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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 SYDNEY ON FRIDAY, 19 AUGUST 2005, AT 9.00 AM

Continued from 18/8/05

DR BYRON: Good morning. We can resume the public hearings of the commission's inquiry into the conservation of Australia's historic heritage places. First up this morning we have Mr Graham Brooks. Thank you very much for coming. Thank you for the written submission which Tony and I have both read carefully. Our normal procedure in all the hearings is to ask you to summarise the main points from the written submission, 10 or 15 minutes or so, and then we'd like to discuss that with you and elaborate on some of the issues that you've raised.

MR BROOKS: Thank you, Dr Byron. I think, given that you have obviously read my submission in detail, I'll try and keep my summary very short, because I think sometimes some debate and discussion is maybe the best way to flush out some of these issues, particularly now that you're so far through your own research.

The point I wanted to make, I come here as a private heritage consultant in private practice. I'm managing director of Graham Brooks and Associates, but I'm also the chairman of the ICOMOS International Cultural Tourism Committee, and I have been the chairman of AusHeritage. I think some of my other colleagues from Melbourne and Adelaide have no doubt - and probably even other parts of the country - - -

DR BYRON: Yes, we have.

MR BROOKS: - - - have given you a sense of where we see both a national and an international role, I guess, for the heritage industry. Heritage management in Australia to my experience, which goes back over 30 years, is of a very high standard when you compare it internationally. I think the system which has been developed in Australia is one that is well thought through, it's had a lot of testing, it's had a lot of input from a lot of people. I guess as a result of that - and I've been comparing this with other systems around the world for quite a long time - there's a strength here which, from the point of view of the commission I think, really needs to be managed and continued and is supported as an industry, as a system.

I don't think it needs a radical overhaul, but I certainly think it could do with a little bit of polishing - and I guess that's where a lot of my colleagues have saying to you. It's good, because it has a very well established legal framework both at national and state and local levels, supported a lot by a lot of community representation, a lot of professional volunteer expertise. But fundamentally, I think, it's because it's tied in to a very large degree with the planning and development system.

I address my comments primarily to the conservation of the built heritage rather than to other aspects of the moveable heritage or the intangible heritage

or the indigenous heritage. There's lots of terms around. But, basically, I address my comments to the built heritage. As I said, it's basically a matter of property management. I've said in my paper that Australia is essentially a private property owning democracy, and that is really fundamental to my whole point. We're dealing here with an historic asset which is probably somewhere like half of the built environment right across the nation.

It is an extraordinary financial asset, it's an extraordinary cultural asset, and it's an extraordinary use asset. So it's not about just those lovely old Victorian cottages or that Georgian heritage in Tasmania. We're dealing right across the entire spectrum of the Australian built environment, and that goes to modern office buildings, it goes to 1930s flats, from the Opera House right back to Cadman's Cottage.

Fundamentally, the process in Australia that works so well is that you're dealing with a combination of protective controls and market based incentives. I believe that balance is reasonably good in this country, because in my experience as a practitioner, without the controls the marketplace would run riot. Without some incentives the marketplace simply would expect government to do all the work. I think, given that we are a private property owning democracy, that combination of control and incentive is really where you need to look at the levers.

In my paper I comment about the difference between a command economy and a market economy. That's something I picked up in Eastern Europe and Vietnam at the end of the 1980s when we were watching what those poor people were going through, and how suddenly the regime changed quite radically. So it was a very interesting exercise to see.

The other things that Australians have is a very strong view of the role of property in contemporary life. They regard property as needing to be useful, safe and secure in terms of the quality and amenity, its availability for development, and as a basis for wealth generation and intergenerational security. By that, really what I mean is, that Australians, I think, require that their historic buildings are useful. I think you've probably had a lot of debate about, "Can we have more museums. Do we need more museums. Should we have more museums." I think most people - and in fact I think the recent premier of New South Wales is a classic case - believe that we don't need more museums. We need buildings that are useful and that stay as basically as part of life.

To my mind, when an historic building or any building falls out of being useful then it's on the skids. All of my professional work is really trying to make historic buildings remain as useful and vital parts of the national economy, the local economy and that sort of asset base that I was talking about.

That's really where the difference between control and incentive come in. I think the marketplace, to a very large degree, responds to a lot of those things.

There's obviously a significant role for government to mediate between the rights of the community or the expectations of the community, and the rights of private owners. Not only private owners, of course, but public owners, because a great deal of the built environment in this country is owned by the public sector. A lot has been disposed of recently, and it's that disposal process which has been managed quite well in certain circumstances, and been managed very badly in other circumstances.

One of the critical questions in terms of this mediation process is knowing what's important. There's been a big debate years ago in Sydney between the major property owners saying to the city council, "Well, tell us what's important. Don't keep coming back at us every time we try and do something with a building, and then you decide it's important, then all the rules change." I had a case in court yesterday in Woollahra where that in fact is happening right now. The owner comes along, it's a house in a conservation area, the locals think of it as an amenity issue rather than a heritage issue, but they insist on the local council upping the ante in terms of its protection right at the very last minute. The council is scrambling, the courts are scrambling, the owner is confused.

So that process of listing and identification I see as a fundamental aspect that could gain a lot more public support. It's a process which government has done of itself, in terms of things like the new EPBC act. We've done work for army and defence in various places, identifying what's important for them. The City of Sydney, when this debate was going on said, "All right, we'll give you a list," and they came up with 800 buildings. The property industry said, "My gosh, that many." But ultimately it meant that those property owners could then say, "All right, there's another process of management that we have to be aware of." The City of Sydney Council's submission talks about the heritage floor space provisions; extraordinarily effective as an incentive based process. It's that combination. You must do it, but here's some incentive. I think that's critical to the whole way that we work in this country.

If I could also mention that I've been watching this process for over 30 years, and one of things I came across in my younger days was a UNESCO report in 1972, when they sent out an English conservation architect to look at the state of conservation in Australia. It's interesting when you think the UNESCO and the Brits are coming out to tell us what's going on. In fact in those days very little was going on. There was perhaps a couple of dozen buildings that were listed. Most of them were painted white, and run by the National Trust. There was really only the National Trust looking after things.

Since that time there's probably, let's say, a hundred times the amount of people working in the area, and a thousand times the amount of work to do, because what's happened since then, we now have legislative processes, we have marketplace processes, we have skills, we have training, we have professional bodies, we have methodologies and we have an industry that can support it, and we have a marketplace and a community that wants to see it happen. So the growth and the cycles of growth in the Australian heritage industry in the last 30 years have been quite phenomenal.

They have allowed me to look at the same processes in various parts of Asia through my work with AusHeritage, and you can see the pressures starting to emerge, the frustrations. You can see those critical points of turning that are starting to emerge right across Asia. So what we're saying by way of the industry talking to you, this is not new, this is not just Australia, there's a very strong international process where this is now the expected thing to happen. It turned in Europe in 1975, with the European Architectural Heritage Year. Since the conservation across Europe is really heavily locked in. The World Heritage Conventions, most countries now - sophisticated countries, developed countries, have that great concern in those sort of processes.

So I guess what I'm saying is, this is not new, this is not strange, it's not special, it's happening basically everywhere in the world and as we know, Australians are great travellers and I think that process gives them an expectation that what we do in this country we'll do properly and we'll do well. It's not just what you see when you're travelling. You come back and you too say, "Well, I've really enjoyed using those old buildings as a café or a museum or a hotel or whatever, or, I can see them being very much part of those old cityscapes." Those expectations are building in the Australian community and building very well.

The last point that I guess that I'd like to make to you is one that came out in a discussion I had in Brussels a few weeks ago with a European project that I'm a member of. They were talking about the fact that most heritage people worry about the overexploitation of heritage and many of the submissions that you've no doubt heard are about that. It's about control; it's about "We can't do this. We can't do that" or "We're worried when people do things."

There's another side of this and that's the under-exploitation of heritage. Now "exploitation" might be too emotive and you might call it the underutilisation of heritage, but there's many an old tram shed, an old industrial site, something which has become redundant from some other use, some change of technology, all those sorts of things. The buildings are sitting out there and I think it's a responsibility of both our industry and the government to mediate a process that allows that management of change, as I keep on calling

it.

The second final point I would make to you is the role of heritage as a tourism asset. One of the things I like to say is that the conservation industry worldwide holds the keys of half the assets of the world tourism industry. Tourism is basically based around either nature and recreation or about going to places to see how the other half lives. So the conservation industry holds the keys to the long-term survival of that asset. The tourism industry is aware of it. The heritage industry is aware of it and we're basically, through my international committee, looking to build those dialogues stronger and stronger.

So if I can leave it there, I've tried in my submission to answer all of your eighty questions to a greater or lesser degree, but it might be best if we just go for some dialogue. Thank you.

DR BYRON: Thank you very much. We don't normally expect and we very rarely get anybody to attempt to do the entire set of questions. It wasn't supposed to be an exam or an endurance test.

MR BROOKS: But it was a good structure.

DR BYRON: Let me start by thanking you very much for the very detailed and extremely thought-provoking written submission which you've just summarised. Opening comment, I guess, is your opening comment that basically the system works pretty well. I think you're probably the first person to tell us that because we've had - I guess we've had a lot of submissions saying either there's too much regulation or there's not enough regulation. I guess ICOMOS was suggesting that the legislative and regulatory framework is okay, but what we need to brush up on is the implementation, particularly some of the discretion at local levels. Is that consistent with what you're saying.

MR BROOKS: I think it is because discretion is a critical part of that mediation process and I think discretion relies on public attitudes, on skill, on what I would call literacy of the issues and the capacity and the confidence to perhaps from time to time be very brave in what you're saying and what you're trying to do, but be brave in a responsible manner.

So I guess when I say that I think the system is good, it's good because there's a robustness about it. There's a lot of debate. It's an evolving system and the latest cab off the rank, of you like, is the expansion of the EPBC Act, and I notice the Tasmanian government is moving to sort of consolidate its work. Most of the states have already in their second generation now of state legislation. So the first legislation is often the brave one. The second round of the amendments is often when you start to tweak the wheels a little bit, see where the gaps, fine tune the processes.

So it is a lively debate. There's a lot of people get hurt and people don't get what they want, but I guess that's part of the robust democracy and it's about articulating the issues and having a capacity to have the debate, and I guess that's really where the legislation comes in.

DR BYRON: Some people who have been very disappointed the particular place they were very passionate about was allowed to be demolished, for example, by a government after due consideration of its heritage and other values. We're taking that as evidence that the system is broken and needs to be fixed, but the alternative explanation is that after weighing the pros and cons the government decided that this place change should be permitted.

The fact that some places that have been on list before, whether it's Register of the National Estate or state lists, where subsequently the decision is made to allow radical change, it shouldn't be taken as proof that the system is broken.

MR BROOKS: No, not at all. I think the strength of the system is that you've had the debate. You've done the analysis. You're right. Not all of those debates come out the way people would like them to come out and there are losses that ultimately are probably regretted by a lot more people than the decision-makers would be aware or perhaps, passage of time, you might think, "Maybe we should've rethought that." I think the critical thing is that the heritage issues are now increasingly on the agenda right at the beginning.

One of the great strengths of that, the New South Wales Property Services Group had when they were running a few years ago, in their property disposals guidelines, when an old police station or a fire station was to be sold off, it wasn't just about use and zoning and hazardous materials, etcetera, but heritage was one of the key check lists that said you have to make sure that those heritage values are managed through the process of change. So as long as those issues are on the agenda and are given full consideration, then every decision has to be made against a variety of criteria. The strength is in the fact that that debate is going on.

MR HINTON: Graham, I would like to add my thanks to Neil's for your submission and your attendance here today. Like Neil, I enjoyed your submission. It was thought provoking, but also quite wide ranging. So thank you. I had a couple of questions out of it, if we've got time. The first one relates to your statement that the ultimate strength of the Australian heritage management system is that it is values based, not rules based.

MR BROOKS: Yes.

MR HINTON: That challenged me a bit because that's not quite how I would've described it myself. Hence, I really need you to elaborate on that sort of hypothesis, if you wouldn't mind.

MR BROOKS: Perhaps just by way of background, the United States Department of the Interior had formulated in the late - I think it might've been the early 80s - what they called the Secretary of State's rules for doing up old buildings. They had a better term, of course, than that, but that was the intent. Then they said things like all timber windows must stay as timber windows. It was very fact based, very descriptive based.

MR HINTON: Prescriptive.

MR BROOKS: Prescriptive based, thank you. To that extent it's limited because what we've found in this country is that the sense of people's heritage, what is important to people, is changing all the time and to have a rules based thing that talks about timber windows, when in fact you might be dealing with steel windows in an old railway station, becomes totally irrelevant.

The strength of the system here is the concept of cultural significance and that's really what I'm talking about when I talk about values based. Now even if the view of cultural significance changes, as everything in society changes, what we used to scorn by way of red brick flats in Randwick, one of these days will be all heritage items. What we used to scorn when I was younger, are nowadays already heritage items. So society changes. The values changes. What used to be only regarded, for instance, as railway stations, there's now railway overbridges, railway underbridges, railway signs, railway uniforms, railway techniques, all those sorts of things, and that's why our legislation has that capacity to change, because it is based on cultural significance and it's the debates about is it significant or not that I think are at the core of the robustness of the system.

MR HINTON: Thanks for that elaboration. I now have a much better understanding of it, Graham. I wanted to explore another issue with you and it's one of the challenges we've got. There are different categories and sometimes you get a debate one proponent is arguing or discussing a particular category of building, but the other interlocutor is in fact thinking about another category and so you get no exchange whatsoever. They don't talk to each other.

I have in mind here the concept of funding. When it's government owned there's a funding issue for its conservation that the government can make against its available funds relative to what it could alternatively use the funds for, and that's standard practice for decision-making of government. But when it comes to a privately owned building, whether it be a commercial building

like an arcade or your own residence, then the issue of funding for conservation becomes a very different matter, because it then is the community imposing a conservation requirement on a private owner, who often then, the burden falls to the private owner for the conservation.

That's seems to be a different category to me. Arguing about retention of government owned buildings shouldn't colour that second argument; that second category. I was wanting to seek your views on that dichotomy or whether you see some parallels with regard to those challenges. Is there a differentiation there? Is there a segmentation there?

MR BROOKS: There must be, because you're dealing with two very different sorts of entities. One of the things that I hadn't noticed over the years is that coalescence between the way that the public owner and a commercial owner and a private owner will view their assets and there's a degree of rationalism coming into that which says if it's not useable, then we've got to do something with it.

There's also, I think at the same time, a degree of respect or of understanding about those softer values and in the public area that we've worked with quite a lot, we often try and separate what we call service obligations from community obligations and defence for instance, are very keen on that. They know their service obligation is to defend Australia. Their community obligation is to make sure that Australia stays proud of their defence forces and so they can't afford to go and bulldoze Victoria Barracks, just to pay for the guys to make sure they come back alive from the next conflict. It's the same with environmental management. The defence can't run across Queensland and squash a whole pile of cane toads in one part and take them over to somewhere else in the tank tracks, or whatever.

So the difference between service obligations and community obligations is a major part of the way public sector think, and I think even a major obligation of the way the private sector thinks so that an owner of something like Australia Square, for instance, would see that the role of that building is to earn money. But if they muck up the imagery of that building by cladding it in pink granite, or something, then maybe the value of that building might be diminished. In terms of private housing, you get I think, the same thing. It has a job to do for its family, but it also has a job to do in earning money for that family. The owner will say either:

I like my old building and I'm going to look after it, because it fits in with the suburb, and it complements the suburb, and it makes the value of the streetscape better, so if I really boil it down, it's probably going to earn me more money when I sell it, or when my sons and children sell it.

The big conflict I find, is in the expectation of what people want to do with their property. Because, if a private owner wants - buys a property with the intention of major change, then those other issues about heritage values and things, are very hard to get on their agenda and that's where the regulation comes in. That, if you can say to somebody, "You should have known before you bought it that you can't change it," then they won't buy it in the first place. We have endless cases - I live in Mosman, almost every house in Mosman has had a second-storey addition or a back addition, or a dormer window, or carport in the front. Some of those work, some of them don't work.

But I guess it's that process of attitude and really, that's where the regulation comes in, that if you say to someone, "You can't do it, (a) because we don't want you to, but (b) inherently there's another value that's going to come out of this, in a social, emotional or every monetary terms." Then there's that advantage of going for it. Crucially, your example you gave was a category where the owner has a choice to acquire the property in full knowledge as to its status. There is another important developing category where the move to list is occurring after the owner has acquired the property and therefore the acquisition was not in knowledge that it would be subject to an heritage conservation order, or whatever.

And that's the vast majority, in fact.

MR HINTON: Exactly. And as time passes by, one would presume that that is potentially a growing number of cases and I think that that does generate a separate set of issues different to the ones you've just described.

MR BROOKS: There's no doubt that a lot of property owners are very concerned when those sort of listings come on. We get endless numbers of applications or requests to sort of fight, or object to those sort of listings. Sometimes we say that's valid, because maybe the house isn't really worth listing, but at other times, it's up to our profession to try and articulate to building owners that maybe there's another way of thinking about this.

MR HINTON: Well, let me try.

MR BROOKS: A lot of it is that there's a debate about owners' awareness and expectations.

MR HINTON: In the category we discussed a moment ago, about government owned and private owned, in some ways whether the property is conserved when its government owned, often is - the government is making the decision as if it has right of veto, yes or no, and it's making judgments about available funds and what is used as a building core.

One could construct a similar sort of parallel with private owned, along the same lines. That is, if you're going to list it after I've acquired it, then give me right of veto, because the implications of that retrospective effect of that property, is impinging upon my property rights in a way that is inequitable. Should therefore, I not have a right of veto for that particular category? Is that too extreme in this environment of heritage conservation?

MR BROOKS: It's an extreme which a lot of property owners would very much like to see and to some extent the process of listing, certainly in local council listings, that happens, because there is a political debate that goes on, as much as a technical debate.

There's certainly, I think, a recognition, because this process has been going on for quite a long time, that if the community wants to protect these buildings for its sense of place, then there needs to be some incentives built into that process and those incentives would range from things like the heritage floor space at Sydney City Council, down to things like waiving of DA fees; getting yourself more quickly through the process perhaps, or many local councils have heritage advisers. I do the work at Liverpool, where there is a provision of expertise and advice that they can give. Some councils and the State government have relatively small amounts of money, as sort of turnkey-type incentives.

I think the community has developed quite a range of non-financial or a variety of incentives, because this debate has been going on for so long and this demand of people to say, "Well, why should I have this condition put over me?" but when you think about it, we don't challenge the requirement to make a building safe. We don't challenge the requirement to make a building that people can get out of in a fire, that has connections to the sewerage system, that it has proper parking provisions. So to that extent the heritage provisions have just moved more and more into normal property management. We're not there yet and we've probably got another 10 or 15 years to go, but it is coming into that straight-out property management role.

