things like - it depends on how you describe it - I think it's called existence benefit where, if something exists, it has a benefit to you. For example, the parklands in Adelaide benefit the people of Christies Beach, because they would feel a loss if they weren't there and it - - -

MR HINTON: Which logic takes you to the view that if the benefit is wider than the local government area, that implies that the next level of government will be the contributor rather than the taxpayers in that next level of government - - -

MR SIMPSON: That's right. I started going down that course when I came across the notion of a state heritage area being the trigger for a land tax or a lower valuation. I started to think, as you have, take the next steps and say, "Well, hang on, if it's the whole area, who benefits and how do we spread the cost?" I wouldn't say that it's a problem. I think it's an issue that would have to be worked out.

DR BYRON: But by changing the land value for both the state land tax and for local rates, it's having an effect that some of the costs through rates are spread throughout the local government area and some of it is spread very thinly across the whole state through supplements.

MR SIMPSON: That's right. It depends on how it's done. I mean, I'm no expert on land tax or valuation, but in Victoria councils do all of the valuations. It's not even delegated from the valuer-general. They are the primary valuer and the state accepts their valuations. In South Australia the valuer-general is a state government office, which does all the valuations, as I understand it, and the councils accept the central valuer's decision. As I said, I can't really say too much about that, because that's not my area of expertise, but I think that the key to it is that the cost is spread, that the cost doesn't just sit there as a deficit and everybody suffers. It is a zero sum.

DR BYRON: The general proposition is, I guess, that where the existence of a heritage building provides substantial public benefits, then the entire cost of maintaining that case shouldn't fall on the individual landowner. Then the question is, "Well, what's the appropriate mechanism?" Whether it's through adjustment of taxes or values on which taxes are based, or it's through a system of contestable grants or - - -

MR SIMPSON: Yes, revolving - whatever.

DR BYRON: Yes, there are a number of ways which we will have to look at in terms of how the mechanism whereby some financial quid pro quo is provided, but the prior question is to establish that there does need to be some quid pro quo on

private property.

MR SIMPSON: If you're talking about a commercial building it's a completely different scenario. My comments really relate to what I suggest is the unfair application and the dislocation, the market value, which is produced when the existing land tax regime collides with the owner of a - the income derived from a four-bed B and B is nothing like the income derived from a 12-storey 1927 sandstone office building in good condition. Just actually on that point, I'm working at the moment on a building in Grenfell Street. We've just done a job on the facade. It's made of Harcourt granite from Victoria, which would have been trucked over here on bullock drays of all things.

But the restoration of the lower facade, which is this polished granite, was about $30,000. I said to the owner, "What about looking for heritage grants on this?" and he said, "No, stay away from it. Don't want anything to do with it. It's a two-edged sword, you know. As soon as you get into bed with those guys you've got all sorts of other things." Now, that's a perception rather than the reality, I think. But all I'm suggesting there, as a closing sort of aside, is that whatever systems and frameworks there are, they have to be well explained and non-threatening to the average building owner, who sometimes thinks that once you've asked for a heritage grant you've brought down the wrath of God upon yourself.

DR BYRON: I know it's not part of what you came here to tell us, but that is a very interesting, and I think fairly central, point: that there is a perception, rightly or wrongly, amongst a lot of private owners of interesting and important old places that may or may not be heritage listed. There's a lot of downside, aggravation and red tape and so on once you become involved in the system. Given your involvement in the whole area, can you give us a sort of independent assessment of whether these people are overreacting when they say about the red tape, delays and additional expense of doing any work on the place once you're in the system - - -

MR SIMPSON: Consultants' fees.

DR BYRON: Yes, or alternatively some local governments have said, "Look, we recognise that putting a place on a local government heritage list imposed additional costs and additional requirements to put in development applications, so we're going to waive all application fees if you're in the local list, as one way of reciprocating the extra burden imposed on the landowner." So have you got any insight you can share with us?

MR SIMPSON: Yes. I would suggest that knowledge overcomes fear in that case and once people see with their own eyes the benefits that can - I mean, not every property is a candidate for any sort of heritage work or consideration or anything, but

taking a case again in North Adelaide, which is my sort of patch up there, I'm doing a little restoration job on three properties, and the council is very good about it. They said, "Here's the money, here are the restrictions and when you put in your development applications, because it's heritage work" - in the Adelaide City Council it automatically needs a development application - "we'll waive the fees," and all that sort of thing. For all its faults, the Adelaide City Council is terrific about heritage conservation. They've got full paperwork. It's very easy for me to sit down with a client and say, "Look, this is what will happen."

This is the last in line of about eight little cottages and values have just shot up. The government did up the school across the road, somebody else has done up the old bakery down on the corner, et cetera, and once there's a critical mass it works. But getting back to the business, I think it's about reaching people. I mean, just like there are some hard-line heritage nutters, there are some pretty hard-line property council nutters as well. It's a matter of reaching people and explaining what's really going on. Again, I'll try and be really quick; I've got what I'll call the theory of borrowed value. A property developer's horizon for the achievement of his 20 per cent profit or whatever is usually 18 months to two or three years. They don't really want to be around any more than that.

The 20 per cent profit is the benefit. It accrues to the developer and he wants it soon. The benefits of heritage conservation are much more abstruse in some cases and they accrue over a longer period of time to a large number of people. That has to be explained and understood. There's the other business about if you go to a lovely leafy street in a nice, old suburb and you buy the worst house, knock it over and put up six apartments, then that's fine. You can sell your apartments at a premium, because they're in the leafy street. They're actually borrowing value from the houses adjacent, and the adjacent houses you will probably find will drop. Like a water level, they will drop to the same extent that the premium has been paid here. So there has been no net gain in value.

Heritage conservation areas look after that sort of problem. Places like Colonel Light Gardens, where people say, "Is it in the area?" Burra would ask the same question, because then they can be confident that - they are real-world documents too, those agreements. In Colonel Light Gardens, for example, you can do what you like inside the house. You can knock the back off them and do what you like there. It's the facade and the streetscape that keeps the values up. I know that's talking around in circles, but getting back to what you said, I think the answer to it is communication and some solid examples so that people can see that it is possible to make money out of an older building. There's all sorts of other spin-offs. I read the old builders labourers - - -

DR BYRON: The CFMEU.

MR SIMPSON: Yes. Their submission talks about maintaining skills; English Heritage, who have the advantage of their massive lottery, talk about maintaining a sense of place in history and also maintaining skills. But it is a fact that around the English Heritage claim, and it's about the same here, for a new building 70 per cent of the cost is material and 30 per cent labour, and most of the materials are sourced outside the state. For an older restoration it's the reverse, and money paid for labour generally stays in the community. So that's one of about a dozen arguments for heritage conservation.

That wasn't your question, but I think once people understand that it's not just a bunch of blue-rinse matrons or silly old bastards looking for old buildings that they don't own to be maintained at somebody else's cost, once people realise that the mechanisms should be straightforward and fairly transparent the benefits are genuinely there and I think that the electronification, if that's a word, of the workplace is helping people to go back to the sort of cellular structure which most of those old buildings have. We don't need these open-plan offices any more. We can function quite well in a cellular structure like an old building.

The final point I suppose is that when you demolish something you're putting its present value at zero, and you're valuing the embodied energy, capital and all the other things at zero. By maintaining an old building you're doing something responsible by saying, "Look, the work that somebody put in 100 years ago laying the bricks is still producing a return today." But I think the simple answer is communication and to help people get over the fear that once they open the heritage door they will be in a straitjacket.

DR BYRON: The extreme example of that, that has been brought to our attention, particularly in a few rural areas, is that people are so afraid that somebody from the government is going to find out that there is an old Cobb and Co staging post - - -

MR SIMPSON: Yes, I've run into that myself.

DR BYRON: They bulldoze it before anybody from government even finds out.

MR SIMPSON: Yes.

DR BYRON: Now, that seems to me to be an extremely perverse outcome, if the fear of red tape is actually driving loss of heritage.

MR SIMPSON: That's right, and I think up in the sticks, there are some sort of hillbillies up there. I come from up there myself and there is a lot of that around the place, but I think it's about communication and that sort of thing, and some of the

little programs on television do quite a good job of showing what's around. Communities value things if they understand them, better than if they see them as some sort of unknown.

DR BYRON: That's terrific. Thank you very much for coming.

MR HINTON: Thanks very much.

MR SIMPSON: Thank you. Who do I send my documents to?

DR BYRON: Scott will give you details before you go. I think we can adjourn for lunch.

(Luncheon adjournment)

DR BYRON: Just take a seat and make yourself comfortable.

PROF LOGAN: Thank you.

DR BYRON: When you're ready if you can introduce yourself for the transcript. If you could summarise the main points that you want to make for this inquiry in maybe 10 or 15 minutes then Tony and I would like to discuss that with you. Thank you very much for taking the trouble to come here today.

PROF LOGAN: Thank you. Well, I'm Professor Bill Logan. I hold the UNESCO Chair of Heritage and Urbanism and also an Alfred Deakin Professorship at Deakin University. I'm here as Director of the Cultural Heritage Centre for Asia and the Pacific on the Burwood campus of Deakin University.

I'm very pleased to be able to make this presentation. I began my career in the 1970s. One of the first things was to make a presentation to the Hope Commission - the Hope Inquiry into the National Estate which set the groundwork for all of what we've been doing since then. So towards the end of my career now I'm making a presentation to the Productivity Commission.

I might start just for a couple of minutes saying a few things about what we do, just to establish our authority in the field. We have been running this centre now for five years. It came out of some work that we were doing for UNESCO and particularly a major international conference that we ran in 1998. At the end of that the university and UNESCO agreed to set up a centre to create a postgraduate program and a professorship. We focus on Asia and the Pacific, including of course Australia. We're trying to position ourselves in the region and to deal with our regional neighbours rather than the United States or European heritage.

We focus on three things particularly: education, research and consultancy. I'll say a little bit about those in a moment. We're very closely connected with the world system through UNESCO. We're part of the Forum UNESCO which is a network of universities operating in the field across the world. We're also a core and founding member of the Asian Academy for Heritage Management which is run out of the Bangkok office. We have MOUs with a number of universities in the region: in Indonesia, Korea, the Philippines, Thailand, Vietnam and also the United Kingdom and Spain.

At the end of the document you'll see our team. It's quite a large team. We particularly try to stress links with industry, so we have at the present time six adjunct professors, two of whom I know are involved in submissions to you: Patrick Green from Museum Victoria and Jane Lennon from the Heritage Council.

Margaret Birtley is an honorary fellow; previously a wonderful colleague in our centre, from the Collections Council of Australia.

In terms of our activities, we have a Masters program that has a little under 200 enrolled students. They are all fee-paying postgraduate students, so there's an indication there that there are people in the community who think it's worth taking this course for career reasons. Some of those are overseas students and I want to come back to that point in a few moments. We have in the course - it's a Masters program, with some courses leading up to the masters level - three things that we focus on - heritage places - and this is directly relevant to the inquiry, but also intangible heritage which is the skills, arts and so on embodied in people and museums. We run both on and off campus. The majority of our students are in fact off campus and scattered all over the world. We have PhD students, as well. Some of those are fee-paying international students.

