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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 BRISBANE ON FRIDAY, 3 FEBRUARY 2006, AT 9.07 AM

Continued from 1/2/06 in Sydney

DR BYRON: Good morning, ladies and gentlemen. Welcome to the public hearings of the Productivity Commission's inquiry into the conservation of Australia's historic heritage places. Thank you very much for coming today. My name is Neil Byron and I have been appointed the presiding commissioner for this inquiry. My fellow commissioner is Tony Hinton.

This inquiry stems from terms of reference that the commission 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 released a draft report in early December which contained a number of draft findings and recommendations. Submissions have been coming into the inquiry following the release of that draft and we now have about 230 submissions all of which are on the web site except for a couple that have come in over the last few days.

The purpose of these hearings today is to provide an opportunity for any interested parties to discuss their submissions with the commission and put their views about the commission's draft report and recommendations on the public record. Following these hearings here today, we'll be holding similar hearings progressively over the rest of February in most of the states and territories. We are planning to finalise the report and submit it to the Australian government by the due date, April 6. The Australian government is required under the Productivity Commission Act to publicly release the final report by tabling it in the House of Representatives. Usually they have a response to that report within 25 sitting days of receipt from us.

The Productivity Commission always tries to conduct our public hearings in a very informal manner, but we do take a full transcript for the record. I should also mention that the Productivity Commission Act grants immunity from civil prosecution for any comments made in the course of making a statement, submission or giving information or a document so long as it is made in good faith. So I remind participants that these are official hearings and not just another public meeting. Interjections from the floor, et cetera, are therefore most unhelpful.

We always make an opportunity for anyone in the room who wants to come forward and put something on the public record to do so before the day's proceedings are over. The transcripts will be put on the commission's web site as soon as they have been checked for accuracy of transcription and they will also be available publicly through libraries around the country or on request from the commission's offices in Canberra and Melbourne.

To comply with the Australian government's Occupational Health and Safety Legislation, I have to inform everybody here that in the very unlikely event of an incident alarms will sound and we'll go out straight through the doors and the

laneway down onto North Quay out the door. The other little bit of housekeeping is to let you know that the toilets are down the end of the corridor to the left. I think that's enough housekeeping.

So I'd now like to commence today's proceedings with the first participant and that's a representative of the Polish Community Council of Australia and New Zealand, Dr Janusz Rygielski, if I've got that right. If you'd like to come and take a seat at any of the microphones. Thank you for your written submission. We've read that carefully. If you'd like to just summarise the main points and then Tony and I might have some questions for you in clarification and thank you for coming.

DR RYGIELSKI: Thank you for inviting me here. I have to apologise for my accent which sometimes is hard to pick up and I understand that. The persons present here who are not part of the Productivity Commission don't know the issue. Okay. So I will start with another thanks for inviting me here in spite of the fact that my submission didn't fill the terms of reference of the commission. I appreciate very much and I have to say that it's about protection of names in Australia; historical, typographical names. There is a bit of (indistinct) on the one stage intellectual property became something that is protected and in many countries the issue of typographical names, particularly in the historical context, that various historical stages became very important.

In my submission, I gave some examples of changing names when it suited the particular dictator. Like, for example, the highest mountain in Czechoslovakia became Stalin. The highest mountain in the Soviet Union at one stage became - one, Lenin, the other one, Lenin's Peak. Also Bulgarians had the highest mountain with the name of Stalin. Macedonians had, not the highest, but the most important mountain which they named Tito. When the political circumstances change, these names change as well and quite often usually they are returned back to what it was before because it was usually distasteful and the public didn't like it. Historians didn't like it, writers didn't like it. One more example, it is very interesting with the town in the Soviet Union, then known as Russia, which was named after Tsar, Carycyn. After 1918, they changed this name to Stalingrad. Then in recent years, they changed it to Volgograd because it's on the shores of the River Volga. In the meantime, there was the famous Stalingrad Battle who has influenced the result of the second war and currently teaches historians the problems with explaining what it was because of this name change process.

Well, why raise this issue? First, because the Polish community in Australia is, I would say, extremely connected with the name of Mount Kosciuszko. We feel that we aren't just custodians of this name. It's not only the most important Australian name of Polish origin, but it is in fact (a) a name of any significant value from the Polish community perspective. At one stage, during work on a draft management plan of Kosciuszko National Park, there was an idea to change this name or to make

this name a dual name. We decided to raise this issue publicly because of, first, our connection to this name, second, because of historical origin and value of this name. We researched this topic pretty well.

By the way, I think should introduce myself a bit more. In Poland, I was a member of the State Environmental Council nominated by the Prime Minister and I published three books about mountains and conservation so I feel like a person who can say something about this issue. In Australia shortly after my arrival in 1982, I was awarded a literary grant by Australia Council and National Parks and Wildlife Service of New South Wales. Part of this grant was one month stay in Kosciuszko National Park where I could walk every trail and study everything what was possible and discuss with rangers at the time everything. It also resulted in a Bigge article about Kosciuszko which appeared in the Kosciuszko National Park newsletter in huge circulation. I think we understand this topic pretty well.

We are also in touch with Allan Andrews who is already the best Australian expert on the history of Snowy Mountains. There is no doubt there was no Aboriginal name before. This touches the core of the issue. We understand the situation of Aboriginal people and the necessity of uplifting them in an economical and spiritual sense and all know that some things were stolen at one stage, like, land was taken from Aboriginal people, children were taken from Aboriginal people, names were taken from Aboriginal people, but not this particular one. This is just the opposite case. This is the case when there was an historical name given at one stage and now there is an attempt to take it from the group which feels connected as strongly as Aboriginal people with any other piece of land in Australia.

What is also important that this idea did not come from Aboriginal people. We know what was happening behind, who was behind this and why it happened. It was just a local fourth-grade politician from a small town, Tumbarumba, and a local mayor who wanted to get some publicity. That's how the whole issue started. It happened in the year 2000 at the top of Mount Kosciuszko. Incidentally, I was there at that same time, the same moment, because it was during Toomba trek organised by King Hissa, so I had this opportunity to watch the whole thing from the very beginning. I could see how it was manipulated by this person from the start.

It took about four years to raise any interest of Aboriginal people with this. Well, now we talk with the park and I think we don't have problems with the park. We then talked with the Aborigines and they were surprised when I handed to them my business card of our organisation which was a logo which includes Aboriginal boomerang. I think we are the only ethnic organisation in Australia who has used Aboriginal aspect in our logo. They were very surprised and felt, I think, pretty well.

We presented a number of arguments to Kosciuszko National Park, to your commission, and also to Minister Davis. What is interesting, a couple of days ago I

got a letter from Minister Davis and I'll read you one paragraph where he says:

The practice of dual naming of geographical features is not unique to NSW and can be found in other parts of Australia and around the world. Milford Sound, New Zealand, for example, is also known as Piopiotahi, Mount Egmont is known as Mount Taranaki. Ayers Rock is also known as Uluru and the Olgas are also known as Kata Tjuta.

Well, as you know my submission, I gave nearly exactly the same examples of the process which, I can see, is their return to the original historical names. I think it is the correct process, but not in the case of the name which is the historical name. In connection with this, we noticed that in Australia there is no legal protection of names.

Of course not every name should be protected, but let's look at Glasshouse Mountains here not far from Brisbane. It's a collection of mountains and each of them has either Aboriginal name only or two names. As I pointed out, it is perfectly correct and right that we should use the other name Coonoowin, but not Crookneck because Aborigines named these mountains individually. So it is historically correct. But they didn't have the name of the collection of these mountains, so what James Cook named in 1770 as Glasshouse Mountains should stay because it is the historical name which is 235 years old. You have different opinion? Sorry.

There are other names like Byron Bay, for example, which is also historical. Our feeling is that perhaps there should be a concept of protecting historical names which are of a certain age, like buildings. Some historical names given in Australia are much, much older than historical buildings which constitute the prestigious Australian heritage. Thank you.

DR BYRON: Thank you very much. We did have a very well-argued submission and presentation in our Perth hearings last year with regard to the naming of (indistinct) and the role of Strzelecki in Australian exploration. The reason that there's, I guess, no mention of that issue in our draft report is that we couldn't think of what we could say or do about this within our terms of reference for this inquiry. I appreciate the issues, but I guess I'm still having trouble thinking about what recommendation we could make and to whom with regard to place names. You know, the inquiry was pretty much about conservation of historic places and buildings. I don't think that in the minds of the Australian government when they asked us to investigate this topic they were thinking about the protection of historic place names. I understand your interest and the importance of the issue to the Polish community and I think it's a very interesting much wider question apart from just that one place name, but I'm still not sure what we can do about it.

DR RYGIELSKI: I'm here to tell you that we are in touch with a number of ethnic

Australians and we have very strong support. You probably know that in Perth there was a public forum conducted by the West Australian newspaper.

DR BYRON: Yes, I heard about that.

DR RYGIELSKI: 93 people responded that this name should never be changed. The Polish community in Western Australia is probably something like less than one promille.

MR HINTON: What was the proposed alternative name put forward by the mayor of Tumbarumba?

DR RYGIELSKI: It's really a funny thing because they didn't come with any other alternative name so far.

MR HINTON: So where does the issue rest now?

DR RYGIELSKI: Well, because it's still being considered whether it should stay, it should be changed, should be dual. But still those who came with an idea to change it didn't have the name because they couldn't refer it to something that existed from the past. There is one close connection, the name Munyang, but it means simply snowy in Aboriginal language. It was perfectly logical because the snowy area, the snow was something very unusual to them, so they introduced this name, but it applied to the main range of the Snowy Mountains. Mount Kosciuszko never had an Aboriginal name.

The mayor of Tumbarumba, when he first came with this idea of change, said that it should be either an Aboriginal name or it should refer to shepherds who visited this area before Strzelecki. I mean, that's the truth. They visited both Aboriginal people and shepherds visited this spot before. What I think is that none of them knew that it was the highest point in the Snowy Mountains and none of them knew that it was the highest mountain in Australia. It needed somebody with scientific knowledge and scientific instruments to establish this fact and to have this concept at all.

DR BYRON: So the New South Wales government is still having this issued looked at?

DR RYGIELSKI: Well, it is in the hands of Kosciusko National Park, because they have this group, this working group on the management plan, and it should be addressed in the management plan. They produced a draft. We gave them our submission, and now they are in the process of preparing the final version which will include public consultations, and they didn't take place yet.

DR BYRON: Fine. Is there anything else you'd like to add this morning for the record?

DR RYGIELSKI: No. Thank you for your interest.

DR BYRON: Thank you very much for your appearance this morning and for your written submissions.

DR RYGIELSKI: I can give you my other - - -

DR BYRON: Please.

MR: Yes, the last issue was very interesting too.

DR BYRON: From the president; and you're the president, aren't you?

DR RYGIELSKI: Yes.

DR BYRON: Thank you very much. Is Dr Bramley here? Thank you very much for coming. If you'd just like to take a seat - any microphone. Thank you very much for your submission. If you'd like to just introduce yourself for the transcript, summarise the main points that you want to make today, and then we'd like to follow up with you.

DR BRAMLEY: Okay, fine. My name is Dr Richard Bramley. I've spent most of my working career in the tourism industry working mostly on new projects and have had a lot of involvement in turning what you might call heritage assets into tourism resources. So that's my background. It comes very much from a tourism perspective. In terms of the terms of reference, I guess my submission and my comments are directed at two of them. That's term of reference 4, in relation to taxation and incentives, and term of reference 6, which relates to policy and program approaches for conservation of heritage.

You'll recall in my original letter back in May last year I advocated a sort of hierarchy of significance approach to assessing heritage resources, and that's certainly come through in your report and is happening anyway. I also referred to the role of tourism and how these assets can be turned into tourism products. Traditionally the government way of doing this is to build halls of fame, which in reality are simply museums, and they fail to attract tourist numbers; they fail to pay their way, and it's certainly not a good approach.

Again in my submission I alluded to other research that advocates other approaches, which includes actually interpreting heritage assets in situ, doing heritage trails so you link various sort of heritage assets, either in a geographical way or a themed way. With respect to my submission following the draft report, I'd like to comment on a number of issues. If you go to paragraph 3 of my submission, the issue of negotiated conservation agreements - now, whilst I believe that this is a very good approach to take, it does have some difficulties which you may want to sort of give more consideration to.

If you have a situation, for example, where there are two or perhaps more adjoining buildings, and you've got one owner who is happy to enter into a negotiated conservation agreement and another owner or owners who are not - there was a classical example in Brisbane of this in the early 80s when there were three sort of late 19th/early 20th century buildings at around about where 167 Eagle Street is now. Together with the Customs House that's up behind them, they were a very nice little precinct representing the architecture of that time.

The first one of those buildings to be bought and demolished was of course the middle one, and of course once you've taken the middle one out, then the value of the other two is significantly diminished. So it's those sort of issues that I think - you know, you may have to think how you can address them.

Paragraph 4: again I was pleased to see you advocating that government should encourage the agencies and departments to ensure that government-owned heritage places are cared for and conserved for now. This is fine, and I think all governments pay lip service to this, but we have a situation in Brisbane at the moment which illustrates the difficulties of this, and this is Southbank Corporation, which is a government-owned corporation, and increasingly with corporatisation and ultimately in some cases privatisation, what is happening is that government-owned corporations are having to pay their own way.

In particular, you know, their profits are used to prop up government coffers. In a case like Southbank Corporation, which doesn't generate profits, then it's quite clear that they've been instructed that they've got to find more of their operating budget from their own resources. That's clear from the budgets in the sense that in 2003 their grant from the state government was cut from 12.2 million to 7.5 million. It has come back to about 10 million now but it's certainly less than it was previously.

So in order to pay their own way, Southbank Corporation currently are proposing to demolish the last in situ Expo 88 buildings on the boardwalk. There's been two rounds of public consultation on this. There's been widespread opposition to demolishing these Expo buildings, which I and many other people believe have significant cultural value. Yet despite that, Southbank Corporation seem to be determined to demolish these buildings and replace them with commercial development rather than the boardwalk.

In May last year they had their second round of public consultation, and initially the only options which they gave the public to comment on was either the Fisherman's Wharf option - which was a new option, after the heritage buildings had been - or the Expo buildings had been removed; or a hotel option. There was no space in their initial consultation form for a third option such as a status quo or retaining the existing buildings.