MR HINTON: That would seem to require the criteria and decision-making process for judgments about heritage values to be very robust.

MR BROOKS: I think they are. They are, because there's a lot of testing goes on. In the courts, in the councils, between specialists, between owners and, you know, the people who don't want it to happen. I think there is a lot of debate in that. It is a fairly robust system. Because it's now broken down into categories, and I'm sure that ICOMOS and others have told you about those categories. So you can, in fact, look at a building from a number of different aspects and get a fairly good sense of what's important about it.

There's always that colour that says, "Well, I can't look after it, or don't want to look after it, therefore it's not significant." If you took that idea to the extreme, you might say to the owners of the Louvre Museum in Paris, "We can't afford the insurance premium on the Mona Lisa, therefore, it's not important," and you can see the disconnection of that logic.

MR HINTON: But the view of interested parties in submissions in the case studies, so to speak, particularly in the area of residential indicates that the system is far from robust. In fact, it has, some would describe, as excessive discretion without necessarily equity or transparency as to what is the heritage characteristic that's being pursued, conserved, retained, and that suggests to me that there is scope to improve, particularly at the local government level - the robustness of the system that you seem comfortable with.

MR BROOKS: Well, no, I suppose I'm not. I don't want to give you the impression that I'm comfortable because we are in that - that's where a lot of our work is. We have the same amount of frustrations trying to deal with our professional colleagues when we can actually articulate the issues, as a lot of owners do who wonder what on earth is going on. I certainly wouldn't want to give you the sense that it's comfortable. What I'm saying to you is that there's some quite good processes that allow that debate to happen. Now, in any debate there is going to be a lot of frustration and sometimes a lot of confusion. To a degree, a fair amount of manipulation from different interests.

MR HINTON: I also don't want to leave the impression for this hearing that I'm only focusing on the residential segment, but that the issues are much wider than that. But it's one where we've got a particular focus because of some of the tensions emerging.

DR BYRON: Yes. I've got about 37 questions that I'd like to ask you. Unfortunately, I don't think we have time this morning.

MR BROOKS: I'm more than happy to do it afterwards, if you have a process of doing it.

DR BYRON: The only disadvantage with that is that the interchange wouldn't be recorded for the public, and we like to have very open transparent processes so that everybody knows what's going on. There might even be a way that we could have a further iteration that would still be public and transparent.

MR BROOKS: By all means.

DR BYRON: I'll write you a letter and you write me a letter and we put the

answers on the web site or something.

MR BROOKS: I'm more than happy to do that if it helps.

MR HINTON: I'm sorry to have to cut this short, Graham, but thank you very much for your attendance.

MR BROOKS: My pleasure. Thank you.

DR BYRON: Thank you so much.

DR BYRON: Mr Stamolis please. Sit down wherever you like. Make yourself comfortable. If you could just introduce yourself for the transcript and then if you'd just like to talk us through the main points you want to make in maybe 10 or 15 minutes.

MR STAMOLIS: Yes.

DR BYRON: Thanks for coming.

MR STAMOLIS: That will probably be tops here. I'm chair of the Balmain residents' committee. I've been chair for about six years, so I represent primarily residents' interests and I prepared a submission here of about eight or nine pages.

DR BYRON: Yes, we've got that and we've read it. Thank you very much.

MR STAMOLIS: It reflects the thoughts of residents in our community. One of the key things that we state here is that heritage doesn't receive the prominence that it deserves, probably throughout the country to some degree, but certainly in my area it doesn't receive the prominence that it deserves. Balmain is possibly the oldest residential area in Australia. I'm open to criticism on that, to challenge on that, but we'd certainly have to be in the top two or three anyway. That I might not negotiate--

MR HINTON: A bit like the football team.

MR STAMOLIS: Sorry?

MR HINTON: A bit like the football team.

MR STAMOLIS: Yes. The other thing is I think the thing that comes out very very clearly is that New South Wales has 176 councils, each probably with a focus on heritage. You wonder whether or not it's coherent, logical and maybe - I've suggested here in this paper, maybe we need a broader framework than that, such as we might define areas by name, such as one might be a federation heritage area; one might be a colonial heritage area, whatever people might think was appropriate, such that Balmain would fall into this very early development heritage area and it's controlled by something wider than a single council. It's controlled by a block of councils or maybe an authority linked in with councils, if I'm making myself clear there. At times I think heritage gets a little bit politicised too. It certainly occurs in our area. It's always nice to jump up and down at the right time using heritage as one of the tools and I think a wider framework for that would avoid this occurring.

Australia has, I think, a number of cherished areas. The Rocks is

definitely one. Battery Point is one. Woolwich has a tremendous focus on their heritage. You've only got to go through that area and you realise straight away they love it. Now you go through our area and you've really got to start thinking about whether we do care and it's an amazing thing to say for a person who's lived in Balmain 18 years, such as I have, and my daughter was born there and grew up there, but I don't think we have sufficient focus and in fact, looking at some of our publicly owned buildings, council owned buildings, such as our town hall, a couple of the other key buildings that are owned by the public authority, you'd wonder whether or not they're even focused on this issue. So maybe that's the first demonstration that we need to get these people focused on it.

The infrastructure around our heritage, that's our footpaths, our roads, trees, whatever it might be, public parks, I think, if there's anything that's going to enhance the beauty of your buildings, the beauty of your heritage, it's the way you maintain the frame around them and I don't know whether ours is maintained all that well. That's another focus, I think, for the commission. It's not just the building, but it's the frame around that building that's going to - you know, I often use the analogy of a painting. You can have the best painting in the world. You put a rubbish frame around it and it's going to look like rubbish unless you're an expert artist who can see into these issues.

So essentially here the other thing is the stock of heritage buildings is very very limited. It's an extremely limited stock and we have the opportunity to preserve this and look after it without developing a regime on owners. We want owners to have the incentives to want to look after their dwellings, to be able to live in them as a 21st century dwelling. We want them to feel comfortable in it, but the streetscapes, the façade, etcetera, etcetera, I think we need to be looking after that for the future. In 100 years time people will be walking through Balmain and these areas for exactly the same reason that they do today to see the wonderful heritage structures, the development of an age that's gone by. They'll be definitely doing that in 100 years time. That's one of the things that made me want to live in Balmain, is because it's one of these old wonderful areas. Thanks.

DR BYRON: Thank you very much. Tony, did you want to say anything?

MR HINTON: Just one question, John, if you had the time. Thank you very much for your submission and your attendance this morning. My question was in relation to your precincts thematic comment with - for example, gave the Balmain area as an example of where you could have a thematic approach to that particular area. Can you elaborate as to what the implications are for the actual implementation of planning controls when you have that approach, that might be different to what applies today. Is it more than pervasive? Is it more extensive? What are the implications of that sort of approach?

MR STAMOLIS: I think one of the things that we're lacking that I've tried to emphasise in this paper is an overriding set of values that we might have. I've tried to encourage council to move in this direction, and will be pushing council harder to move in a direction. If someone walked into my area right now and said to me, "John, what are the values that your community has for heritage or your council has for heritage?", I've got nothing. I've got nothing to work with. Sure, there's planning documents. Most of us aren't in tune with those. What we want to do is understand our area, understand the focus of our area and where our council might want to lead this aspect of our community, the heritage aspect of our community. I think a statement of heritage values or something of the like might benefit us.

MR HINTON: So better documentation of the characteristics, for example, of the Balmain area as to what heritage characteristics it had would be a big advantage from your perspective.

MR STAMOLIS: We've got some good, solid detailed documentation. I think we lack a strategic - the higher level value statement, I think. Then it makes it very clear and coherent for people coming to buy - I've said this in the paper as well - people who want to buy in our area; know our values before they buy. People who wanted to develop in our area; know our values before they want to develop. And residents who want to make alterations and additions will know the values of heritage and what some of the overriding values are governing heritage in our area will be. This strategic statement will support that, I think.

MR HINTON: Thank you.

DR BYRON: The interaction between planning controls and heritage is one of the sort of central themes in this whole exercise that we're going through. But I thought you were also saying that there may be a requirement for more or stronger direction, say, from the state level to apply - because it seems to me that in New South Wales, some councils are very heritage-conscious, and adjoining councils may be much less so. Were you also looking for some sort of more consistent - - -

MR STAMOLIS: Framework.

DR BYRON: - - -yes, a set of planning guidelines or something from state level?

MR STAMOLIS: Yes, I think an overall framework would be good. In fact, the point that I make here in the paper, as you've just mentioned, is that you may live across the road from exactly the dwelling - exactly the same style of

dwelling. You may live across the road but it's two different council areas applying two different sets of development policy or planning controls. I don't think that's working in the interest of that broader heritage area. Sorry, if I - did I answer that?

DR BYRON: Yes, that's right. Yes, I don't think I had any other questions. Thank you very much.

MR HINTON: Thanks, John.

DR BYRON: Moving right along, the National Trust of New South Wales. Thank you very much for coming this morning, and thank you very much for the material that you've sent us, and your contribution to the very substantial documentation from the Australian Council of National Trusts. As I've been explaining to others, our normal procedure in the inquiries is if you could take us through the highlights, the main points that you wanted to make, emphasise from your submission. We've allowed about - what have we got, almost an hour. But there are a lot of issues that we'd like to discuss with you, and get your reactions on later. So if you could maybe take us through the highlights briefly. But, first, if each of you could introduce yourself for the transcript in your own voice so that they can recognise voices when they're doing the transcription later on. Thank.

MR O'KEEFE: My name is Barry O'Keefe. I am the president of the National Trust in New South Wales. I have been since 1991. I was until recently a member of the Supreme Court of New South Wales. Prior to that I spent 23 years in local government, and was mayor of Mosman for a period of 10 years.

MS AITKEN: My name is Elsa Aitken. I am the executive director of the National Trust, and I've been in this position for nearly 12 years. Prior to that I was the deputy director of the Evatt Foundation, a labour research centre. Prior to that I was employed with the ABC for 10 years.

MR QUINT: My name is Graham Quint. I'm the National Trust's deputy conservation director.

DR BYRON: Thank you all very much for coming, and for the time and effort you've put into this already.

MS AITKEN: Can I give the apologies for Jacqui Goddard who was meant to be here, but unfortunately she is very sick. So Graham Quint is her deputy, and he is here on her behalf.

MR O'KEEFE: Gentlemen, as you would know from the submission that has been put in by the Australian Council of National Trusts, a very fulsome submission to which the New South Wales Trust contributed. The organisation of the National Trust in Australia is on a state-by-state and territory-by-territory basis, with the Australian Council of National Trusts being a coordinating body situated in Canberra.

The National Trust movement began in this country in April 1945 when the New South Wales Trust was formed by Mrs Annie Wyatt and some friends. We now have 27 and a half thousand members. We have a staff of 176, full and part-time. We have last financial year or the financial year for which our

accounts are available, 2003 and 2004, an income of \$6.2 million, and an expenditure of \$5.8 million. Of those moneys, some \$2 million was spent on museums and properties, and some \$400,000 on advocacy.

The trust has, for the time of most of its existence, maintained a register of heritage-significant places and properties. It is an organisation that exists for public education, for identifying, conserving and handing on properties which it either has acquired by purchase or have been given to it, and of course it operates in the same way in respect of other properties. It is the conscience of the people in relation to heritage in this state, and in this day and age has been very active in relation to government-owned properties. Whereas, there was a time that government ownership was taken as something that ensured the conservation, maintenance and preservation of a property, that is no longer a necessary given.

The introduction of Thatcherite economics, bottom-line economics, has meant that many governments tend to regard all assets, including heritage properties, in the same way as you would treat corn or wool or the equivalent; that is, as a tradeable commodity that can be disposed of or dealt with as they wish. One only has to look at what has been done by Australia Post to a significant number of important buildings in country towns, as well as in cities - Newcastle is a marvellous example of that - to see that that is so, and our experience has been that not only has that department been less than forthcoming about what they've been doing, they have at times been positively misleading.

So our role has had to expand to include a watchdog role in relation to government-owned properties. Our key functions are advocacy, conservation, interpretation, and we depend upon membership and membership support. We obtain but little by way of government assistance on an ongoing basis for everyday things. In our advocacy we are concerned to raise the awareness of the community. It is our belief that if one were to compare the paradigm in relation to heritage today with the paradigm that existed in 1945 when the trust was formed - namely, if it was more than 50 years old you knock it down and build something modern - the fundamental change in the paradigm, we would claim, has been at least in significant part brought about by the advocacy, presence and effectiveness of the National Trust movement.

Our role in community education runs to programs in schools and in properties. We have found that the inclusion of heritage matters in the curriculum for the schools has meant that some properties have benefited from visitation by school children, which has meant that we've had to have programs, of course, to deal with that at a cost. But in the long term it probably means that the concept of heritage, and where we came from, and therefore how we got to where we are, will be developed in the school children.

From the point of view of the National Trust there are a couple of things that I want to say, and then hand over to Graham Quint and Elsa Aitken, to deal with some case studies and some other matters. The first thing is about the recognition by legislation, at Commonwealth and throughout the states and territories, of the significance of heritage. It is enshrined in legislation. Not merely is it enshrined in legislation conceptually, but at certain levels of significance - for instance, world heritage significance and national significance - the Commonwealth recognises that there is and should be a provision in relation to the conservation of a number of those properties and place; it's not just properties, it's places as well.

Beyond that, there has been a recognition by the Commonwealth, and to a lesser extent by some of the states, that the provision of monetary support should be forthcoming in respect of heritage places and items. If one goes to the Commonwealth sphere, the Bicentenary of Federation saw a fund which resulted in some funds being allocated for capital works. If you come to the centenary of the Commonwealth then in fact a much greater level of funding was provided. In New South Wales National Trust owned and controlled properties finished up getting approximately \$9 million.

MS AITKEN: 9.2 million.

MR O'KEEFE: \$9.2 million for capital works. The capital works that we undertook, of course, finished up costing a lot more than 9.2 million, but they would not have been able to have been done but for that capital grant. They related to particular properties and not the totality. But there was a recognition of a Commonwealth if not obligation then certainly significant interest in maintenance of and restoration of heritage properties. The social significance of those is probably beyond the ambit of what I want to say today, except that knowing what you're about, what you've had and how the community has developed, and how we got to where we are, is part and parcel of developing a community cohesion or sense of community cohesion, or belonging.

At the local government level, about which one of your members asked questions, there is in my experience a serious problem. Not merely is there inconsistency between different council areas, but there is inconsistency and worse at times within a given council. One can, I think, without any fear of contradiction say that when you move west of the Blue Mountains in New South Wales, and as you move further west, by and large, but with some exceptions, the extent to which heritage values are regarded as significant by a council diminishes.

The second thing is, that within the metropolitan area you will find, as I found on my own council at Mosman, that there will be no dispute about the

inclusion of a given place or property on the register of places in the schedule to the local environmental planning legislation. Then, it having been there for some time, X gets elected to the council, he is a friend of Y who has come and bought the place and wants to have the listing removed, and the politics proceed and it is removed, and not infrequently then demolished. So the political aspect of preservation through statutory instruments poses a serious problem, and it poses that problem in my view because the closer you are to the coalface where the building or place is the more likely is it that political interference will take place.

The second thing is that at the state level you will find a not dissimilar outcome, but for different reasons. If you were to look at the Sydney harbour foreshore area, and the plan for Sydney harbour foreshore developed by the state government, you'll find quite a good plan in relation to a whole number of properties. But you'll also find that there are glaring exceptions not included, and every one of them happens to be owned by the state of New South Wales; every one of them. The prime example is Strickland House. A wonderful example of a colonial building that at the present time has been the subject of more suggestions as to what the state was going to do with it than many people have had breakfasts.

But it's not on any protective document, like the harbour strategy document. So that there is a tendency in dealing with heritage for either an owner or a council or a state or equivalent government to say, "Yes, it's a great thing, but not if it's going to adversely affect me." That needs to be addressed. How do you address things at the enforcement level, as opposed to the conceptual level of legislation? "I don't know," is the answer. There must be mechanisms, but there will be people who are better placed than I to advise on that. All I know is that the theory may work, but the practice breaks down.

So that, finally, at the overview level, it's right to say that the National Trust in New South Wales is undoubtedly the best off financially of all the trusts in Australia. There's no question of that. But in 1989 we were broke. We had an administrator appointed. In the classic situation of many elderly people we were asset rich and absolutely strapped for cash. I wasn't there at that time, I didn't come until 1991, the board that was elected after the administrator went. But by good management, careful husbandry, appeal to our members and beyond, we have now got to a position where we are comfortable but not flush.

But what is absolutely clear is, that there is no way in which, without external assistance, we can maintain our properties in the way, for example, that the Historic Houses Trust with a budget in excess of 20 million from the government per annum is able to manage it's few properties. Yet, National Trust in New South Wales has properties that are not just Sydney based, they

are throughout the country. We find that the people in the country areas, notwithstanding the tough times that they've had, still maintain membership of the National Trust, and still give thousands and thousands of volunteer hours, which is a mark of the interest, it seems to me, in the country areas as well as in the city that our 2000 volunteers spread throughout the state give so much of their time, which is very valuable.

So there is a value recognised by legislation. There is a value recognised by community effort that, in our view, should be supported by government on not an ad hoc and from time to time basis, but on a more scientific basis. Now, Graham Quint and Elsa Aitken have some case studies they want to present, but that's the overview that I'd like to put before this commission.

MR HINTON: Thank you very much.

MS AITKEN: I guess I look to you to let me know whether we can go on. We have got five case studies that we have chosen to give to you. We have got it printed, and we're submitting them to you. I guess the case studies really reaffirm what we're on about, and how we are doing what the submissions that the ACNT have identified we are doing. They really just reinforce what we have been saying, but giving you the cases that have been taking place in New South Wales here. So it's a perspective that is specific to New South Wales. I am prepared to go on with one case, and I look to you to direct us how many more cases we are allowed to give you to reinforce what the submissions have been articulating.

DR BYRON: Okay. I wouldn't like to use up all the available time this morning just discussing the case studies.

MS AITKEN: I understand that.

DR BYRON: Now that we've got them in writing I look forward to reading them all carefully later.

MS AITKEN: Sure.

DR BYRON: I guess we - - -

MR HINTON: We probably have a reasonable amount of time.

DR BYRON: We have time for you to take us through the one that you'd most like to.

MS AITKEN: This is difficult, but I will. Okay.

DR BYRON: Yes, I put the tough choice onto you.

MS AITKEN: That's fine, yes.

MR HINTON: He's like that.

MS AITKEN: I guess - - -

DR BYRON: But we would like to reserve time for discussion.

MS AITKEN: Yes, I understand that. I guess I would like to talk about our soft furnishings program that's taking place right now at Old Government House, Parramatta. I'd like to start by telling you a little bit about Old Government House, which is the oldest public building in Australia, and contains the countries only extant examples of 18th century interiors. So it holds the most important - this Old Government House holds the most important collection of colonial furniture not only in Australia but in the world. It does not belong to the National Trust, it actually belongs to the state government. We manage it on behalf of the government. We've been managing it since 1967. We manage it through having a manager there and a part-time curator, but most importantly, with 120 volunteers that help us manage it.