We run training programs and recently we have run two programs in the Pacific for UNESCO; one in Nuie and one in Fiji. We're running another Train the Trainer workshop in Vietnam later this year. We have set up a consortium of eight universities, four in Australia and four in Europe, under the banner 'Sharing Our Heritages', which will involve exchange of students between the two continents and master classes in Paris and in Kakadu. That starts in January with the master classes in Paris. That's a really exciting and relevant issue, and I will come back to it in a moment.

In terms of research, we have a big research program. Currently we have three ARC discovery grants and three ARC linkage grants. We also have some other grants. There's one with the Hong Kong Research Council and so on. We have been conducting consultancy projects. Of most relevance I think to this inquiry are the two that we have done in the last couple of years for what was initially the Heritage Commission and now the Council. The first was a thematic study on creating a democracy and the one we've just finished is Australians at war, another thematic study. Part of that is trying to establish criteria that are relevant under those themes and thresholds that can be used for determining which places might go onto the National Heritage List. The minister is now actually making determinations and referring to the Deakin study in relation to war sites.

There are four points that I wanted to address. There are lots of other things I wanted to say, but I think I will try and limit myself to these four. The first relates to the body of expertise we have in this country among heritage professionals and the way that this needs to be fostered, and used by the community and governments. I guess before going into that, it's important to say - and I'm sure a number of people have been saying this to you already - that heritage and cultural heritage shouldn't be judged just in terms of direct economic benefits. There are all sorts of other indirect

benefits.

Cultural heritage is of course the basis of our identity as a nation, as communities within the nation; our self-worth, our pride. We want to celebrate that and commemorate some of the activities from the past. It provides stability in communities, especially in rural and regional communities where economic depression and changes in economic structures, and so on, have led to many activities pulling out of those towns and communities; so to be able to identify their heritage and develop new projects based on that is helpful. The World Bank, under Wolfensohn as Director, recognises that you can't have economic development without also having cultural development. The two are so closely tied that you must have strong cultures, a strong sense of worth and so on if people are going to be cooperative and develop economically.

The special point I want to make here is that a lot of the work that this group of professionals in Australia has been doing out in the region - the Asia-Pacific region - is an adjunct in fact to Australia's foreign affairs effort. This is indeed well recognised by the Minister for Foreign Affairs, Alexander Downer, who has given a great deal of support to, for instance, AusHeritage, which is a body - I don't know whether you have had a submission from them yet.

DR BYRON: Not yet.

PROF LOGAN: But I am sure you will be getting one. It's a group of private sector people, who are working in the region; they have banded together to try and promote their services, their expertise and so on. One of the projects they have been working on is to develop a cultural heritage plan for ASEAN across the whole region. It's the kind of things the government might want to do to influence our neighbours. It's building connections with neighbours and of course later on this leads to economic and other sorts of benefits. I won't say any more about AusHeritage. I was a founding member and I was on the executive for a while, and am still a member.

Australia ICOMOS is another group and they are also putting in a submission. I was national president from 1999 to 2002. They have a charter - the Burra Charter - which is different from the European-generated Venice Charter. It has been extremely influential around the world, as well as in Australia. It's translated into several languages. You can find on their web site the Burra Charter in different languages. It's now about to go into Arabic. It has influenced the whole world system, particularly in terms of cultural landscapes and associative landscapes where you've got natural landscapes that have religious or sacred values, as with the Indigenous heritage. It has also been very strong on trying to identify a process through which we should go in identifying and managing heritage places.

These ideas have been picked up in the World Heritage system and by other countries, so it's again Australia exerting this kind of influence out into the rest of the world, which is not directly economical but is still valuable in terms of the status for the country. There are increasingly competitors in the Asia-Pacific region in this kind of work. Most recently the Getty Conservation Institute from Los Angeles has been moving in, but the Canadians, French and especially the Japanese, have been very active.

I guess what I am saying here is that I would like to see coming out of this inquiry some recommendations that give continued and even increasing support for these kinds of efforts by bodies like AusHeritage and Australian ICOMOS, ICOM and so on. Specifically I would like AusAid to recognise that cultural development is allied to economic development. At the moment cultural development is not something AusAid will give funding for and it has been very difficult to find sources of funding to do things related to cultural development. I'm not saying that the things they are funding shouldn't be funded, but there should be some room within the budget for cultural development.

The second point is to do with educational programs in Australia which are also of high standard internationally, as you can see from the consortium we've set up now, with four leading European universities, including the Raymond Lemaire Centre at Leuven University in Belgium, and the University College, Dublin; the Cottbus or Brandenburg Technical University at Cottbus, which runs a leading World Heritage program. So there is that recognition.

At the moment, the university courses in Australia are very small, and because of that they're quite vulnerable to economic pressures, restructuring within universities, and something needs to be done really to support the best of these courses, and get some concentration around them. At Deakin we do have, as I said before, some international fee-paying students bringing fees directly into the Australian economy. We've had them from the UK and the Netherlands and Taiwan and so on. We'd get many more - we get about 10 times as many inquiries and applications to do the course, but when it comes to the fees, we are at a great disadvantage by comparison with the European universities like Cottbus, Dublin and Leuven, where the fee level is very, very small. It's because those governments regard providing this kind of skill training as part of the foreign aid program, that they're making friends who go back into those countries, and so on. So at Cottbus the level of fees is something like $150 a term, where we're charging something like $1200 per unit, and if you're a full-time student, you do four units in a semester, so the difference is enormous. It makes it very hard for us to compete for foreign students.

So in terms of recommendations, I would really like the Commonwealth Government to strengthen its role in both a funding sense and in giving some policy directions here. An international scholarship scheme for five or 10 years to build up a chain migration pattern, where students in the Asia-Pacific automatically think of coming to Australia rather than Europe for this kind of training, would be useful.

Like AusAid, there is a program called AYAD, which is Australian Youth Ambassadors for Development scheme, which again looks to projects that are in economic development rather than cultural development, and it's very difficult, again, to demonstrate the value, to explain why they should be sending students to Asia or the Pacific to do cultural development programs. A recent example: we sent somebody to Cambodia, to Phnom Penh, to work on the Angkor project. The people running the AYAD program couldn't see how this project was linked to the economy of Cambodia. I mean, it is the big income earner for the whole state of Cambodia, and we had to argue this. So there is that nexus always between culture and development.

The third thing I wanted to say was something about the articulation within the Australian heritage system. The Government should be congratulated for having cooperated and provided leadership with the states and territories in getting an articulated national system. The potential benefits are big in terms of the lack of duplication. The saving of funds and clarity for the community can only be achieved through the cooperation, working with the chairs and officials and so on. But there is still further clarification and improvement on the system that's needed if it's going to be of maximum efficiency and effectiveness. Currently we have very different criteria from the World Heritage system down to the states and some territories. This needs to be sorted out.

The states should concentrate on places of state and regional significance and allow the Commonwealth to get on with looking after the ones of national significance and World Heritage, and there should be greater devolution of responsibility to the municipalities for places of local significance. At the local level, there's a need for an overhaul of the system; the permit system is probably not as good as it should be. In fact, one of the senior people in the field in Victoria described it as "very hit and miss" to me the other day when I was doing some homework for this inquiry.

The thresholds that are used need to be more distinctive - what does it mean to be of national significance? We use different terms at the different levels - at the national level we talk about "outstanding"; in the Commonwealth list it's "significant"; the RNE it's "important" - there's a lot of sorting out of that so that then you can have the various levels of government looking after appropriate sets of sites.

They need to build up the lists more. There should be an agreed set of themes - agreed by the Commonwealth and the states and territories, which probably means continued and in fact increased funding from Canberra. There are large parts of Western Australia and South Australia and parts of New South Wales and so on that are not well covered by studies, by heritage studies, so we don't know exactly what the heritage is in some of these places that should be protected.

There should be greater uniformity and commitment and there should be an incorporation of heritage controls into normal planning systems across the whole country and all levels of government. Some heritage types are very vulnerable to neglect and vandalism and they need special studies - such as cemeteries, for instance. The Commonwealth funds community efforts to protect the natural environment; I think it's time really to have a concerted effort to get funding into community work with cultural heritage in the same way and there should be also a greater commitment to research as the basis of getting the right sort of information for these studies and registers. Our centre at Deakin of course has a lot of experience in this and could say a lot more and be helpful in any process that is set up.

The fourth point, which I will keep as short as I can, is related to the cultural tourism industry. The key point here is that, if you look around the world, cultural heritage is actually the basis of tourism. Most tourism is cultural - and here, of course, I am using "heritage" in a very broad and inclusive way to include indigenous and minority groups and so on - not just elitist kinds of things as in the past.

The economic benefits are quite clear, as you can see in Europe or Cambodia. The tourism industry, however, needs to invest in conservation; in actually protecting this cultural heritage on which their industry depends. There's not much of this. The best operators recognise that it's necessary and that otherwise the industry is parasitic and in fact not sustainable, so there needs to be money going back from the industry into research, into supporting the maintenance of places. It's unfair to put all of the burden of looking after heritage places on to the owners when the tourism industry is getting a benefit from it.

Cultural tourism in Australia should give a quality experience, and that means that there should be better training for bus drivers and guides and so on. Tourism literature needs to be improved; the web sites should be improved. I suppose I'm saying two things here in the way of what I would like to see recommended: firstly, some kind of scheme in which the tourism industry supports financially the protection and research into cultural heritage places and, secondly, that there should be through the universities with graduate certificates, or through the TAFE system there should be a series of training programs for guides and bus drivers and others who are operating in the tourism industry. Again our centre has a lot of

experience and expertise and can be helpful in that regard. They are the main points I would like to make.

DR BYRON: Thank you very much. They're very wide-ranging and very helpful. There are a couple of things I would like to pick up on. One of the things that came up this morning was - you talked about the body of expertise in Australia. Would you agree that there is also a significant body of knowledge, skill and expertise in the general community apart from through both the formal bureaucratic structures and - I'm thinking in particular of a guy who used to work with me, who turns out to be the world-famous authority on horse-drawn 19th century vehicles, of which I had no idea when he worked for me; sort of unheralded and that was his hobby rather than his day job. Are there people like that who have a great deal that they could contribute if there was a mechanism for tapping into that expertise?

PROF LOGAN: You're absolutely right. The Royal Exhibition Building in Melbourne had an open day on Sunday and somehow they managed to tap many of these people, so there was a display of people who were working on old clocks and there was another guy who had some little toys that he'd made based on a 19th century model, where you wound the handle and the dog's mouth would open and shut as the man's head was zipping around, and there were hurdy-gurdies and all sorts. The issue for people in the community is, where do you go from that? They have that body of knowledge about the subject matter, but what the industry can do - what the professionals can do - is to show how you go on to turn that into a program that leads to protection and some kind of permanence for it: how you get things registered; how you work through the Collections Council of Australia or Australia ICOMOS or Heritage Victoria to get these things protected.

DR BYRON: But just about every little country town in Australia seems to have an historical society and, apart from the physical collections, particularly in some of the older members, there's an enormous amount of very localised but very detailed historical information, and it seems a bit remiss if we don't have some way of, first of all, tapping into that so that it can be preserved and not lost when those individuals pass on, but to build on it and disseminate it and allow others to access it and add to it and so on. Have you any thoughts on how we can sort of more systematically aggregate all this knowledge and expertise of both places and historical events?