As a result of public protest, this option was included, but it just was included on the basis of "other ideas". It didn't specifically say "keep what's there". Now, the week after the Southbank Corporation put their ad in the Sunday Mail, a group known as Save Our Southbank Action Group, put in their own advertisement in the Sunday Mail, which in many ways mimicked the Southbank ad, but it actually sort of gave some detail on the status quo, retaining the Expo buildings and enhancing the parkland around them.

They put in the same kind of survey form as the Southbank Corporation had. Option 1 was the Fisherman's Wharf option. Option 2 was the hotel retail precinct, and option 3 was open parkland enhancing the Expo buildings. The results of the

survey that the Save Our Southbank Group got were 10 votes were in favour of option 1, two votes were in favour of option 2 - which is the hotel - 6459 votes were in favour of retaining the existing Expo buildings.

Those ballot forms were sent to Southbank Corporation, from what I understand to date have chosen to ignore them. But further avenues are in train- a nomination has gone forward to have these buildings listed on the Queensland Heritage Register, and it seems to me that unless that occurs, then these buildings will be demolished for commercial development in order to support the viability of Southbank Corporation. So there's a situation there where, sure, governments pay lip service to heritage conservation, but they give some of their agencies other agendas - ie pay your own way - and that agenda, in Southbank at least, appears to be taking precedence over heritage, despite those figures. If you like I can sort of give you a copy of that survey and the numbers from it.

DR BYRON: Yes, thanks. I'd like to read that.

DR BRAMLEY: The next issue I think is that of sources of funding. I think, with respect, that this was the failing of the draft report, in that it didn't really address issues of where funding for heritage conservation was to be sourced from, and what sort of mechanisms would be used to apply this funding. From research I've done - and I'm sort of addressing the comments in paragraph 7 now - the treatment of dereciation in not-for-profit companies seems to me very odd.

The accounting processes for not-for-profit companies are the same as they are for other companies, and you get a situation like - take the Reef HQ Aquarium in Townsville, which is not a cultural heritage thing, but it's an example of what I'm saying. The depreciation charges in the financial statements of that entity represent one quarter of its operating revenue, and the depreciation charges represent three quarters of its net deficit, and that's over the first nine years of operation.

The same thing occurs with Stockman's Hall of Fame. The same thing occurs with the Waltzing Matilda Centre at Winton. So depreciation in relation to non-profit companies or government-owned corporations, it just seems to me can be a bit of a paradox. What does it achieve? Because these companies get no tax benefits out of the depreciation. So why do they have to carry it in the books in that way, or if they have to carry it, why can't assets be depreciated over a much longer period of time so that depreciation charges annually are significantly less, so these companies can run - or remain solvent.

I suppose another aspect of that is that depreciation charges might be the basis for a formula to provide capital grants on an annual basis, or a triennial basis to not-for-profit companies or charities or government-owned corporations which are operating historic heritage places. For instance, the first five years of operation at

Reef HQ, when the aquarium had failed to produce a net profit, then the Commonwealth government gave them two grants which were expected to be repaid.

But after five years it became quite clear that these grants would never be repaid and from that time on then Reef HQ Aquarium has had a parliamentary appropriation which has grown annually and which is - I think when I finished my research on that particular project it was about a million dollars a year, which was far in excess of what their depreciation charges were. So I'm just suggesting that you might consider how depreciation is addressed in relation to these sort of non-profit entities and whether depreciation can be used as a basis for some funding formula.

The next issue, going to paragraph 9, is sources of funds. It seems to me that governments much prefer to give capital grants to build new buildings. It's what is known as "the edifice complex" and if one looks at sort of occasional special event funding like the Federation Fund, much of this has gone to new buildings, many of which have been total failures. The National Wine Centre in Adelaide is a good case in point. The Prospectors and Miners Hall of Fame in Kalgoorlie, which I understand cost \$18 million to build and they've run out of money now and they can't afford to put exhibits in it.

The Shear Outback Shearers Hall of Fame at Hay is another one which cost about \$7 million for the building. I've been there and I would say that by far the most interesting exhibit at Hay is the old shearing shed that's been relocated from somewhere else. I mean, the big, new, glossy building really is of very little interest and the exhibits inside it are of very little interest. But the old shearing shed is really the major attraction. Now, if that \$7 million or so which had gone into a new building had gone into enhancing the shearing shed or providing better interpretation facilities at the shearing shed, it might have had a much better result.

DR BYRON: Yes.

DR BRAMLEY: Okay, how do we source these funds? As I make reference to in that submission, that gambling revenue is a big source of funding for various community ventures, like in Queensland for sure and I think in other states, that in addition to the 10 per cent or 15 per cent - whatever it is - casino tax that casinos pay, there is a 1 per cent community benefit levy. That levy is administered by the state government. There's a special team within the government department - I think it's in Treasury - which receives applications for funding from this community benefits fund.

From what I understand, the criteria are fairly rigorous and the money mostly seems to end up in worthwhile projects. So it seems to me, with that as an example, something like Queensland's Major Sports Facilities Authority, which this derives its funding from a surtax on poker machines in hotels that have I think a turnover -

sorry, revenues exceeding \$100,000 a quarter. So instead of them paying their 10 per cent poker machine tax, they pay 10 per cent plus another five or 10. I'm not sure of the exact figures, but it's that surtax which funds the Major Sports Facility Authority, which is the authority that sort of builds and manages the Suncorp stadiums, The Gabba, the proposed new stadium down the Gold Coast.

It seems to me that there is a case for allocating a defined percentage of that gambling tax to heritage conservation, in the same way that the Major Sports Facility Authority is supported. So I think that is an avenue that perhaps you should be looking at. I've also made reference in my statement to the Big Lottery in the UK, and there's a very interesting application to the Big Lottery Fund at the moment where the chief of MacLeod clan in the Isle of Skye, together with a local consortium - including the local authority - is seeking about 30 million pounds from the Big Lottery Fund. In return for which the chief of the clan MacLeod will hand over the Black Cuillin Mountains to this local consortium to be managed, both from a natural heritage point of view and from a tourism recreation point of view, and some of the funding will go to him, doing major repairs on Dunvagen Castle, which is in a very dilapidated state of repair.

So this is a way where again it's a fund that's derived from a lottery, and I'm not necessarily advocating that the Commonwealth government should be getting into the lottery game - because all the states seem to be - but it's that kind of mechanism I think that might be worth you looking at in a little more detail. In fact I've got just some brief notes here on this Dunvagen thing that a friend of mine got off the Internet which you may also be interested in pursuing.

DR BYRON: Thanks.

DR BRAMLEY: The other thing about funding sources is that currently we're hearing a lot about sale of the remaining government-owned portion of Telstra and that the proceeds from this will go into a so-called futures fund which will go to paying for the government's superannuation liabilities. It seems to me that there may also be a case not just for a futures fund but for a past fund. If you put a certain proportion of the Telstra proceeds into a fund, the proceeds from which go towards conservation of historic heritage. So that's another avenue which you may care to look at and make some comment on.

With these funds, no matter what source they come from, the real difficulty is coming up with what you might call sufficiently rigorous pre-assessment criteria to determine who gets the funds, and the auditor-general has made quite a bit of comment on this in his report on the administration of the Federation Fund program and the Federation - I forget what the other one is. It's the Federation Cultural Heritage Progress Program.

Because simply the criteria for applications were very, very loose, and we don't have to sort of wonder too much why that's the case, and quite often - as the auditor-general points out - some projects which didn't make the short list as assessed by the bureaucrats in fact found their way onto the final list and received funding. So I think for any ongoing program for funding heritage conservation to be successful, it's got to have very rigorous pre-assessment criteria. In addition to that, it's got to have very rigorous post-evaluation criteria too, so that governments can see what the benefits are, if any, from the money they've spent.

Again that was one of the comments of the auditor-general in relation to the Federation Fund, was that no government department was specifically nominated to evaluate the outcome of the Federation Fund. So because nobody was nominated, nobody did it. So I think it's very important for this inquiry to look at mechanisms for the allocating of funds, to make some recommendations on assessment criteria for allocating funds, and to make recommendations on evaluation criteria post funding. I think that's all I have to say.

DR BYRON: Thank you very much. That's very helpful, thank you. I guess to - and if your major criticism is that we haven't written enough in the draft report about the source of the funds and the mechanisms for delivering the funding, to a certain extent I guess we're arguing that that can be left to each jurisdiction; whether it's the national government or whether it's the local council. But it would seem to me that it would be extremely arrogantly patronising, among other things, for us to say, "Well, every municipality in Australia should spend 1 per cent of the ratepayers' rate collection on heritage matters.

We had a number of submissions talking about gambling. In fact we had somebody from the UK Heritage Lottery Fund talk to us in Sydney on Wednesday at the hearings there. That was Kay Clarke, who was very interesting. But basically the money doesn't come out of thin air and - - -

DR BRAMLEY: Well, I think that's the point I'm trying to make.

DR BYRON: Yes, exactly. We found it extraordinarily difficult - in fact we've still been unable to - to compile any sort of table that says how much the Commonwealth and the state and territory governments are spending on heritage - let alone local governments - and what they're achieving as a result of that. So we're in the awful position where we have no basis of saying that the amount of money spent on heritage by the Australian and state and territory governments should be doubled or tripled or halved or 10 times or anything else, because we don't even know what it is now.

There is no record-keeping mechanism that apparently keeps tabs of how much money is being spent on heritage, let alone what results it's achieving; you know,

what bang for the buck citizens are getting as a result of that heritage expenditure. I mean, you suggested that there should have been a monitoring process for things like heritage - - -

DR BRAMLEY: Well, I'm not - - -

DR BYRON: - - - to the Federation Fund, and clearly - - -

DR BRAMLEY: I'm not suggesting that. That was the auditor-general suggested that.

DR BYRON: Yes. I mean, it's also our suggestion too, but there doesn't seem to be a process yet, and the people writing the State of the Environment report point out that six years ago when they were trying to write the historic heritage chapter, they couldn't get any information about what was out there, what condition it was in, how much was being spent on it and what was being achieved, and here we are six years later and we're still in the same situation.

So we're suggesting it's time to start collecting that sort of information so that six years from now we won't still be complaining that there's no data. To come back to the source of funds, I guess we were saying that if a state or a local government decides to spend X million, or X hundred million dollars on heritage, the voters in their jurisdiction could say, "Well, yes, that's terrific; why don't you spend more?" or, "That looks like a waste of money; why don't you cut it back and give us more free schools or nursing homes or open-space parks or road rates and rubbish collection," or whatever.

The political process seems to be a mechanism for deciding how much of the taxes collected should be spent on public heritage conservation. Wouldn't you agree with that?

DR BRAMLEY: Yes, I would. I don't think I'm advocating a sort of prescriptive sort of approach that you say, "Okay, every level of government should spend X percentage on heritage conservation." I think what I am saying is that perhaps you should be advocating the establishment of dedicated funds like for instance the Major Sports Facility Authority in Queensland, which is dedicated to supporting our major sports facilities. It seems to me there's a case for having a similar fund to support the conservation of our major - - -

DR BYRON: But do you need to have a special authority? I mean, the Victorian state government just has a budget line that says, "This year we're going to spend \$454 million on heritage and individual private owners, local governments, churches, schools, universities, can put in a bid," and all those bids are evaluated and the \$454 million is spent and if the next election people think that's been a good idea, they can

say, "Well, make it, you know, double that."

But that seems to be the only state where there's an explicit pool of money in the process for transparently and contestably deciding which projects to fund out of it. But I don't think there's anything stopping the Queensland government from doing that tomorrow - today.

DR BRAMLEY: No, but do you think having a dedicated source of funding like that is a good idea? I mean, is that something you might advocate?

MR HINTON: At the end of the day, the sources of funds available for government expenditure are constrained, and creating special mechanisms to pursue particular expenditure items in itself doesn't in any way remove that challenge. Funding is fungible. The dollar is fungible, you can use it for better health care, better - whatever. At the end of the day you don't need a special program that raises funds to be hypothecated for particular objectives, because those funds, no matter how they came or where they came from, could have been used for something else as well.

So we would not, without having looked at it in detail because that's not our terms of reference, we would be very reluctant to pursue a special program that drags in funds for expenditure on heritage in circumstances where a government can make that decision at local government level, state government level or federal government level if it wishes to today against its other competing demands on its constrained resources.

DR BYRON: One of which, for example, could be health funding - for example, in a certain unspecified state.

DR BRAMLEY: Okay, I certainly take your point, but would you, for example, be prepared to suggest that perhaps more emphasis should be given to recurring program funding rather than occasional major capital works programs. Governments can always find in the case of the federation fund a billion dollars to spend on mostly capital works projects, most of which fail, but also when you've built these things they can't sustain themselves, so what happens then is that the pie of funds to support heritage, the slices are having to be got thinner and thinner simply because you've got more projects needing to be subsidised.

MR HINTON: I think you make some very valid points echoing what the auditor general has done regarding effective use of government spending. There are some issues that relate to or apply to a number of projects at all levels of government, but what we've done in our draft report, which we're hoping to pursue further in the final report, is to flag mechanisms that are available at local government level that might certainly better fund locally significant heritage sites that at the moment aren't being

funded, whether it be rate rebates or whatever, but we do not say they should be doing it at a certain proportion.

What we do say is if they wish to spend money on heritage at the local government area this is one mechanism they might wish to consider, as there are other mechanisms as well drawing on the sort of survey that we did across local governments in Australia such that best practices can be identified and drawn on by your local government as they decide is appropriate. We would not wish to impose our view on how much they should spend or even how they should spend it, but we certainly would like to see them looking or having available to them information that can better inform their decision making.

DR BRAMLEY: Well, that's fine. I don't think I'm advocating that you should be prescriptive. All I'm saying is that if you come up with recommendations as to approaches of how this heritage conservation may be achieved, then that's terrific.

DR BYRON: But the point that you made that, you know, government is only - some governments sometimes only pay lip service to heritage conservation. I think we've had examples of that in every city where we've had hearings and people have complained that national government, state government, local government, that they're not walking the talk.

MR HINTON: Including for their own buildings.

DR BYRON: Yes, and that, you know, even some local councils. So they're saying that, you know, they have got properties that they have identified as being of, you know, great heritage significance that they say they can't afford to maintain. Now, we haven't said a great deal about how those jurisdictions raise their money, but if you're talking about local government it's basically going to come from rate payers. Rate payers have many other demands, many other claims that they make on the system. They want roads rates and rubbish and parks and nursing homes and pre-schools and day-care centres and all the rest of it.