What I would like to talk about is the soft furnishing program, which is really running in accordance with a plan that was devised following a board decision. The board made a decision in late 80s early-90s that Old Government House should be interpreted to the Macquarie era, to the Governor Macquarie era, and there was a plan for the soft furnishing devised by Dr James Broadbent. This plan is displayed throughout the building, throughout the property, throughout Old Government House, and since two years it's been, I suppose, executed.

The plan is looking at putting soft furnishings exactly to that era. What we have been able to do is bring in a number of volunteers through the ones that we already have, through the guys that we already have in the Old Government House, and through advertising, and get them to do the work that is needed to put the soft furnishing in the house.

It is totally community based; there is no-one else but the community doing it. Even the coordinator of the volunteers is a volunteer herself. I just wanted to go through some of the dates. The soft furnishing report was done in 2001, then the soft furnishing workshops took place by Dr James Broadbent and Ms Elizabeth Wright in 2003. Then, we commissioned Dr James Broadbent and Ms Elizabeth Wright to undertake stage 1, which is now finished. This was the governor's wing of the museum. Since 2004, we are

talking about the completion of stage 1 and now the commissioning of stage 2.

Old Government House provides the only example of regency interiors in Australia, and is unique within the Southern Hemisphere. Through the work that the National Trust has done, it's really put in a standard. It's become the standard bearer, really, within the museum heritage field, and educational institutions are taking students to look at the way the soft furnishings has been delivered in Old Government House.

We took time to promote what we're doing in our magazine, in the in-flight magazine for Qantas, in the local newspapers and in the state newspapers. They took a lot of interest in what we were doing because it was so unique. We then started to expand it quite a lot. We got much more than we needed, actually, in volunteers because we just couldn't handle the number of volunteers who wanted to come and work on this project. There was such a lot of enthusiasm and such a lot of goodwill that volunteers were just queuing to come and help us in this regard.

The workshops continued to happen and also we started having lectures too, about the sort of work that we were doing. The lectures were delivered by Dr James Broadbent and Ms Elizabeth Wright. The National Trust expenditure on this project was \$110,000 for all the materials. We had to really seek the materials from overseas. We were particularly very very focussed on bringing the exact type of materials that would have been in the time of 1821, so it was very very difficult to find it, but we were very insistent that they had got to be just the right sort of materials that we would be using.

We got a lot of volunteers who donated not only their time, but they started bringing in some of the fabrics that they would have or they had inherited, to sort of show us some of the things that would have been the right sort of fabrics and materials. We also started to get discounts from a lot of suppliers because we are the National Trust and people know that our funds are always very limited.

We have noticed that visitation has increased by at least 15 per cent and this is all due to the new soft furnishing that we have installed at Old Government House. It's probably possible to say that we would have been able to do a lot more, probably in a shorter period than what we have been able to achieve, if we had the funds to sort of get the materials the way we would have wanted to, but the scarcity of funds, I suppose, prevented us from doing that.

The most important things that I would like to say at the end, is that this conservation of our Old Government House and the installation of the soft furnishing has been hampered quite a lot by the lack of funding. But, on the other hand, we have been able to provide stuff that is truly unique. Firstly, that

we were able to save so much money by having nearly 60,000 volunteer hours given to this project. 60,000, so far, of volunteer hours given to this project.

There's been an incredible goodwill in the community generally about wanting to participate in this project and wanting to do the right thing. This has been absolutely so obvious to everyone who goes in there. Schools, universities, have been taking their people to Old Government House to watch the volunteers as they perform. I guess that sense of community ownership in the whole project was so evident and a feeling of wellbeing was created by doing this project. I guess this can only happen through the work of the National Trust because of the way we can, I guess, bring the volunteers in, and people want to help, knowing that their help is really valued. We treasure the volunteers that we have and they know that we value them incredibly. So that's just a case that I wanted to give.

DR BYRON: Thank you.

MR QUINT: I'm just wondering if I might be able to take you through maybe the key points on the other four cases, very quickly.

DR BYRON: Thank you.

MR QUINT: Case study number 1 is the Holsworthy Landscape Conservation Area. The key points were that there was a lack of understanding by the federal government of the inherent heritage values of the Holsworthy site. The trust independents allowed rational investigation of the potential conflicts and the capability to publicise and rally support in relation to the proposed international airport. Clear public support for both built and natural heritage was demonstrated by 15,000 people attending a rally against the development proposal. Quick action prevented loss of a historic site, waste of public moneys and a potential fiasco. Natural and cultural landscapes are inextricably linked.

Case study number 2 is the trust's historic cinemas campaign. The key points: the independents of the National Trust allows the coordination of interests and concerns of a range of individual owners and circumstances. The trust allows a rallying point linking heritage to community needs. The public good aspects of heritage need to be considered in the long term and not be confused with short term trends and development potential, and the provision of expert advice to cinema and theatre owners gives cost-effective and targeted solutions to individual problems.

Case study number 3, the restoration of Eliza Donnithorne grave, St Stephen's Cemetery, Newtown. The key points: the public interest and monetary support is stimulated by threats to places held in high esteem. It is

the stories from the past that capture the imagination of the community; that historic places are excellent training grounds for traditional craft skills, which in turn would ensure their own longevity. However, it is often the lack of initial seed funding that prevents this happening. Natural and cultural heritage, again, are inextricably linked in the conservation of historic places.

Case study number 4, we've dealt with in detail. Case study number 5 is the Women's Committee public programs and tours.

MR O'KEEFE: One of the things that I would like to make clear is that it is important that an organisation like the National Trust remain independent. So a question of dependence on government funding is problematic. At the same time, the need for some government funding is apparent. The balance between the two is not an easy balance to achieve; that's the first thing.

The second thing is, in looking for formulae that one might apply. There have been occasions where we've been able to obtain, as it were, dollar for dollar - valuing volunteer effort and our own cash-inputs as part of the calculus that's involved - but what is important for the National Trust is that we do remain independent. Retaining that means that we can, without fear or favour, affection or ill-will, point out what we believe on proper grounds are correct or incorrect decisions, particularly by government at all levels.

So it's not that we come here saying, "Well, these are community organisations that should be fully funded." Far from it. The input by the community and the sense of community ownership is very important for an organisation like the National Trust. But there are capital works that are inevitably involved in the conservation of old buildings that far exceed the budget that we are able to provide over a long period of time. That's all I wish to say. Did you wish to sum up anything?

MS AITKEN: No. I just wanted to give one more example of how volunteers work in the National Trust. There is a committee that is well known round all National Trusts around Australia, but in particular in New South Wales; and that's the Women's Committee. This is made up of usually between 70 to 100 women, who actually contribute, to raise funds, and through - run events through which they hope to educate as well as entertain the community.

The Women's Committee runs house inspections every year - a number of house inspections - which are usually fully booked out, only for members and their friends of the - and friends of members. It's just been an amazing success. It raises nearly - between - in 2005, it raised about \$170,000; that is just through the events that they create, and at the same time, they give an opportunity for women - I know it's only women but that's how they wanted to keep it - of feeling that they are giving something to society. It creates a lot of

goodwill amongst the community in which they work.

I just thought this is such an amazing thing, because - I give it as an example when I travel around the New South Wales, and people complain that New South Wales - some of the regions are suffering, you know, and also "why don't you take an interest in your heritage" because obviously, to me, I do not believe tourism has taken note of how important heritage is, and how it contribute to the economy of its region. And I say if our Women's Committee, through their volunteers, can bring in, for example, in one weekend, say in Mudgee, 900 people into Mudgee to look at your heritage, why is that you as tourism people, who are being paid to really create - you know, bring in money and action into a region, why can't you recognise the value of heritage and try and promote it a lot more?

I don't believe the tourism industry really has understood the value of heritage and how much it can contribute to the economy and to the entertainment and to the knowledge of its community, and I believe that a very good example is seen in the Women's Committee and the way they work. They are a fantastic group of people who come together every year to give these sort of - to run these events.

They run 9000 - they sell 9000 tickets every year to these house inspections, which is an amazing feat. These are the key points. The volunteer contribution by the committees make these events cost-effective. They stand - and they know the people who give the houses for inspection know that, if it's the Women's Committee, then they know that their houses are going to be safe and it's all right to give it to the National Trust, because they have made such a name for themselves as being good carers of these properties. The volunteer contribution and the number of attendees are clear indicators of the contribution that heritage makes to the well-being of the visitor. But not only the visitor; the organiser and often the owner. They all feel so happy at the end of the house inspections, you know.

So I just wanted to say that this is one example of how our volunteers contribute so much, and this committee has been running since 1961; it's just grown and grown, and still continues to provide this fantastic service. In November - end of November, December, they hold an antique and Christmas fair, and usually 2000 people, just in one weekend, come to buy and look at the property at Lindsay, so they are a fantastic resource for the National Trust investment.

DR BYRON: Thank you. Okay, can I pick up on some of the issues that you've raised - - -

MR O'KEEFE: Certainly.

DR BYRON: - - - this morning. The first one that occurs to me is the change in role of the National Trust since 1945 because, as you say, at that stage there was no legislation, no state heritage office, no statutory list, and so the environment in which the Trust finds itself and operates today is quite different to 20 or 30 or more years ago. I think you - or at least in the ACNT submission - talk about the identification of historic heritage places, the conservation, restoration, maintenance, the physical works; and then the third phase of the presentation, communication, interpretation, outreach, engagement to the public, and so on. Has the mix of those activities changed over time? Is it likely to continue to change? How does the Trust see itself engaging with the government sector which now exists, but didn't originally?

MR O'KEEFE: The answer to that is, it has changed. There was once a time when the only way in which you could conserve a heritage property was to acquire it. That's no longer true, particularly since the amendment to legislation in New South Wales that enabled the placement of positive covenants on places, as well as negative. However, it should be remembered that covenants, like any form of control or restriction, are dependent upon an enforcement regime or an enforcement body that is not influenced by what the law describes as "extraneous factors", and they may be very broad, as to what is extraneous to the proper consideration of matters.

Secondly, there are some places or buildings, the nature of which is such, and their fragility is such that unless they are in some form of public - and I include in this sense the National Trust, in "public" in the sense that I'm using: non-private hands - they are likely to suffer. We have a school at Wentworth in the far south-west of New South Wales. It was a school in which Mother Mary McKillop and her nuns taught. It is a single room, still set up as it was in the time that the nuns taught at the turn of the century; and it tells an enormous story about the educational process in country areas. But if it were not owned by the National Trust, or an equivalent that was serious about its ownership, it would long since have ceased to be. It's museum in nature, so they're expensive to maintain, and it wouldn't even now probably be allowed to be used as a schoolroom; it wouldn't have the facilities. So that's an example.

Another is Miss Traill's cottage at Bathurst: a wonderful property, but if it were in private ownership, the pressures (a) to subdivide the orchard land, which is part of the land, severable; and the pressures to change the place from the way it was when the landed-gentry lady that lived in it did live in it would be very great, and I think that adaptation of the property to meet family and new emerging needs would result in fundamental change so you'd lose the ethos of the place. So whilst the role has changed it's not completely changed. There are still elements of ownership that need to be maintained.

There is no doubt that the advocacy role will become in my view even more significant. There is a serious problem about that, however, and that is there is a wind blowing. It's not more than that at the moment, but there is a wind blowing in Commonwealth circles that suggests that advocacy bodies will not receive any funding. There may be advocacy bodies that are political in nature, and one can understand that approach, to not funding political bodies, but where in fact your core business is apolitical but does involve advocacy for heritage the fear that exists in heritage circles that we may be debarred from getting even charitable status for tax deduction purposes is a very real one and has caused some to worry about whether or not (a) we should cease being advocates - that's not really a proposition - or (b) there should be some division of function and two organisations created, which is an artificiality. But that, although advocacy is, and I think will remain, very important, perhaps increasingly so, how it is gone about may need to be rethought.

The final thing is I think that the community education had been a growing area for us. One of the problems of the changed paradigm that I spoke about earlier is that there tends to be a community complacency that because people think heritage is important, therefore everybody thinks it's important, and you don't have to worry about adverse outcomes in relation to heritage places and items. Non constant. That's not the way it works and so, combined with education, we need to have an enhanced awareness of both in the trust and of the community of the threats that are still posed. The great advantage of having a community based original with many members is that you have 27 and a half thousand members.

You have 55,000 eyes spread throughout New South Wales and 27 and a half thousand mouths and hands by two to report, write or ring and report things that are happening. We find that that has been a very important way of finding out what's happening. Unfortunately we tend to find out when the crisis is on. Crisis management is an expensive way of dealing with situations, but I fear that it will be maintained as part of the role of the trust. So change, yes, but it is not, as it were, in the Gilbertian or the Gilbert and Sullivan Topsy-Turvy approach. That is, the world is not turned on its head. There is a mutation but core matters remain.

DR BYRON: There is a line in the written notes here that there's considerable confusion in the community over levels of listing and responsibilities. I think that's well borne out by the submissions that we've received in most of the public hearings. I guess I shouldn't be surprised that there is confusion out in the public because in retrospect I think I myself was quite confused six months ago about the role of the RNE and the trust lists as opposed to statutory lists and so on. My question is do you think the trust contributes to that confusion?

MR O'KEEFE: I think first one must examine the premise. It would be

interesting to know, and I am not interrogating you but I don't know but I raise the question, of the submissions talking of confusion how many come from heritage professionals on the one hand and how many come from the public on the other?

DR BYRON: Almost all from the public.

MR O'KEEFE: That's interesting because my own experience in the council was that people didn't care what the protection was as long as it was there, whether it came from federal, state or local government. The confusion that did exist I think was that people thought that if something was listed by the National Trust it would be protected. The answer to that is of course it has no statutory protection but if in fact a council uses the listing by the National Trust as indicative of the heritage significance of a place and uses it on appeal we have found that such listings, when they've been properly done, as these days they are very well done, is quite significant and has often been the turning point in the appeal before the Land and Environment Court.

Assume for the moment, however, that there is a confusion, then the argument that may be raised is should we be listing things. The counter to that is this: the listing of matters at state level depends on their state significance, and there tends to be a reaction by local councils that if something is declined for listing at state level because it's not of state heritage significance therefore it has no significance, and the fact that it might and in fact is of local significance tends to be swept away. Second thing, whether one likes it or not there is a political element even at state level in the listing or non-listing or in the time that is taken to list, which is often important because if there is no listing and no interim protection then the subject matter of the debate may be gone by the time action is taken.

So there is a political element in that. We have in fact listed properties that undoubtedly in our view should have been on the state register, but for reasons that are quite opaque, rather than transparent, they are not listed. The recognition and according of significance through listing by the National Trust therefore has the advantage that at least a recognised respected body with appropriate credentials has recognised the significance of the building and made a public statement in relation to it.

MS AITKEN: As an independent body?

MR O'KEEFE: As an independent body and that, sometimes, over time gradually affects the official body.

DR BYRON: I guess what I was alluding to is that in all states we've had members of the public come in and say, "But this place was on the register of

the national estate. It had been listed by the National Trust and yet such-and-such happened. How can this possibly happen?" They are assuming from their position of not knowing the true legal situation, they're shocked, they're hurt, they're surprised, they're disappointed that the RNE and the National Trust listing hasn't actually conferred what they expected.

It may simply be that they should have found out more about how the system works. But it's created some confusion in the minds of many of the public in terms of what heritage means and how it's done, how the system works. They're seeing it as a system breakdown, when in fact legally it's not that.

MR O'KEEFE: In a sense, though, I think it is. Because what it points to is the inadequacy of the statutory protections at least for those properties that are listed as of state significance. The legislation was never intended to confer delegated authority on national trusts or equivalent bodies to carry out their process and therefore as a matter of law have adverse effect or heritage-listing effect on properties.

Some degree of recognition in local planning schemes - because often these things are at local level - would, I think, be advantageous in relation to what the trust does. That would also have to be on the basis that there is rigour maintained in the process that the National Trust applies in its listing procedures. Now, if you go back to 1960, then you will find places that undoubtedly should have been registered, but the rigour as to the reasons why and the statement of significance is not adequate. We're actually revising that at the moment. These days, it's different.

MS AITKEN: May I add something to Barry.

DR BYRON: Please.

MS AITKEN: We're talking about listing. Listing is one way of acknowledging the significance of a heritage property. Sometimes when we list a property, it's not necessarily that it's going to be protected forever. But it says something about the significance of that property. Sometimes it's really just for recording it. So it is listed and it's recorded as a property of heritage significance but not necessarily, sometimes, protected for eternity. I think that we've got to think of listing as a process. It doesn't solve all the problems and once you list it, that's it.

DR BYRON: And it doesn't fix the leaking roof either.

MR QUINT: Can I just add, too, the listing process simply doesn't apply to those properties that are threatened. We're often approached by owners for a

listing. It's a status thing. It's a status at the time of the sale of the property, and it also gives them proper guidance in any adaptive reuse. We can actually work in with those. It's not just the threat part of the process.

DR BYRON: Yes. The last point - before I give Tony a chance - that I wanted to pick up was, Barry, you alluded to at the beginning. I think we've seen in these public hearings, we've heard what purport to be examples of Australian Government, state governments, local governments who seem to be reluctant to constrain themselves to comply with their own heritage policies. It's sort of, do as we say, not as we do. I think your comment just before about opaqueness in the - maybe you just elaborate a little bit more on that. Once again, there's the independent model of the trust.

MR O'KEEFE: Without wishing to be too colloquial about it, when you put a bucket of money on one side of a heritage item and an owner on the other, there is an inevitable tendency in the owner to rush to the bucket. If that involves knocking over what's in between, that will happen. That, unfortunately, with many, is part of the materialism of our society. It's inherent in the capitalist system. There was a time, as I said earlier, when government were not prone to that. They are now.

The question, then, becomes: how do you control those urges in appropriate cases? It's difficult with government because they tend to make the rules that suit themselves. So it's necessary, I think, to create a climate by education, in which that attitude is gradually broken down. But it can only be broken down over time. You've got to deal with the situation in the interim, and that is difficult.

DR BYRON: I guess one of the reasons that they're reluctant to constrain themselves may well be that - I'm trying to deduce what their arguments might be: if, although advised that a place is of substantial historical and cultural significance - so even in full knowledge of the facts, we decide that, by agreeing to the demolition of this council-owned property, we get hundreds of millions of dollars and that means that we don't have to put the rates up or that we can put more into road rates and rubbish, or preschools or libraries; therefore even though our expert advisers are saying that building X is historically important, we the council have decided to knock it down anyway simply because of the size of the bucket of money. Now, do you have any objections to that?

MR O'KEEFE: Yes, the court building, in which I was privileged to sit as a judge of our Supreme Court for many years, has many segments, one of which was the Greenway segment built immediately behind a St James' Church on the same axis as St James' Church and the Macquarie Barracks. Attached to it is a building built in 1895. The architect was Walter Liberty Vernon, a very

famous colonial architect. I sat in that building. My court, number 1 court, was part and parcel of that building.