PROF LOGAN: The two ways that come to my mind immediately I guess reflect my role in the university: one is through government schemes, and there is the Australian Stories attempting to fund people so they can record these sorts of stories permanently and build up a collection of these. But through universities there is a lot of research into oral histories and so on and one of our ARC Linkage grants is working with Jewish Holocaust survivors and the testimonies that they have recorded. What universities can do is actually broaden out from this very local

knowledge that people have and fit that into a broader scene and it then becomes of more interest and of more significance to the whole nation.

DR BYRON: Yes. Well, that leads beautifully to my next question about these agreed themes that you have mentioned. How do you think and by whom those would be agreed? Is that the job for heritage chairs and officials or heritage councils, or is it a broader constituency?

PROF LOGAN: It should be a broader constituency. You have to always keep in touch with the community, and this won't work unless the community comes along with you. UNESCO is recognising this now, particularly with indigenous sites. You have got to get the local people committed to World Heritage sites or they're not sustainable, so there's a whole lot of effort. At the local level it's exactly the same. So while you probably need the government and the chairs and officials to maybe trigger off a program that coordinates and helps the community to express this in a way that you can then pull it together and then the chairs and officials might have to take it along further, you have always got to go back to the community to get that information and coordinate it. So there is a major project in all of that which requires funding. The universities again could be involved in that; Australia ICOMOS and ICOM and these other professional bodies can be involved in providing their expertise in this. But it has to be a major coordinated program.

MR HINTON: Professor, thanks for that presentation. You've got a submission coming to us as well. Is that a written submission?

PROF LOGAN: Well, it's dot points. I can put it into longhand, if you like.

MR HINTON: No. Dot points are fine, as well.

PROF LOGAN: All right.

MR HINTON: It means that others can see it in our web site. I found that the approach you took was from a slightly different angle for a number of the issues that we have received to date - - -

PROF LOGAN: I was hoping that that might be so.

MR HINTON: - - - and I have a couple of questions in my mind. I was particularly interested in your comment about the cultural tourism industry and that all tourism is cultural. Frequently those drawing a link between culture and heritage with the tourism industry invariably take you down a track of, it therefore follows that the government should intervene and support heritage because of the then link to tourism.

Interestingly, you took a slightly different tack and track whereby you said that therefore it follows that the tourism sector should be contributing to the heritage objective and that in itself was a nuance which, to my knowledge, hadn't been picked up by others to date in these hearings. The question I had was slightly narrower again in that you then went on to talk about the need to better educate those involved in the tourist sector of heritage matters – for example, bus drivers, tourist guides, whatever.

My immediate reaction to that was that the message loud and clear we have is that a lot of the heritage aspects we're getting are very local. It is they who know what is particular about that particular location, that specific location, that particular building, that particular region, and it doesn't lend itself to aggregation for training. I thought that that might be a very significant impediment to the sort of idea you had about the training of bus drivers, for example - I know that was just a illustration on heritage, on culture - could be one way to link to the tourism aspects of heritage and culture, and I felt that there was a big impediment there to that. Did you have a reaction to that reaction?

PROF LOGAN: Yes. Well, of course, the community people, if they are doing the guiding, that's fine. That's to be encouraged, in fact.

MR HINTON: Yes.

PROF LOGAN: That can provide some kind of revenue in the towns, if you're talking about rural and regional Australia. In terms of education for guides and so on, I'm thinking that what guides need is to see the big theme. It's not good enough just to go and talk about the minute details in local communities without being able to place that into a bigger theme. So they need that kind of training to know how to go. If you've got a new route that you're taking your bus on, how do you go about researching that? It's not just a matter of picking up the local brochures and giving those sorts of regurgitated potted histories. It needs to be better than that.

We should be doing like some other countries, which are actually requiring training and certification of guides. That's at the other extreme. I imagine there would be enormous resistance to that, but in that way you can guarantee that the kinds of interpretations that are being given to the tourists are based on a good understanding of significant themes in Australian history.

MR HINTON: A second question then, in a separate area, that also arose from your presentation this afternoon, was in relation to your comment about the role of local governments. If I heard you correctly you made the point that there probably was a greater need for devolution of powers to local government with regard to the

heritage objective. I wanted to raise with you a tension there in terms of having flexibility at the local government area and knowledge at the local government area relative to a system that has some sort of integrity - at least statewide, if not Australia-wide - some sort of whole approach to the objective of heritage and the relationships between the Commonwealth, the states and local governments.

The more you push it to local governments with flexibility and discretion, in fact, you could potentially erode an integrated system for the heritage objective. Do you recognise that tension, or maybe there is no tension?

PROF LOGAN: Well, in reality there is a tension. I think the way to get around this is to go back to the Burra Charter, which is accepted by levels of government here as the way to go. The Burra Charter says that the most important thing you have to do is work out the significance of a place. In the process the statement of significance is the end of the first stage. It's terribly important. Everything flows from that. If a place is highly significant, it might go on to the World Heritage List. If it's a bit less it will go on to the national list. When you get down to municipal level, you are dealing with places of low-level significance. Okay?

It doesn't mean they are unimportant to the people who are living in that community, of course. I mean, that's where the tension comes in. But according to the level of significance you have more or less stringent controls. On World Heritage you have to have the highest level of controls. When you go down to the local level, then of course it should be more flexible on people, because you're dealing with buildings that are only - not only, but are of community interest. You don't need the same level of control. People should be able to do more with their properties that they want to.

In local communities, of course, you will have places that are of higher-level significance, and they will be highly controlled. With the sorts of streetscapes in general areas that are of low-level significance there should be a degree of flexibility. What the Burra Charter says is that what you do in that local level is to determine what are the significant elements or key values, and that's what you try to protect. So it may be the general height of streetscapes or whatever. You try to protect that but other things can change. By operating through that Burra Charter process you can actually get an integrated system.

MR HINTON: We are getting some signals, though, that discretion at the local government level, in some circumstances, in some local government areas, is in fact being a source of some significant dissatisfaction with the heritage objective, simply because the discretion by the official at the local government level is not the application of less strict controls but, in fact, very strict controls that impinge very dramatically on what the owner of the property - even Manchester House - might

wish to do with that property. That's why I was raising this issue of having some sort of holistic or integrated system that hangs together, otherwise you end up with this problem of discretion at local government area that doesn't do proper justice to the heritage of the place.

PROF LOGAN: No, I agree. There has to be an integrated system, but it's one that recognises difference at different levels. The problem that you've got, though, is that in town-planning courses in this country the students are not taught these issues. They go out and suddenly they are forced to deal with these kinds of matters that deal with history and aesthetics and so on, and they don't even have the vocabulary half the time, let alone any conceptual background to handle those kinds of issues. Similarly, architecture training these days: there is very little heritage content in it; there's a bit of architectural history in some, but almost no conservation practice in it. So how can you expect the system to actually work in practice?

DR BYRON: So many local government areas seem to have one day a month of heritage adviser.

PROF LOGAN: That's right.

DR BYRON: We did meet one in Perth - a local government that has two full-time heritage advisers - but I suspect it's probably the only one in Australia that is that well endowed with expertise.

PROF LOGAN: Yes. Well, some of the big city municipalities are better endowed.

DR BYRON: Sorry. Adelaide might have three.

PROF LOGAN: I mean there is good and bad. The good side is that they are getting some expertise coming into the municipality, but the bad side is that the local planners again just back off and put these things in a pile and let the heritage adviser deal with them. So in terms of a sustainable developing system, it's not good.

DR BYRON: But coming back to the hierarchy of significance, you made the point very eloquently about the level of statutory protection being proportionate to the significance, but could one extend that further and say, well, the financial support might also be proportionate to that assessed significance, so that not only were there stronger prohibitions on what one can't do with a highly significant building, but if it's in private ownership there might be more state support for it, in some way, as a quid pro quo for having stronger restrictions on how it can be used?

PROF LOGAN: Yes. Of course, as you go down in terms of levels of significance

you are getting more properties.

DR BYRON: Yes. That's a very - - -

PROF LOGAN: So you might be giving each property much less but in total it doesn't work out quite as simple. But the World Heritage and national ones, yes, do require big inputs from government in terms of funding. As you go down further, you would need to rely more on the private sector.

DR BYRON: But would it be right? We will hopefully get all the details shortly, but the impression I'm getting is that most World Heritage and national heritage listed places are, and probably always have been, in government ownership and it's fairly clear who is responsible for their maintenance and ongoing funding and so on. It's when we get away from the hundreds of those down to the local government level where there are perhaps tens of millions of locally-significant properties and perhaps three-quarters of those are in private hands, that it's much more controversial about who is going to do the ongoing management and maintenance and how it's going to be paid for, whereas it's much less controversial if you're talking about a parliament house or Sydney Opera House or something.

PROF LOGAN: Yes. Well, that's true. World Heritage sites overseas, of course, are very often in private hands, but it's difficult in some countries like the United States, where you have to get every owner to sign off before something can go forward. It has distorted the pattern here too; for instance, there is work taking place on the goldfields in Victoria as a possible World Heritage site. Now, in my view, what happened in the towns is equally significant. In fact, the theme carries through into what happened in Melbourne with the gold all over the parliament and so on, but because those sorts of - well, not the parliament, but the towns in the goldfields area are private, they are being left out of consideration and so the thing is distorted. We are now talking about a site that might just be the national park.

So that's a major distortion. I have done some work a good while ago now on the kinds of economic incentives that might be given to property owners, and again there is a great range around the world. In some countries, like France - I don't know whether this is still current, but at the stage I was studying it - if you got a grant from the government there had to be some opening up of the property to the general public in return. It wasn't just a grant that would simply be used so that the owners could live in the lifestyle to which they had become accustomed.

DR BYRON: Perhaps building on that point, the question has come up quite a few times about the balance in allocating funding. I think you said there are vast areas that are still largely unexplored. Many people have said to us that we need to do a great deal more about the exploration, the listing, the documentation and so on.

Others are perhaps arguing that there is an enormous backlog or need for resources to better conserve and maintain the places that we have already identified and listed. So the hypothetical question was, if there was another X million dollars for historic and heritage places, how would you envisage that that would be split between improving the identification, listing and documentation of new places that haven't been listed, as opposed to better looking after the ones that we have already identified?

PROF LOGAN: Well, it's not an either/or, of course.

DR BYRON: There has to be a balance.

PROF LOGAN: It has to be balanced between these two things. If you want a systematic system, though, one that's not just based on partial information, then you have to cover the whole country. I mean, that is important. The history over the last 30 or 40 years is that we've moved away from National Trust lists that grew up as what a few people thought was nice, to trying to be more systematic with thematic studies and so on. You do need to do that, but it is also true that you need more money to protect what we have already identified. The balance, I think, might come down more in terms of those that we have already got on the list, simply because the kinds of areas that are not well covered are sparsely populated, but they need heritage studies even so.

DR BYRON: To a certain extent, a lot of the lists grew on an ad hoc basis, as something was threatened with demolition and a suburban or grassroots group emerged to prevent the demolition of X.