So that's why we come back to saying, well, we recognise that whatever level of government, from local to national, there are competing claims, there are other priorities, and it's up to the electors in that group to say whether they want more or less of the available budget to be spent on heritage rather than to us. We're talking about alternatives, the pros and cons of different mechanisms.

MR HINTON: But I think there is another link that's important to our draft reports views and that is the system of recognition and listing of heritage sites needs to have rigour to it if then governments are going to be making decisions about expenditure in relation to those sites, and if the system is not identifying well and then listing and recording what is significant and why it is significant then it takes you down a

slippery slope of misuse of finds - - -

DR BRAMLEY: I totally agree because I think - - -

MR HINTON: So we are particularly focusing on improving that prior issue, ways in which the mechanism of identification listing can be improved, linked also to judgments about the costs of conservation, and improving that system means that if governments are going to make decisions to spend tax-payers funds then it's going to be done in a much better system than operates today and I think you'd sign up to that approach.

DR BRAMLEY: For sure.

DR BYRON: But just to elaborate and come back to the specific detailed example that you gave us, the Southbank, has there - I mean, I can understand why, you know, well, a very large proportion of the population would like to have parkland and presumably existing buildings retained, but is there much analysis of what those existing buildings would be used for and how they would be maintained, you know, who is going to pay for that, because I can see the attraction for the authority of saying, well, you know, if it's some other major commercial complex then it will pay its own way, and if there are empty buildings and open space that has to be maintained is there a proposal for, I guess what we could call adaptive re-use that would be self funding.

DR BRAMLEY: Without getting on my soapbox on this issue - - -

DR BYRON: I may regret raising this one.

DR BRAMLEY: But I think there's a couple of points you should be aware of: (1) is that these buildings I'm talking about, the former buildings that were built for expo, are not yet listed, they have only been nominated. I mean, if they are listed then presumably they will stay. The other thing is that they're not sitting there empty, they are being leased for restaurants and so, I mean, they are paying a rent. Now, presumably the rent that they are paying is, you know, reasonable commercial rent, but the thing is that Southbank Corporation need extra capital so their motivation is to sell the site, which is one of the last sites which they can sell off, to sell the lease to that site which is a 99-year lease which they will sell, you know, paid up front so it's effectively freehold - sell that for a more intense form of commercial development. Now, again putting my professional hat on, in one of the proposals a hotel - it's one of the worst hotel sites I can imagine because of accessibility.

The other one is the Fishermen's Wharf project. I mean Fishermen's Wharf is just one of those catchcry things which means restaurants on the waterfront really, and that's what we've got now. So why do you need to knock down what is there

now to build one that's bigger and, you know, as far as Fishermen's Wharf goes we had a Fishermen's Wharf down on the spit to the Gold Coast which lasted 17 years and is now Versace Hotel. So just to summarise, the buildings that are there now are paying rent and so presumably they are generating a commercial return for the corporation. It's just that they want to sort of sell the land for greater capital to pay off their debt.

DR BYRON: But that comes back to the government as the shareholder.

DR BRAMLEY: That's right, yes.

DR BYRON: As basically said in the direction there, which again it's a question of priorities - - -

DR BRAMLEY: So it's conflicting agendas.

DR BYRON: - - - of the state government. Are there any other issues from the written submission, Tony, that you wanted to ask?

MR HINTON: No. Dr Bramley, no, I think that's a very clear submission. Thank you very much for it and I appreciate you focusing on specific aspects of our draft report. That's very helpful and very constructive.

DR BRAMLEY: I did send one of those in with my initial letter, but that's a brochure for local communities which was funded by a product development grant from Department of Industry, Science and Resources, and that's just, I guess, a bit of a guidelines brochure for local communities on how they might, sort of, turn their heritage aspects into tourism products.

MR HINTON: Should you build a hall of fame?

DR BYRON: And the answer is?

DR BRAMLEY: No way.

MR HINTON: We got that message from earlier this morning. Thank you very much for your attendance this morning.

DR BRAMLEY: Okay, thank you.

MR HINTON: We appreciate it.

DR BYRON: Thank you.

DR BYRON: Next on the program is Kangaroo Point Residents Association, Ms Joy Lamb. Welcome back, thank you. Please come take a seat. Thank you very much for coming.

MS LAMB: Thank you again for the invitation. I hope I'm a bit more prepared this time and I've brought a watch to time myself so that I don't go over. I'd like to explain a few things if I may to put this into perspective. Because of unforeseen circumstances - well, I'm here for the Kangaroo Point Residents Association, but I've also been delegated by Sue Keys for the Save Our Brisbane Association to seek to use her half hour, and I have thought out how to segment these things to try not to confuse the records.

MR HINTON: Excuse me, just to clarify that. So Sue is not attending.

MS LAMB: Sue can't attend. Some relatives have arrived unexpectedly yesterday and she and her husband had to take them down to the Gold Coast today.

MR HINTON: And Mr Mundy would not be - - -

MS LAMB: I couldn't get Mr Mundy at short notice. I tried to get - - -

MR HINTON: We were just planning the schedule ahead, that was why - - -

MS LAMB: I was - well, I had a call only a couple of days ago to see if we had another speaker. It was Sue Keys and I were scheduled to speak half an hour each and a couple of days ago I had a call from the commission to see if we could choose to - well, would choose to have another speaker. I thought of Jack Mundy and it was impossible at such short notice, and so I nominated Caroline Wigg as a heritage expert of some quite recognised degree, having recently become a member of the Heritage Commission - the Heritage Council in South Australia.

MR HINTON: Caroline is going to appear later this morning.

MS LAMB: Caroline was here Wednesday and Thursday and intended to stay today for this, but we got wind of this 24-hour rail stoppage and someone just mentioned it late yesterday and she was fearful - she had to be back in Adelaide this evening and she just took off because she was relying on air train to get to the airport this morning for an 8 o'clock flight, and so she managed to get a 6 o'clock flight last night and I couldn't advise you. We were just - I was to go to court for the KPRA yesterday.

MR HINTON: That's fine.

MS LAMB: So she has delegated me to say certain things and she will see you

again in Adelaide in her own capacity next week.

MR HINTON: Good.

MS LAMB: So I've got this sort of - - -

MR HINTON: No problem.

MS LAMB: - - - segmented in my mind to try to represent each interest without, you know, crossing over. Apropos of what the previous gentleman said, if I could speak for Save Our Brisbane first to continue the theme that he started.

MR HINTON: That's fine.

MS LAMB: His first comments about expo were spot on and the Southbank site. His view is the community's view. It is the Kangaroo Point Residents Association and Save Our Brisbane's view. Sue and I, and others, both attended the public meetings that they held on site in 2004, and strongly agree that that site on the river should remain public open space and those existing buildings should continue to be used for adaptive re-use.

The Southbank Corporation's argument I understand, apart from the financial arguments that the other gentleman mentioned, is that they were temporary buildings and therefore they're expendable, but they had to deal with a huge number of people in the six months that expo ran for. They had to be of a standard that could take the numbers of people and the dynamic motion that those people create. They didn't fall down; some buildings lately have fallen down including one in Canberra. To say that they're expendable, that they were just, you know, temporary buildings, they had to be safely constructed so perhaps they could be reinforced and continue in that role. If they're being leased now for the Fishermen's Wharf-style complex, I agree with what the gentleman said that they can be strengthened and altered accordingly.

People do not want to see what actually has happened on Southbank. It is bad planning. The corporation's relatively recent decisions to allow those 10 to 13-storey buildings adjacent to the railway line was a no-no from pre and post expo discussions through the planning process of the planners of the time, particularly people like Mr Phillip Day, a very well respected planner who is now in his 80s and he hasn't changed his view. He was the Brisbane City Council's chief town planner in the days of Lord Mayor Clem Jones and possibly prior. He left there with some disagreements as to the way the planning process was going and went to the University of Queensland where he remained I believe for some 20 years as a lecturer in planning, and he also is a qualified barrister.

He's had all his life in this field, and ironically the Kangaroo Point Residents

Association prevailed upon him in 1987 to act pro bono as our barrister against the Brisbane City Council and one other developer in relation to increasing the height limits on the peninsular of Kangaroo Point from the recognised roadway of the Story Bridge cut-off, and that was prevailing in the 1980s and had gone to the Local Government Court in those days, pre 1987, where ruling prevailed on those height limits remaining.

Then when Lord Mayor Atkinson came in, she was put upon by developers in her early days to change that policy to amalgamated sites containing 35, 40 and 50-storey buildings on the peninsular. That was, as I informed you, when the Kangaroo Point Association really incorporated and became quite representative of the wider community views, took the council to court and we won that on a shoestring not available today. Now you need high-price lawyers so specific that it's almost a killer, and I was there yesterday and we lost, and in regard to the Story Bridge and the John Burke house for reasons I'll explain in the second segment.

Phil Day ran that case as a barrister and we had pro bono experts including Robin Gibson, and that's when I met Caroline Wigg. She was up in Brisbane for the Year of the River and in late 1986 and she was aware that this case was coming in and been interested as an expert and as a reputable person and as a friend of mine. I'm an amateur, she's a professional, but we share the same views and we take advice from each other from our own perspective. So to see those buildings - Phil Day and others did not want to see that wall of effective towers from very close to the waterfront. They specifically said to the government - and there were two governments of the day or three. There was Joh - there's Bjelke-Petersen and Aherne and Gosse. This conjecture continued through those times.

The consistent view of the experts and the general public was low-rise public access on the river, Grey Street reinstated so access was through the site, and from Grey Street to the railway line low to medium-rise buildings that then could provide income. The price had to be adjusted accordingly so that it was lower to not put a burden on those purchasers or lessees and, as Phil Day said, that then allowed Highgate Hill. I presume you're familiar with Brisbane; you both said you were. It allowed the Highgate Hill spine to then prevail in stepped-up topography and built environment, and then further to the hills of Ipswich and the start of the Great Divide.

To see that Southbank site alienating those sites behind is a disgrace in most people's minds. It is government money. So much money has been spent, and this is the third round of the Southbank incarnation. and the moneys that have been spent for expo and post expo and now this board and the members and the changes and the whatever to get where we are today, it's back to what the other gentleman said about allocating funds properly. If the public and if the government's public money they are using is to be spent properly there has to be wider representation, and I think you

touch upon this throughout this book that people have to get their priorities right and that includes all parties.

It is the people's money spent by the governments and people shouldn't be kept in the dark, then these ideas promulgated put forward by the chairman of the day or the government of the day of a certain site, eg Southbank in this case, and then it happens and then it doesn't work so then it pulls down and then it happens again and again, and this time for three rounds. So I commend you for what you've said because that's the general view, and I'll mention the professional view disclosed under Caroline's auspices to be run her way when you meet her as my last piece, and I think that's after morning tea so I'll be able to get myself into order to put that into perspective.

That Southbank I think covered that the planning was proposed to be recognising the important element, and bearing in mind that South Brisbane was the third most important place, which I mentioned before, since settlement by convicts and then pre-settlement, as I said, the CBD at Petrie Bight was the main landing place after Redcliffe when that proved unsuitable, and then Kangaroo Point very soon so that Kangaroo Point and the CBD were then the settlement. As governments emerged they became Brisbane, then it became North Brisbane because South Brisbane was that area of Montagu Road to the dry dock of the Maritime Museum, that was South Brisbane, and so it's the third settlement very soon after arrival and so it has a major place in history and it is lost, which is why the KPRRA has been so busy for 25 years to try to save a remnant of ours and a visible remnant of our suburb, but on South Brisbane there are only those couple of buildings which are now incorporated into the Southbank site.

The building know as the Allgas Building and the building known as the Plow Inn, they are original buildings, but the building know as the Ship Inn Hotel is not, it was rebuilt for expo, and I don't know whether the other gentleman knew this but this is to reinforce my opening comments that the supposedly implied jerry-built buildings they couldn't have been, because they had hundreds of thousands if not millions of people through them in that six months because they were drinking venues all night or until 3 am, whenever they closed, and opened very early again. They had permanent liquor licences and so did the Ship Inn.

The Ship Inn was an original building that was totally demolished and rebuilt for the purpose of expo in a guise similar to itself. So that's the opposite of what the Burra Charter is supposed to state in Queensland - - -

MR HINTON: It's a replica.

MS LAMB: - - - which, you know, I argued before.

MR HINTON: A genuine replica.

MS LAMB: To all intents and purpose the general public think that's the original, "But that's the old Ship Inn," they say. That's not the old - it isn't, so therefore if it was built at the same time of the same materials, at the same standard that the building code required, well, those buildings on the riverfront that gentleman was referring to - if you could just please insert - to the lady doing it to the commission, if you could insert that gentleman's name for me when you do this transcript because I don't want to call him that - - -

MR HINTON: Dr Bramley.

MS LAMB: - - - because I don't want to call him that because I didn't hear it properly and I don't know him. He's perfectly right, and the spectre to Save Our Brisbane and Kangaroo Point Residents Association having saved the river bank in the town reach and the South Brisbane reach, a la the cliffs which you've heard about, is just obscene to Robin Gibson, to all of the people who have knowledge of the floods. To stick buildings out and diminish the river on the Southbank is just ridiculous and to be strongly or to be absolutely resisted.

Considering that this government, the Beattie government, is looking at covering over the freeway which those who are aware of it think is equally ridiculous, should be forgotten. It's been another round of government consideration through the last couple of years, Northbank, covering the freeway at the instigation of, amongst other people, the Brisbane Development Association, because I was present as a member when they promulgated that as an exercise using QUTUQ and some other party planner or something putting three things to us at lunchtime on Southbank, what we were going to look at, ridiculous things, and stacks for emitting these, you know, the pollutants - ridiculous - diminishes the river, this is what the KPA has achieved in 25 years for the town reach.

We saved the cliffs. We saved the height lines pertaining to the Story Bridge and we gave South Brisbane or Sally-Anne Atkinson public approval for pursuing the walkways on the river on the Southbank that she had started on the Northbank. So to the Beattie government under the circumstances that now prevail as per yesterday and the Yungaba development recently, which I'll address under the KPRA headings in my mind, I have no written notes, I have nothing other than my recollections about my daily life in regard to this because it consumes you as that other gentleman also said.