When Sir John Kerr was the chief justice of New South Wales there was a plan, which at one stage he agreed with, to demolish the whole of that precinct, leaving only the circular stairway tower in the centre of what was described as a wonderful open park that would link with Hyde Park. Of course, all hell broke loose, and not the least of the hellraisers was the National Trust. It was said the building was obsolete, "You couldn't this, you couldn't do that."

If you have time, go and have a look at numbers 2 and 3 courts and 1, which was mine. Now it's being done up. They are absolutely superb as courts. The acoustics are marvellous. The accommodation for everybody is terrific. It works. Why does it work? Because it was well designed by Greenway, and the building behind it well designed by Walter Liberty Vernon. The argument that says it hasn't got a use always needs to be examined very carefully, whether it's said by a local council, a state government or a Federal Government. That's the best example I can think of in this city. Now, if anybody were to suggest today in 2005 that that building should be knocked down, they'd be lynched.

DR BYRON: Thank you.

MS AITKEN: Yes, that's a fantastic answer. Also sometimes - 10 years ago probably we would think that it was okay to demolish a building. But through education and knowledge, 10 years later people are there saying, "How could we have ever thought of demolishing a building like this?"

DR BYRON: Tony.

MR HINTON: I'm going to pick up some of the points Neil has touched on. So it may be going over old ground, but I hope with a different nuance. There's no question that the National Trust has a very strong brand name right around Australia. That's clearly symptomatic or an indication of the powerful work you've undertaken over the years in various states and territories. "Hellraiser" wasn't a word that arose in my mind, but you used it. That's fine.

But you've also flagged the potential to probability of changing the nature of the trusts going forward. Do you think that there's some advantage in making clear to the wider community that the trusts are not government public sector? That is, some states actually have recognition through statute of the National Trust in their jurisdiction and there are moves in some states to remove that statutory recognition. I'd welcome your views on this sort of rather than uncertainty as to the status of the trust being government or

non-government. Do you think there might be some benefits in making clear what the real case is?

MR O'KEEFE: The answer to that is undoubtedly yes. We tried to do so. It's not always easy. For instance, when the Historic Houses Trust was formed in New South Wales, there was no doubt in my mind that they named the organisation so that they could trade off - - -

MS AITKEN: And they do.

MR O'KEEFE: - - - the brand name of the National Trust, and they do so. Fair enough. Government can do very much what it likes within constitutional and electoral limits. But that is (a) a recognition of the brand name and (b) in my view a fairly rough attempt to cause that confusion to the advantage of the government organisation. I say that for this reason. Whereas we can get 2000 volunteers who will contribute tens of thousands of hours, there is a tendency for people to say, look, I pay my taxes. Why should I give more to the government. But the confusion helps government in that regard.

MR HINTON: Do you see that the Minter Ellison review might take us down this track for the trusts? Are they going to be looking at that issue of--

MR O'KEEFE: I think that they will. I mean I'm part of the ACNT. I've been sitting on that for 14 years. I've been through the various discussions about the format of the trust, whether it should be national or not. I don't think it will be national. There will be certain functions that will be national, as they are now, but when you look at the way in which people operate, you find that when there is a property in a given area, that for them is the National Trust and their interest is that property.

There is a broader interest amongst our 27 and a half thousand members. There are some who never come to a function, who will write a letter sometimes if asked, who pay their fees. Why are they there? They're there to support the general concept of the trust and what it stands for, but a lot of people are directed towards a property or place. If you make that national, then you lose that local element and my own belief is that you will weaken the organisation. We are based on the same federal model, or a similar federal model, to Australia. Now it may be said to be inefficient. It's improbable that our federal model in government will change and I think it's improbable that our federal model with the National Trust will change, but for not dissimilar reasons.

MS AITKEN: Can I just add a bit more? What Barry was talking about in terms of government versus non-government and how the community responds, I think Barry is right about the naming of the Historic Houses Trust,

which is taking advantage of the brand of the National Trust, and a very important case that I could put to you is the fact that, even though I say Historic Houses Trust is a government agency, it creates its own foundation whereby it can receive money from the general public as a government body. By forming a foundation it can do that.

That has acted very much against the interests of the National Trust in a way because the average person, no matter how much we stand up in front of the community and say we are non-government, they don't remember that. They see the word "trust". They think this is the National Trust and through the foundation they volunteer and they give money to the Historic Houses Trust, and there have been time and time again when I have gone to meet with a prospective sponsor, who says to me, "Why are you coming to see me. I've investigated what we're doing and we're already giving you money," and then I find that it's really going to Historic Houses Trust because the average person doesn't really understand that this is a government body and we are not a government body, and we have taken note of that and we try continuously to every time we speak out in public, we say that we are non-government, but it's very difficult to sort of make every person in the community know that.

MR O'KEEFE: I think I should stress that we do work very cooperatively with the Historic Houses Trust. We have parallel aims. Unfortunately, we don't get the sort of money that they get, but nonetheless, we are not constrained by government policy and the like about what we do and say.

MR HINTON: Let me ask one last question and give you one last request, given that the presiding commissioner is kicking me under the table to say "Hurry up" one more time. I'll try and be brief, but I've asked it on a number of other occasions and this is the issue of - there are segments to the industry, segments to the sector, segments to different categories of buildings, for example, and by ownership and by type.

One particular area that's arisen on a number of occasions where tensions have emerged is the residential house, owner occupied, that hasn't been listed in the past, but then subsequently gets under pressure to be listed. The question arises whether or not right of veto should occur, should apply to the owner of these properties with regard to a listing push in circumstances where it is retrospective to the sense if they owned the property before the listing occurred and it is also private ownership, not a public good in that sense, like say some of the examples you've described as your very important projects you've worked on. Cannot it be a part of the system that has rigour whereby the owner of the house can have right of veto for a subsequent listing?

MR O'KEEFE: I think like many things in life the answer to that is it depends. For instance, let us assume that somebody owns - not the case, but

somebody owns Old Government House at Parramatta in private ownership. It was once the Kings School, for instance, and the proposal is that it should be listed and the answer is, "No, I don't want to list it. I want to knock it down." If you have a right of veto in such circumstances, you may have very important buildings that on any view should be protected, and protected by listing *inter alia*, not protected.

MR HINTON: The counter point there is that given that we've been pursuing listing now for a number of decades with very active involvement of the trust, that those buildings have been identified and have been listed and therefore knowledge of their listing is there and available. It's the issue of a house that's not listed that in 10 years' time comes under pressure for listing. It seems to in fact to be quite a retrospective effect.

MR O'KEEFE: It's the hard case, but take the house that I lived in.

MR HINTON: That's why I was trying to segment it to that particular case.

MR O'KEEFE: Yes. Take the house that I lived in in David Street at Clifton Gardens. It was a house that by virtue of the architect who did the fundamental change to it - it was a 1914 insignificant house. Glenn Murcutt did a major rebuild and redesign at my direction. It immediately became one of his prime - a prime architect international recognised, a prime work. Now I wouldn't have minded it being listed, but somebody might.

Where somebody objects, I don't think that the right of veto should be automatic, but it should be a first step in a process that then looks more carefully at the proposal to list. If you have just the veto, then the probabilities are (a) people might not know what listing means. For instance, we find that many owners actually want places listed. It's got kudos. It's got therefore turned into money, but many say, "Oh no, but I won't be able to do this, that and the other if I'm listed." That may not be so, and there's always a tendency that where people resist there maybe some other reason for the resistance, that is, they may in fact want to do something that's inconsistent with the heritage values of the place. I accept the position that an owner should not be without some right of say, but putting it as veto seems to me to be putting it a bit high.

MR HINTON: I've run out of time, so my request is that you've drawn our attention to five case studies. Thank you very much. I'd like you to think about the possibility of reacting to some other case studies that have been drawn to our attention where tensions have arisen, that is, the Braidwood example. We've got a submission on that one, which I think you've probably--

MR O'KEEFE: The Royds?

MS AITKEN: No. I think Braidwood - - -

MR HINTON: Historic Braidwood.

MR O'KEEFE: Yes, I understand, but the Royds are the people who have been at the forefront of Beattyvale and over the place.

MR HINTON: Another one that we had appear before us yesterday was in relation to North Head. I suspect that the trust had a view on that one as well and the third one is the--

MR O'KEEFE: Are we talking now about the quarantine station?

MR HINTON: Quarantine station, correct.

MR O'KEEFE: I am a trustee of the Sydney Harbour Federation Trust and we control the residue of North Head and that's not under threat.

MR HINTON: They drew our attention to the complexities of how you can get decisions for that particular area. So it may not be all a very good case study for our particular issues, but it nevertheless was drawn to our attention. The third one, in fact, is one that you, I think - pick up your distributed notes. The Pettit and Sevitt houses in St Ives. That's another case that's been brought to our attention by written submission and appearance. As part of the transparent process of dialogue, the trust might wish to react to either the written submissions on those cases, and or the transcript with regard to the public hearings on those cases.

MR O'KEEFE: We'll certainly want to do so. I don't know whether you're aware of it, but notwithstanding that the council, contrary to what the Land and Environment Court had said, finally resolved that the houses could be demolished. The application to demolish was withdrawn about two weeks ago.

MR HINTON: Which case are we talking about?

MR O'KEEFE: The Pettit and Sevitt Houses. Well, that's what the mayor told me at a meeting we had 10 days ago.

DR BYRON: Okay. We're degenerating into morning tea time - conversations that, probably, are best held over a cup of tea. Can I thank you very much for all the preparation and for the presence here today, and the frankness and the quality of your both written and oral submissions.

MR O'KEEFE: Could we thank you for giving us the opportunity to put or New South Wales case publicly.

DR BYRON: We'll now adjourn until about five past 11, when we'll have Mr George Wilkie.

DR BYRON: If we can resume now with Mr Wilkie. Thank you very much for coming.

MR WILKIE: Thank you.

DR BYRON: Thanks for your submission. If you could just introduce yourself for the transcript, and then take us through the main points that you wanted to make.

MR WILKIE: Sure.

DR BYRON: Then we may have some points that we'd like to get elaboration on later.

MR WILKIE: That would be fine. My name is George Wilkie. I'm an architect, and I practise in the Blue Mountains and in Sydney generally. And though we don't specialise in heritage projects, we do many of them because the Blue Mountains is one of those areas. I particularly wanted to talk about being a practitioner in the New South Wales environment and some of the problems that we might come across that might, in effect, affect the cost and value of operating in the heritage environment. I think there are some points where the cost of operating is higher than it need be, for a number of reasons.

I've made, sort of, eight heads of consideration. The first one - and they're in no particular order - is that in New South Wales most of the heritage items are, in fact, no way graded. They're simply listed at local government as an item, and it doesn't really matter whether that item is very old, very precious, very well known, or it's just a local vernacular cottage. I'd like to put forward that some consideration be given to at least grading the listings of those heritage items at local government level.

I'm suggesting things like maybe a four-stage grading that might say, in the first instance, "conserve at all costs"; (b) "conserve certain identifiable parts", and that might include interiors of buildings; and, (c) "conserve as much as possible, but allow a degree of intervention; and then, (d) "conserve if possible, but, if not particularly unique, allow demolition where it assessed that there is a community gain". So I think it's quite important that instead of just having an item, that those items, in some way, are defined in a manner that both the people who own the item and those people who might be asked to work with the item, have a clearer understanding of the value of that item to the community in general.

The second main problem that I see is the poor definition of the experience required to be a heritage expert. I use the word "heritage expert" because there seems to be at least four clear categories of these experts. There

are people who call themselves "heritage architects", people who may just call themselves "heritage consultants", there are people who are called "heritage advisers", and in the local government area there are "heritage officers" or like terms that vary from council to council. If we just go back to the heritage architect, at least there's a good chance that that person has a qualification in architecture, otherwise they can't use the word, but it doesn't mean that they have any further qualification or experience in heritage.

Anyone - any architect - can say that they specialise in heritage, and attach heritage to their company information or, in fact, directly to their own nomenclature. Heritage consultants are even less likely to be formally qualified, though many of them are. Again, someone can simply have a planning organisation and decide that they are also capable of handling heritage matters. Those people sometimes simply call themselves heritage consultants. Most people who have an architectural qualification would say they were heritage architects, so, very often, the heritage consultant has some other qualification. It could be town planning or landscape architecture, and even retired local government officers.

Heritage advisers are a more complex form of this, and in New South Wales it generally means that they're people who the Heritage Office has given some imprimatur to, and has, in some way, assessed their ability to deal with heritage matters. The idea of this is that local government should be able to employ these people, either directly or on some consultancy basis to help them with their applications - with any applications - to deal with heritage matters. There is a problem with this - that once someone becomes a heritage adviser, it doesn't mean they can't also be a heritage architect or a heritage consultant, and there can be overlaps here where people are working for councils one day and working for private individuals the next.

So, the sort of rounding up of that this somehow we need to clarify what the nomenclature of specialists and experts in the heritage field are. There are also people who specialise in heritage law, but I've decided not to go there at this moment. The heritage officer - and this can be a problem, heritage officers within councils are not necessarily qualified at all, and we've certainly had experience where planners within local government have prepared heritage reports and caused a lot of angst and long-term problems in trying to unravel written documents that are prepared by officers who really didn't understand where they were going in the first place.

The third point I want to raise is the inconsistency in the methods of identifying and listing heritage items, particularly at local government level. The original sort of listing of these items was pretty ad hoc. Very often, it was just a list that was developed from lists that had been prepared initially by organisations like the National Trust, historic societies, things like the old

Heritage Commission and the National Estate that was prepared in Canberra some time ago. Other items: the inputs from Heritage Council, the Heritage Office they added all the old churches and community buildings, because that seemed to be what you do.

And then there was the drive-by search, where an officer - maybe in a car with somebody who had some expertise - drove around the suburb and said, "Wow, there's a nice-looking heritage building. It was built in 1910. It's got a few details that suggest it's Federation or the like. We'll throw that on the list." And very often they were just simply put on the list as addresses. If you happened to have a house with a name on it, that almost ensured that you'd get onto the heritage list.

MR HINTON: Dunromin?

MR WILKIE: Yes. It was a great help to make sure you got listed. And these are - progressively, these lists have just grown over time, but seldom are items removed, or is there any real research into why they're there. I just make a point of one in an outer-Sydney council - which, for the moment, remain nameless, but you can try me on that later if you wish - where a highly visible house that was actually designed by Hardy Wilson - there's a good chance it was the first house he ever designed when he returned from his overseas trip - was not on a heritage listing for years and years and years. And it happened that I actually owned that house. When I sold it, I sold it to a very rich family of philanthropists who actually turned it back exactly to its 1911 form, and at that point the council couldn't rush fast enough to stick a major heritage listing around it.

The house that's adjacent to it is a house that was built earlier than the Hardy Wilson house and is built in a style that has Egyptology influences and to many people who would drive by would think it was an interesting house from the 1910-11 periods - never listed; still not listed though it's within a heritage precinct; but doesn't have an individual listing.

The house adjacent to that, third house in the line is a vernacular arts and craft house which has a listing and the council has fought applicants for that for over a year to decide what should be allowed to be added to that - where an outside adviser to that council had decided that it was in a no-touch category even though it was a relatively simple weatherboard cottage. Not an unattractive house. In fact, the client at that time, the owner of the house had no intention of pulling the house down.

So there are many problems in the inconsistencies of the methods used to identify and list heritage items, particularly at the local government level. Without saying anything too naughty about the local government, the problem

is that the cost of doing this research into these items is relatively high. It's very hard to get the 12 councillors sitting there to agree to a budget that allows for someone to go around and individually look at all of these heritage items.

So the bottom line of that is I think all heritage items in the LGA list should be graded to show the level of conservation required and the extent of intervention that can be considered. I've tried to use the words "conservations" and "intervention" rather than some of the more emotive words because I think ultimately there are only two things - well, three things - you can do to a heritage item. You can demolish it. But the two main things are you can conserve it, or conserve it in part; or you can intervene into that item in some manner.

This leads to a fourth point which is the wasted research component. The wasted research component is that every time you apply in local government to intervene into a heritage item, there is generally a requirement to produce an heritage impact statement. This heritage impact statement is a fairly expensive item and probably costs somewhere in excess of \$3000 for most applications. Once this document is delivered to the council, it's used to assess the development application to which it's attached, but it stays with that file. There may be councils that don't do that, but in general terms my experience has been that that's where it stays. It seems a silly waste of a great deal of research that that item isn't then used to enhance the heritage listing of the item or at least to be available for retrieval for other people who may be working on that property or adjacent to it or in more general research.

The fifth item that we're finding is happening in more and more closely settled areas where there is an attractiveness about streetscape and we're finding that local government areas are beginning to introduce very strict streetscape requirements. So when you make an application to do anything, whether it's on a heritage item or not, you may be faced with overarching zoning requirements that are not part of the original zone. You might have a zone that might be living general or living conservation or whatever. But over the top of that there might a separate zoning requirement for things like period housing. This is where we run into serious problems of being able to work with heritage items.

You take a heritage item which - the research and work done on heritage items rather suggests that if you add to a heritage item, you shouldn't replicate the heritage item. In some way it should be a contemporary resolution of that matter. But what is happening now, with a streetscape requirement and particularly where there is a period housing, overarching requirement, there's this need to in fact replicate the streetscape or replicate the style of house that was there without being able to move into a more contemporary expression of that. I rather suspect that if you're a local government officer it's a lot easier to

write rules in a conservative manner than it is to write rules in a more novel way.

So the conservation and intervention of a heritage item requires a high degree of creativity. But if you have conservative policies, as more and more local government seems to be going, then that ability to tackle a heritage item with creativity in any additions or alterations to it seems to have been slowed down by a process.

The sixth item is the organisation in New South Wales called the Heritage Network. I don't know if this has been discussed here. The Heritage Network is an organisation within the Heritage Office that in fact becomes an organisation where there are generally meetings and information sessions where people, particularly heritage advisers and heritage officers are given information of the most up to date manner from the Heritage Office. The problem with that is it's created this group of people who have been effectively told that they're brilliant in the areas of heritage and that really no-one else is quite as up to date and has as high ability as they do.

I think there has to be a clear separation between the roles of heritage advisers and heritage architect consultants so that local government should ensure that there is never an overly close relationship between Heritage Network members who team across development applications and the assessment divide. In other words, I know of a recent case where a person who was heritage adviser to one local government area became the heritage architect for a submission in another local government area. The report on that application was done by a person who I believe had very reasonable close relationships with the original and gave an almost glowing report on the intervention that was proposed even though the local government area in question actually did not want to approve the application. There was almost a majority of local outcry against the application being approved.

So the point of that is that because of a sort of heritage club, if you like, existing, there is a danger that people who are apparently working for - you can't really say opposite sides but in that zone of determination as both applicant and assessor.