PROF LOGAN: Yes.

DR BYRON: And it was seen that stopping the bulldozers was success. But once we have identified a number of places, the question changes from the immediate sort of acute problem to a much longer-term problem of, "Okay, now that we've stopped its demolition, how is it going to be looked after and who is going to pay for it in the long term?"

PROF LOGAN: Sustainability.

DR BYRON: You solve the short-term battle but then there is a very very long term that has to be handled afterwards.

PROF LOGAN: Again, the most important places are the ones for the nation or for the state. Large regions are the ones on the national and state and territory registers. It puts the ones on municipal and local registers at risk and a lot of them are going to be lost. You can see them being lost. Melbourne is overnight changing from a

one-storey city to a two-storey city. You can see this happening everywhere. Whole swathes of suburbs that have got beautiful federation buildings are changing now. The community, in a sense - some members of the community - are not concerned by that. In fact, there has been resistance to controls in Bayside and Malvern and so on. Those people would argue that this is a matter of aesthetics. That has to be resolved, I think, within the political framework of the state and some say given to those members of the community who want cities to change. I mean, cities do change; you can't freeze cities. What you can hope for is to have planning controls that identify - that are protecting the key values of places and recognising that you are going to lose a lot.

DR BYRON: Just on that last point, in one rural city in Queensland we were pointed to, I think, a bishop's residence that had started off a hundred years ago as a normal house, like others in the street, and had gone through nine iterations. The mayor made the point that, "If we had had strict planning controls in the 1960s it would never have got past mark 4 or mark 5, but now that mark 9 is there we really love it and we wouldn't like to see that changed at all." There's just a sort of irony there that, "We like it as it is now and we want to stop the clock today, but thank goodness we didn't stop the clock 40 years ago or we wouldn't have seen that continuing evolution."

PROF LOGAN: That's true. What you want to happen all the time is that any change in a city should be a quality change; it should be improving the environment. Certainly, where you have buildings that show the layers of time, you don't knock those off and go back unless there's something so highly significant about the original building, otherwise you accept those accretions of time, as they are called.

DR BYRON: A dynamic time capsule.

MR HINTON: To coin a phrase.

DR BYRON: I think that's probably about as far as we can go, today. I really do thank you very much for coming and for raising all those issues.

PROF LOGAN: That's fine.

MR HINTON: And for coming to Adelaide.

DR BYRON: Yes. If you could maybe send us some of the references to the documents you referred to this afternoon that we may not have seen before?

PROF LOGAN: Yes.

DR BYRON: We should be able to track them down, if you can just give us the citation.

PROF LOGAN: Sure.

DR BYRON: Thank you very much.

PROF LOGAN: Thank you very much.

DR BYRON: Ms Henderson, thank you very much for coming. If we can just follow the usual format: if you would introduce yourself, a little bit of background, summarise the main points that you would like to bring to our attention and then we can discuss it. Thanks for coming.

MS HENDERSON: Thank you. I'm just going to work from notes so that I don't lose track. I have quite a lot to get through, so I will go as fast as I can and let you ask me any questions. If you want to interrupt, please do.

MR HINTON: We would much prefer you to stick to the main points and then at the end we can pursue you with questions. If we start interrupting you we may anticipate what's coming down the pike from your presentation, or we run the risk of running all afternoon when we don't have all afternoon.

MS HENDERSON: Okay.

MR HINTON: We would really encourage you to pick out your highlights and see how we go.

MS HENDERSON: Okay. I'll get going. Do you have a copy of my written submission before you? I was told it was number 90.

DR BYRON: 90? We've got up to 55.

MS HENDERSON: Something like that. I have a copy anyway.

DR BYRON: Thank you. So that's 40 in the last two days. Good.

MS HENDERSON: That is a very brief submission because of the quick deadline. I'd like to expand on that. In presenting today, I aim to provide some background on myself, to expand on my written submission and provide some particular examples for the commission which I consider demonstrate that South Australia, as a built heritage, is inadequately protected and maladministered; that the system for conserving Australia's heritage is grossly inefficient and ineffective.

In my presentation I also seek to make two key points. Firstly, the destruction of the society's heritage due to the pursuit of profit - and I refer to one of my quotes here - by crass developers at the expense of all else is not a new problem. It has been ever thus. It gives rise to irreparable loss, societal conflicts - which is extremely costly - whereby urgent remediation is in the public interest. The second point I'd like to make is that the threat of destruction of our heritage has escalated and accelerated and that the governments have a fundamental conflict of interest arising from the fact that they are now the developer at the local, the state and the federal

level, and I'd like to give examples of that.

My background is that I grew up in country South Australia and moved to the city to do a university degree in science. So I have an analytical approach to things. I did not learn history or heritage at school; I taught myself when I started doing a family tree and discovered that one of my family members had been one of the first councillors of the first municipal corporation in Australia - the Adelaide City Council - and that his son had crossed the continent with John McDouall Stuart, and that his twin brother had subsequently been a manager of the bank in Darwin. His brother was on the expedition that opened up the route and he promptly moved there and opened a bank - worked for a bank.

I have travelled throughout the UK, Europe, Canada, United States, Africa, New Zealand and Australia. I spent eight months resident in the UK. I have been through most of England, from the Isle of Wight to the Outer Hebrides to John O'Groats. I have been through Scotland, to the top of Ben Nevis and to the top of Snowdon in Wales, along the Crib Goch traverse. I have done the circuit of Ireland during the armistice of Northern Island, and stood on the Great Causeway. I have explored Brussels, Paris, Avignon, Orange, Chamonix - I stood on their Aiguille du Midi in Chamonix, in the French Alps. I have listened to Vladimir Ashkenazy conduct, at Lake Evian. I have been to Florence, Pisa, Roma, Vienna, Prague, Berlin, Copenhagen, Vancouver; I crossed Canada on the Canadian Rail, from Vancouver to Halifax with a short detour up to the Hudson Bay, Churchill.

I have travelled from New Orleans, through Texas and Arizona, Monument Valley, the Grand Canyon. I have seen the Yosemite National Park, Redwood National Park. I have been to Great Zimbabwe in Africa, by train to the Victoria Falls, and I have rafted down the Zambezi River. I have walked through the South Island of New Zealand and Tasmania and I've even seen part of Australia. I have been to every state and territory. I have also climbed to the top of Cradle Mountain, through the western Arthurs, to the top of Kosciusko. I have stood in Trafalgar Square in London, for New Years, and on the top of Kosciusko.

What I'm here today to tell you is, having experienced the world, why I think it is criminal the state that Australia is in and the fact that it is in breach - in my opinion - of its obligations to protect its heritage, because we have World Heritage values in Australia. We even have them in South Australia. But they are not protected. They are being damaged, not just by commercial companies, not just by a property owner that gets an old house and knocks it down; they are being damaged by funding from the federal government, the state government, and also by the negligence of the local government in failing to carry out the proper assessments or to have the proper listings put in place - that is, by the lack of an obligatory listing system once a site is identified as having heritage values. I guess you can tell I am appalled, I am

outraged.

I tried to look at this in terms of productivity. There is an enormous amount of effort that goes into fighting a demolition. I think of it like a tug of war. There is the developer on the one side and the public or the conservationist on the other. At the end of that battle, whether that building stands or falls, everybody is exhausted. An enormous amount of energy could be harnessed if all of those groups were working together; if, up-front, there was an initial decision that nothing will even get to that demolition stage until it has been assessed. If that outcome of that assessment is listing, then you never get to that battle; all those people can work together and expend all of that energy in conserving that building and raising the funds to do that. Instead of which, at the end of the war, everybody is exhausted, and the building is either standing or a pile of rubble and the battle moves on to the next site.

I'd like to quote from Thomas More's Utopia. When I said this had happened before, there was a stage in England, in the 16th century, where whole villages and towns were destroyed by developers; they were enclosing the fields to create cropping on a larger scale. So churches were even lost in parishes because of the depopulation. In Thomas More's Utopia he wrote:

> Forsooth, your sheep that were want to be so meek and tame and so small eaters, now as I here say, be become so great devourers and so wild that they eat up and swallow down the very men themselves. They consume, destroy and devour whole fields, houses and cities.

That prompted the British to have an inquiry and to enact legislation. I hope that what they achieved is what we can achieve. What they did was they brought forward a bill - legislation - and the Marquis of Salisbury in the House of Commons spoke about this bill. He commended it, and I'll quote:

> Because it turns one eye backward to cure ancient complaints an old festered disease of dearth and scarcity that have been so long among us and turns the other eye forward to cut out, as it were, the core that might draw on hereafter mischiefs of the same nature. Where the gentleman that framed this bill hath dealt like a most skilful chirurgeon, not clapping on a plaster to cover the sore that it spread no further but searching into the very depths of the wound that life and strength which hath so long been in decay, by the wasting of towns and countries, may at length again be quickened and repaired.

I consider that in Australia at the moment we have a bandaid situation. The vast amount of our heritage is not listed. The views are expressed that if we listed an example of everything the list would be enormous. Yet without that listing an

enormous amount of heritage is lost, with no hope of it ever being preserved, with no hope of us ever being able to count the cost, because we do not know what it is we have lost because we didn't assess it. So that's then two things: to look back at what has gone wrong in the past, at all the problems, and then knowing all that to look forward and frame a solution, a system, that deals with not only those problems but anything we can foresee into the future: not another bandaid, I guess, is my summary.

This is where I have asked that as part of my submission the commission refer to the report of the National Estate, which I have given the reference for in that document. I was appalled when I found a copy of it, because of over 600 submissions in the 1970s - 1974 - we still have the same problems. The recommendations there were very good. When I looked at it I thought, "This is marvellous." If I didn't know about the intervening 30 years I would have thought, "Fabulous. It has all been done. The work has been done." Unfortunately, many of those recommendations have not been implemented. So we are 30 years down the track. We have lost 30 years more of a priceless heritage and we still don't even have an accounting sheet of what it is that we have lost.

Some examples I would like to give, and I think it's particularly appropriate in Adelaide to talk of good planning, because we have some of the best planning in the world: not more recently, but in the beginning the people that planned South Australia looked at all the problems in England, the social and economic problems, and they determined that South Australia was going to address all of those to offer a better life. So in effect they had looked at all the problems, they had worked out a way to address those problems and they also looked to the future. When Light came here he looked at the river and he felt that the range of the hills would provide water in the future when the population grew. There was enough when he landed for the small settlement that was there, but he didn't look to the next day or the next week. He looked 50 years and 100 years into the future hoping this to be a popular city, and Thorndon reservoir in the hills was one of our first reservoirs.

Interestingly, although this city relies on water catchment from its hills and the reservoirs, Thorndon reservoir is now threatened by development. I've just got some copies of that, and I think it is appalling. Light, when he planned Adelaide, had to find a navigable harbour that was safe in all weather. The Port is that port. In investigating into the history of South Australia I am convinced, having travelled the rest of the world, that there are World Heritage values here that are being damaged. I am convinced that the Adelaide parklands warrant World Heritage listing and I'm convinced that Light's plan of the city of Adelaide and his layout of the district of Adelaide warrants listing. It's being damaged.