So Southbank should be - the river on the South Brisbane reach should be left alone from bank to bank and deal with the river bank in its existing situation. The freeway was a necessary item. I am the most disaffected private individual, my husband and I, the longest and the most disaffected private individuals from that

freeway and from the Story Bridge, such is the length of time my husband's family's house has been there, and when it was mooted by Jones as the council, not the Joh government which is constant, "Joh did that," he did not do that. The Brisbane City Council under Lord Mayor Jones did that in conjunction with Wilbur Smith for the future of Brisbane. The state had to be a consenting authority through the main roads, but it was promoted by Jones, a very strong mayor as everybody is aware, and my husband's family was in residence then, having been there since 1902, and we couldn't argue with it. Where were they going to put the freeway? And it needed it. I mean, for God's sake, it can't take it down Joy Street. Bigge C, for the transcript lady because it might save some spelling changes, decided that Governor Macquarie was wrong to want to see gracious wide streets in Brisbane. Lucky old Melbourne and Adelaide and Sydney and poor old Brisbane - and so they came up, the plans that Governor Macquarie had mooted for the colony of New South Wales extending at that time to Moreton Bay, wanted to see wider streets.

No, the history books report that that was far too grand; George and Queen and King in Adelaide and all those streets named after the English monarchy of the days historically. "They are far too wide. Unnecessary. Reduce the size." And so where was the freeway going to go other than where it went, and other than resuming major city buildings which was a historic precinct - George Street, major historic precinct, only one left, and then it's only partly left anyway, so I think that the Save our Brisbane argument is probably confined on my part on behalf of Sue because I spoke to her at length last night about this - is confined to the Southbank remarks I have made, but I would like to go uphill a bit to Highgate Hill to the South Brisbane Highgate Hill section, in view of my recent experiences there, which concerns Save Our Brisbane which I touched upon last time and bring you up to date there because I will sum up in regard to your report when I do the final segment if I may in Caroline's time.

I change now then to the final thing for Save Our Brisbane but it does pertain to me and my - I mentioned my mother's house last time and since July when we met Caroline has been - she was retained by me in June to work on that problem as an architect, as a heritage consultant, and as a licensed building surveyor and as of this year she is now a member of the Heritage Council in South Australia and she is a very fair person who can see both sides and she was there from the early days of the Burra Charter and she does not agree with the Queensland interpretation of the Burra Charter but she has visited some five times in this intervening period on behalf of Yungaba and our submission to the minister which you have in a confidential way in your possession. Then she also turned her attention on other days to my problem.

Because of the structural problems facing a three-storey cavity-brick house on a heavily retained wall many metres above Boundary Street on a corner and Dornoch Terrace, the biggest problem to my mother's house has come since the heritage listing by the Brisbane City Council to which I objected but they overruled

it. I objected mainly because I resent, as do many of the submitters, the private submitters, to your hearing, that we are the owners of buildings that we care for, we are the people who have to pay for them.

There are no reductions particularly for my mother's house because local government doesn't get a lot of recognition anyway, and I had to fight for greater recognition than state heritage buildings through the land court which I mentioned, and I did achieve that last year but that took many hearings and very vehement hearings of the department opposing me. I mean, it was nothing like this. I expected it to be like this; where I could put my view and they could put their view, and we could amicably discuss the situation with the land court member as the referee, but it was like the court, only worse than it.

I mean, it was the worst confrontation I have ever been involved in. I think it was, you know, "Get this girl because she's a pain to governors," and I can't help it. I mean, they're destroying, not one, but three properties pertaining to me. The two of them were heritage listed. The third one, my former home in front of the brick - Lamb - original house, the timber one, the best one, the easiest one, the most perfect one, was not heritage listed even though it was recommended to me in our family's 70-year ownership to be recommended by the BCC to me to have it heritage listed. I thought it was in jeopardy if my husband and I - if we did that. It was bequeathed to my sister-in-law and we felt that it was in a degree of jeopardy if we had have done that.

Our own house is in a degree of jeopardy but not quite the same way, but we didn't do it, but we did prevail upon the Brisbane City Council to give us a ruling in order to take up a condition in a will where we had a right of acquisition if my sister-in-law did not want to keep it, and she advised us after a difficult move that she didn't and so we had got in to settle, we thought for the rest of our lives, with her as a neighbour in two beautiful houses; ours needing far more work than hers, and so the council ruled that it was a category 1 historic house adjacent to a state heritage listed place.

It was in a demolition control precinct under a local area plan which took precedence over the 1987 Brisbane Town Plan and City Plan 2000 and thus it should remain, and that the council would not approve its removal or demolition and actively encourage us to seek state heritage listing. It was a letter written by Michael Kerry and drafted by Terry Conway in February of 1997. We relied on that and relinquished our rights under my husband's aunt's will because we thought both houses are saved. We can only live in one. We can't be philistines and adaptive reuse the other because it's a residence - they're both residences - and they're both perfect in their outside. Well, they're both perfect. They are pristine: one, timber and tin 1890, the timber house; and one, pristine, 1902, the brick house. So we thought, "Well, they're safe, and we can live with that," and we relinquished our

rights.

My sister-in-law subsequently sold it at public auction. The other thing was she asked of us twice the sum of money that she subsequently got at auction and took no action which we could not afford to pay and certainly no-one - our bank would not support it - and because we didn't want to convert anything, we left the status quo. Ideally, knowing what I know now in relation to everything that this commission is hearing and everything that's happening in Brisbane, we would have been far wiser to buy that house and turn our present house into some adaptive reuse for the benefit of Brisbane, but that's with hindsight, and so that opportunity has gone.

The tragedy of that is that I was invited by the deputy chief of staff of Premier Beattie in 2001 to come and discuss the future of my husband's family house apropos people knew that this had occurred and that we were very keen to see this and that the Internet person who had bought the land in front of it threatens us, and continues to threaten us, would be available to the government, the three tiers, which I may have explained, and if not I will fill you in on that later in writing, but the Premier's Department approached me. I was in court through Shafston Cove representing the KPRA under very expensive actions for four hearings and about a year or a year and a half so I couldn't do anything about it but I did see that person, Damian McGrevie in early 2002 and we discussed the pros and cons and the ability to adaptively reuse the brick house in which we reside to the benefit of Brisbane in a beneficial private trust that we would instigate and how it could pay its way and it was a very in-depth conversation.

The one thing that we requested then was that the three tiers of government acquire the 1100 metres of land in front of us that have the potential to totally wipe our house out physically and visually for virtually the sum the man paid for it, some \$3 million. I had already spoken to Senator Hill and a meeting was arranged on a visit to Brisbane to see whether the federal government was prepared to agree to such a thing promoted by me to the state and the council and he agreed.

So then when McGrevie rang I mentioned this and I personally met him and we looked at how this could be done and pay its way. That is in reference to what the previous speaker said about things paying their way and my complete understanding that they must pay their way and that the taxpayers in general shouldn't pay the users of the building. Adaptive reuse should pay and so government grants of a finite nature perhaps could be given to set the thing up, but when I heard what I heard this morning that millions of dollars had gone to the wine building and millions of dollars had gone to the Shearers Hall of Fame and they are now redundant within a very short time, it makes the refusal by the state government to entertain a million dollar grant perhaps to - or amalgamation; a million from the federal government, a million from the state and a million from the council, McGrevie and I had worked it out to

be feasible and doable according to Senator Hill. I had also spoken to the then leader of the opposition, Borbidge, to see that they didn't disagree and he agreed, and I knew that the previous council didn't disagree - and I have recently found that they did but I didn't know that at the time. So I have made every effort to save a supposedly worthwhile building in the form of my husband's family house and that failed and it took them 18 months to tell me publicly through the newspapers that they weren't going to do it just before they sold that vacant land. So it went to auction at the end of 2002.

It was passed in at auction under the auctioneer's bid at 3.45 million and since I have last seen you - I think it had happened when I met you - the Internet person was put into receivership as his interest payments were too high and he had some personal problems, and the receiver claimed, the mortgagee receiver - mortgagor, isn't it, receiver - claimed the land and that was all they wanted. They also claimed his home which is a substantial and valuable building with 360-degree views at Saint Lucia. I attended the auction. I thought it was strange. It was a very difficult site.

I had already had the land court, as I mentioned, telling me through the newspapers that the land in front of me was going to - Ray White said it would go for 7 million and that meant it would get 10. I vehemently argued they would be lucky to get their money back and it was a very vehement heated argument. They produced bits of paper and I just thought it was rubbish. It was rubbish. The auction had difficulty getting past 2 million. It was dragged up to 3 million and there were two bidders and there was a room full of people and I only found out in late October when I had to do a title search, which took a long time to come up, to see who bought it, and it was none other than the original owner who had held it and couldn't do anything with the land; had sought public land as had Mr Lasrado to have lent his holding to build something in front of us and neither of them got it, so the original owner, after holding it for some time and getting virtually 3 million from Lasrado got 3.7 from the receivers via Lasrado and his own home was sold up to make the shortfall.

It wasn't put to public auction as it should have been under the receiver. So it was sold privately and I believe that house is in a degree of difficulty on 14 blocks of land which I use as one of my supporting comparative sales data in the land court; superior in my opinion to ours, that the valuer-general is hooked on ours as being the most relevant important site in Brisbane to which I disagree. So heritage is massaged to whatever desired outcome of the government of the day, the council of the day, the developers of the day, and there is no help or consideration other than lip service to the owners of the day or the hundred years in our case, and the 65 years in my mother's case or the 120 years in Yungaba's case, government owned, and recently lost by - I'll expand on that in the KPRa segment. That was all bad enough.

In regard to my mother's house, the repairs, we have proven to put new high retaining walls in to replace the existing ones from 1920 for a tennis court and strengthened in 1940 when they did the viaduct over Dornoch Terrace for the Saint Lucia bridge to the newly-established University of Queensland. That didn't happen because of the war. It was recently remooted and objected to by the residents of Boundary Street at West End. To be fair to all, the bridge should have gone ahead there. The Hale Street bridge by Campbell Newman is not a satisfactory alternative pulling traffic into Southbank, immediate area, so the bridge through West End should have been, despite the effect on my property, would have been the proper way to go; recently rejigged and dropped because of public outcry. For what? Traffic all turning up in South Brisbane hitting Southbank so it's all inter-related in old parts.

My situation with my mother's is ongoing so I won't go on with that except that last week we became aware of yet another timber and tin house that was equal to - well, not quite - the one adjacent to my mother's was the best house in the street. That went in the middle of the night in 2003 as of right, upset the community. They don't understand. I have had to learn it. They don't understand "as of right". A non-demolition control precinct, the removalists come in. If they're very good they get it done without anybody knowing within a few days. And they were very good; adjacent to my mother's house, the first thing people knew was that the trucks moved in at midnight on or about 9 July 2003.

What did the trucks do last night in Dornoch Terrace again, but move in at midnight. Nobody knew that a house - I had sat outside it last afternoon looking at it on the trailers - two trailers. I thought, "That's interesting. That's the best removalist's job I have ever seen. I'm not coming to watch it be it's an 'as of right' removal." Ironic that the person who owns it was removing it was a person who was in deep opposition to me when I mentioned the structural problems I had a few doors down in regard to my mother's place that are going to cost a million dollars to repair before you do any titivation with the rest of the house; totally and unmeetable figure and a huge problem.

It doesn't happen with timber houses. They never need that amount of remedial work. They just don't have that. So when the timber and tin houses go adjacent to masonry houses it's the death knell for the masonry house in most cases. So to finish up on this segment I didn't intend to go but I got a phone call from a person ironically in a 13-storey building next door to this house last night who only knows me from ringing me up out of the blue to ask me what's going to happen to my mother's house, could she rent it a couple of weeks ago, and then rang me up and said, "I don't know you, but there's a house next door to us that's on the truck. They have just woken me up and it's going tonight." I said, "No, I saw it this afternoon."

I looked at it I said, "Getting the message from our lawyers that we had lost in regard to Captain Burke's house," which spent the last two weeks in the Planning and

Environment Court trying to have an appeal heard for which we should have been entitled to run. I said, "I didn't want to see it. I've already seen enough." Then she rang back and said, "There's two trucks." I said to my husband - I was trying to have an early night to come here and sell you these books and be a bit more prepared than I am - but I said to my husband, "Well, I'm awake now. It's 12 o'clock. It looked as though they were going to be fairly good at this so I might just take off," and I did.

Five, 10 minutes later I was at the top of Dornoch Terrace, Highgate Hill lookout, and I looked down well up to - was about to tackle the hill, and there was half the house. I thought, "My God," and there were the police. This is the best thing I've ever seen as far as the house removal for Mackay Removalists. I thought, "I wonder if the other half is going to go," as I was told. So I asked the policeman and he said, "Yeah, they're both going. We're going via the Gateway Bridge." I thought, "That will be interesting. Up to Maleny. That will be very interesting." So I just stood there and within three-quarters of an hour from go to whoa, power off, up and over. It was the most professional thing I have ever seen.

I went and looked at the site. There was no debris left, there was no ruination of the footpath. There's nothing. There are no stumps, no rubbish. I was totally amazed so I went back home and thought, "I had better go to bed because I've got to get up." So I went to bed trying to calm down and think, "Well, got something else to tell you now." That's the end of Dornoch Terrace as the four houses in - further doors up, when they read out me as a pariah in 2004 because of the problems with my mother's estate - my sister was omitted but I got it, copped it, and the people who owned the four houses on the flat going up exactly where I saw the house passing when I first arrived last night, when that person, the developer, read about this person striking a problem with a brick house, they thought, "Gosh, they had four very nice timber houses for redevelopment," so they didn't bother to remove them. They just got a truck and a backhoe and they slammed them over back into a rain forest, boom, boom, boom, that day and they just knocked them all backwards and picked them up from the back street over the following week and they went. Now, that site is in receivership and those people have lost it. So you will have to make what you will of what I have advised you or informed you of according to how people are treated, developers, and imprudent owners which Mr Lasrado was, and caring but majorly put-upon owners like myself, my husband, and to a degree my sister and my husband's sister. That is all I have got to say for Save Our Brisbane.

MR HINTON: You have about used up your time as well as Sue's time.

MS LAMB: Have I? Not quite.

MR HINTON: Not quite?

MS LAMB: Because he was late. So can I sum up on KPRA because then we have

a break.

MR HINTON: Yes. We have got some time for that but we are running - - -

MS LAMB: And then we have Karen, as I understood it. Was that what it was?