The seventh point is the problem in New South Wales of a very complication appeals process. If something goes wrong and a local government decides it doesn't want to approve an intervention into a heritage item, the only place to go is the Land and Environment Court. The Land and Environment Court is really not set up to listen to long argument about the rights and wrong of heritage intervention. It's a grey area. The shades are too grey for the courts to respond.

A recent excursion to the court, where I was an observer rather than a participant, showed that the court's idea is let's keep the number of people who speak down to a minimum. Let's not confuse the matter. Let's have a meeting between the solicitors before the court case to wipe out all the contentious issues and then when it actually comes to a hearing, we'll keep it nice and clean. It's not really the way to go. Somehow there needs to be some sort of select panel of people that the community can respect who handle a mediation process for dealing with matters where contention happens in a heritage intervention application.

The final point that I make in this submission is the ability to actually gain information - and this is in the heritage area - is very poor. There is no, as far as I can see, collective source of information. There is really a desperate need to have a national heritage web site that deals with items like the background to the reason for heritage that lists in clear details the state heritage administration for all of the states in Australia and territories for that matter, or any organisations who have been given power. Some of the information required in that state heritage information should actually explain the responsibilities of authorities, should at least have links to the laws and ordinances controlling it. It should list all the DCPs and other codes related to heritage items so that people can make comparisons. It should show all the listed heritage items.

I know looking at your papers in New South Wales, there are 20-odd thousand heritage items in some way listed. The problem is they're not collectively listed. There's nowhere - though the Office of Heritage has tried, there's no way that you can go onto an easy to use site to actually find out what has happened.

Those sites tend to be, "This is a heritage item. This is what it looks like." It doesn't say, "This is a heritage item that has been changed. This is a heritage item that work has been done on." It makes no effort to communicate whether these things are good or bad. The worst area I suspect in the whole of the heritage area is the research and studies. The research and studies made in heritage - and I talked about the matter of the heritage impact statements never being made available to others or in any way used for study at least in an easy manner. I think there should, on the site, be links to all the papers produced by authorities addressing heritage; all the papers on heritage published by research in Australian universities; all courses offered into heritage studies in Australia; significant research material worldwide and so on - and importantly reference material.

It's very hard to go to a local government and argue the point on heritage because there is no reference material that can easily be reasonably approached. If you read a lot of the DCPs, particularly where they're attached

to LEPs, their references are "every other council in New South Wales" rather than research material that may have been done by organisations specifically looking at problems of heritage.

Then also on that site, performance guidelines. How to identify a heritage item. Particularly clear information about links to historic architectural periods and the gradings of heritage items. Then finally, two minor points on that. Architectural styles - there's a serious problem - having taught heritage and architectural history at the University of Technology for many years - one of the problems when you deal with local government is that it's very difficult for officers to identify the difference between what might have been an architectural movement; what might have been an architectural period - and we all know that federation never existed until 1960, prior to that it had sorts of identifications. And what might also just simply be architectural fashion. So you get things like - if it's vernacular, suddenly it's arts and crafts. Well, really not - and certainly not always.

So that particular problem is identifying significant architectural heritage items as distinct from identifying significant vernacular heritage items. There's a gap in the literature and a gap in the ability to assess. There's also then leading on to sociocultural heritage as distinct from simply the heritage of the built example. We find again, local government will strain itself, if it decides that it doesn't want to approve something, will strain itself to find anyone who of importance who may have walked down the driveway - no, that's being too cynical. But certainly there's a lot of work done on trying to find anything of sociocultural significance on items. I'm just waiting for me to be told that I was socially culturally significant because I lived in Blandford in the Blue Mountains.

We need a site that shows examples - examples of drawings and documents and photographs are good of approved adaptive re-used projects particularly in conservation and intervention and maybe even information about bad examples, say, "Don't do this. This is crook." At the present moment some LEPs have this information but it's pretty hard to follow and often it's sketches by somebody they've employed to sketch a few ideas of what you think is good and bad. And it doesn't always work.

We need critique and commentary on significant adaptive re-use heritage projects to be on the site. We need to have somewhere where the heritage awards around Australia are collectively brought together. I'm sure that there's nowhere listed that, "I won a heritage award at Lithgow Council five years ago," wouldn't matter. But it's highly important that we really communicate how people are assessing awards to do with intervention into heritage items.

We need to know a little bit about what happens in other countries. Let's

have some references. References that can be taken into any action so that the discussion about intervention to a heritage item is raised from, "I think it's right. You think it's wrong," into "Yes, here are reference material that says, 'If you do this, this is probably the way to go'." We've relied I think too heavily on the Burra Charter which really was there to help us preserve monuments, it wasn't there to help us preserve a worker's cottage in outer Balmain.

Then I think on any web site there should be some sort of Q and A section, the common questions which are asked with considered answers. So if someone has questions, they can look there and say, "Here are potential answers to those questions." An ability to email questions that will be responded to. A coffee shop for open debate - and I hope that people understand that term in the Internet system - where people can in fact put in items that are just dropped in to the site. Clearly, they have to be in some way overseen to make sure that confidentiality and other matters are dealt with. And a simple drop-in box where information can be put into a box that others can maybe withdraw for use in other ways. And, of course, the links to the authority sites and references. I thank you.

DR BYRON: Thank you very much for that. There's a number of very interesting ideas in there, including a few that I wish I'd thought of first. Tony, did you have any specific things you wanted to follow up?

MR HINTON: Thank you, George. I did find it interesting because it brings a perspective that has not been prevalent in our hearings to date and submissions to date. So thank you very much. I had a couple of reactions. One was to your four categories that you flagged very early on, about A, B, C, D. I had a difficulty with the last two, C and D. C you'll recall, for the transcript, conserve as much as possible and D, conserve if possible. I had a difficulty with the concept as to how you operationalise those categories.

I can understand how you can reach judgments about those four categories, A, B, C and D. But the implications of it with the words, "As much as possible," and "if possible," to my mind lend itself to enormous difficulty to apply them because the possibility issue relates to funding in particular - and is a particularly important factor - and that's judgment, that's availability. So I was a bit uncomfortable with your categorisation in terms of operationalising it - in practice.

MR WILKIE: I carefully avoided the sort of English grading system which is somewhat similar and tried to simplify it and to leave it open because I really don't think that I'm the expert that says, "This is the exact way to do it," except that I feel that it's important that we know when an item is listed, how much value the community wants to put on that item. I understand by talking to a person - who is very active in the heritage field in England only a fortnight or

so ago - who is on committees that actually deal with matters like - that deal with those last two matters. And we know that their heritage dates back a little longer than Australia's. But where matters of items that are in a grading that may allow intervention and if there's any conflict over that, these committees are pulled in by the local authority to sit in and make some judgments on it.

MR HINTON: That's why I was very attracted to your later statements about greater elaboration.

MR WILKIE: Yes. I think there's a linkage between - that there should be - I don't think it should be ad hoc and I don't think these things happen overnight. But I think our problem is that we don't seem to be moving towards a system that allows - I won't - I mean we could say a transparent system in heritage but it really isn't that transparent. It's always going to be some debate about what values should be placed on a heritage item.

But not every heritage item can be kept. We all know - or I think we do - that's a bit like saying it's obvious but it's not I guess - that anyone who makes listings of heritage items will list as many as possible, on the basis that the more you list, the more you will in the end, preserve. In an ideal world, we would only list those items that we clearly wanted to preserve. I'm sure that doesn't happen. In fact, we list many more than we know will be preserved. Therefore, I think under that concept, we really do have to have the debate about individual items more positively when it comes to aggressive intervention.

MR HINTON: I had a question, also, about your comments in relation to accreditation. You referred to a number of components of the professions involved in heritage conservation - heritage listing, and whatever. You noted that there's not the sort of tranche with regard to the heritage expertise for architects, or engineers or experts more generally. I had some discomfort in that accreditation systems carry with it significant costs, if you're going to have an accreditation that has robustness and rigour.

You'd want to be persuaded that the benefits would be greater than the costs, that is, relative to say, caveat emptor. Let the market work, and if you want an expert, then you get his references, or her references, and make judgments accordingly. I wanted to seek your reaction to my reaction, in effect, George.

MR WILKIE: In many ways, I'd agree with the comment you make. Experience shows that the one who holds the strongest position, it doesn't really matter what - let's put it this way. If a local government area decides to have a heritage consultant write a report for them supporting or not supporting an application - and the client also has a consultant - there's no way, at the present

moment define which of those consultants should really be given the highest ground.

We've had recent experience where a single heritage consultant to a local council gave a very damning report of an application. The client for that application employed one of the - I guess, the top 10 known heritage consultants in Sydney. The council's response was, "I'm sorry, but we'll stick with what our people say." It's very difficult when you get to that position of knowing - if you're the owner of a property, who can you go and employ that you can be confident that that person has the ability to actually report in a manner that has a high degree of acceptability.

MR HINTON: One would hope, picking up some of your very good ideas, the robustness of the listing and the description of the property that warrants it being conserved for heritage reasons, would enrich the judgments that then have to flow. I think that seems to be a richer vein to tap into.

MR WILKIE: I think it probably it is. I would agree with that wholeheartedly. If the clarify of the listing procedure was very good, then the role of the fighting consultants would be reduced, I'm sure.

MR HINTON: My third question - I'll be a bit inflammatory, I think, because it's, you know, that time of day. I know you're a robust sort of guy. Architects list - the institute has significant involvement in a listing process, because their expertise is called upon in a variety of forums. They have appeared before us, as you probably know, and they have a structured process of producing those buildings that warrant conservation based upon architectural characteristics of a heritage kind. Some have put the view to us that that process does have added value. Others have put the view that it probably has negative value - distorts the system itself. Can you give me your views on your professional association's listing input into heritage conservation.

MR WILKIE: I, candidly, don't think it's their role.

MR HINTON: Glad I asked the question.

MR WILKIE: I suspect that there's a problem that if too many people are involved in the listing process, then the listing process can be fragmented for the particular reasons that that organisation might decide. Clearly, as an architect - and I can't escape from that - my favourite form of listing is great pieces of architecture, rather than the vernacular end of the scale. I always say except that the vernacular end of the scale is just as important. If you decide that listings are going to be decided by experts who specialise in the quality of the built environment, and the design and creativity within that, as distinct from people who see that there's a sociocultural need to maintain workers'

environments.

I guess it would be hard to have got the architects' profession to have decided that areas of the housing commission areas of fibro Sydney should have been protected. I would certainly agree that parts of that should be protected. Many people who would not like to talk too much about their past, probably grew up in those houses. So, there is a sociocultural link to fibro Sydney or parts of Melbourne and the like, where that type of housing was produced. The problem with that is that most people don't want to live in those houses.

Therefore, if you keep them, what do you actually do with them? If you talk to people in the military who are also affected by heritage - and we've heard about the North Head, and those things - where the military gets involved, their biggest problem was they had acres and acres of just post-war housing that they built to allow soldiers' families to live in. They find that they can't do anything with them. They're just wrecks, because no-one will live in a two and a half bedroom house with one bathroom and a toilet down the back.

MR HINTON: Without heating.

MR WILKIE: It's simply - but somehow we need to keep some of those items too. I think we've got to be careful about who the experts are, particularly people like architects and the like who may decided, as I would clearly say, "Yes, if it was designed by Hardy Wilson, I'll keep it. If it was designed by Walter Burleigh Griffin, I'll keep it. If it pre-dates 1870, I'll keep it." They're fairly clear rules. It gets muddy when you get down to the sociocultural concepts of what is to be kept.

MR HINTON: Can you give me a quick burst on your meaning of vernacular, in this context?

MR WILKIE: Not necessarily conscious design - not necessarily. It could be from a pattern book, and it could have been by - they're interesting examples of what appear to be architectural designed houses, particularly in the Blue Mountains areas. We get the feeling very little research has been done into it. Because the Blue Mountains, particularly the area around Katoomba Leura, were merchant family areas, because there was a train service that was faster than today. In the early twentieth century, these people built houses for their weekends. They built them there for multiple reasons for their weekends. It was a place to get the family out of Sydney when the influenza and other epidemics came through. They whizzed the family off to Katoomba, and they were going to survive.

There are beautiful examples of small houses, obviously designed by

architects. We don't know anything about them, so they fall into the vernacular category at the moment, because we simply don't know what their basis is. Fabulous examples of very Americanised Californian bungalows that, you know, are much more attractive to an architectural point of view, than the war service Californian bungalows that are scattered from Hurstville to Chatswood.

DR BYRON: I'm afraid we're going to have to move on, George.

MR HINTON: I do thank you very much for that. I suspect that we might be picking up a number of the ideas that you've got in there. It's quite clear that when you spell out the four different, sort of, categories of work - all with the heritage word at the front, I realise now that I was probably guilty of confusing those four, or using them interchangeably, in my own mind. You've added a lot of clarity in the role of whether it's a heritage architect consultant adviser or officer - the implication that flows from that in terms of how those different categories interact. I thank you for that particularly.

DR BYRON: And your submission - thank you.

MR HINTON: And for coming to day.

MR WILKIE: That's my pleasure - thank you very much.

DR BYRON: We'd better move straight on from the representatives from the Australian government - the Department of Environment and Heritage.

MR HINTON: That's for coming, Barry. Thanks for the written submission which we got a chance to read last night.

DR REVILLE: I'm very pleased you got the chance to read it.

DR BYRON: If you'd like to just introduce yourself for the transcript, and then take us through the highlights briefly.

DR REVILLE: My name is Barry Reville. My position is Assistant Secretary in charge of the Heritage Assessment Branch in the Department of Environment and Heritage. Our division looks after several pieces of Commonwealth legislation involving heritage, including the component of the Environment Protection and Biodiversity Conservation Act that deals with historic heritage places.

The context of our submission and our appearance here today is that it's been less than two years since the implementation of the biggest change in heritage legislation at the Commonwealth level for about 30 years. So we're still in the fairly early stages of implementing this new legislation.

Our legislation covers natural historic and indigenous heritage places, so we tend to - where possible - adopt a fairly integrated approach to heritage, but clearly historic heritage is a very important component of our heritage.

The new legislation reflects the outcome of the agreement by the Council of Australian Governments in 1997, where COAG agreed that the national government should take a key role in looking after places of national heritage significance, and that state and local governments should look after heritage of appropriate significance for those levels; that's in a nutshell, at least, of the arrangement. This means that we're really looking at a system in Australia where we have effectively a partnership between the different levels of government, and obviously communities are involved.

But at the government level, we have the national government - the Australia government - looking after world heritage and places of national heritage significance; we have state governments looking, in particular, at places of state heritage significance; and local government looking at places with more local heritage significance. So it is a pyramid, if you like, of heritage significance, and that is - I guess - the fundamental structure since the COAG agreement.

The COAG agreement of course and the new legislation was built on the

basis of the Australia Heritage Commission Act which created the Register of the National Estate back in 1975. The Register of the National Estate covered heritage at all levels of significance, from local heritage up to world heritage, so it is a somewhat different system with new legislation.

Given that it is a hierarchical pyramid of heritage significance, and given that there are different jurisdictions involved, the level to which it - or the degree to which it works effectively is largely based on the effectiveness of the cooperation between the different levels of government, and the administration of it, and, of course, with any sort of layered system there's the opportunity for things to fall between the cracks, and for things to become inefficient due to duplication. The new system certainly does remove some of the duplication of the past, but we appreciate that there's still opportunity for better cooperation between the governments which could give greater efficiency and provide a better environment for the community; and we have suggested in our submission some of things we think that could be addressed to try and improve that cooperation and improve efficiency and effectiveness, and we'd be very happy to discuss any of those points today.

I should also say that one example of that cooperation is that the state, territory and the Australia government agencies have cooperated in the funding of a consultancy, of which I think you're aware, which will be reporting, I think, in September, which will go into greater detail into, I guess, the economic aspects, particularly cost benefits - those sorts of things - market failure, so we would be hoping to be able to provide to the Productivity Commission a more detailed submission covering those aspects at a slightly later date. With your agreement, I'll probably stop my introductory message there to give maximum time for you to ask any questions.

DR BYRON: Thank you very much, Barry, and particularly for giving us time for more questions. I'd like to start by actually congratulating you and your staff on the submission. I found it extremely helpful and very interesting. There are a couple of points I'd like to pick up. The first one is you've helpfully given us a key messages page at the front. My reaction, reading this last night was that I doubt if anyone would disagree with all of that; except for one point, just from what I've learnt during the hearing process. That one point that I think is potentially contentious - well, contrasts with what others have told us. Typically the listing process takes into account not only heritage values but also economic and social consequences of listing. You're talking about the, I guess, particularly at the national level.

I think ICOMOS Australia and a number of others have been quite adamant that listing should only reflect heritage values, although they concede that the questions of - well, "Who's going to look after it?" and, "How is it going to be paid for?" have to be addressed somewhere. If I understood your submission

correctly, the Australian government position in the department is sort of looking at the values and the consequences in one step rather than two steps. Is that right?

DR REVILLE: If I may respond. No, that isn't correct. The issue about whether a place should be listed purely for its heritage values, taking no other matters into account, has been a debate in the heritage fraternity for a long time. The way in which it was dealt with in the development of the amendments to the Environment Protection and Biodiversity Conservation Act was to have two quite separate stages in the process. Under the legislation, the Australian Heritage Council is the body which is responsible for determining whether a place meets the national heritage criteria.

In other words, they're responsible for determining what heritage values the place has and whether they're national heritage values. The legislation quite clearly and explicitly says that the council, in coming to that position can only take the heritage values into account. So the council does not consider economic and social matters in determining heritage significance of a place.

DR BYRON: Assessment of significance.

DR REVILLE: That's correct. The council then provides the advice to the minister on whether the place meets the national heritage criteria. So what the minister gets from the council is an assessment of the heritage values. It is then up to the minister to take the assessment of heritage values into account when considering whether to list. The minister may take relevant matters into account, other than heritage values in the determination of whether or not to list. That's where the, for example, social and economic matters may come into account.

It is definitely a two-stage process and it's very transparent. If you have a look at the legislation, you'll see, if the minister for example makes a decision not to list, then he has to publish his reasons why he hasn't listed and the assessment by council and that sort of thing has to be publicly shown. So it's meant to be a very transparent process but it's definitely a two-stage and done by two different decision makers, if you like. The council is providing advice to the minister about heritage values. The minister is then making the decision about listing.

DR BYRON: The other point I noted from your summary page is that, "Heritage funding is finite and protection incurs opportunity costs and management costs." Many others have told us that. "Methods for recording priority are required." I think that's been implicit in what many others have told us. But there's been a reluctance from many to accept that. You may have just heard George Wilkie talking about A, B, C and D. That is one method of

according priority to - at one level, protect at any cost and others, "Well, it's nice to keep it if we get it, but we allow moderation," and so on. Could you elaborate a bit more on priorities.