Instead of being assessed, government developments, with massive injections of state or federal funding, are blasting ahead in this state without any assessment of those values, and the examples aren't just listed there. In terms of the Commonwealth's obligations, the Australian government's obligations, I believe they are in breach of them. I've examined the Australian Heritage Commission Act, which used to apply: section 30, which says that a government minister cannot make a decision, which would have the effect of damaging an RNE-listed site. Nevertheless, despite that meaning that the minister can't make a decision even to grant funding, in spite of that, millions of dollars of Commonwealth federation funding went into damaging an RNE-listed item. It went into the construction of the National Wine Centre in the botanic gardens.

The botanic gardens is a listed item under the RNE. Not only that, but the botanic gardens are sitting on the Adelaide parklands, which I believe has World Heritage values. That funding went in - even though there were 12 or 14 alternative sites identified in this state - against massive public outrage, massive public opposition. Federal funding was poured into that site to damage the values of the botanic gardens, to curtail the limit of the botanic gardens and to relocate functions in the botanic gardens to another building, the old tramways building, the Goodman Building. Instead of that federation funding going into damaging an RNE-listed item, it could have gone into protecting our Old Treasury Building, which is one of the buildings standing in this state from 1839.

That building not only was not the beneficiary of that funding from the Australian government, it has been subdivided for a hotel, boutique apartments. So inside, that building has been carved up into little hotel rooms. That was done, not only in the absence of any protection from the Commonwealth but also as a project backed by the state government and by the local council. In fact the local council, I think, obtained money from the sale of the rights over a laneway adjoining. It's all documented, but it went ahead nevertheless: massive opposition; no public tender as to what a public solution for that building would be; no opportunity. It was signed, sealed, delivered, done. The development that was proposed is not the development that went ahead, because they midway found that they couldn't cram enough of those rooms in there, so an historic staircase got torn out, because it meant that they could fit hotel apartments in there better.

That building may not immediately come to the attention of the federal government, but it's within the Victoria Square conservation area, which is an RNE-listed item. Not only was the Treasury Building damaged, and we now have a commercial hotel operator running a building which bears the Queen's coat of arms, but we also have the federal law courts going up in the south-eastern corner. Another thing that was opposed by people in this state. Another thing that has massive amounts of federal money going into it, which is partly within an

RNE-listed area. It's in the conservation zone of Victoria Square. At the state level that square has no protection. Those parklands have no protection. They are not listed on the State Heritage Register. The parklands have been nominated for 17 years and never processed.

The parklands have been nominated by me, along with the squares, and that application has not yet been processed. In the absence of that protection at the state level, the government is signing contracts, or has signed contracts, through the Motor Sport Board, with AVESCO to run, firstly, the grand prix and then the Clipsal 500. Now, what that legislation does is, it gives an anti-competitive advantage to the Motor Sport Board to run those events in the parklands. The legislation is exempt from the Local Government Act, from the Development Act and from the Environment Protection Act. Not only that, but they are taking more area than they need, because what they're doing is, they are also running a carpark in conjunction with it at twice the rate that the council would run it, and they're also running concerts.

Recently the national competition policy review came up for that legislation, because it is anti-competitive, and the government had to review it. It did not consult the public. It just sent out the information to a select group of organisations. So the public, who has been opposing that motor sport event for years, over a decade, I think since 1985, didn't even know that that national competition policy review was on: didn't even get to comment, because it was restricted to certain groups. When that review was done they looked at the economic impact, but economic impact, as a measure of the benefit of these events, has already been discredited by the ACT's auditor-general. He has already reported that economic impact is not the same as a cost-benefit analysis and we, like Victoria, don't have a cost-benefit analysis of why our heritage, our public parks and open spaces, which are historic, have been converted into motor sport event venues.

I would also like to submit that it is not only the ACT auditor-general that knows that these things are not economic. Wellington also recently investigated it and they found that it wasn't good enough for the city of Wellington, because when they actually calculated the costs they weren't left with very much profit at all. So I guess in terms of that example what I would like to say is that the costs are not being measured, the true costs are not being measured, the damage to our heritage is not being measured and the listings that should - it just seems a disgrace to me that we do not have an integrated system that you spoke of, because sites like the parklands and Victoria Square are protected, or should be protected, at the Commonwealth level if they were to have regard to the section 30, but they're not automatically put on the State Heritage Register. So if the state decides it's not going to list it, or not going to process it, then the state can damage it as much as it can get away with, because there's no heritage law preventing it at the moment.

If a building can't get listed at the state level, then the council, at the local government level, can wash their hands, because they won't have compulsory listing. I would ask you to look at the city of Adelaide as a particular example of that, because in 1993 there was a heritage survey and I think before that, probably five or 10 years before that, identifying properties that should have been listed, they were not, because owners objected. A vast amount of resources, thousands of dollars of taxpayers' money and ratepayers' money went into those assessments. A vast amount of effort from the public, a vast amount of time in making submissions and suggesting what should be done was wasted. Those buildings were not listed - some of them, most of them - some of those buildings still are not listed and we have development plan amendment reviews rolling out which can now happily target those areas, because massive blocks of the city have recently had a plan amendment review put forward to raise those levels three and four storeys.

Those buildings that were identified for heritage protection are sitting ducks. They have no protection. They have no hope of getting any protection. In North Adelaide a heritage review was carried out. I was involved in the request initially for that. We initially requested that North Adelaide be assessed for a state heritage listing. That got watered down until it became a heritage assessment for the development planning process, to list them on the development plan, when we have a perfectly serviceable State Heritage Register. The south of Adelaide, where we are now, still hasn't had its heritage assessment. It still hasn't been done, but the plan amendments are rolling through in the development process.

So the development process gets priority. It's advantaged in time, in resources and in commitment. Heritage is second-best at the end of the pile. The Adelaide City Council has a very good heritage restoration project fund - I think $1 million. That's one local government area out of 20 or 30 in the state - $1 million. The state government, for the whole of the state, has a quarter of that, 250,000 I think, which I think is unconscionable.

DR BYRON: Can I just clarify that one? It seems to me that the point you were just making there was that you're concerned not only with the amount of budget, which governments choose to allocate for heritage conservation works, listing or whatever, but the listing process, in terms of who decides what gets listed at the state or local level. Now, it seems to me that those are both very much in the political arena. It's up to governments to appoint some heritage council or something like that that would either assess and make a statutory decision or assess and recommend to a minister. I think much of what you've been telling us just now is that you're unhappy with the way those decisions are made. But if it's correct that those are legitimate decisions to be made by whoever happens to be the state government, then are you telling us anything more than you disagree with some decisions that the state

government has made?

MS HENDERSON: I think the whole system is wrong. I look at it in terms of I guess the procedure that the medical profession follows, because if we lost heritage, if a building is demolished, it is gone forever. 100 years old, 150 years old - you can't build that building again next week. It is lost forever. There's no second chance. So what I see is, first, we don't know the cost of what we've lost and, second, we haven't put in place a mechanism so that we first do no harm.

That is, instead of a system where everything is protected unless it is explicitly available for development - which means that, for example, if you wanted to develop a site you would first go and have an assessment done and in some cases, if it's less than 50 years old you say, "No worries. Go ahead," so that that assessment would be very brief; instead of having a system where the protection is in place first, everything is automatically protected and then it is released or determined or assessed to be okay at the cost of developer or whatever - - -

DR BYRON: So you'd like the onus of proof reversed?

MS HENDERSON: Yes, because if that's not done, then - I attended a synchronicity conference in Adelaide. David Suzuki was there and I spoke to him about it and said, "I feel as if there is a war on." And he said, "Yes, there is." That war is going to continue. The public is going to continue to fight and in the short term they may get nowhere. In the long term they may get nowhere. But the battle will continue and vast amounts of time, energy, material are wasted. The developers' time is wasted. I think it would be better off if we started off with the reversal that everything by default is protected unless after assessment we know that it's not necessary, because then we do no harm. We don't then have to look down the track at how much we lost or can never replace.

At the moment, the burden is on heritage to prove that it's heritage before it can get listed, so time becomes the enemy and resources become the enemy as well. If it doesn't get listed in time, it can be lost. If it doesn't get assessed in time or if there aren't the resources to assess it and it doesn't get listed in time, then it's lost.

MR HINTON: Kelly, how would your system handle the other category - that is, rather than coming up for development application, it is in effect demolition by neglect? So it's there and it may be worthy of preservation, conservation, but no-one wants to do anything with it, so it doesn't come under some sort of judgment of whether it should or should not be developed. How would you think the system should handle that category?

MS HENDERSON: The Local Government Act I think can handle housing - I

think it's housing improvement orders.

MR HINTON: There's the public safety requirement.

MS HENDERSON: I think there's something called a housing improvement order which I've seen on buildings that are derelict. I can't see why that can't be extended to include dereliction of heritage as well as just the public safety issues. When I made the submission to the parliament about the Heritage Act, I suggested that the heritage authority be much more closely involved with the Environment Protection Authority because I could see that powers to protect damage to the environment could also protect not only natural environments but also cultural environments, historic environments. And I think that that should apply.

Another thing that would assist is if people were encouraged: the Adelaide City Council briefly had I think their rate rebates for heritage-listed properties, then went back to the grant program. I can't see why there aren't rate rebates, land tax rebates and income tax rebates for people that restore or maintain historic properties in proportion to their significance. I also can't understand why there is so little funding and why there is such an enormous impediment to doing anything without funding.

For example, under the recent Sharing Australia's Stories, I think there were about 900 applications for that funding. In the order of 22 or something were successful. An enormous amount of resources out there went into making the other 950-odd applications for funding that there was no chance of getting, so the funding structure is wrong. It's clear that cultural tourism is expanding worldwide. I have a volume that's about an inch thick about tourism connected with geography. It has two or three pages on Australia. The world knows almost nothing about our historical geography, our cultural areas, because we've hardly bothered to list anything cultural.

In terms of funding, I think of heritage as being the essential infrastructure for a cultural tourism industry. If the roads can be funded for transport industries like the trucking industry, which is chronically inefficient, when it is much more effective to ship goods by rail - if a massive amount of funding can be put into engineering roads that will hold trucks up on interstate highways to specifications far beyond what cars need - I can't see why there isn't a funding system to underwrite the cultural tourism industry's infrastructure, which is our built and cultural heritage. The AusRoads of built heritage, I guess, is what we need, or some equivalent.

England has a very good system. I think it has a graded system, like a single list where there are grade 1, grade 2 or grade 3 items. To me, it seems that with Australia's system, although it's linked to the way Australia developed, things fall

between the gaps. I think that there should be some way of integrating that, along with a national system, where all the funding can be generated and prioritised. One of the things I'm concerned about is that in England it seems to be a more independent system, with English Heritage and the like. The National Trust here, I think, are the closest equivalent, but they seem to labour under lack of resources, lack of funding and the constant war: the campaigns, the lobbying, the fighting of battles to protect heritage that could already be protected if we had a proper system.

In the absence of the time and the resources and the money to properly assess all of our heritage from top to bottom, I'm suggesting that the alternative is to protect everything by default. If a developer wants to come along and demolish something, have them underwrite the cost of assessing it, and it's too bad if it's found to be listable. Then alternatives need to be investigated, which is where a cultural tourism fund might come in.