MR HINTON: Yes. We had a space at 12 noon, subject to the time that the Eagle Farm Community Heritage Project people take, and we're not sure how long that will go for, but we'll give you a couple of more minutes now before we break for morning tea .

MS LAMB: Then can I do the sum up in Caroline's name afterwards? That's what I told we had; three half-hours. Is that correct?

MR HINTON: There is an issue here that sometimes we like to ask questions as well rather than have a single dissertation from the person appearing.

MS LAMB: Sorry.

MR HINTON: What I suggest is that you now use the next five minutes, we'll break at five to 11, and then after morning tea move to the Eagle Farm Community Heritage Project and after that we'll give you more time then for you to sum up.

MS LAMB: All right. Do you want to inquire anything of the Save Our Brisbane - - -

MR HINTON: We will save up - - -

MS LAMB: Your questions.

MR HINTON: We will give you five more minutes now.

MS LAMB: Okay, to sum up the KPRA.

MR HINTON: You have had almost an hour now - which is a very good run, I think.

MS LAMB: With respect he didn't finish at 10.00 - with respect.

MR HINTON: You're too precise, Ms Lamb.

MS LAMB: I was aware that you gave me extra time last - - -

MR HINTON: I can give you five minutes now, then we'll break for morning tea,

then move to the next people and you will have an opportunity to come back after that.

MS LAMB: That's fine. Thank you. As far as the Kangaroo Points Residents Association you gave me a very fair time - more than a fair time last time - and I was as pleased as I could be and very unprepared with what I actually saw in the report as it was put together and spellings and grammar et cetera adjusted but I advised you, but we didn't go into it, that the Kangaroo Point Residents Association had been the victim of a call-in by the minister for local government in regard to our community case for Yungaba. I advised you that because it was confidential between the minister and our association that we would give you the document and you maintain that confidentiality. I would still like that to be the case because it is not a public document, but you have it and with our agreement, and you have treated it confidentially and I appreciate that.

The minister for local government who is also the minister for heritage, I believe she has her hands tied, and so there is a conflict in that which we noted through our solicitors, MacDonnells, who put in an excellent submission, given that our case was based on the fact that the minister's calling powers are based on state interest and if the state is the owner of the building subject to loss to the community, namely Yungaba, there is no greater state interest that the state has, and if it can't maintain its own interest in relation to Yungaba, well, all of your comments in relation to the difficulties for heritage pertain to the state, the council and private people, and it wasn't only Yungaba.

The majority of people who have come to know this problem recognise that the Story Bridge is the predominant structure of iconic proportions that are lost; the iconic proportions are lost. If the Yungaba development by Australand goes ahead in its planned form with four seven-storey buildings up to the roadway of the Bradfield Highway section which is all of the land section from the river back to Mount Olivett Hospital effectively but certainly to the Story Bridge Hotel. The spectre of the four buildings; one on the city side of the bridge and its girders and pylons, these buildings are only six feet away from the pylons. The proposal is absurd for many reasons; visually, pollution-wise, amenity. It's an absurd place in a pollution overflow from the multiplicity of vehicles using the Story Bridge to put new development down there to be the victims of this hostile environment healthwise. So there are only four private sites involved plus the Australand holdings and the government holdings. The considered view in the submissions to the minister for call-in was that Australand reconsider and go back to their nominated proposal which Sue Keys outlined to you, that the GFA of 1 Holman Street, the apartment building she lives in, was used by Australand, that developer, for that site. The remnant land was for the town houses below the Story Bridge. It was an overuse of GFA really because they went too high, but they got away with it, and therefore it is imperative that somehow or other Australand be persuaded to

revert back to their original position with town houses on the new-found site of the remnant land directly beneath the Story Bridge.

Similarly KPRA was forced to seek an appeal closing on 18 January and I'll tell you about this in the next segment because it's critical of the Brisbane City Council's role in this. We were declared out of time. I will just note that as an aid to our memory - that the process gives the submitters and the developer the designated time, the deemed time, for the appeal to be lodged - 18 January. We duly lodged that and to our astonishment last week we were advised by the developer that they now found it was out of time and they sought to have our appeal struck out. I'll elaborate later.

But back to Yungaba, the appeal was lodged because after I'd met you an application went up by two of the four private owners to which I refer and it was referred to in the minister's call-in, in our submission, that two of those four sites directly below the bridge, wiping out the girders and pylons visually and figuratively - every way - should be paid out by the Brisbane City Council from their environmental levy. It is not a large land price - \$2 million for one site and probably an equivalent for other similar - 900 square metres each. The third site, 280 square metres - nothing - they're adjacent to Australand - effectively nothing.

This came up in the court case as an argument which contributed to our loss of appeal rights yesterday afternoon. The vendors complained by blurting out from the court without any advice and asking to be heard, and were allowed to in the course of justice. We were astonished. Justice once prevailed, but it shouldn't have been allowed to in that circumstances: they had lawyers. But they said that their income had been diminished in October because the developer wanted vacant land so they agreed as the owners to sign off on having Captain Burke's house removed and the lodging house removed and an amalgamated site created - to the developer.

The developer had the hide to say, even though he had the same letter that we had - the deemed date was 18 January - he had the hide to say that he'd calculated the council was wrong, but he still chose to go unconditional on 15 January. So under hardship conditions he wanted our appeal rights waived. So neither of those dates were right, although the council had deemed the 18th.

The actual date - by the time the three victims - two, barrister and lawyer, by three and the judge - seven people in that court on Tuesday were arguing: "Was it the 3rd? Was it the 5th? Was it the 6th? Was it the 8th? Was it the 9th or should it be the status quo at the 18th, which was the letter from Brisbane City Council, the assessment manager and approving authority?" And we argued, of course, that it should be that because all parties knew that, and so the judge in his wisdom decided that there was commercial content involved because they'd pleaded hardship and the buildings had been removed.

Well, that was one I did see off and I was there at 2 am with a removalist in October waving goodbye to the Burke House. These are all parts of my life. That's why I was there: I wanted to see them as they're last - as they left the site - absolutely pertinent to my entire life - lived in two streets and two suburbs as I told you last time in Dornoch Terrace and River Terrace at Kangaroo Point.

MR HINTON: Let's finish up there at the moment and make a break. I know Neil wants another up of coffee and we'll take a short break for morning tea. We'll then call the next interested party as scheduled and at the conclusion of that we'll give you an opportunity to come back to sum up where you've got to. Presiding Commissioner?

DR BYRON: Thank you very much. Exactly, you took the words out of my mouth. Thank you very much. So we'll adjourn now and resume in about 20 minutes, half an hour.

DR BYRON: Thank you, ladies and gentlemen, if we can resume the public hearing. The representatives from the Eagle Farm Community Heritage Project, if you'd like to just come and take a seat. If there's not enough seats, we might be able to find a few more. Thank you very much for coming, gentlemen, and thank you very much for the written submissions, which Tony and I have read. If you'd like to introduce yourselves for the transcript, each, in your own voice so that the transcribers later can recognise saying who's saying what, and then take us through the main points that you wanted to emphasise today from the written submissions and then we'd like to follow up some issues with you. Thanks for your participation.

MR HITCHINS: I'm Richard Hitchins. I'm the coordinator of Aerospace Heritage Queensland, which is part of this project.

MR BENKE: John Benke, I'm also a member of the committee that's handling this business with regards to the Eagle Farm project.

MR HINTON: I think that the mike is fairly sensitive, so you mightn't have to get right up to it to actually be heard.

DR VALLATI: Dr Astrid Vallati, barrister, member of the Victoria Barracks Historical Society museum, legal adviser to the trust which will be trying to do the Eagle Farm Project.

MR WALSH: My name is Leo Walsh, curator and special projects officer of the Victoria Barracks Historical Society, and I've been assigned to coordinate with Aerospace Heritage Queensland in setting up a partnership.

MR MARKS: My name is Roger Marks. I'm a participating member of Aerospace Heritage Queensland.

MR ADAMS: Mike Adams, chairman of the Eagle Farm Community Heritage Project.

DR BYRON: Thank you very much. Richard, are you going to start us off?

MR HITCHINS: Yes, I may as well. The reason for our submission or the first submission was because of the problems that organisations like ourselves face when you have several tiers of government. You've got the state government. You've got the national government. You've got the City Council. A community organisation dealing with those is faced with this problem. Now, the origin of the whole thing was that the hangers at Eagle Farm are heritage listed. They were very important for the country, nationally, because they were used by the Americans during World War II, in fact they were built by the Americans during World War II, and they were used for the assembly of Japanese aircraft for testing purposes. So there's a great

national interest here.

Obviously, the development of the Eagle Farm Airport moved across to the new buildings, the new terminals, et cetera, leaving the old buildings standing and they're currently being used by shipping firms, et cetera. Now, those buildings are heritage listed, as also is the Allison test-bed, which was used for testing aero engines during World War II and there is another area which is also heritage listed. We initially commenced talking to the Brisbane City Council. This is because the land concerned was originally Commonwealth territory and the Commonwealth government sold it to the Brisbane City Council. So this is why we've got so many different tiers of government involved. What has further complicated that area of course is the further development undertaken by commercial interests for certain areas. Nevertheless, Brisbane City Council has seen to it that the areas concerned are marked off as being heritage. So it's not the situation at this stage where the areas are under threat.

Our submission really highlights the difficulty where a community organisation has to deal with all this different strata and levels of government, and there is no procedures, there's no protocols, linking all these different levels together. There was no procedure for approaching one and communicating to the other. So obviously a community organisation could keep on tackling one and then the other. As I said, it's not as though the area is under threat at this stage as far as we know. It is heritage listed. Heritage listing is fine but it needs to be utilised and it needs to be self-funding in a way and this is why we created an organisation - it's a very loose organisation - of different bodies with the same focus.

So we've got the Victoria Barracks Historical Society, which has got an incredible collection of militaria, which itself is in temporary storage in Fortitude Valley. We've got Aerospace Heritage Queensland, which is a loose confederation of various aviation museums in Queensland. It's an umbrella organisation established with the agreement and support from the state government. We decided we should formulate some sort of over-reaching body, which is why we called it the Eagle Farm Community Heritage Body. Mike Adams was one of the instigators of that aspect when it came under Aerospace Heritage Queensland and prior to the involvement of the Victoria Barracks Historical Society.

So really what we have got is a community thrust, and of course there could be other community organisations that might wish to join. But this is a community thrust in order to not just preserve but utilise and make a fundamental heritage point of those buildings at Eagle Farm. One of them is heritage listed, that is, hangar number 7, but also adjacent to it is hangars numbers 9 and 10 and they were built just after the war. So the thrust of my submission was primarily the difficulty of dealing with so many different stratas of government organisation and semi-government organisations, and that was the reason for the original submission.

I'd like to pass this also on to Mike Adams because Mike in conjunction with Roger Marks subsequently put a submission in on the heritage aspects of various other areas that they were concerned with. So I think I've covered basically the Eagle Farm heritage point of view from our point of view of utilisation and safeguarding and have indicated the problems when you're dealing with so many different governmental bodies. I would like to pass that on to Mike Adams, if I may, who will talk on the other submission and the reason he put that one in.

MR ADAMS: Okay. There are various aspects of the draft submission that we aren't going to comment on today because we didn't have enough time to review it in total. It was quite a large document to get through. Personally, I do have some issues with the cost of heritage and also the suitability of listing for some sites. But I do agree with a lot of the aspects of your submission in reducing the regulatory responsibilities of some of the owners because I have had experience in the past of a building where an owner wanted to do something, was refused the ability to do something, and now that building is degenerating into a termite mount. I won't mention the owners or anything like that because I haven't spoken to them with regard to that.

With regard to what we've put into our recommendations here or comments under our recommendations, my main concern is with the ability to de-list a property during the failure of a conservation agreement, if somebody does not sign. The concern there is that there must be some other form of listing that a de-listed property could go onto so that it is not totally expunged from people's view. It would be very, very easy for a developer, for instance, to refuse to sign a conservation agreement with the devious view of being able to have the property de-listed and developed. My concern is that if a property does become de-listed that it is passed on to some other list that is nationally available so that it does have the ability to be challenged.

As stated in our submission there, most of the comments that we've got there are pretty much straightforward and pretty much agreed with some of the aspects of your draft report. Do you have anything to mention today, Roger?

MR MARKS: No, I don't know that I can add very much more. I just want to support Mike in the feeling that we are concerned about the mechanism that will operate on de-listing. We're concerned that a truly worthwhile heritage property may lapse from listing for all sorts of reasons, commercial and otherwise. I guess it will probably lapse because of lack of public support. Public support must be behind these things or they really won't come to fruition. But we would like to be confident that there is some mechanism in background which comes into play.

My reading of your recommendations and my reading of your report suggests that if there is a failure in a heritage agreement between a private owner and the local

authority, that there is the possibility of compulsory acquisition coming into play. But that sounds as though there are all sorts of reasons why that really won't happen, and that's where we fear the listing may be lost. I would like to think that there will be an adequate appeal mechanism built in there so that overnight the listing can't just vanish because of this breakdown of an agreement.

DR BYRON: Okay. That's a good point. Anything else in the way of opening comments, or can we go into discussion about the issues now?

MR ADAMS: No, I think that we can probably go into discussion about those and we can expand on it at that stage.

MR HINTON: Okay. I've got a couple of questions and I had in mind splitting it into two tranches, the way you've already done it yourselves. Picking up the comments on the first submission, when you talk about hangar 10 and buildings being listed, which particular list are they on? That's important in terms of implications but also who is the authority and body then responsible for that listing and what flows from it. Can you give me the clarification, for example, hangar 10, which list is it on?

MR ADAMS: At the moment hangars 9 and 10 are not actually listed.

MR HITCHINS: 9 and 10 are. Number 7 is.

MR HINTON: The other one, sorry. I apologise for getting the number wrong. The one that is listed, which list is it on?

MR ADAMS: It's on the national estate and also the Queensland Heritage Register.

MR HINTON: The Queensland state government heritage list.

MR ADAMS: Yes.

MR HINTON: Right - because the Register of the National Estate has no statutory implications. It has been a useful mechanism or process by which heritage has been identified but in terms of having flow-on effects for development applications and whatever, then it reverts to, importantly, the operation of another list, whether it be the two that the Australian government runs or the one that the state governments each run. But they're also in some states local government listings as well, and that's going to get onto your issue about the protocols of our different tiers of government.