DR REVILLE: I think this is probably something we may pick up a little bit later on when we have the further consultancy available. But at the moment, given that the Australian government is dealing primarily with world heritage and national heritage places, we're probably in a slightly different situation from someone trying to deal with a local government situation. In the cases we're dealing with, say for example, with national heritage, the places have very high level of heritage significance and you tend not to get more than one of them.

The characteristics of the places which may get onto a world heritage list or onto a national heritage list tend not to be, if you like readily replicated by other places. There is a careful level of decision making required, for example, by the Australian Heritage Council about whether one place or another gets to the national heritage level of significance. That can be quite difficult. That is a means of determining priority. The priority ranking at present is very much based upon the heritage significance. That probably is the hardest decision to make initially.

But having sort of come to that conclusion about whether the place has the requisite level of heritage significance, you tend not to have, I guess, the same difficulty that you might have at the local government of trying to compare, say, one house and another house, which might in many respects seem to have the same sorts of values. There is an issue at the national level of determining, for example, how many representatives of perhaps a type of heritage you might have on the National Heritage List, but it is probably going to be a fairly exclusive list. So the means in which you're making a decision and the basis on which you're making a decision is probably not so difficult in terms of determining priority.

DR BYRON: If I can jump forward a bit into the submission 3 about how the policy framework currently operates, and strengths and weaknesses. I know that - it's actually at the bottom of page 13:

Therefore there's usually considerable negotiation with the state government before a place is entered in the World Heritage List or the National Heritage List. A recent example of this is the inclusion of the Sydney Opera House in the National Heritage List after agreement was reached with the New South Wales Government about the management implications of listing.

That really strikes me as a very sound principle, that the state government

as the owner is quite intimately engaged and is comfortable with the listing, and there is a shared commitment to the ongoing management and all the rest of it. But I'm wondering whether that approach sort of flows down to other levels.

Somebody else this morning was saying about how significant heritage buildings in the City of Sydney, if their preservation or protection is sought, then they owner who may want to develop a high-rise actually engages negotiation about plot ratios and footprints and extra floors and all the rest of it. So you get to the level where there's actually a mutually-negotiated agreement that both parties are happy, that the heritage-protection outcome is achieved and the property owner's ambition to have the high-rise commercial office place, or whatever it is, is also achieved. Again, that's a win-win negotiated outcome.

But at the local government level, where the bulk of Australia's - numerically, the bulk of the properties are, there doesn't seem to be any sort of negotiation process or getting the willing agreement of the owner and manager of the property. Have I misunderstood that?

DR REVILLE: I think I'm probably the wrong person to be asking, given what we've explained about the relative levels of jurisdiction in which we're currently operating. The Australian Government wouldn't be involved at the local-government level in heritage listing any more. I can speak from past history with the Australian Heritage Commission, where it did get involved in local levels, the policy there of the Heritage Commission in those days was to contact owners and have some sort of contact with them.

DR BYRON: But does the intergovernmental agreement between the Australian Government and the state governments, and the sort of protocols that go with that - but are there similar protocols to your knowledge between, say, governments and local governments, or wasn't that executed as part of the national system?

DR REVILLE: I wouldn't be competent to say. But I should say in general about the broader-policy context, one of the issues we've picked up in the submission is that at the time of the 1997 COAG decision, there was a desire to try and establish a National Heritage Places Strategy, which would provide more of this policy context. That National Heritage Places Strategy, for various reasons, has never been carried through to its full implementation.

The Environment Protection and Heritage Council and Ministerial Council, which now has responsibility for Commonwealth/state/territory matters in heritage, has been attempting to build an integrated national heritage policy, and it's been looking at issues such as databases and tourism and those

sorts of things. I think one of the things we're really proposing here in the key messages is that we think there is some value in trying to move ahead and getting a full development of the policy environment, which would include protocols and standards and those sorts of things, which was envisaged in late 1997.

We're, for example, in the submission, very much, I suppose, from Australian Government perspective rather than looking at the state or local government perspective in here; but such issues as getting a degree of consistency in assessment processes and listing processes, the content of management plans and those sorts of things would, I think, be quite beneficial. From a purely point of view, I suppose that idea of, say, the National Heritage Listing, it would be beneficial for us if state governments, who have developed management plans for State Heritage listed places; if they were easily translatable into management plans sufficient for the national heritage values.

I would imagine that there would be some similar relationships between state and local-government level. But I do feel a bit unwilling to comment on matters in which I'm not particularly well versed.

DR BYRON: Sorry. Unfair question. The other - and I'll stop soon - that really interested me was, I guess, the affirmation of the Australian Government's commit to being a good heritage manager of its own properties. Is there a question related to that? It's not actually - it's not new. But I guess there were some in the public hearings who may have been seeking such a reaffirmation, and it's nice to have that on the record.

DR REVILLE: The creation of the Commonwealth Heritage List was designed specifically to look after a property that was owned or leased by the Commonwealth. So it was a deliberate attempt in the legislation to look after its own heritage.

DR BYRON: Yes. If you ever get a chance to look at the transcripts from the Canberra hearings, you'll see that issues like Belconnen Naval Station; Cameron Offices; yesterday, the discussion about the sale of the Hoxton Park Airport and the FAC et cetera; there are people who have suggested to us that even though places that are on the Commonwealth register - there was also the big controversy in Victoria about Portsea Barracks, as you will probably recall. That issue has been raised with us about the Commonwealth commitment to its Commonwealth-listed properties.

DR REVILLE: I'm aware of the controversy.

DR BYRON: I guess the follow-up question is that there's a similar commitment in New South Wales, I believe. But do you think that other states

and territories will also be voicing that same commitment?

DR REVILLE: Again, I think it would be quite inappropriate for me to comment on the motivation or the intent of state governments. My understanding is that most state governments have provision for looking after heritage that they own. But really, I think it would be inappropriate for me to comment.

DR BYRON: Sorry. Unfair question again. Tony.

MR HINTON: Barry, like Neil, I found the submission very useful. I'm going to need to read it a bit more fully with further time. But thank you very much for it and also thank you for foreshadowing a follow-up submission in October, which will have more information. I had a couple of questions. The first one was partly following on what Neil just said about some of the Australian Government's own properties, but it's coming from a slightly different angle. That is, we've got agreement from COAG back in 1997 regarding Australian Government states.

But there is another relationship, that is, Australian Government to the ACT. Some of the examples Neil flagged regarding Australian Government-owned property touched on ACT Government views. But there is another wider issue, and that is the relationship between the Australian Government and the ACT Government and whether or not, from your perspective, that's working well, working badly. I assume you do talk to the NCA. They talk to you. Can you give me a feel for that sort of state of play, regarding the Australian Government and the ACT Government?

MR REVILLE: Confining myself entirely to the heritage realm, which is all I'm really competent to speak for, I think we have quite a good relationship with the NCA, and I think we have quite a good relationship with the ACT Heritage unit. There is a fair amount of interaction. I know the ACT Heritage Council, for example, has been probably one of the heritage council's in the States which has had most interest in putting forward nominations for the National Heritage List. For example, they've probably taken a closer interest in it than some of the other States and territories, which has been quite interesting.

And, of course, we have a continuing relationship with NCA, given that there's a high number of Commonwealth Heritage List places in the ACT area, including areas controlled by the NCA. And, of course, there are also some good candidates for national heritage listing. So I don't think we have a particular difficulty in either case on the heritage front.

DR BYRON: Can I just - sorry to interrupt - pick up on that on that point?

MR HINTON: Of course.

DR BYRON: The listings for the National Trust. My understanding is that your department has been looking to the states to assist in filling the national list and doing the documentation. But a number of the states have said actually they're extremely busy populating their own lists, and, basically, if the Feds are preparing the list, the Feds should be able to do the work to populate it. Is there a problem in getting nominations, given that, I think, the public at large - anybody - can nominate? But the amount of work that is required to make a good nomination is probably substantial.

MR REVILLE: The problem is not in getting public nominations, as you'll see from the statistics in the submission. We have lots of public nominations. The degree of information that has to be in a public nomination, from a statutory point of view, is not very great. The issue about doing the effective assessment tends to fall more on the Heritage Council and those advising the Heritage Council, such as our own division. The issue about the States providing nominations - we fully understand the issues that most state heritage agencies probably are working quite hard already in looking after their state responsibilities.

We will be looking - having, if you like, with the experience of the first 18 months of implementing the act - we will be looking at what other options there are for engaging the states and territories more in the process. It may not necessarily require them to be putting forward nominations; there may be other ways of actually doing it. One of the issues, I guess, for the first 18 months, is that the public nomination process is a process where you never quite know what the nominations are going to throw up - you know, in terms of the places that come forward.

I think it's been a matter of comment from time to time that some of the more obvious places that you'd expect to be on the National Heritage List are not there yet, because for the first 18 months, not knowing what the level of public interest there was going to be, informed of nominations, the councils tended to concentrate on dealing with the public nominations, because there were so many, and because they had a statutory time frame. I think one of the things we'd be looking towards, whether it's from the States and territories, or it's from other quarters, or, indeed, it's from initiation by the Australian Heritage Council itself - and there is that capacity in the act, as was mentioned in the submission - to try and make sure that the National Heritage List does contain places which the Australian public at large would expect to be in there.

I think it's important that - some of our heritage we haven't recognised yet. The National Heritage List is an evolving beast. It's still developing and growing, and we would certainly be very interested in getting state and

territory governments to identify places which they think are of a genuine National Heritage significance, because the idea is that the National Heritage List is meant to be something which the whole country owns, and the whole country respects, and the whole country appreciates. So, we would, as far as possible, like to get that, you know, cooperative input to it.

DR BYRON: Is it helpful to encourage, you know, the public at large to nominate granny's beach house, or, you know, "the farm where I once lived", or something like that, given that the chances of it making to the National List is, you know, one in millions? All it's going to do is create additional work for the department to have to write back and say why granny's beach house doesn't qualify.

It seems to me intuitively unlikely that there are places that meet the outstanding significance requirement for national listing that aren't already on state lists, for example, in which case - you know, if I had to pick players for the Australian cricket team, I'd start by looking at who's playing for the states at the moment. I wouldn't start by going out to Cunnamulla or something. It suggests to me that there's already a fair bit of information there and that the national list is likely to pick the eyes out of the existing state list, isn't it?

DR REVILLE: I think that's to a large extent a fair comment. The issue is not, if you like, identifying the places of national-heritage significance in one way. I think probably most of us could come up with a list of some of the places everybody would expect to be on the National Heritage List, though over time I think one of the things we need to deal with is that it's not just the well-known places that maybe should be on the National Heritage List. It's places which have genuine value and perhaps haven't been identified. Perhaps that's less likely in the historic environment than in the natural or indigenous.

But part of the commitment for the first 18 months - and the legislation certainly makes this commitment - is that there is a public nomination process. Certainly, while the level of heritage significance required for the National Heritage List is still being established in the minds of the public, we will get nominations for places which perhaps don't have much chance of getting on the National Heritage List. One of the ways of addressing that is to make sure that the places which are on the National Heritage List are good guides to people of the level of significance we need. That is something which I suspect will only grow over time.

The new legislation I think, is a very important step in altering the perspective of what people had before. People used to be very greatly confused about the role of the Register of the National Estate and, if a place got in the register, whether that meant it had national significance. A lot of people thought it did. Other people realised it could only at some stage be of local

heritage significance. The move to the new system, I think, has the potential to remove a lot of that uncertainty and lack of clarity about the system. But of course the message has to get out there. You can try and run sort of major publicity campaigns to do that and that will be successful to an extent. Or you can use the example of the places that are there.

As people begin to realise that we have places on there, such as the Sydney Opera House and the Royal Exhibition Building and Carlton Gardens and places like that, that that's the sort of level of significance we're talking about, I think people would come to understand that, really, you probably don't want to put in a nomination for granny's cottage unless it's a particularly exceptional granny's cottage.

MR HINTON: Exceptional granny.

DR REVILLE: Exceptional granny. That will change over time. But I agree with you that the state and the territories have a great deal of information on the places that are important, and we'd hope to tap into that.

MR HINTON: Barry, I was particularly interested in your section 6, that is, The Way Forward. You've given your response to some earlier questions. I'm probably going to ask you a few that you're going to say you're not going to comment; but not going stop me asking them.

What I'll do with the preamble, it will say, I really look forward to your next submission that might take us further with regard to section 6, The Way Forward, because I was quite attracted to this statement you make, "A first and critical step in the strategy would be the development of a national strategic framework for historic heritage places." You go on to talk about the work under way and the National Heritage Chairs and Officials and, at ministerial level, through the Environment Protection Heritage Council."

That, to my mind, sets in train thoughts about the substantive steps to actually take forward proposals, reforms, amendments, improvements that not just addresses your direct responsibilities - that is, the national approach - but more importantly, where a lot of the tension seemed to be, which is down the next levels of government, particularly the relationship between state and local governments. That does require a cooperative approach. Some would say it requires a leadership approach from the Australian Government. But importantly it is cooperation, does involve a COAG type of activity.

I thought that it would be very useful for our process if your submissions could actually take this issue or this idea, these suggestions, a little further and explore, even if just in an exploratory way - and I'm happy to explore some this morning if we've got time. One would be: is there an inherent benefit in

having, for example, a consistent approach across all local governments across Australia with regard to the pursuit of the heritage objective. Maybe it needs to be only harmonised within a jurisdiction; that is, each state. There are issues there that are not new to the nature of our federation, but I think they're issues that we do need input from all levels of government, including the Australian government. So I really encourage you to explore further those sorts of ideas.

So I'd really welcome this morning whether you can give any reaction to an idea that goes something like, "There would be benefit in each state setting up clearer parameters for their local governments," because they're their own statutory authorities, "as to what they can or cannot do either by prescription or proscription with regard to the pursuit of the heritage objective." So that there is some sort of greater transparency and greater certainty being delivered at the coalface of local governments which, clearly, we're getting indications that that's not being delivered at the moment. There is a patchwork of performance out there across the 700-odd or so local governments across Australia. I'd welcome your reactions.

DR REVILLE: Well, I guess we generally would tend to agree that anything which improves the clarity and understanding for the community throughout the heritage framework in Australia is going to be very important. I guess the challenge at the local government level is very much going to be an issue of resourcing, and whether one can do that. In just speaking personally, my experience is that you do need a degree of, if you like, intellectual space and amount of time where you can actually build systems. I mean, apart from having to deal with the day to day, which I imagine local governments are having to deal with all the time, there needs to be some capacity to get above the day to day to actually build those systems.

I think any of these suggestions about getting clarity, and some of the interesting suggestions earlier about, if you like, the one-stop shop where you can go and effectively get a guide to all aspects of how to do heritage in the country, in theory they're an excellent idea, and you can imagine them benefiting the individual getting in there. In practice, setting some of those up is going to take a good deal of time and effort, and possibly a dedicated group of people doing it. So I think it's going to be a cross benefit, which I guess is credit.

MR HINTON: Well, I had in mind that it would be a shame if each of the 700-odd local government area councils, local government authorities, pursued this objective and each reinventing the wheel; that is, it would seem to me to cry out for some sort of best practice models being developed in a manner that then can be disseminated and used by each of them rather than it being a sort of patchwork of piecemeal approach. That suggests to me that the cooperative approach using the Australian government and the state as a starting point, and

then building up from that to get some sort of systems in place for each of their local governments in each state, would seem to have some merit.

DR REVILLE: I would think that's a matter that the Environment Protection and Heritage Council would indeed be interested in looking at to see whether it's a priority, and how one might actually do it. We'd certainly agree. I mean, one of the suggestions we've made in the submission is that, for example, adaptive reuse. I think the National Trust was talking about this issue before. Particularly, I think, if you're at a local government level you're not going to be able to tap normally into, if you like, the imaginative pool that's out there for what people have actually done with heritage buildings. Sometimes just having access to that knowledge and that example is going to be very important. So I guess it's not just the protocols you follow, but the degree to which you can actually get this information and imagination down to the local government level, particularly if you're a local government doing several different jobs at the same time, which I think certainly is the case in some say.

It's the sort of ideal one would probably want to aim for, and again I think it is - it definitely needs a cooperative approach. Each state could do it on its own. But I guess the question would be whether there's benefit in the states pooling their experience to try and come up with something that's effective. The Heritage Chairs and Officials organisation has over the years looked at some of these issues, and it is a body where you do actually have the historic agencies together. So, again, it's a more dedicated pool of - it's the right sort of group of people that you could explore this for the historic environment.

One of the issues, of course, is whether that could also work in some of the other heritage environments we deal with. But, in terms of the historic environment, you've probably in some ways got a better infrastructure in place to try and handle that than some of the other heritage environments, because you do have a dedicated group of people.

MR HINTON: One last question. We've already referred to, as your submission notes, there has been no agreement by the Australian government, and the states and territories, on the overarching framework that was recommended by COAG in 1997. What were the factors at work that mean that that wasn't progressed? Was it wider linkages to something else?

DR REVILLE: Well, I think, for example, what we were just talking about, creating such a system, given the fact that each jurisdiction has over time built up its own way of doing things, creating the overall framework, creating the what was going to be a national heritage placement strategy, means there's an awful lot on which you have to agree in order to get the whole box and dice in place. I think it would probably have to be recognised that getting to a

conclusion will take a bit of time, and perhaps it should be approached in staged fashion, so that you can build. Not try and get everything agreed at once, but build up over time. That's a bit more the approach that the Environment Protection and Heritage Council has taken so far of looking at some of the modules that you might actually want in that overarching framework, and trying to build that over time rather than get agreement to an entire strategy in one go.

So I think it's primarily the issue that getting agreement to everything in one document can be quite challenging. At the time, the Commonwealth also had an obligation to get on and get its heritage amendments done for the legislation. I think, probably, most people wanted to see what was going to be in the Commonwealth legislation.

MR HINTON: Of course, and what they affect.

DR REVILLE: That legislation is now in place, so I think we've perhaps got a better environment in which to move forward.

DR BYRON: But, I mean, it seems to me that we're in a far better situation than the rail gauge problem in that there's a remarkable degree of consistency already across the states in terms of criteria and the listing process. There's a mechanism in place for continuing those sorts of discussions about the integration of heritage issues with general planning issues at the local government level. So we're actually not in bad shape at all in terms of a degree of harmonisation of where heritage is going. A number of people in the hearings have said that the framework is pretty sound, if we could just sort of do the finetuning and the implementation, and it's not too bad.

DR REVILLE: I think there are a lot of elements in common, and a lot of that has been built up over the last 20, 25 years. I mean, the criteria, for example, I think we all around Australia share, for example, in the legacy of the Register of the National Estate in terms of criteria there. There's a degree of commonality, and to some degree the way we do business in Australia is not that different from international practice in the way other major countries deal with their heritage systems. So there is a body of knowledge out there and a way of doing things, yes, that you can build on.

DR BYRON: Okay. Well, I'm afraid we're going to have to keep moving. But thank you very much for coming today, and thank you very much for the written submission, and we'll continue to look forward to future exchanges.