MR HINTON: Much of the discussion about the best way to retain properties designated as being of heritage value touched upon the concept that the best way to save a building is to occupy it. Do you have any views on the concept of adaptive reuse, which is a very important mechanism by which you can get re-occupation of older buildings?

MS HENDERSON: I do.

MR HINTON: Do you like it or don't you like it?

MS HENDERSON: I think the principle is sound but in practice it is misused. My view is that if a heritage professional has assessed it - for example, if a council has commissioned a report and they have the report - and their report says that something is heritage, I consider it to be heritage until some other superior report demonstrates why it's not. Things aren't getting listed on the basis of the heritage assessment; they're getting listed on the basis of whether or not politically higher up it's okay. If you look at the heritage reports, adaptive reuse comes into it because it tells you what the significance of the building is. Before the pressure to develop comes in, if you have those sites already assessed, then you know that your report hasn't been affected by political considerations.

In the case of the Treasury Building, those reports were done. The reports looked at the significance of the building, suggested further investigations that needed to be done, looked at the built structure itself and how it was compartmentalised and how it could be used for separate groups, et cetera, and the key aspect of that building was that it was a public building. It is sitting on land reserved by Light as public offices for the colony. Its adaptive reuse as a private commercial hotel is obscene. It has won awards. It is touted as being a brilliant

example of adaptive reuse, but that building was not occupied, lived in or slept in by people.

I see adaptive reuse as reusing a building consistent with its core heritage values, and those values have been damaged in the example of the Treasury Building. That building was not suited to a hotel. It was not suited to a single operation. It had housed different government departments, and the structure was built at different times. So an enormous amount of effort, and an enormous amount of damage, went into converting that building for adaptive reuse and therein, I think, should have been the hint. If you have to spend an enormous amount of money to overcome the inherent aspects - the inherent truth - of a building, then you're probably going against a heritage survey somewhere. People on the street may not be experts, and I'm not an expert - I'm not trained in heritage - but I know what I've seen and I know what I believe, and what's culturally significant to a nation is what's culturally significant to its people.

I think adaptive reuse is very good, but it needs to be done in the context of the building and its heritage values, and in many cases they're not properly assessed. In the examples I have of where it's been done, the building was assessed and the recommendations were ignored or were gone against to achieve the outcome. I'm trying to think of a building that has had a good adaptive reuse, but I can't think of one at the moment.

MR HINTON: We're running out of time, but if there are any particular matters that you haven't covered that you can briefly add to in the discussion this afternoon?

MS HENDERSON: Although I haven't addressed the terms of reference, I think what I've said covers many of them.

MR HINTON: Thank you very much for your material and your participation here this afternoon. It's important for our processes that we have input from the wider community; so thank you very much.

DR BYRON: And if you think of anything else, like an example of adaptive reuse that you're happy with, please drop us an email or whatever; so keep in touch.

MS HENDERSON: Thank you.

DR BYRON: Thank you very much.

DR BYRON: Margaret Birtley?

MS BIRTLEY: Thank you very much for the opportunity to address you this afternoon. My name is Margaret Birtley. I'm the CEO of the Collections Council of Australia, which is a national body headquartered here in Adelaide. It's a new organisation set up as a not-for-profit limited liability company by the government of Australia through the Cultural Ministers Council, funded by arts ministers at the Commonwealth, state and territory levels. Our name, the Collections Council of Australia, relates to collections primarily of heritage significance often found, and typically found, in libraries, museums, galleries and archives but not exclusively so. So we're looking at collections in many locations of diverse origins, of varied significance and of many applications. My board of directors and I are acutely aware that your terms of reference specifically exclude consideration of moveable cultural heritage items in your study.

DR BYRON: We didn't write the terms of reference.

MS BIRTLEY: It's therefore with some trepidation that we prepared a submission but with a great deal of pride because what we'd like to argue to you is that there is an indivisibility between the significance of heritage places and many heritage collections that are associated with those places. We therefore feel we'd like to draw to your attention some of the important aspects of collections as they relate to heritage places, in the hope that we can extend your appreciation of Australia's historic heritage places and their value to communities, their economic, cultural, educational and social significance.

We've prepared a written submission which I think from memory has the number of 85 on your web site. Copies of it have been handed to you today. We've included a number of recommendations that I've summarised for you on the cover sheet.

MR HINTON: You see, Margaret, it doesn't pay to be away from the office because we're away for three days and the submission numbers double.

MS BIRTLEY: The numbers build up.

MR HINTON: But that's good. We welcome the submissions.

MS BIRTLEY: You also have to recognise that there's a spread of time zones across Australia and you kindly didn't say that it had to be 5 pm in Sydney or Canberra time as the deadline, so I think there were probably a few submissions that were made on the right day but slightly later in the day.

MR HINTON: Nice comment, Margaret.

MS BIRTLEY: In speaking to this submission, which I certainly don't plan to read aloud to you but I will come back to our recommendations, I'd like to paint for you the image of the story of the life of a heritage place. A heritage place may be a site but typically and frequently in Australia it may also have buildings or accretions of equipment and industrial artefacts associated with it. So let's just imagine the life of a site that actually has evidence of human habitation or industry associated with it. How does it come to be a place that is culturally appreciated and appreciated for its heritage value?

Well, first it has to become established as a working place in its own right or a lived-in place in its own right. So there may well have been planning decisions made as part of the initial settlement of that site. There may have been clearing of the land, of the vegetation on the land. There may have been excavation of the geological strata of the site in order to make use of the site in the way that the humans at that time intended to do. There may be construction. There may be building. There may be irrigation. There may be farming. There may be agricultural activity of other sorts. In other words, from that early stage of planning, clearing, excavating and construction will come a period of use. We're all associated and familiar with this in our own lives and our awareness of society.

As has been mentioned earlier this afternoon, sometimes the uses will change and in many cases the built environment on that site will be modified, perhaps up to ‘mark 9’or many additional variations, modifications and adaptations of the human constructions on that site for human convenience, for commercial convenience, because of technological change, because of changing use. Those changing adaptations are sort of written into the archaeology of the site and the stratas of the building. I'm still painting for you the life cycle. I want to come back to all of these stages. Sometimes there will be demolitions and sometimes there will be new construction, additional construction.

But at a point, the society will stand and look at that site and say, "We rather think that that's special. Our memories are engaged with that place." And the community, or individuals in that community, will start to recognise that that is a special place and may ask for the place to be listed through the various government and non-government mechanisms that exist, in helping society at large to recognise that these places - or this place that I'm talking about - is special to some people, to many people, perhaps to the whole nation.

As the place is recognised increasingly for its significance, people will want to start telling stories about that place. They will start to interpret its heritage to others and frequently they will want to make it accessible to a wider public, particularly if

we think that that site was an industrial site or a working site or an agricultural site. Those sites are not always accessible in their own rights while they are working sites. But once they start to be recognised as heritage sites or of heritage significance, there is a clamour for greater public accessibility.

There may also be a stage in the life of this place when the community decides that it no longer wants that place and demolition does occur, or where natural disaster intervenes, or whether other destruction happens perhaps through theft and vandalism of the built fabrics of the site.

Now, having given you that sense of a life cycle of the place, what I'd like to suggest is that, at each and every one of the stages that I've described to you, material evidence is captured. It isn't captured just in the fabric of the building which tends not to move, but it's captured in things which move. It's captured by plans, documents, photographs, books, paintings, the stuff that was inside, the stuff that's outside. Depending on the use of the place and the site and the nature of it, there could be an enormous variety of things - that move and can be moved and are moved around - associated with that site.

So in the submission I've actually set out a bit of a schema for you to think about those types of things that move in, and around, built structures. At a very practical level, if the site or the building is modified, there may be traces of earlier fabrics that were used in the construction or fabric of the site. It's fairly common for heritage places to build up a little, if you like, museum collection of its own that will constitute things like scrapings of paint from the wall to testify to the earlier colours; samples of wallpaper that have been peeled off walls that are now decorated in a different way but that again testify to earlier tastes and customs; samples of floor finishings; samples of other surfacing; samples of roofing materials that may have been totally replaced for safety or for environmental reasons; samples of window glass that may have been replaced.

Earlier glass is very different from modern glass, but in publicly accessible buildings there is frequently a demand to remove earlier glass because of the hazard that can be caused if it breaks when the public is nearby. It doesn't shatter in small pieces in the way that contemporary plated glass does, but tends to fall in large shards which are rather dangerous. So there are all sorts of parts of an actual building that the makers thought, "This will never shift," but in fact over time collections do get accumulated that record the earlier fabrics and materials of which that building or site was constructed.

So I would argue to you that in a very ‘first principle’ way, buildings and heritage places generate their own collection of bits and pieces that testify to the earlier fabric of that building. Therefore I would suggest to you, with great respect,

that the terms of reference do not necessarily need to be changed, but that your inquiry needs to be mindful of the fact that collections help tell the story of the heritage places that you're investigating in your inquiry.

Another aspect of the examples I've given you in our submission, with regard to the types of collections that can exist, deals with something else that seems at first sight to be removed from your inquiry - and that's collections of natural science specimens. We note that the inquiry terms of reference say, "Let's not talk about natural conservation issues." But we need to remember that the site I described to you where human habitation and use occurred may have natural science specimens that help us understand the botany, the zoology and the geology of the site and possibly the very reason that made that site important and of interest to the people who first established settlement or use of the site. So specimens of natural science material may be related to the site in very interesting ways. They too are moveable collections.

Moving to the moveable collections that are frequently associated with sites, we can think of the furniture and fittings inside buildings. I've mentioned already industrial and engineering equipment and machinery. We can think about domestic utensils. We heard the mention earlier today of toys. Children have heritage, too. Historic places often help us understand the enormous differences that have been made to the ways in which children have been brought up and family structures have evolved during the historic period of Australian history.

These collections, that I've described in more detail in the submission, can be found in a number of places and I'd like to focus on two specific types of place. Obviously, many of these collections will be preserved at the place where the heritage place actually is, either in the building or the surviving structures or in a purpose-built visitor centre, interpretation centre, it might be called a museum, it might simply be called the history room of the place, where its own heritage is preserved. It may be preserved throughout the site. As we see in many historic homes, the furnishings are often there - not necessarily the original furnishings but frequently the original furnishings or similar furnishings are used to help interpret the interior.

Sometimes those collections, however, can't be preserved in the same building and they are then moved into other repositories, frequently community museums. Many of the collections that help us understand the evolving history of that life cycle of the place will be documentary materials, as I mentioned earlier. Then we need sometimes to look not in the heritage place itself but in the community or the society's libraries and archives, which will hold the photographic records, the documentary evidence, the architectural plans and, in municipal collections, the approvals chain that will help understand the initial approvals for the use of the site,

if they were given, and the evolving use of the site.