If it is on a locally significant list, which therefore is administered by the local government, then it is that body that has the prime responsibility for the implications of that building or whatever being on that list. If it's on a state list, then the state

government becomes the prime body responsible for the effects of that listing. If it's on the Australian government list, then clearly it's the authorities based in Canberra that then have prime responsibility, which is why your point about the absence of a protocol for handling the relationships between the three tiers of government I think can in some ways be addressed by identifying who is the body with prime responsibility with regard to the listing itself.

That doesn't mean to say there are not difficulties in dealing with a local government with their wider responsibilities regarding development or a state government which has all sorts of sovereignty issues and responsibilities and it may even involve the Australian government. So it doesn't erode completely your concern about a lack of protocol in a body like yourself dealing with three tiers of government, but I think that prior question is an important one, that is, whose list is it on that then generates prime responsibility? The fact that it's not on a list does raise questions of which list might it go on, local, state or national?

My second reaction to this first part was can you give me examples of the problems being suffered by yourselves because of this lack of protocol and dealing with three tiers of government. Can you sort of illustrate your concern by telling us what problems you've run up against. Is it buck shifting, or is it - you know, buck passing is a better word.

DR BYRON: Can I just back off for a little bit of clarification. The site is now owned by the Brisbane City Council.

MR MARKS: We understand so.

DR BYRON: Yes, but the heritage listing is by the state government and your umbrella organisation represents groups who want to use the site that belongs to the City Council but it is heritage regulated by the state. So if that's right, then I understand why it's already getting complicated.

DR VALLATI: If I may, further to that I only had a chance for a brief reading of the entire document and one of the things that came up was that in Queensland there is national listing, there is state listing, but there is next to nothing of local government listing, as a difference from all the other states in Australia.

DR BYRON: That's highly variable. For example, Ipswich City Council has listed seven and a half thousand places, Rockhampton City Council has listed none and, you know, all points in between.

DR VALLATI: But our difficulty is that our overarching trust organisation would seek a lease from the City Council as the proprietors of the land. That's one problem, is getting through the City Council bureaucracy, not the City Council executive but

their, you know, asset management people, et cetera, who have other ideas for the site. The developer himself is not clear as to what his responsibilities are vis-à-vis that part of the site which he effectively sold back to council when he got the whole area. Then of course the state government, in its current political situation, we don't want to even go near them because they're too involved in saving their own skins and I doubt whether they'd be interested in looking at heritage issues unless they can smell an election coming on.

So our first problem is, as you mentioned, the fact that the owners are the City Council and only one building is on the state government list for its military heritage involvement. The other two buildings, hangars 9 and 10, we could say they have another heritage value in being the birthplace of Brisbane's domestic and international flying terminal immediately after the war because they were occupied by TAA and Ansett Airlines of Australia. I would say that in the development of our project you can't have 7 without having 9 and 10.

MR HINTON: So you're pursuing 9 and 10 to be listed.

DR VALLATI: Yes, to be part of it and eventually to be listed - for different heritage reasons, but to be listed within the entire complex as heritage protected.

DR BYRON: To make it a heritage complex.

DR VALLATI: Yes, a heritage complex, because there's one other thing that was mentioned without actually naming it. The other heritage area within that whole piece of land is the 1827 women's factory or convict camp for women, that it is on one of the extremes of the enclosed area. Whilst it's only an archaeological site, except for a building here in William Street, it's one of the only two masonry and stone buildings of convict era that exist in Queensland today, or the remains of same, because everything else was built of wood and the termites got it over time.

DR BYRON: One of the general issues, cutting across your question, that we're trying to grapple with in the draft report is that, having recognised the historic significance of a place, then the questions are, okay, who is going to look after it, who is going to manage it, who is going to be responsible for protecting that heritage and who is going to pay the costs of that? Now, you have proposals of what you think will be a self-sustaining, viable way of not only retaining and preserving that heritage but also presenting it to the public - - -

DR VALLATI: That's right.

DR BYRON: - - - for the celebration and awareness.

DR VALLATI: That's my involvement in getting a design and a plan, you could

say a business plan, of founding a trust, all the legal niceties that go into founding that trust with the proper trustees, et cetera, proper government representation on that trust from City Council, from state government, from federal government, business community, legal community, and a chairman of note within the Queensland community, and we're already well along in approaching people to be on that trust committee. That trust will be the head lessee from the City Council who will then sublease to two major or three major organisations who will then take it upon themselves, the Aerospace Heritage Trust, hangar 7, with their aircraft and memorabilia that go with aviation history of Queensland; the Victoria Barracks Historical Society, parts of 9 and 10 for vehicles, heavy artillery; and then what we could call militaria collection, which is everything from documents, uniforms, books, personal items of famous Queensland military men, and even the common soldier, relics of war going back to colonial times as far as Iraq, and in a proper museum display situation, which we can't do in our present limited circumstances in the valley.

MR WALSH: As I may as the curator, amongst the items we've got, five, bronze, smooth ball, muzzle-loaded guns, 1849, 1850 and 1855, they were Queensland Volunteer Artillery in 1870. So we've rebuilt all the carriages. Everything we have is Queensland related. We even have a pair of britches and a cross-belt and a shoulder belt worn at the Battle of Waterloo in 1915 because the family now live in Queensland and right through up to modern days. We've got Gordon-Bennett's Irish black wooden walking stick given to him in 1916, a couple of Thomas (indistinct) things like that. We have every major campaign medal Australians could have got from the Maori Wars right through to modern time, except for the Boxer Uprising. We also have a property in Fortitude Valley, which we understand we could get 1.2 million, which, if we get hangars 7, 9 and 10, would be turned towards those, in setting up a museum and maintenance.

MR HINTON: That would provide a capital base or an income stream to facilitate this project.

MR WALSH: Because to do the gallery properly, for instance, we will have to build (indistinct) inside hangar 10.

MR HITCHINS: May I add on to something. Initially I wasn't going to talk on the justifications and what we would put in there, et cetera, but I only received a letter two days ago from a friend of mine, a fellow called Dick Sanders, who over the many years has built up a most incredible aviation library. He is now looking for a home for it and basically I don't think he's looking for money. I think it's been his obsession. All his spare time has been building up this aviation library and there's also another aviation library which is owned by Queensland Air Museum itself which has been built up over a period, to my certain knowledge, of over 30 years.

So one of the objectives will be to locate an aviation library for research, which would be available to any private individuals but also to any of the universities. The particular one owned at the moment by Dick Sanders, he has established this library in such a way that if you ask a particular question he just brings up a file for that particular aircraft or event or whatever it is. Everything has been dissected. If we do not do something we are going to lose that library. It will be going overseas or somewhere else, and I hate to think what would happen if the owner were to pass on at this stage.

DR BYRON: But given that the site has already been quarantined, identified, as a heritage area - that it's not proposed for development - I would have thought that the City Council and the State Heritage Office would be falling over themselves with delight to have an organisation like this coming up with an important viable, you know, proposal. So coming back to Tony's question, what are the sort of problems that you run into if any - - -

MR WALSH: We had our first meeting with council at their request on 8 January 2005; that has been the only meeting to get this heritage site sorted out.

MR HINTON: Are you seeking funds from them? Is it tied up to uncertainty about what budgets might be forthcoming from the council? Are you seeking approvals to proceed, is that - - -

MR WALSH: They haven't been discussed.

MR ADAMS: Basically we're waiting for the come back from the council to give us a bit of an inkling that there's a green light coming up. My interpretation is - just as an offshoot - the entire site is, you know, up for development at the moment. TradeCoast Central are going to redevelop it as an industrial site and hangar 7 and the curtilage around that has been put aside. At the moment the council are determining whether they actually have a use for it themselves, you know, in favour of using that building rather than building another structure somewhere else.

It has taken them an inordinate amount of time to determine what their own operational requirements are and this is one of the main drawbacks and slowdowns of the entire project - is the fact that we can't get council to make up their mind what council wants to do so that we can get on with our project.

MR HINTON: Can suggest - one of you said that the sites were not under risk, but that implies that potentially - - -

MR WALSH: Well, the council told me that they might want the hangar to put their road plant in it.

DR VALLATI: As a storage garage.

MR ADAMS: As for the sites under risk - I'll just divert again. Within this development area - we've already mentioned the women's prison and factory which is just an archaeological site - that it will be very, very close if not contained within the development area for factories and whatever else that they want to do with that site. There's also the Allison engine test-bed stands which are within that development area as well, but these have been Heritage listed and it has been acknowledged to us that they won't be de-listed or destroyed but will be incorporated in some sort of a beautification process into the development. How they're going to do that I've got absolutely no idea.

MR HINTON: It's again the Queensland state government list, is it?

MR ADAMS: That's right.

MR HITCHINS: May I say something? I'm going to be absolutely, totally honest as regards to motivation of why we put this submission into your commission. One of the things that we - this is really a benchmark event in that we are airing something quite openly and through the submissions that information is on web sites. It's one thing to whinge in the corner about how one is hard done by or the fact that you're not getting anywhere; it's another thing to state quite clearly and specifically our thoughts in such a way that it can be communicated right through any of the areas that are interested.

Now, I therefore look upon this as being a benchmark event because already - we have kept the Brisbane City Council aware of the submissions and copies have gone to them, and we have highlighted the problems of communication, et cetera. But moving on from here we can now say that we have brought this matter into the public forum through your good offices and we can then move on involving the Brisbane City Council, the state government, the Heritage Department, Arts Queensland and the whole lot.

So what we can say is, because of the hiatus, these are the actions we have taken and the next thing is we can move on to, "These are the actions that we propose to take," which would be the setting up of the trust and the mechanism, et cetera. So I view this as being very important. It's not just a talkfest. It is establishing something from which we can move forward.

DR BYRON: To a certain extent I imagine someone might say, "Well, you're trying to negotiate at lease with another party; that other party hasn't decided yet whether it wants to make such a lease arrangement with you," and irrespective of who the other party is you'd say, "Well, that's just a commercial arrangement." But to a certain extent there are other interested parties, such as the State Heritage Office.

Do you have the support of the State Heritage Office in terms of your dealings with the council as the primary owner of this area? Is the State Heritage Office on your side and encouraging the council to negotiate such an arrangement with you?

MR HITCHINS: You see once again this highlights the problem. We have forwarded this information to representatives in the Queensland Museum, Arts Queensland, which has got a responsibility obviously for museums as you can tell, and most certainly we have received good reception there. But the problem is that about a year or two back the state government decided to reduce the numbers in Queensland Museum and quite a number of very, very good people were suddenly given voluntary retirement. So there is that aspect as well. So, yes, in answer to your question, we have had good reception from the Queensland Museum, but they are powerless really at this stage to do anything.

MR ADAMS: I might just add there that this project that we embarked on did come about as a result of a request from the then minister for the state government for Aerospace Heritage Queensland to put forward a nominated project that they could support and after deliberations we came up with this project. So I would assume from that that having been requested by state government that we should be able to get say the state government's support for this project if the wheels can get under it from council.

DR BYRON: But the State Heritage Office is in a different department, isn't it?

MR ADAMS: Yes. To come back to what I put in on this fear of de-listing occurring.

DR BYRON: Yes.

MR ADAMS: Quite clearly if this - let me call it an impasse, if you like - but if this thing lingers and nothing happens then there will come a time for review of the item which is hangar 7, as it's strictly listed - a review - and it's quite conceivable that somebody on a Heritage Council level at that stage can decide that because of the condition of the building, the age, whatever, suddenly it's not as significant as they might have thought at the time. I personally had put it up for consideration to be listed in 1991. They may decide now that it's not worth it and so it will be de-listed again, we fear. But if there's not a mechanism there to cause effective review that it will be lost.

MR HINTON: We've had to look at the system for Australia-wide and one of our biggest challenges is that the practices across Australia vary enormously from local government to local government - also local governments even within the same state. But the approach we've taken which you - thank you very much for your comments on it - does start with a tiered approach, that is, if something's nationally significant

then it's prima facie on the Australian government's list. There are not too many on it at the moment because naturally they're the really big ones, like the Opera House and like whatever.

If it's not nationally significant there is scope for it to cascade down into state significance and a state government can then take action to list a particular site as having state significance and then it follows how it's treated under various development applications or conservation arrangements or whatever. But if it's not state significant it then can cascade further to the next level which is the third tier of government - local government. So it's open for, in each state, for their local governments to list a site, a building, as having heritage significance and documented accordingly that then lead to certain different treatment with regard to development applications.

So when we talk about it not being on a list, it doesn't actually mean it never gets listed. But if it doesn't pass the national test, it might be listed at the state. If it doesn't pass the state test, it's still open to be listed at locally significance. So in your case your concern that, "What if the state government moved to de-listed it," it may do that even though it doesn't own it. It's still open for the council to list it as locally significant.

You'd argue of course that the significance goes beyond Brisbane, it goes beyond this local region - in fact probably has at least state government, though you gave evidence as to Queensland specific. Prima facie on the basis of your comments today, it suggests to me it would be state significant rather than locally significant, but there is scope for it to be cascaded down to local government level as well which does have implications for how it can be handed with regard to development approvals.

I don't know whether that gives you any comfort, but in terms of the overall system which is what we've got to look at for Australia-wide, that's an important part of how we've approached the objective of conservation for heritage sites.

MR BENKE: May I say one thing, Mr Chairman? What basically what I see where you're going - by your comments on that comment - is the situation of where you've got different sets of rules in different levels, therefore, one's in conflict with the other and the circumstances therein and therefore gives people in certain areas the opportunity to do nothing. Consequently you lose everything.

MR HINTON: It's valid point in circumstances where the site is owned by one level of government but is being assessed by another level of government and that's your particular case. Many of the state significant sites are state-government owned and therefore it's internalised to the one level of government. Your experience - which his why we value your presence today and your written submissions - you are

illustrating to us a specific case where it is owned by one level of government but is currently listed at that next level of government and communication's not working well. As you know, we can't reach conclusions on whether the site should or should not be listed.

MR BENKE: I realise that.

MR HINTON: But we certainly do find that your experiences help us understand how the system is not working as well as it should be working which is why we welcome your participation. The fact that we've got other sets of examples around Australia that illustrate anecdotal for us deficiencies in the existing system and we're certainly not going to resolve those individual cases either. But nevertheless we find it valuable to have that input.