DR BYRON: Mr Woodhouse? Thank you very much for coming. If you could just introduce yourself for the transcript, and perhaps summarise the main points that you want to help us with today.

MR WOODHOUSE: Thank you very much, Dr Byron, and thank you commissioners for allowing us to participate in this very important commission inquiry. My name is Andrew Lance Woodhouse. I am the director of Heritage Solutions, and a professional heritage consultant for 15 years standing, with a masters degree and a member of ICOMOS in those faculties. But I'm here today in a different capacity as president of the Australian Heritage Institute Incorporated, which is a confederation of local heritage societies across Australia. We have at the moment about 95 member societies across all states, representing a very large broad section of various heritage communities.

If I may turn to the terms of reference, and just deal with them in order: the main pressures on conservation; the economic, social and environmental costs and benefits; the relative roles, the positive, negative aspects of taxation and emerging technologies; and some trends that might be of help to the commission. I think, as a preamble, we'd like to say initially that it should not be forgotten that heritage is only about one thing; significance, and how we measure that significance. Earlier this morning I heard Mr Wilkie refer to the fact that the English have a longer heritage than ours. I'd like to correct him on that point if I may, despite his absence.

We have at least three - we have three broad distinctions of heritage; natural heritage, for example, the Great Barrier Reef and Uluru and Sydney Harbour. We have indigenous heritage - which is my point in relation to Mr Wilkie's comment - dating back 30,000 years. Then we have what's called European heritage or cultural heritage, which is what he was referring to; Australia was an English colony since 1788. Within that last group we have a number of different categories of heritage, all of equal value. Social heritage, connected with important people or past events. Historical heritage, connected with important bits of our history. Archaeological heritage, connected with important underground remnants, for example, the Tank Stream in Sydney. Technological significance or heritage connected with important use of materials, for example, Sydney Harbour Bridge. The last, but often the only one really referred to, architectural heritage connected with important designs and designers.

When you look at heritage in those broad terms you realise that heritage is a lot more than just tea and scones at Vaucluse House, if I might put it in its vernacular, and it's a lot more than architecture. It's all about what we regard as significant. With that preamble, I would just like to say that in our experience there are three - there's a triptych of three elements that impact on

which are the main pressures on conservation, and that is, development driven by - in areas of high density, with open space availability, and the eye of a developer on a quick profit.

If you were to compare two examples side by side, to prove my point, we might take Potts Point where we are, and Echuca, for example. Both areas have interesting examples of built heritage. The Echuca wharves, once part of a magnificent inland waterway transport system, now gone, are heritage listed, as is, for example, Jenner House, just down the road here; an 1875 marine villa built by Mr Blacket and Thomas Rowe, owned by the navy. Although Dr Reville is not here - yes, I'm sorry to say, it was neglected, and now has a DA application in after being on-sold, but thanks to the navy, with a conservation plan attached.

So those three things, the combination of high densities, available open space, and an eye on a quick profit make up the main pressure on development, which drives development applications, which has, eventually sometimes, an adverse impact on heritage items. Those things are exacerbated by a number of other factors. The Land and Environment Court in this state, which is weak, a New South Wales Heritage Council, which is also weak, and a situation where we have too many lists.

It reminds me very much of the high chancellor in the Mikado, walking around saying, "We have a little list, we have a little list." There are so many lists we've almost lost count. The National Heritage Register has two lists. It's had its old list, and now it has its new list. There's the State Heritage Register list. There's 152 local council heritage lists. There's the National Trust list, and a lot of local community organisations have their own heritage list as well. We believe, really, there should be just one list.

To make that achievable we really feel that there should be one single assessment criteria for heritage significance. We don't agree with Mr Wilkie, for example, of his AB and CD classifications. We understand - although I wasn't here for the full time he was speaking - that this will grade heritage items into high, medium perhaps, or low significance. Whether I've understood that correctly, I'm not sure, but I would point out that we believe that that system which was introduced by the National Trust in the 70s, and then left by them, because it was quite unworkable, is not an appropriate way to measure heritage significance.

If it's of heritage significance then it is worth saving, we believe. Therefore, we believe there should be a common heritage criteria. We understand that a question earlier Dr Byron asked about the compatibility of various criteria across the states. We're not convinced. We don't believe that they are that compatible. If you were to compare the Burra Charter criteria, for

example, with the New South Wales State Heritage criteria you would find substantial differences. So we have 152 councils in this state, all with their own individual criteria for listing. We have the National Trust under its own act, with its own heritage listing criteria. We have the State Heritage Council listing, and we have now the National Heritage listings, all using different criteria.

To bring them all together for one common heritage listing, we believe if anything good could come out of this commission then that would be a recommendation that it ought to consider. To make that happen we believe there needs to be serious changes in relation to the qualifications of heritage consultants. At the moment heritage consultants are rather like architects and town planners, in a grey area where there's - in fact we're actually worse off in the sense that there's no register or accreditation system. We don't believe there's going to be such a significant cost to make an accreditation system unworkable, and we believe it is achievable. Therefore, we need common qualifications that are going to be accepted by a national accreditation system for heritage consultants.

Only yesterday I was reading a three-paragraph heritage impact statement in relation to a state heritage listed property, which was no more than a bit of tendentious twaddle. It was simply one man's opinion of what he thought of his own DA. So councils are presented with this information, and asked to accept it. So I honestly - we're absolutely adamant that a common education system, a common accreditation system, and a common set of criteria would be the most beneficial thing that could happen, that could come out of this commission.

Just turning to the second point of reference, which is in relation to economic costs. We believe the main economic costs in relation to heritage classification are actually bureaucratic. We believe there are benefits in terms of urban renewal, recognition of heritage for the community et cetera. You only have to look at areas like The Rocks or the QVB building in Sydney to realise that heritage doesn't necessarily mean any devaluation in commercial value. So we believe there are social benefits as well. We're not satisfied that there are any environmental costs in relation to heritage listing, but we believe there are environmental benefits in terms of more open space and less inappropriate development.

In relation to the related roles between Commonwealth and state, we believe the Commonwealth should take the lead in relation to a national register of heritage experts. We believe there should be tax exemptions for people who own heritage buildings. Those should be provided by the federal government, and they should flow to federal, state and local heritage listings. That would appear to be an onerous cost and an unfair imposition on the

federal government. Whilst should, after all, one may validly ask should they pay for a state government's listing.

We believe that, therefore, if there's a common heritage criteria under which all items are valued then that the Commonwealth should accept that the state heritage listing will have a positive impact on that state, and the federal government should provide some financial relief to those who own those buildings in the state areas. They're paying federal tax after all. So we believe that the heritage owners should be responsible for the upkeep of the heritage items.

In relation to community groups, which I believe is subsection (3) in the terms of references, we believe that their role is to nominate heritage items, support the owners, oppose developments where appropriate, if they're going to have a significant adverse heritage impact, and foster enjoyment of the heritage items, and take an educative role in the community about what heritage is. Obviously, they should be funded. We believe it's an unfair advantage to ask them to go through a very complicated and costly procedure to nominate for a National Heritage Listing item, for example, only find that it doesn't qualify or, even if it does qualify, you're looking at substantial costs for each item in the vicinity of about 3 to 5 thousand dollars. The criteria are quite strict.

There is a potential, therefore, to provide conservation funds, which we believe the federal government has. We're aware that the National Heritage Council has given out or is giving out about \$30 million - I stand corrected if that number, I apologise if that number is not correct - in heritage grounds. But we don't believe that's a significant amount.

You only have to look in today's paper to see that the costs of the federal government of sending 109 soldiers to Afghanistan is 100 million. They're building a new detention centre in Darwin that's going to be costing 80 million, according to the Daily Telegraph. \$30 million would cover perhaps two buildings: QVB and perhaps one other of a substantial size. It's not that much money.

In relation to item 5 in the terms of reference in relation to new technologies, the only thing we could think of that was peripheral that might be of any help to the commission was that there are some labour-saving devices now available that help either archaeologists in the heritage area or historical archaeologists, as they're called. For example, there are now infra-red scanners to view underground tombs and skeletal remains. That will save a lot of labour costs. It's not an emerging technology but it is a new technology that's used quite well, and that's the CAD driven design functions that show the photo montages of before and after. Other than that, we can't think of any emerging technologies that would save the government or anyone else a substantial

amount of money.

We believe that the emerging economic circumstances will mean that the general population is getting older and therefore more heritage savvy. It's a general psychological phenomenon that as people get older, they tend to appreciate heritage more. The reasons for that are probably a bit unclear but basically they relate to the fact that, I think, they have a longer perspective on what's gone before them and what, if anything, will be left after they've gone. We see heritage actually becoming more and more important. In that sense, the phrase "grey power" comes to mind.

As a lot of people who don't often have that much to do can find lots of time to write letters, corral people, get petitions organised and do research to get a heritage nomination up and going. There are emerging environmental factors that we believe the commission should be aware of. Phrases that have come into the vernacular in the last 15 years, like greenhouse emissions, water quality et cetera all mean that the environment as a whole - that is, when I say as a whole, I mean the built environment of which heritage is a part - is becoming more and more the focus of people's attention.

I believe we'll see a renewed interest in what's called seascapes; that is, marine archaeology. Australia has a large number of heritage wrecks, if you like, sitting in the bottom of Sydney Harbour, perhaps bits of the midget submarine that bombed Potts Point. We have Portuguese ships, Dutch ships off our northern coast. Only within the last 48 hours the federal government has announced a substantial amount of money - I think it was about \$3 million dollars - just to do a seascape survey of where HMS Australia was last known to be. Coupled with items like the Great Barrier Reef, we believe those sort of things will become an emerging interest as well.

In conclusion, we say that there should be a common definition of heritage, common credentials for heritage experts and common implementation of conservation techniques. That completes our submission. Thank you very much.

DR BYRON: Thank you very much.

Andrew. That's raised a number of very helpful points. You talked in your earlier remarks about the - it's all about significance. One of the themes that seems to be going through this inquiry is: significance to whom? I guess the attempt to have national, state and local hierarchy is one way of elaborating that. There are also some comment that we've received that says that emphasis on retention of historic heritage helps to build social capital and community cohesion et cetera.

But others have said, "Well, retention and restoration management protection of 19th century Australian buildings may not mean very much at all to post-war migrants from Greece or Italy or Vietnam or the Middle East." In the sense of - it's a different question of, significance to whom. Can you elaborate at all upon significance?

MR WOODHOUSE: Yes, it's a very good question and a central one. The answer is really, in a nutshell, its significance to the community, not necessarily to individuals. For example, in the local community, let's say, Norton Street, Leichhardt, for example, where there's a well-known large established Italian population, an item there would have significance to them that might not have significance to people from perhaps a country town. So it would be quite appropriate to list that item as of local significance within the Leichhardt local council area but not of state significance, for example, or of national significance. We accept and agree that the three levels, local, state and federal, are a good idea and should be implemented. Does that answer your question?

DR BYRON: Yes, I'm fine. Thanks. The other question I'm still grappling with is - you were talking about the assessment of significance and too many lists et cetera. But the inference I was taking was that it was either a yes or a no, black or white. The switch is on or off.

MR WOODHOUSE: That's correct.

DR BYRON: Others have said, "Well, actually, no. Significance is a gradient or a spectrum. It goes from 1 to 10, from five stars to no stars," or something like that, that it's a continuum. I'm still grappling with the nature of this variable. Is it yes, no, binary or is it continuous?

MR WOODHOUSE: The answer is that it's continuous based on a yes or no. I can't put it - I'm sorry to be - - -

MR HINTON: It's a threshold.

MR WOODHOUSE: Yes, not as clearly as you might have liked. But the problem is that heritage actually evolves. It's not in a state of stasis. What can be built today, for example, may well turn out to be heritage quite soon. Even the Sydney Opera House is actually, in heritage terms, not very old. So heritage is not actually driven by how old or how pretty something is. There's no cuteness factor connected with heritage. It still gets back to how significant it is. You can have something that perhaps doesn't quite come up or has very low levels of social significance but might have a very high level of historical significance, and therefore deserves to be classified or listed as an item of historical significance.

In the course of time it's possible new information might come to light, based on further information, that increases its social significance. What you really have is a potential item waiting to jump into one of five or six different boxes: historical, social, archaeological, technical or architectural. If it can fit in one of those boxes, then heritage it is. Conversely, if it cannot fit in any of the boxes, then it's not a heritage item, we say.

DR BYRON: My last question was coming back to your comments about development pressures and high-density redevelopment. That certainly seems to be the story we're seeing in Sydney and Melbourne. For example, in Adelaide, we were told, "Well, yes, we've got lots of marvellous historic buildings here. It's not because we're particularly good at looking after them or we particularly care. It's just that there's never been any need to demolish them because, you know, we're in a backwater." That's the sort of answer that I might have expected from a small country town out west somewhere, but not in a state capital.

But the other type of pressure or threat to heritage does seem to be demolition by neglect and that there's a lot of places - and I guess, old banks, old post offices, old churches are frequently seen as having high cultural significance within their local community. But when you've got a small country town with a declining population, the ability to continue to maintain that fabric puts those places under pressure. Would you agree with that?

MR WOODHOUSE: I would certainly agree with that - and thank you very much for raising that issue. Demolition by neglect is something that's really quite at the forefront of the institute's concerns. Just here in Potts Point, for example, we have Ashton in Elizabeth Bay Road, an 1888 villa built by Thomas Rowe, who actually built the house and designed it for himself. He was a former Sydney councillor, former Lord Mayor of Manly. This is a prime example of demolition by neglect.

The problem with demolition by neglect is sometimes it's benign and sometimes it's actually supervised neglect. By that I mean that the building is deliberately allowed to run down and then the costs of refurbishment are used as the basis for the development application, which in this case is a nine-storey block of units in the back garden, quite literally, which happened to overlook the water.

We believe that the tax incentives that we're suggesting should apply would really mainly overcome the demolition by neglect that you're talking about, where there's no enough money, literally, in the bank to keep the building up and where, if it is registered, then the registering authority, or in this case we're saying the federal government, should provide some funds to at

least sustain the building, not necessarily to bring it back to its full former glory, but to at least sustain its significance.

DR BYRON: But most of the regulation that we have in most jurisdictions seems to be geared towards stopping demolition by bulldozers and not so well equipped to stopping demolition by neglect. Would you agree?

MR WOODHOUSE: I agree. That's right. I can't think of any regulation that actually stops demolition by neglect.

DR BYRON: Tony?

MR HINTON: One question I'd like to follow up with Andrew is a remark you made very early on about there are too many lists. I think that resonated in many people's mind. But you then went on to say there should only be one list. Can I try a formulation on you that in fact has one list but in fact has more than one list. Let me explain how that is. You can have a sort of a list that has world heritage status, and then another list that has national heritage list status, and then another list that has state heritage list status, and then even a list with local heritage lists. They could all be lists; that is, four of them. But if they are integrated in a manner that has no overlap and can be accessed as an integrated whole, we only have one list, but in effect is four lists. Would that meet your definition of one list?

MR WOODHOUSE: It would, commissioner, it would be lists within a list, as you correctly stated. We think that would be a good thing.

DR BYRON: Because one of the technological possibilities that that might arise is that if I'm travelling somewhere, the GPS in my car interrogates a database that says, "Within five kilometres of where you are now, there are two national heritage-listed places, four state listed and 17 locally-listed places," because they're all accessible and could be electronically interrogated.

MR WOODHOUSE: That's correct, yes.

DR BYRON: That might have enormous information value for - - -

MR WOODHOUSE: It would have tremendous value, yes.

DR BYRON: But as long as all that information is scattered, yes, then such technology is never likely to appear.

MR WOODHOUSE: Yes.

DR BYRON: Anything else, Tony?

MR HINTON: Have we got time for one more?

DR BYRON: Yes.

MR HINTON: You referred to - and you used the expression - that listing does not necessarily impact on the value of the property. Then you gave one example of the QVB and I can understand that, that the QVB had significant private input to get it where it is today. But that's an aside. My concern is that the conditional phrase "not necessarily" is a worry in that, would you not rule out the fact that listing in some circumstances definitely does have an adverse impact on value?

MR WOODHOUSE: We believe it does. But unfortunately it's often - and I don't mean this in a pejorative way - it's often through ignorance of the developer, who's not aware of the adaptive-use techniques. I don't think most developers - and I've spoken to quite a few conferences in my time - actually understands what adaptive reuse means or the potential that it can unleash to actually make substantially more profit than if you simply knocked off the rear wing and built a block of units, which is what's proposed in Jenna in Potts Point here at 2 Macleay Street.

If I may just put on my other hat as a professional heritage consultant of 15 years' experience, in every single case that a developer has come to me and said, "This is what we're planning to do. Will you support this," and I've had to say, "No," I've always provided an alternative that's actually made them more money. Listing itself does not lower the value. It has the potential to increase the value.

MR HINTON: Thanks very much.

DR BYRON: Thank you. I think in that case we better break now and resume at 1.30 with Mr Black from City of Sydney. Just gives us a little over half an hour to grab a sandwich. Thank you.

DR BYRON: Thank you very much for coming, Mr Black. If you could just introduce yourself for transcript and then take us through the main points of your submission. Thanks for coming and thanks for the submission.

MR BLACK: Thank you very much. My name is Phillip Black and I'm a city councillor with the Council of the City of Sydney. Thank you for the time this afternoon.

As you've already indicated, you have the city's submission, which was unanimously approved by the council at a recent council meeting. As you're aware from the submission, the City of Sydney is the oldest European settlement in Australia. Consequently, we have many heritage sites and many of those are of state or national significance. As well as those individual items, which number around the 2000 mark. There's also identified heritage conservation areas, heritage streetscapes. By the end of this year, the city is currently working on a significant tree register, which may also come into our heritage identification process yet to be decided.

The City of Sydney generates for the national economy about eight per cent of the gross domestic product. The city is a crucial engine for the national economic growth. A large contribution to this is in the tourism industry. Some of Sydney's top attractions are heritage items or heritage places: places like the Queen Victoria Building, which has been readaptively used as a retail precincts; The Rocks, residential/retail precinct; the Opera House, Macquarie Street; and the various government properties there; various churches; entertainment spaces like the Opera House or the State Library; and buildings that are used now as historic museums, such as Elizabeth Bay House; and even the Harbour Bridge itself, with its very popular BridgeClimb experience. All these are heritage items within the city.

Economic benefits also have been identified of increasing house prices for heritage-identified residential properties, which is a benefit to owners. The social benefit of course is not just readaptive use of buildings for an aesthetic value but it also allows buildings to be used for community uses and other uses, such as the Powerhouse Museum, which was a former power station, for instance, has a now contemporary use as a museum.

The formal submission, which you have, addresses the six areas outlined in the Productivity Commission issues paper. As you asked me to do, I'll just highlight some of the significant points that I see as important. The city has considerable experience in heritage management. But the city's effectiveness is often constrained by the role of state and Commonwealth governments' legislation, by development pressure and the provision for new development and the need for adaptive reusing buildings and updating them for contemporary use.