So our first recommendation to you, with great respect, is that we would like you to, as an inquiry and as commissioners to this inquiry, acknowledge that collections are indeed relevant to the significance of heritage places. They frequently help us understand the significance that is argued for the heritage place, and the heritage place frequently helps us understand the significance of the collections. While moveable collections and the places that they relate to are genuinely divisible in that they can be physically moved apart, intellectually and one might almost say emotionally they need to be thought of as one whole; that the story of the place and the story of objects go hand in hand. Splitting them is sometimes necessary for conservation of both, but intellectually they need to be able to be held together. We would urge you in your deliberations through the process of this inquiry and in your reporting to the Australian government to be mindful of the linked significances of both place and collections.

In our submission we identify a number of what we have called resource and policy issues. We are very conscious that, for example, collections that exist and are retained *in situ* in the heritage places have special needs because the place where they are held is ageing and will not be providing an ideal museum standard environment for their long-term preservation. The economic issues then associated with the maintenance of that place are not only associated with the preservation of the structure at the place, but with the provision of an environment suitable for retaining and holding the collections that exist there.

We have provided in our submission the example of the Spotswood sewage pumping station, which is a Victorian engineering facility from 1896, where the original steam pumping engines actually still survive, as well as later electrical pumping engines, and it was that *in situ* collection in a Board of Works premises, and the arguments from engineering historians that this was something that was very special and ought to be a museum, that persuaded Museum Victoria to actually build an associated museum called Scienceworks on the same site, and Museum Victoria now has responsibility for the engineering heritage, both in its built form through the pumping station buildings and all the equipment and the tunnels associated with the operation of that equipment. Indeed, they are now able to operate some of that equipment as a visitor attraction to help interpret the earlier use of the site.

That's a situation where an in situ collection gathers a museum unto itself. Many *in situ* collections have a similar power and we see Brennan and Geraghty's store in Queensland, which is a shop museum in Maryborough, and Miss Traill's House in Bathurst in New South Wales as prime examples of the wonderful characteristic that Australian's have of wanting to preserve things *in situ* and then having to work very hard to make sure that the building goes on providing an

adequate environment, and that if public access is required, that public access can be achieved. There is a real challenge there and we invite you to consider the importance of ensuring that these heritage places with significant intact *in situ* collections can be preserved for the next generation and beyond.

We note that there are many privately-owned collections in Australia which also are held in situ but are not in the public domain in the way that the ones I referred to earlier already are, and this is a special case. As I mentioned earlier, the Collections Council of Australia is a new organisation and I don't yet have data to give you as evidence of those private collections, but our purview is to include private collections in what we are thinking about, and we would urge you to be mindful of those in situ collections that are still held privately but that are at risk of great dispersal should the family home be put on the market or be divided up amongst family members.

The heritage place may be preserved but the associated collections that have such power when they are in situ in the place being dispersed through primarily the family's inability to see the larger picture and the importance of keeping that together, but sometimes too their economic ability to keep it together, that's a really fragile area and we encourage you to consider that when you are addressing the issue of privately-owned heritage places.

DR BYRON: Just on that one, could you give us a clue? I'm thinking particularly of a farming property that has been in the family for five generations and they still have the accounts from 130 years ago. If the property is sold or the five sons and daughters who inherit the place decide to tidy up and throw away all this old stuff - - -

MS BIRTLEY: What should they do?

DR BYRON: - - - what is the mechanism for retaining that documentation, the archival information, as well as the old furnishings, in the event of the 150-year-old homestead being sold up?

MS BIRTLEY: Some states and territories in Australia - but not, I think, all - have provision for registration of collections of objects in association with significant places. Some have provision for recognition of objects in their own right, but talking about this particular example - and hypothetical - where the collection is in a place but the collection is about to be dispersed, if it has been registered then there is the statutory protection for those books of accounts as an example, but if the place and/or the collection has not been registered then it's Rafferty's rules, isn't it? It's up to the family at this stage to recognise the significance of the objects and to decide to do something about it.

MR HINTON: They shouldn't give you a call?

MS BIRTLEY: I'm starting to get calls a bit like that. I'm not going to put my phone number out too widely just yet.

DR BYRON: Sorry, I interrupted you.

MS BIRTLEY: No, that's fine. But the issue is, in a sense, public education, so that those five sons or five daughters make a good decision if they are forced to disperse the collection. Other opportunities would be for better tax incentives to be introduced to encourage families to be able to leave collections *in situ* when they pass the building on. I have seen one sheep farming property near Swan Hill where, I believe it was, the dining room furniture had been sold with the house because it had been purchased at the time that the house was designed; the dining suite and the dining room fitted together so well that everyone could see, it seems, that they didn't really want to take the furniture to another property, and so the furniture was, in a sense, a chattel that went with the sale of the property and subsequent owners - I don't know that there was a legal covenant there but the encouragement of a legal covenant to protect those chattels within the property could be quite useful.

I'm not suggesting beating people about with a rod to force these things but an incentive-led mechanism to encourage the retention of furnishings, fittings and other books of account that have an intimate association with the place, if they can stay there, to do so would be a wonderful thing. We are suggesting in our submission that a whole-of-government approach actually be used in that way because we can see that tourism potentials for sites like that could be quite important as well. We are also interested in the cross-jurisdictional difficulties that might exist there and we would be happy to talk that one through further, or I could try to answer questions.

DR BYRON: Again, in this hypothetical example I'm thinking of, the family see this as their family heritage but they don't recognise it as being of any broader interest to either other people in their municipality or to the state or anybody else. Is that also an educational question to say that there is a wider group of stakeholders here?

MS BIRTLEY: I think it's an educational question for the individuals who are owners, but there is in a sense that sort of wake-up call that we heard from Prof Logan earlier this afternoon about commissioning research projects that help identify where these heritage objects are held. I happen to be aware of an accountancy expert who used to be an academic in Victoria - I think he is still there - whose PhD was in fact based on a study of the books of account in various western district Victorian farming families. He was investigating books of account that were still in those old

farm buildings, and by doing his research - which of course was partly personally motivated because he was going to get a PhD from it - he alerted the owners to the fact that they were actually holding very useful and interesting records.

That process of intervention by academics or by historians, or by heritage specialists, can help raise the consciousness for the individual owners as to what it is that they hold. So stimulating of research into privately-owned collections, respecting of course privacy legislation, is a thing to be encouraged and welcomed, I believe, as a way of educating owners about what it is they hold.

DR BYRON: Thank you.

MS BIRTLEY: Something else I would like to touch on and it's developed in our submission, is the use of heritage buildings as collection repositories. There are many buildings of, particularly, municipal significance but sometimes of greater significance which are converted by a community to be used as the repository for local history. Those buildings sometimes are listed, but frequently not because the community thinks, "We've made that into our local historical society's headquarters. It's there for our community archive," or, "We've made it into our local museum. It's therefore holding our precious local heritage objects. Therefore those buildings are safe." So without even listing them that process of community designation and allocation of buildings for heritage repository use can help a community feel good about having preserved a heritage building, but it actually may not position that building well in terms of gaining grants that might be available for listed or recognised heritage buildings.

One building that I was mindful of, again, in Victoria - because my own background is in Victoria - in the 1990s was the building at Apollo Bay on the coast of Victoria which has an old cable station house that held the Victorian end of the underwater or submarine telephone cable that, for the first time, linked Tasmania with the mainland and the rest of the world by telephone. Until that cable and the cable station were put in place, Tasmania couldn't phone home. The building that housed the Victorian end of that cable and the machinery that helped connect it all to the phone system has been a community museum for a number of years.

When I was aware of that building, it was not listed for any level of significance. I'm pretty sure I'm right in saying that. It certainly wasn't on the Victorian registry in the early 90s, and yet the community was proud of it and understood its heritage. Now, that in fact has national heritage or at least trans-state heritage. I regret that I haven't had a chance to check whether that has subsequently been listed in either Tasmania or Victoria, but it's an example of a building that has significance but once the community has decided, "Well, this will be our local museum," they sort of think that that may be all they need to do. So some

encouragement of communities to recognise that even municipal heritage buildings being used as repositories could be listed is rather important.

DR BYRON: So an unofficial, unwritten listing, in inverted commas, is not enough?

MS BIRTLEY: It may be useful but it doesn't necessarily help with the gaining of grants that will assist with the preservation of the building, and the collection will deteriorate if the building isn't well conserved. Often these collections are managed by volunteers who are typically underresourced and, in the heritage scene typically, ageing and not being replaced by younger generations who have other things to do, and so there is a crisis that is looming with regard to both collections and buildings that are managed by volunteers. What I am inviting you to consider in this particular point is that collections often put a heritage building into the community's field of view with regard to heritage, but because the community thinks that all that needs to be done is the necessary listing or the listing that would bring about some flow of funds to assist with the preservation of the buildings, perhaps may not happen.

So the collections are sort of doubly enfragiled. They're fragile because they're ageing but they're doubly fragile because they are in an ageing building which perhaps doesn't have adequate support. So we request you to consider the need for improving programs of assistance to groups that manage these heritage places, where these places are repositories of publicly-accessible collections. We are also mindful of the fact that things that can be moved are particularly vulnerable. Obviously, heritage places - and you will hear this from many people who represent their causes to you through this inquiry - themselves are subject to natural deterioration, to the effects of natural disaster, to vandalism and to other forms of human intrusion. But collections that can be moved are even more fragile.

If we have persuaded you in some way through our submission that collections are holistically to be regarded as part of the understanding of heritage places, then I think you will appreciate that it's important for us to stress to you that those moveable collections associated with a place are fragile. Sometimes the collections may appear to be fixed, and I refer particularly to the sort of industrial installations that survive at mining sites and milling sites, but unfortunately those sites often have a very low level of scrutiny or surveillance by their managers and people can arrive with spanners or appropriate tools and actually effectively demolish parts of that equipment. I can't understand their motives. Sometimes it may be malicious, sometimes it may be opportunistic but, nevertheless, it does happen.

DR BYRON: A lot of valuable copper.

MS BIRTLEY: And sometimes there is a resale value associated with that, and

sometimes there is a heritage resale value overseas, particularly for agricultural equipment.

In concluding the points I'd like to stress or to go back to a point I made earlier. Thinking about that life cycle of the place, I've referred quite a lot to the collections that relate inside the building or that are found inside or can be thought of as the contents of the building, but just to reinforce once again that the collections associated with heritage places are more complex than that because there are the collections that help us understand those places: library holdings, archival holdings, municipal holdings, collections of photographs, documents, books, reports and so on.

What I'm leading up to is to stress to you that there are two sorts of managers of these associated collections. There are the managers of the libraries, archives, galleries and museums who sit outside the heritage place itself but who nevertheless hold important things for the understanding of the place, and the Collections Council of Australia asks you to acknowledge the important role played by those collecting repositories that help us understand the significance of particular heritage places through what they hold.

The additional recommendation to you is that we ask you to acknowledge that managers of sites are also frequently collection managers, so the people who are running heritage buildings, heritage places as publicly accessible or as privately-owned places, as we've touched on before, are also, whether they realise it or not, managing collections, and their responsibilities to Australia's heritage are therefore compounded, because the skills and accountabilities associated with managing collections of moveable objects are slightly different from those associated with managing places. Therefore there can be needs for training, for professionalisation, for reporting and accountability methods that help guarantee that these people in charge of heritage places are also doing the right thing by heritage collections.