DR VALLATI: Mr Chairman, just further to what you've said that the state government we could say has the controlling interest. But the further complication is that the site itself has national, state and local importance, because World War II was a national affair.

MR HINTON: The last time I saw it, yes.

DR VALLATI: The development of the domestic air terminal in Brisbane we could say was a state matter as well as being a local matter. The colonial site which is part of this quarantined area, as far as we can establish, is part of Queensland's colonial history. So we've got this interleaving of different responsibility areas that, you know, the state government might propose and then the federal government will dispose.

MR HINTON: There's certainly documentation as to what are the significant characteristics that make it heritage we find very important, and one of our important recommendations is that if something is going to be listed, that it's important that the reasons why it's being listed be documented; that there be statements of significance associated with that listing. That then enriches the sort of process as to justification, as to why it's listed but also what will then happen to it or may not happen to it in the future, because it's the heritage characteristics that need to be conserved once it's listed.

DR BYRON: And who does what with it once it's listed, and because, you know, in many local government areas in many states there's a very long list of places that people would have liked to have seen well managed, protected and conserved, but there's not much money to do it. So we end up with a long list of places that are slowly deteriorating and falling apart, and we thought that was not smart. That was a serious failure in the system, and that was why we thought, "Well, once you've recognised and identified a place, don't just put it on a list; go to the next stage and

make a conservation management plan for that where it spells out who's going to do what, or not do certain things, and how it's going to be paid for."

Now, if hangar 7 is on the state heritage register, has the State Heritage Office got any sort of long-term management plan for that site, or do they just put out a list and then say, "That's done," and walk away?

MR ADAMS: There is a conservation plan for the site, and the Brisbane City Council is fully aware of that. I assume that they're complying with.

MR MARKS: That was done back in 96, I think it was.

DR BYRON: But that's a good start. So that there is a conservation management plan that both the property owner and anybody who wants to use that site, like yourselves, have to work within that framework. Okay, good.

MR HINTON: And hopefully it's soundly based.

MR MARKS: There's an interesting analogy here. My reading of your draft report puts high focus on the problems faced by a private owner, and it attempts to address that by having the local authority who is closest to the private owner address the problem and reach hopefully an agreement, and then it gets listed. Step up one level. Here we've got a property that's technically and realistically owned by the local authority, but it's listed on the list of the state government.

I ask is there a mechanism operating between those two, just as there should be at the lower level? Is there a mechanism operating between those two, and if they don't reach an agreement, does it get delisted?

MR HINTON: It varies from state to state. In Victoria the controls on the local governments are quite precise, and at the end of the day, the state level minister having responsibility can override a local government. At the end of the day, a local government is in effect a creation of the state government, and how that operates in each state does vary a little. Usually, though, the local governments are under the jurisdiction of the state government, and including Victoria certainly, the conservation constraints and the system of conservation is much more documented and precise.

Queensland is in the other category where the relationship between state and local government for heritage conservation is more imprecise. Hence the very diverse practices where some like Ipswich have numerous listings, and some in Northern Queensland have no listings. That's because the relationship between state, sort of purview, is not sort of applying to local governments the way it is in some other states, and we do make some comment on that.

DR BYRON: But there are a lot of local government areas that have places of state heritage significance in them and it's often unclear who is responsible for what; who approves certain things or doesn't approve them, and so on, and it's particularly complicated when something that belongs to the local government is put onto the state heritage list; you know, if the Rockhampton City Hall, for example, was on the state heritage list, where it belongs to the Rockhampton City Council.

That's the sort of problem that you're running up against, that ambiguity about, you know, who trumps who, the owner or the heritage list, or how the tensions between them work. Getting back to your point: the reason that we spend a large part of the report looking at private property listed by local councils is that out of the whole big area of heritage conservation in Australia, that seemed to be one of the most difficult and contentious, controversial areas. But it's certainly not the only area where there are issues.

So we sort of start off by suggesting that if each tier of government managed the properties that they themselves own and are responsible for, according to good heritage conservation practice, that would be a darn good start. Then there's the question of what restrictions and what incentives they offer when they're dealing with private owners. But as you say, in this case we've got council-owned property on a state heritage register, and you're the ones who are trying to engage with the property owner to make a heritage use of that site.

MR HINTON: But it's the three-tiered government approach. It usually follows from that that if it's nationally significant, on the national list or the Australian government list, then it follows that the Australian government would have responsibility to ensuring the conservation plan is followed and implemented, and it probably also would include some financial responsibility associated with that, even though it may be owned by a state government.

Similarly, if it's of state significance, and it's on the state government list, then it would fall to the state government to ensure that the conservation plan is adhered to and is followed and is soundly based, and there may be some financial responsibility associated with that as well. But that doesn't stop it being on a local government list as well. Something that's of state significance can also be local, as you've rightly flagged here. So importantly, the higher you go, then that has overriding responsibility - certainly with regard to states and local governments, because, as I said, the local government is a creation of the state government, and they do have overview. But that doesn't give you satisfaction if nothing is happening, I realise that.

MR WALSH: We do appreciate that in many cases the continuance of heritage listing also involves the cost of the maintenance of the heritage process, and part of

our plan for the Eagle Farm Heritage Project is firstly taking that property in the valley as a starter, as a kicking point.

MR HINTON: Yes.

MR WALSH: But our aim, in conjunction with Aerospace Heritage, is to turn it into a major tourist attraction, with an admission fee. Naturally enough you've got to have - - -

MR HINTON: A business plan.

MR WALSH: Queensland Rail has already stated that they will extend the electric railway from Doomben and put in the new station at hangar 7, which will help out getting the public there to see the place.

MR HINTON: You've just brought in another government body to be involved.

DR VALLATI: And the City Council transport department has also put on extra busses, which is not only for the museum but to the - - -

MR WALSH: Industrial - - -

DR VALLATI: The industrial and commercial estate behind it that is planned.

MR BENKE: But the buses are now run by the Brisbane City Council but owned by the state.

MR WALSH: We're also looking at concessions for a cafeteria, book sales, souvenirs, military. At this time we operate the Legion Memorial Club. It's our intention to take that there. We have connections with most of the military re-enaction groups in Brisbane, and the majority want to hold meetings there and do their training there. So we're sticking it to the council that we're trying to provide a tourist attraction where people can toddle along at the weekend, see the 40th regiment afoot doing musket drill practice, firing, firing of canon - the whole lot, because we fire those five canons we've got.

The last time we fired was at Government House for the 1 o'clock gun. But there is talk that if we get the lease, it might only be a five-year lease. We can't set up what we want to set up if we only get a five-year lease. We need a long-term, 99-year lease, and - - -

MR HINTON: Yes, to establish a properly-based business plan.

MR WALSH: We will maintain the heritage site.

DR BYRON: We've had to say to a number of people, you know, we don't really have the responsibility or the mandate to deal with very specific issues and problems that are brought to us, but they are relevant and helpful to us in understanding areas where the current heritage conservation system doesn't seem to be working quite as well as people would hope or intend. I think you've given us another very practical, real-world example there, the system doesn't seem to be quite delivering.

MR BENKE: It's a case of the left hand not knowing what the right hand's doing.

DR VALLATI: And the brain not knowing what either is doing.

MR HINTON: But we don't mind the fact that your submissions to us going on our website means that other people have access to your views, to your ideas, to your proposals, that people can be referred to. While it's - we're not going to resolve your problem, you've helped us. You can use the fact that you made a submission to us to help pursue your objectives, that's fine with us.

MR WALSH: We don't want to see happen at Eagle Farm - especially at hangar C - what happened to another heritage-listed site. Some years ago we spent two years bartering with the Department of Defence at Dudley Street Artillery Depot at Annerley. On that site there were three different military buildings: 1913, 54, and a 97 building. We had the whole site completely heritage listed because it was an RAF induction and medical centre for both world wars. We still didn't get it. It was sold to a developer, yet it was completely heritage listed. We were told that once it was listed by the state, it would automatically go on to the national register. It didn't happen.

MR HINTON: What year was that?

MR WALSH: That was about four or five years ago.

MR HINTON: Yes, because the new structure has a new act that came into force four years ago.

MR WALSH: The Commonwealth government or defence put \$600,000 on it and they said all three tiers of government - and this is getting back to what we were saying about the three tiers of government - would come up with a third, or state government or local government would come up with a third each; the Commonwealth government would pay their 200,000. The then lord mayor, Tim Quinn, acquired 250,000 from the council. The (indistinct) Queensland wouldn't come to the party.

Yet we put in a business plan showing it viable. We even opened it up to have

the 12th regional cadet unit use it as their headquarters where they could parade at night under lights instead of dark grass as they do at the moment. So once again that gets back to the three tiers and it didn't work.

MR HINTON: Yes, well, there are some signs that the Defence Department now are more actively engaged in heritage conservation.

MR WALSH: Not much.

MR: They haven't got any left. They've sold it all.

MR WALSH: Not much. They've sold it all. In fact we were still talking to the then minister for defence, Peter Reith, about us acquiring the site, 10 days after he'd written it off for sale, and they didn't even tell us, and that's the national government.

MR HINTON: The heritage people in Canberra seem to be of the view that there's been a sharper focus in the defence area on heritage conservation.

MR WALSH: They're even talking about selling Victoria Barracks here of course.

MR HINTON: Is there anything else that you want to pursue with us this morning?

MR HITCHINS: I guess as spokesman to some degree, thank you very much indeed for allowing us to come along and make our submission and we very much appreciated it and I think this strengthens our case as we move forward. Thank you very much.

DR BYRON: Thank you very much for the time and effort that you've put in to helping us with our process and I wish you all the best with your project.

DR BYRON: Ms Lamb? In your previous appearance this morning and also in your earlier appearance last year, you've given us a lot of quite detailed and fascinating, sort of, background and descriptions of these issues but now we really have to come to the pointy end, if I can put it that way, the - what do you think needs to be done to improve the system for identification, management and conservation of heritage places from your long and diverse experience and participation in heritage conservation here in Brisbane? Where do you see the major failings and how can our draft report address them?

MS LAMB: Thank you.

DR BYRON: If you could try and focus on that particular question.

MS LAMB: Yes. On both my appearances, as you said, my diverse experiences have been over 25 years actively but my whole life in relation to the properties specifically to me. I just couldn't come with that amount of experience without explaining the specifics. I think you understand that.

DR BYRON: Yes.

MS LAMB: I had to bring you up to date between July and now.

DR BYRON: Yes, thank you.

MS LAMB: So I'll start with the National Trust role that you mention. The National Trust of Queensland seems to have lost its role. I don't know about any of the other - I'm too involved with Queensland to make inquiries or - you know, I'd like to have done that but we live from day to day in this city. Specifically, the fact that the National Trust did not object to the proposal for the government to sell off the Yungaba site and its extraneous land. They just refuse to do any objections so it would - people queried the role of the National Trust in relation to it's not - being too close to government. People believe the National Trust in Queensland is now an arm of government. That was not how it was established; it was established purely with people of goodwill and achieved a lot with very little funds but a lot of enthusiasm and a lot of reputable people.

It has had problems in its earlier life with some people who weren't quite so honest for want of a better word and caused trouble for the National Trust itself and I think it's gone backwards since that time which would have perhaps in the 80s when one of the presidents seemed to have had a problem with what was his and what was theirs. But now it just - people look at it as an irrelevance which is very sad and the fact that they absolutely chose and told several inquiries - I didn't ask but other people did, were they were going to support the community about Yungaba and they just flatly said no; it was a government-owned building and they were a government

entity, or effectively said that and no, they weren't going to get involved.

Well, I thought that was a total abrogation of its duty and its charter and if anybody should have stood up to the state government about Yungaba and the impact on the Story Bridge, because the two cannot be separated, it should have been the National Trust. To totally abrogate its duty and put nothing in was a disgrace. Soon after - that was in 2003, in 2004, as I mentioned, I had the problem that had come out in the open about the proposed development being coordinated by the then consultant of the former Lord Mayor Soorley and I rang them because the implications for our building were extremely grave and we're on their list.

They give out information about our house, they give out plans to people about our house. I don't know whether they still do but people have rung me, strangers, and said that they went to the National Trust - our house is in a prominent position and they've loved it blah blah and they'd like to look at it because they got this thing and it's the plan - we didn't even have them. I had to then track them down through the architects, Wilson, who happened to be still around in their fourth generation and they showed me something on a board and so I've got to pay to have that all reproduced if I liked but it wasn't given to me but the National Trust give it to other people.

They were inquiring, "Did I use this bedroom for that," you know, "Was that - I mean really and I just had to say, "Look, I'm sorry, this is a private residence, and I know it's highly visible and we're pleased you like it but that's it." We lock our gates and my husband and I never leave that property. We work around each other because we never leave that property. Whilst we have been outside that house day or night in recent times with new neighbours we have had our lights, our original lights on our front columns - and I'm glad there's nobody here now because I know this man from our last meeting and I've seen him twice by accident, sort of, since. I don't know this lady so I hope I'm in a place of safety.

DR BYRON: Good company.

MS LAMB: Through our former house land which is in front of the house we're in now they've opened an adjoining gate but it's locked but the new owners of my sister-in-law's have let them in again. They just arbitrarily knocked down their garden wall, their garden - this is in 2000, and I had to ring the council and say, "What's happened? This is a category 1 historic house and what's happened?" They didn't know. I then had to go to Quinn and Michael - Kerry and Quinn, sort of, said he didn't know and Kerry definitely didn't know. That letter that I mentioned was on the file and it had gone missing and it was supposed to be there forever.

So when I rang the National Trust to say would they help - I'll get that out of the way and I can turn this page, they just said no, they weren't interested.

DR BYRON: Okay, that's wonderful - - -

MS LAMB: I said, "Were you interested? You look at it." I said, "We can see you and you can see us. Would you be prepared to put in a submission about the benefit - the visual benefit and the spatial benefit," because this is a three quarters of an acre block of land with a house to the rear of it that looks directly down the two reaches of the river opposite of the gardens and they're situated, or were until recently, in the gardens in old Government House and that director, Penny Cook, said no, they weren't remotely interested. They just didn't care, it was my problem. And so - - -

DR BYRON: Okay. That's one point on the role of the National Trust.

MS LAMB: So I don't believe they're performing their duty either for public or privately-owned buildings which are on their register. So I find their role wanting and that is a recent situation. In regard to the key points - you've identified them extremely well and I just would draw attention to that (xvi) - 3 and 4, "Proscriptive regulation can lead to ineffective, inefficient," et cetera, "Inequitable outcomes for less significant marginal places restricting use," et cetera. That is quite right and to that extent I and we would say that the listing process has to be much more rigorous as you have outlined.

The community that I deal with which is quite a wide variety of people; most of them not owners but more interested parties in the heritage of this country, this state and this city in that order and we've come to the conclusion due to the funds that we, in various roles as you know about, have had to expend in the Planning Environment Court to protect specific areas, we've reluctantly come to the conclusion that dealing only with state and local government - because, as I understand it, from the new act under which you're involved in the Howard government's time, the Australian government - and Senator Hill's role was to make the federal government be more aware of its own buildings and you mentioned that with those other people - and look after their own buildings.

I totally concur with that because those buildings are absolutely the backbone of the heritage of our nation and if the federal government can't look after its own - well, the rest of us, we should just forget heritage because it's almost gone and so if the - the Australian government is to be commended for this act, I believe, in their role to strengthen their role in looking after their property. The state and local governments, which I'm mostly concerned with, should be much fairer, more open and prepared to discuss in this sort of a situation what is fair and reasonable.

The one thing that people ascribe to me as a person compared to the love her or hate her attitude that is applied - and I can understand that, I accept that, the ones who know me say that I am very fair. I have always tried to get an outcome for other

people more than myself and we the Kangaroo Point Association in the last - on Tuesday and in a court hearing in 2001 about the convent across the road from me, St Josephs', which was a lost cause orchestrated, I believe, by some elements of the heritage - state heritage field and I exempt the bureaucracy. At that where we had no legal representation and it was the easiest one to win and we lost, the others were majorly contested by high-cost lawyers, there were three.

I want to just to supply them because this came up in the court last week. The Kangaroo Point Association has undertaken four appeals since 1980. In 1987 we took the Brisbane City Council to court to preserve the height limits which I mentioned in the Save our Brisbane section on the peninsula of Kangaroo Point. Kangaroo Point Peninsula, as I mentioned, from settlement was the birth place of Brisbane city. By 1987 it had shipyards and other allied manufacturing and transport uses. So it had lost the majority of its properties., the residential properties. The only two significant ones remaining there were one state, one Yungaba and on the New Farm side of the Story Bridge, Bradfield Highway section, the other Captain Burke's house, from Captain Burke Park fame, from John Burke shipping line since the mid 1800s for 100 years pioneering and continuing shipping, coastal shipping and to New Guinea and to the Torres Strait Islands.

That was a privately-owned house only with two owners, the Burke family and the current owners who I believe will settle next week to sell that and after the decision yesterday in the court which is non-appealable. It was a discretionary decision by the judge because of the commercial constraint that he put on or chose to put and I'll give you that - we don't have it yet - because the people complained that the date was wrong and therefore they'd chosen to settle. They knew the date. Between the third, fifth, sixth, eighth, ninth or 18 January the onus was upon them before they went to unconditional to check if they believed there was an error because we didn't believe it, we didn't know how they can do their calculations with such Christmas holidays.

So the commercial complaint of them took precedence, our appeal rights were quashed. Our appeal was said to be bona fide, had very good merit about the historical area, it should have been heard but he found in favour of them because they wanted to settle next Monday and so we lost and there are no appeal rights. So that was a huge loss. So that is a written off thing, it's off, finished. In 1987 we won that appeal with, as I told you, a pro bono group of people against a very wealthy developer from South Australia with major connections to the Liberal party in South Australia and trying to influence the Liberal party council in Brisbane; the newly elected Atkinson council. We won that against Sally-Anne Atkinson and the developer resoundingly.

That is probably our best achievement; the cliffs are the prettiest and I think they're equal but planners tell me that was our most outstanding achievement to save

the height limits around the Story Bridge. To then see a precinct particularly immediately below the river superstructure of the bridge, under the Bradfield Highway section to be the Yungaba precinct containing the Burke House - totally interrelated. They'd both been there as long as each other; Burke's presence in another house gone for the Captain Burke park redevelopment that was part of the engineering works that got moved on after a fire in the 70s and Jones - Lord Mayor Jones was responsible for that with the insurance assessors. That was a good decision; Brisbane benefited.

Our decision in 87 was the next most relevant decision to have that height limited, to have the bridge - the iconic structural monument that it is and to have this happen now - - -

DR BYRON: You're going back into explaining things that you've explained before about what's happened in the past.

MS LAMB: Sorry. Well, we lost that. Okay. So that's out. So what we've been engaged in since - - -

DR BYRON: You've explained that.

MS LAMB: Because I was called a professional litigant and that upset me greatly in the convent case. We were there without any representation and we were just thrashed. We had a town planner who was inadequate, who only took the job the day before because we could not raise the funds for lawyers. He was thrashed, we were thrashed, we weren't allowed to speak by the judge. The council, in the form of the lawyer, who was the judge yesterday - who is now a judge and was the judge yesterday, called the KPA professional litigants. I didn't know what it means, I now do.

So on Tuesday when this hearing was urgently called they started to call us experienced litigants so therefore we should have known the dates even though the council - and it was holidays blah blah - and everybody; six submitters and the developer all got the same letter, we should have known this. We're the most experienced - that is rubbish and our further submissions to the judge said this; we employ lawyers and they're supposed to do it. In our submission we said that we have had, apart from 87, we have had the Mormon case in 2001 with lawyers but negotiated by ourselves in the end because the Mormons did not want to see us in court criticising them and we didn't particularly want to do it because we didn't want the religion aspect coming into it.

We had the most successful negotiated development there and I don't know whether I said this before or not.

DR BYRON: You did at the last hearing, yes. You've told us that one.

MS LAMB: Utah capitulated. Great. Also in 2001, Shaftson Cove. That went - did I say four rounds in court and half a million dollars of private people's money because that what it cost and it involved me as the liaison - purely the liaison as a housewife who then has to have her husband make his arrangements according to my community commitments because we're now sort of older and sort of retired. So I was doing that liasing from 2000 - at the end of 2000 until the end of 2003 without a break and it was an extraordinary cost to the levied appellants and to the KPRA which, in fact, was the committee including myself - my husband and myself.

The third case was the convent case which I've mentioned. Without lawyers we were thrashed and the convent - a pristine building, as pristine as the two houses related to me across the road I mentioned it earlier. The convent in - the EPA's cultural investigation of that, that was a brilliant investigation. The staff of the EPA in the main, all of the people I've met, and there are many now, I have found them marvellous. They really mean what they - I think they believe in what they do and they've been terribly helpful to me and to the community and we feel sorry for them that they're put on by their political masters and to a degree by - possibly their management because the management is answerable to the political masters.

So somehow through this report you have to break - persuade the state government in particular whose heritage listing is far more applicable. What did you say?

DR BYRON: Rigorous.

MS LAMB: Yes, well, the law relies on it more than they do the policy.

MR HINTON: But, Ms Lamb, we really are running out of time so we want you to pick on very specific - - -

MS LAMB: Well, the key point is that - well, that is a key point, that this has to relieve the community of having to take on the government or the council through the courts and they just can't do it even with major amounts of money, minor amounts of money or no money. They simply can't do it and it's been proven. So to get onto - what is XXIX.

MR HINTON: XXIX.

MS LAMB: Your draft finding, 5.1, "The high level of discretion for decision-making on heritage matters." I've just covered that, I believe. It's too discretionary on those with power in the Heritage Council and some of the advisers who are members of those committees. I don't know where they're selected from;

they've never asked anybody I know whose really at the coal face. The majority of them are paid people in the field and I don't think they have - representative of somebody whose a victim of their findings. So your draft finding is correct.

The next page, draft finding 7.6. You've said it in that opening bit - dot point. Correct. "The community has an incentive to over list or be non selective as they do not bear the cost of conversation." Absolutely correct. Whilst they do not, they expect the owners do to jump to their command. I've told you about invasion of privacy, I'm not the only one. So that has to be addressed and to that extent - and further, second dot point, "Property owners can suffer an erosion of property rights and loss of value," absolutely. "As a result they are unlikely to actively conserve heritage places and may in some cases have an incentive to degrade or destroy." Some people may. I don't believe the majority of us do.

Two points to the dot point: to have to go to the council or the government to get them to tell you and pay for the conservation management plan or some sort of conservation document to tell you what you can and can't do in such a prescriptive manner is what came through the tenor of many of your early web site things, and I haven't had time to keep up with them because, as I have said, I was doing other things to keep going since we first met. Therefore, the cost has to be a major thing, so it brings back to the selective listing with rigorous criteria and help for private individuals if the powers that be consider that their buildings are a necessity to be kept and I would reluctantly concede anything now. I firmly believed it, but I now reluctantly concede anything. I'd concede that possibly my husband's family house could be considered that. With a building across the front of it, it absolutely loses anything so it's a lost cause and take it off the list and we can think of it as a nice place. You can have all our photos and they can go into the John Oxley Library and people can research it. As far as my mother's place, it should be removed from the list because it doesn't have that and nor do most of the BCC lists.

As far as precincts in suburbs are concerned, I think the council has to reconsider its position and where old suburbs or medium aged suburbs are concerned, instead of the blanket pre-1900 or pre World War II stuff that Mr Soorley promoted, I think the special suburbs have to be examined with the people in that suburb who are disaffected, and work out what is savable and what is not. We had a prime example where the KPA was particularly relevant in 1995 when local area plans were first mooted and our Kangaroo Point south area, which is different to the peninsula. That has its DCP and local plan and remains so because city planning encompasses those.

People in particular parts of Cooper saw that they had a lovely little precinct that they all loved. They waived their development rights. They sought to be rezoned from the then res B to res A and had a lovely little area that would remain so and then became valued and maintained and anybody buying into it had to accept the

status quo and couldn't say, "I just paid 2 million for this and now I find I've actually got a lot of land here, so I really don't want it, so I think I'll do this," and wreck it for the rest of them. That was what they were trying to do. I don't know how that's evolved, whether they got that into the statutes or by-laws of the BCC, but that is by far the better way and that's just a carrot and stick approach that you mention later. If we could achieve going back to that, where the highly relevant, visible, significant places like the Story Bridge, et cetera, and Burke House. They remain and the council and the government through environmental levies effectively maintain them. For things throughout the city, their rates should be adjusted to virtually zero or the general rate; the services rate should be paid by the owners, because that's a specific use thing; the land tax should be waived and with all those incentives, the money saved on rates and land tax should be then able to be put into the maintenance of the particular dwelling in a private situation especially.

These are broad statements and they could be refined, but they are the only incentives, and if they're done on a limited basis that the owners and the general public and the governments then realise, "This is a special case and so we then have to consider it, and we've got money invested in this by way of waiving rates and taxes," well then, the place does achieve some status and - - -

DR BYRON: Ms Lamb, we are running out of time.

MS LAMB: Right. On XLV, middle of the page, draft recommendations 9.5, 9.6, which I've just touched on, where you've outlined:

Private owners with listed properties where listing occurred after the purchase should be able to apply for a negotiated conservation and for listing to continue only of it's reached.

Very difficult if it's an important building, but you've recognised the problem with it that can occur and I think a lot of thought has got to go into that one, because those listed ones in already private ownership, listed after they own it, like ourselves - we can't do anything about ours, but those now who don't like it can say, "No," and that's it, it's the end of it, and can and do say, "No," but in the case of already-listed properties where they're sold on, the heritage listing should continue to apply, because as you did say to that lady about Craigston, she bought it knowing all those problems and she wasn't an innocent abroad, that lady.

I'd struck her before. I realised I'd struck her before and people have already lost money on selling a heritage-listed property because of its constraints. In public buildings and their redundancy and the adaptive reuse, as you identify, some of it is successful; most of it isn't, and Yungaba in its regurgitated form will certainly not be successful. It's a disgrace.

DR BYRON: It's now two minutes to 1, Ms Lamb, and you've got a minute left.

MS LAMB: Am I the last person?

DR BYRON: Yes.

MS LAMB: Then we rise? Okay. So the cost is covered by what I've said on page 18 and adaptive reuse is covered. Heritage tourism: the only thing that really can be the saving grace - these men have spent a lot of time telling you about something, and I was interested in it. Victoria Barracks, the most important building, it is under threat. It's adjacent to the police barracks, also under threat in the Petrie Terrace area. That Petrie Terrace precinct, the council and the government and the federal government should bite the bullet, excise that site and just say, "That is a special precinct," move their stuff from Fortitude Valley, the Victoria Barracks people, up into the Victoria Barracks properly, and let us in an easily tourist accessible place have a fantastic heritage tourist site with the police barracks pertaining to the state, the Victoria Barracks pertaining to the Australian government, and bring these people into that fold and their requirements have to be addressed, as you've agreed, and keep that to the Aerospace thing and put the Kingsford Smith Memorial over near there and aggregate all of their stuff there on that formally federal government owned.

But tourism is anybody's only hope of surviving and I list and state The Rocks - I mean, through Jack Mundy, and those efforts, as we all know, The Rocks are the prime tourist source - tourist area in Sydney, and thank God it's made it and it's saved the bridge. So I virtually - I've just seen my two other yellow bits, but I'll see whether I rest my case on that, but - it was privatised and maybe I'll have to refine this when I get the transcript. I'll refine it in a written submission to you.

DR BYRON: Thank you very much.

MS LAMB: I think this is a very fair document. I know professional people, including my friend Caroline, and we do not necessarily agree with it, because they feel, as some people in the Queensland Heritage seem to feel, that it takes the situation back, because you've been pretty fair.

DR BYRON: They can speak for themselves. We look forward to hearing them.

MS LAMB: They can. I think that you have taken into account the problems that heritage owners of private dwellers encounter, and foolish people like me take on because I'm a believer, sorely tested in the last two years out of 25. So it's not bad, the other 23 - I've really enjoyed it - and I wouldn't have done it in the last six months since I met you if I still hadn't believed that I had a duty to fulfil to the community for a group I represent. Thank you.

DR BYRON: Thank you very much. I said in my opening comments this morning that there would be an opportunity for anybody else in the room who wanted to come forward and put something on the public record to do so, but if not, then we can adjourn to the next public hearing, which I believe is in Adelaide, and thank you very much for your participation today. Thank you.

AT 1.07 PM THE INQUIRY WAS ADJOURNED UNTIL
FRIDAY, 10 FEBRUARY 2006

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