I notice in the National Trust's submission that they talk about a pressure on heritage places as being the high standards of museums and galleries. I haven't had a chance to ask them face to face about this, but I wondered whether they are in appreciation of those high standards or whether they are actually also perhaps just feeling a little bit awkward about the additional responsibilities that legitimately high standards associated with the preservation of moveable cultural heritage objects impose on the property managers of the National Trust properties.

I think that gives you just a sense of the tension that exists. It's not an unpleasant tension but it's just one of those dilemmas that exists in the world of heritage, that you can't necessarily win all the battles all the time, and property managers are frequently imposed upon with regard to the dual challenges of

managing both place and objects.

In conclusion, I'd like to say that the directors and myself as the staff member of the Collections Council of Australia would be very pleased to continue our discussion with you, if appropriate, and at times that suit you, because we feel that there are ways of improving policy and funding arrangements for heritage collections in heritage places, and also for the heritage places that hold significant collections. We're in the early stages of our own strategic thinking and so I don't really have a lot of "hows", how we would do that, to go into at the moment, but we're working through a process that is sort of in parallel to your development of your report, and so if at a future meeting it were possible to discuss things in more detail, we might be more ready to share with you our thoughts on that.

DR BYRON: Thank you very much, Margaret.

MR HINTON: I have couple of comments and a question, Margaret. Thanks very much for your submission and your presentation this afternoon; very succinct and very pointed. Thank you very much. On the point of the terms of reference, I think it's important to record for the transcript and also others here that exclusions from the terms of reference in no way should be taken as an indication of their being assessed as not important.

MS BIRTLEY: Thank you.

MR HINTON: And that's a given.

MS BIRTLEY: Yes.

MR HINTON: But it's stating the obvious in some ways. I should add, though, and this is directly related to your first recommendation, that it is likely that our report - I can't put words in the presiding commissioner's mouth - - -

DR BYRON: Yes, you can.

MR HINTON: - - - will acknowledge that collections are relevant to the significance of heritage places, even though we're not looking at moveable artefacts. So I give you those words if that's a comfort to you.

MS BIRTLEY: Thank you. It is indeed.

MR HINTON: But I appreciate that in fact you've now pointed your submission to the linkage to our terms of reference, so thank you very much. My question is more of a detail rather than an overview sort of question. It relates to your fifth

recommendation. I was a bit puzzled - and you touched on it in your presentation as well - by your reference to the need for improved whole-of-government policies to assist private owners of heritage places in retaining research in their associated collections. When I read that and heard that, I got the impression that you perceived there to be some sort of tension or conflict across portfolios, which would normally be apparent in the minds of anyone making that comment about a need for whole of government, and in fact whole-of-government approach is usually very important for public policy more generally, but you didn't identify for me apparent or alleged tensions across portfolios, so if you could elaborate.

MS BIRTLEY: Thank you for the opportunity to clarify something I meant to say, and that is that - not in all Australian jurisdictions but in several – 'place' is dealt with through one portfolio and 'objects' are dealt with through a different portfolio, and when that division occurs, objects are usually thought of under the heading of Arts, and place is frequently identified as environment/heritage/sustainable/infrastructure.

We see that at the Commonwealth level; we see it in the state of Victoria; we see it in this state, in South Australia. It is not the case I understand in Western Australia, where cultural matters all come together in the one portfolio. So it's that sense that in some jurisdictions there is a real need to help the environmental people who are thinking about place to work collaboratively with the collections-focused people who might be located in arts, and ditto, vice versa.

MR HINTON: Thank you for that elaboration, but does that fact of institutional arrangement actually lead to diverse effects or inconsistent treatments, to your knowledge? It certainly has the potential to do that.

MS BIRTLEY: It has the potential to do so with private ownership in that an environmental department may be quite happy to look at a place whether it's in private or public ownership, but a granting system with regard to objects may be designed for collections that are publicly accessible and perhaps run in a not-for-profit environment, and so the constraints that are often imposed on grants that relate to moveable objects may be rather different from the funding incentives or the programs of assistance that might be available for the built environment. That has certainly been the case in Victoria in the past.

DR BYRON: But if you could just flesh that out a little more: somebody who has for example a heritage-listed home and would like to develop or add to a collection of objects and documentation about the history of that home you're suggesting should be eligible for assistance to go and add to that private collection or - - -

MS BIRTLEY: Not to add to it, but to perhaps do further research on it, perhaps to

document the collection so that the collection can be better accessed or better understood - - -

DR BYRON: Or registered - - -

MS BIRTLEY: Yes.

DR BYRON: - - - so that others would even know that it exists?

MS BIRTLEY: Yes, possibly to prepare the ground for it to be registered.

MR HINTON: The government might then take it.

MS BIRTLEY: Yes, that's another issue, I know.

MR HINTON: That may be the mind-set. That is the point I meant.

DR BYRON: I think Tony is referring to a comment that I made earlier this morning, where we've had examples where people fear if the government found out what was on their property. In the nature conservation area they talk about "the shoot, shovel and shut-up syndrome": if you find a cave painting or a pair of rare birds or an endangered plant, you get rid of it before anybody from the government finds out. We've been told about people who find Cobb and Co staging posts on their property and will deliberately bulldoze it or burn it before anybody from the government finds out, because they're apprehensive that there's going to be a whole lot of red tape and restrictions and all the rest of it, and so that seems to me to be an incredibly perverse outcome if fear of heritage recognition actually triggers its destruction before anybody else even knows that it was there.

MS BIRTLEY: The starting point for our thinking is more that sometimes families find that economically they can no longer keep that heritage place in their own hands. They may find mechanisms for disposing of the heritage place so that it goes on being or becomes more publicly accessible, but they frequently don't think of keeping the collection in the place; or perhaps for economic reasons they can't afford to leave the collection behind and for economic reasons for their own future livelihood they need to dispose of that collection, and lack the incentives to document that collection and preserve it in the place where it is, while it's perhaps migrating from private hands to public hands or from private hands to other private hands. It would be very useful if there were ways of helping preserve the collections in place.

There's an example in regional New South Wales last year. I think the name of the property is Springfield but I'd be uncomfortable for that to not be qualified in the

record. I may not be correct in remembering that. It was documented in the national press that the family could not afford to keep the property any longer and had decided to dispose of it, and the contents of the home was acquired by the National Museum of Australia, who went to the property, talked with the owners, gained an oral history about it, documented the collections as they sat *in situ*, but the minute they leave that place they are changed, and they will never be able to be read again or understood quite in the same way once they are within the National Museum's control. They will be preserved, which is great, but they can't be understood in quite the same way, and I wonder whether that family would have made a different decision if different mechanisms had been in place for the preservation and the funding of that collection of artefacts.

DR BYRON: I don't have any questions of clarification at all so thanks very much.

MS BIRTLEY: Well, thank you once again for the opportunity, and we're very willing to continue discussions should that be convenient to you.

MR HINTON: Thanks, Margaret, and in that context we should mention that we do have an iterative process as well - that is, we'll be putting a draft report out later this year and that may generate a reaction from you as well, and we'd welcome that further iteration of contact with you as well in the context of the draft report, if you thought that appropriate.

MS BIRTLEY: We'll look forward to that opportunity as well. Thank you very much indeed.

DR BYRON: Thank you.

DR BYRON: Mr Christopher Beilby is not here?

MR HINTON: We had one more listed attendee and that person is not here. We could invite further comment from anyone on the floor.

DR BYRON: We could. I said in my opening comments this morning that we always try to give anybody in the room an opportunity to come forward and say their piece, put something on the public record if they wanted to. Now is such an opportunity. Going once, going twice!

MS HENDERSON: Does that include adding to something - - -

DR BYRON: Certainly if you'd like to elaborate or comment on something that anybody else has said.

MR HINTON: You need to once again identify yourself, Kelly, for the transcript.

MS HENDERSON: My name is Kelly Henderson. I've been racking my brains whilst listening to the previous very good submission about adaptive reuse, and I've thought of an example of adaptive reuse. The reason I couldn't answer initially is because the Treasury Building was an example of adaptive reuse. It housed the museum of surveying and land management in one of the portions of the building, and that museum was closed down and the collections were dispersed to several other locations, including a collection that was held by a society, the John McDouall Stuart Society that had to be relocated, and the society had materials donated by descendants of the explorers. It was on public display in an historic public building that was directly associated with those cultural materials because that was the building that John McDouall Stuart returned to after crossing the continent.

DR BYRON: Yes, as we heard this morning.

MS HENDERSON: Yes. So it's directly, I think, relevant to the previous submission. But once that had come to mind and I had thought of a successful example of adaptive reuse, and then realised that my shock in not being able to answer was because that adaptive reuse, that successful example, had been destroyed by - - -

DR BYRON: An alternative use.

MS HENDERSON: - - - an alternative use which claimed to be an adaptive reuse but which didn't conform to the Burra Charter, I thought more about that example. The example of the Adelaide to Darwin railway is an example of an historic route with cultural artefacts which are spread across the continent. There are the

horseshoes that were lost, the various supplies and materials that Stuart and his party had to dump so that they could actually move faster or, as they lost horses, that they couldn't carry with them. They are spread from one side of Australia to the northern coast.

In the making of the Adelaide to Darwin railway it wasn't clear that there had been an understanding of historic routes as part of Australia's built heritage. Those routes exist. People often go out and explore them as part of their journeys. They want to know where the overland telegraph was. Well, it followed Stuart's route, and here are the bullock wagons that followed his route, and there doesn't seem to be an understanding or a way of listing something like Stuart's crossing of the continent. I thought more on that, and I thought, well, in terms of Stuart's earlier journeys, that impinges on another cultural listing, which is his earlier expeditions where he named Mount Finke.

In terms of the declaration of a wilderness area for the Yellabinna Reserve, which is in the far west of our state, that reserve had to be, I think, assessed by a board before it was recommended to the minister, and they have guidelines that they refer to. Those guidelines - the basis on which they can make recommendations - do not include economic development or commercial operations of mining leases, but the recommendation that was made that went out for public review was that an area be excluded, I think to the south or west of Mount Finke, because it had potential for mining. The proposal was that it be subject to a mining lease, so it was excluded from the recommendation for the declaration of a wilderness area.

Now, between Mount Finke and Fowlers Bay is the part of Stuart's first expedition which extended the boundaries of South Australia by three degrees. There was a no-man's-land between South Australia and Western Australia and his expedition on that trip showed that people could travel through that country. He described the area and South Australia applied to have its boundary increased.

That cultural heritage is not protected and the guidelines on which the recommendations were made were specifically not in accordance with what was their area of examination. They looked outside to the mining lease and said, "Oh, hang on a minute. We won't list this area and protect it because we can see a mining lease in the offing," and it seems to me that that sort of approach permeates the whole of Australia's heritage management, and that previous speaker reminded me. Thank you.

MR HINTON: Thank you very much.

DR BYRON: In that case, I think we can adjourn the public hearing. We will resume on Monday morning in Melbourne. Thank you very much for your

participation, ladies and gentlemen. It's been very very interesting and very helpful.

AT 4.17 PM THE INQUIRY WAS ADJOURNED UNTIL
MONDAY, 8 AUGUST 2005

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