A major initiative of the City of Sydney has been the heritage floor space allocation. It's a program that is to encourage conservation of heritage buildings. The system is to allow these buildings to receive an award of transferable floor space. The amount of the award is dependent on the amount of conservation that is undertaken within the building. But that heritage floor space is then able to be traded on the open market. It's purchased by developers within the CBD. The current going price for that is approximately - or an average price is \$450 per square metre.

The main pressure on the conservation of historic places within the city, though, comes from development pressure and increasing population densities, and I guess in adapting heritage properties to meet the contemporary living and work standards, which includes things like carparking and other amenities, such as meeting the Building Code of Australia and equitable access standards.

Additionally, the other pressures that face the city in conserving historic places, the impact is largely seen by demolition by neglect due to a lack of maintenance of historic properties. The city faces pressure from owners who are letting buildings deteriorate in arguing that they need to have a development on the site, which will then fund the restoration. This often leads to a subdivision of properties and inappropriate developments being placed beside historic items.

That backs on to the other issue that is a problem - is loss of heritage curtilages. There's been a slip over the years, I've noticed, from a site listing meaning the site to the building or item that may be on the site. The curtilage consequently is lost in the process. Inappropriate developments can often be placed against significant heritage items. Their context and significance is diminished.

I guess the other area I'd just like to say is that there's limited financial and/or taxation incentives from all levels of government to aid the conservation of heritage places. It's something the city is looking at: how we can contribute at our level? But it's an area, I think, we need to talk with state and Commonwealth governments as well. Thank you.

DR BYRON: Thank you very much. I was wondering, just on the pressures that you articulated in the submission: development pressures, population growth and modernisation and so on, and demolition by neglect. You also mention in the submission, upgrading to meet new requirements of the building code and the Disability Discrimination Act requirements et cetera. You mentioned just now curtilages. Could you tell us a little bit more about those sorts of pressures.

MR BLACK: I guess those pressures arise in our immediate vicinity at the moment. One of the properties is Ashton in Elizabeth Bay Road. The building there is 1875. It is listed on the state heritage register as an item, and not just the building, but its grounds. It's one of the last Victorian Italianate villas with grounds that fronted the harbour. Despite its heritage listing, the Heritage Office has agreed in principle to development on the site to pay for the conservation of the building.

We have both those problems with this site: that the demolition by neglect is being allowed to proceed because the building has not been well looked after - maintained; and now we're facing the loss of curtilage. The city is really not in a situation to be able to deal with either the demolition-by-neglect process or, now, the potential loss of curtilage in a very easy manner because other forces have come into play on both those areas. That's just an example.

DR BYRON: With the demolition-by-neglect issue, my understanding is that none of the jurisdictions, as far as I'm aware, has the power to require minimum standards of maintenance. As I said to one of the earlier speakers before lunch, the regulations that are in place today seemed to have been designed to prevent demolition by bulldozers but they're not terribly well equipped to deal with demolition by neglect or, as he elaborated, demolition by deliberate neglect, where you weaken something in the roof to allow the water in to accelerate the demolition.

MR BLACK: Yes, although I've heard in Queensland also, putting white ants into the wooden Queenslanders.

DR BYRON: Is that necessary?

MR BLACK: You are quite correct. There is not much power there. At a local government level, if the building is about to fall into the street, the local government can do something. Other than that, it's very difficult.

DR BYRON: There's a safety issue.

MR BLACK: It's a safety issue. The State Heritage Council do have powers to implement ways under the Heritage Act, but they've never enacted them. I think part of the problem is they don't have compliance staff to actually follow up that process. The city do have compliance staff and we're out there being able to do it, but we don't have the legislative backup to do it. So there needs to be better coordination to get a solution to that problem. The city could work towards assisting that not happening. But we would need to have power, perhaps, delegated from the State Heritage Office to do that.

MR HINTON: Phillip, thank you very much for your submission. That's very useful, from your particular perspective, that's going to throw a lot of light on our issues. But your proposal that you might have powers to address the problem of demolition by neglect seems to me to raise a big issue of - what if they don't have the capacity to pay - for example. Have you thought about the sort of implications of this particular power being utilised?

MR BLACK: If the owner doesn't have the capacity to pay for the restoration?

MR HINTON: Yes.

MR BLACK: Yes, I have. There were two small cottages that recently came to council in Erskineville. They were on the local level identification. Both were well past the use-by date. The current owner had only recently bought them for a substantial amount of money and the council agreed that it was unfair to put the burden of their restoration on to the current owner, because really it had been a process of 20 years of neglect. Had those properties been in Paddington, probably 20 years ago, they would have been restored and added on in a contemporary way, and be quite nice properties today. But, unfortunately, they were too far gone. Certainly, that comes into our consideration.

But items that are on the State Heritage Register, they're identified at that level of significance for different reasons than putting them on a local listing, and I really believe that the state government has a role to play there, to ensure that those state-identified items - and some of those on state are national-identified items as well, and there therefore needs to be some financial way to aid the owner to move forward on that. So it may need taxation concessions. It may need subsidies of some sort, but I think there needs to be looked at at a high level in local government to aid the owner to be able to move forward to preserve the building, without inappropriate development impacting on the significance of the building.

DR BYRON: But just to take you up on that, I was wondering if you saw a possible inconsistency between on the one hand, the argument that there should be incentives and payments, grants, tax concessions or something, to assist owners with the additional cost of the maintenance and restoration of the heritage buildings, and your earlier argument that heritage listing actually increases values. If values are going to go up and the owner stands to do quite nicely out of a faster rate of capital appreciation, does that detract from the argument that the poor sod needs some more help?

MR BLACK: No, I don't think so because the community also value a lot of these properties as well. So although they might be privately owned, the

community see that value as well and the community often are pushing for that building to be retained, even though it's not their own personal one. But I think, probably, there needs to be lateral thinking on how we perhaps can broaden the brush of assistance. I'm currently looking at what the Melbourne City Council do. They have a program called Heritage Restoration Fund, which is set up like a foundation of the council, I guess, so it's run separate to the council, where they provide loans to heritage identified properties; low cost loans to do the restoration of their work. I think it needs to be a combination of probably various ways of assisting, and depending probably on what level of identified heritage status the property holds.

DR BYRON: Yes, and that sort of leads me into the other question I wanted to ask you about the transferable floor space.

MR BLACK: Right, yes.

DR BYRON: I've been familiar with the use with North American literature about tradeable development consents and that sort of thing. But in Perth they were telling us that they in effect negotiate with the owner of an old church or an old office building or whatever who wants to put up a high-rise building and say, "Well, if you're prepared to maintain the heritage building at an agreed and very carefully specified standard, then we will allow you to put an extra six floors on the building. We'll ease the normal height restrictions." That's sort of negotiated one on one. But it gets to the situation where the developer, the owner of the property, is basically quite happy to retain the listed building. Your way of doing it here, rather than by lateral negotiations, is using the marketplace.

MR BLACK: Yes, that's correct.

DR BYRON: But is the net outcome pretty much the same in that the owner of the property agrees to do the conservation work and gets a financial quid pro quo for it?

MR BLACK: The only one that I've been involved with since I've been on council - because I'm a new councillor - was a property in George Street. The development application had come to council two or three years ago. The heritage report on the building, which is a city heritage item, recommended retaining of quite an amount of material in the building: its original lift, the handrails of the stair. All these had to be upgraded because of the building code needs. At the end of the day, the owner decided not to retain those items and therefore they decided as a consequence not to take on the full amount of the heritage floor space ratio.

I guess that's a decision that the owner makes, knowing full well that they

could have and what they may or may not need to do in the building to keep the heritage and the trade-off. That goes back to the owner to make that decision. But at the end of the day, they end up with a packet, then, of whatever amount, in that case - I can't think of what the percentage was, but it was not the hundred per cent because they'd taken out heritage fabric.

DR BYRON: Yes, that was good. Thanks. Tony?

MR HINTON: Phillip, a couple of questions of slightly broader brush than my early one. The first one is in terms of, in your experience in local government, whether you see an desirability in having some sort of consistency across local government areas as opposed to there being individual flexibility and sovereignty at each local government area. Maybe there's a benefit for a statewide approach or even Australia-wide approach for local government actions in the area of heritage conservation.

MR BLACK: Yes, I guess the State Heritage Office here has probably moved in that direction somewhat by listing on their register now all identified heritage items within a state. I think there's about 20,000 on the list, and about 1500 of those are state heritage items. In a way that is trying to do that equating across local government areas. But at the end of the day, the decision of putting the item on the heritage list or not is the local government's decision within the area. There probably isn't standardisation from one council area to another. I would imagine it probably depends on partly community pressure and partly councillors' will to do that.

MR HINTON: Yes, reflective of local interests, local pressures, local attitudes.

MR BLACK: Exactly. Before I was a city councillor, for many years I've been a heritage protection advocate. My early experience with the former South Sydney Council was we never won anything, despite the comprehensive research that we did and presented to council. But in 10 years that has changed substantially. There is now listening, by the former South Sydney Council at the end of its days, to the heritage concerns of the community and certainly by the current city.

But to some extent, at the moment I'm driving that because I'm the heritage-interested person. If I wasn't there, there may not be, on the councillor side of the fence, quite the same drive. I've seen other councils. If you haven't got that interest - - -

MR HINTON: Not much happens.

MR BLACK: That's right.

MR HINTON: Let's take it slowly, and even wider again, Phillip; that is whether you're game to try your hand at a comment on relationship of your council with the New South Wales State government on matters of the heritage objective. Could you sort of share your experiences with us on that issue.

MR BLACK: I think the experiences I've had have been one of cooperation and want of cooperation. I see the problems at the end of the way end up being lack of resources at the state government level. As I mentioned about the demolition by neglect, for instance, the staff there aren't available to enact the part of the act they have. I would like to see a closer working relationship. As I alluded to in the beginning, maybe we as the councils assist in using our compliance officers to perhaps assist the Heritage Office, and working backwards each way.

MR HINTON: One last question. It's to do with sort of decision-making - that is, seek your comments on how well the system is or isn't working regarding natural justice - that is, are you comfortable about appeal processes that are associated with decisions for development applications or, for that matter, development applications more importantly and with a link to heritage objectives? Can you sort of share your experiences on that issue with us.

MR BLACK: Okay. They're a little bit limited because I'm only new at the councillor level. I guess the difficulty for me as a councillor, if recommendation has come from the staff to proceed on a project which I then perceive has problems on the heritage fabric of the building, I'm somewhat limited in arguing that we don't support the officer's recommendation because when we get to the Land and Environment Court, it's very difficult for our heritage staff to recommend a position contrary to what the staff have recommended to the councillors.

On the other hand, when the recommendation has been what I would say a favourable position and the councillors have supported that, and then the owner may have taken it to the Land and Environment Court, we usually have a positive outcome. So I guess that's a dichotomy.

MR HINTON: Yes, it's that sort of dichotomy I was seeking to explore with you.

MR BLACK: I don't have a solution to it, I'm afraid.

MR HINTON: But you think that the state level appeal process does provide some sort of rigour, which then has a cross-state consistency.

MR BLACK: I would imagine it does, from my limited experience of it, yes.

MR HINTON: I appreciate it is limited experience. But is the process unduly legalistic, that requires a significant expense to ensure that your legal rights are protected, or is it more friendly than that?

MR BLACK: I think it has been that way. My understanding is that things have been made more - more easier access and hopefully less costs as well in recent time, is my understanding.

MR HINTON: Thanks.

DR BYRON: Am I correct in understanding that there are some circumstances where the New South Wales Minister for Infrastructure, Planning and Natural Resources actually becomes the consent authority?

MR BLACK: That's correct, yes.

DR BYRON: And in some cases the planning authority?

MR BLACK: Yes, there would be, yes.

DR BYRON: Can you tell me a little bit more about how - do you know about how that works or under what conditions that kicks in?

MR BLACK: Yes, the state government have decided to take various areas from the City of Sydney's control. Some years ago, the Central Sydney Planning Authority was instigated to make decisions on developments over \$50 million. That probably doesn't have an impact per se on heritage of the city because it's the bigger developments that are happening in the city.

Although more recently, the state government have certainly enacted other acts, which have taken areas away from the city. The Sydney Harbour Foreshores Authority, for instance, has areas which have traditionally been planning controls by the City of Sydney; and more recently, the Redfern-Waterloo Authority; and more recently still, the state-significant legislation that's gone through, which brings us down to as low as \$15 million for a development. One of the properties that fall potentially into that catch, which is of concern to me, is a very significant Catholic church in Darlinghurst, which is proposed to be converted to a medical school and research facility.

Although at the moment the DA hasn't come to council and the plans that have - looking in terms of a \$13 million development, I can see the writing on the wall for them to tweak it up a bit and push it into the \$15 million and hopefully get a better outcome from the state government planning minister

than they will get - I imagine, from the City of Sydney's planning, on that particular issue.

DR BYRON: There's still that possibility of jurisdiction shopping.

MR BLACK: The state government seem to be taking more and more away from the City of Sydney, it seems to me, in planning controls for whatever reason they have decided to do that.

DR BYRON: One of the things that I think I've picked up on in reading through your submission was the sense that the city is a dynamic, evolving beast, that it's not just sort of snap-frozen at a particular point in time.

MR BLACK: Yes.

DR BYRON: Hence the emphasis on sympathetic adaptive reuse.

MR BLACK: That's correct, yes.

DR BYRON: And not necessarily trying to preserve everything at the rear immediately.

MR BLACK: Yes, that's right. I think it's very important that, to save a heritage property or place, it needs to find a new use in our contemporary society. My problem, I guess, at the moment, in working through some of the adaptive reuse of buildings is. How much heritage fabric do you allow to be removed to move it into contemporary use? My fear is that you get to a point where there is no heritage fabric left. At some point, the argument will be, as comes to council now, that there is not enough heritage fabric left in the building for its retention.

It's a concern at the moment to me because some issues have come to us about removing internal walls and fireplaces and staircases in some of the older hotels, for instance, to make them open, contemporary spaces, that all that is left is the shell of the building. In one case in Newtown, we're potentially losing chimneys, which are a feature of the building's streetscape. Yes, that's a worry to me. But I certainly do agree, we have to look at the building in its contemporary use and it has to be amended to that.

DR BYRON: My understanding of how the system worked or should work when a property was identified and listed, that the citation would tell something about, "These are the values that make this place special. These are the reasons that we want to keep it." Then hanging off that, perhaps as a separate document but linked to it, is, "And there A, B and C would not generally be permitted because they're inconsistent with those values."

However, X, Y and Z would normally be as a right," sort of thing. And yet when I've actually got to get my hands on some of these registers, they don't seem to look like that at all. Can you tell me what the City of Sydney ones look like.

MR BLACK: Yes, that's perfectly correct. The City of Sydney, because of the recent amalgamation, is a fairly mixed bag. The former City of Sydney register, it is detailed somewhat to that extent. The former South Sydney City Council register is not. There weren't the resources and the ability to do that sort of detailing. I would agree with you that's what's needed. But there is an allocation of staff and the costs of doing that that is required to develop that detail, obviously. I think former South Sydney City Council didn't have that ability to do it. The city had in the past - and I think it probably does it currently. But there's still a lot of catch-up to be done on that.

But because that detail is not often there, that's what causes the problems when it gets to the planning level, and certainly when it goes to the Land and Environment Court as well, if that detail is not there to back up.

DR BYRON: It also might cause uncertainty or lack of a sense of security in the minds of the existing or prospective owners in that they don't have that clarity about where they stand. I guess particularly in rural areas, we've been told about people who have deliberately knocked over places that would almost certainly have been of heritage quality, simply because they were afraid of what might happen if somebody from the council or the state government found out about it.

It seems to me that that fear - which may be rational or irrational. But if that fear is driving destruction of heritage properties, then that's something that might be very important to address. Having greater clarity about what you can and cannot do as a result of a certain type of listing - and if it's purely for the streetscape, then people shouldn't be worried that they're not allowed to rearrange their interior furniture or something. I'm being flippant there about - - -

MR BLACK: I know. You're exactly right, though. Yes, that is a concern. I think in the - back at South Sydney when I first got involved, there wasn't a system to alert purchasers of properties, for instance, that they were heritage listed. It did cause problems when the local heritage society jumped up and down to say, "This needs to be respected in a better way," and the owner said, well, they didn't know.

I think at least for the City of Sydney that has changed. But I've heard similar stories to what you've just said about other places, where that does happen. But it really does go back to the lack of understanding of what you

can and can't do. The Heritage Office have certainly tried to make that information available on their web site. But to the general public it probably isn't out there like it perhaps should be. One of the studies that the City of Sydney has inherited from South Sydney is a study of the remaining weatherboard buildings within the city. I began, some few short years ago, thinking there may have been 30 timber cottages, and let's see which ones are worthwhile keeping and which ones could be let go. It turned out there's more like 300, so the poor consultant was overwhelmed.

But I've argued all along, when I was in the community - and I'm still pushing the position now - that that study we should use as an educational tool to educate the community, and more specifically the owners of timber buildings. I think we can do that by an exhibition of the material that's been accumulated by the consultant, a photographic-type exhibition. I think we can probably end up with a brochure, or something more substantial that we can also use for the community to educate them. I think councils have a role in doing that. But the State Heritage Office also needs a role in doing that, to educate the community.

DR BYRON: I guess the tabloids and so on are very quick to pick up on the one sort of egregious example, and that may spread perceptions of all sorts of horrible things.

MR BLACK: Yes, and it's only the local papers particularly who will do that. They'll have a story about someone who was unable to do whatever, because it was heritage listed, their house, and then everybody gets the fear that - so you end up with the example that you gave of knocking down before somebody identifies it. Whereas, at the end of the day, that's not really the case. But a lot of the community don't understand that, and there is a shortcoming there of the education of the community.

MR HINTON: Of these 300 timber cottages - presumably that would lead to then a push to at least conserve, preserve some of those.

MR BLACK: Yes, that's the intent.

MR HINTON: Can you give us a feel for the sort of criteria that would need to be applied to see who's going to be listed and who's going to be able to knock it down to put it up the townhouse?

MR BLACK: I haven't been that closely involved with it. So, no, I don't. The criteria would have been established initially by South Sydney Council, when the consultant began the process. I know there's been a lot of problems with it, and that's why it's been stalled and delayed. Partly because of the overload by the consultant for the matter identified. I'm hearing from our

heritage people that perhaps the criteria wasn't good enough in the beginning at South Sydney, and they've wanted to rejig, and re-established it. So that stall, that councillors keep asking, and we keep on saying, "It's coming. It's coming." I think that's been one of the issues that our heritage staff have had.

MR HINTON: That's why I'm asking the question, thank you. We can see the objectives of having - the need to have transparency and equity and rigour and robustness, and all those wonderful things.

MR BLACK: Yes.

MR HINTON: But actually delivering that might be another matter.

MR BLACK: Exactly. No, I think that's been the essence of the problem, its delay.

DR BYRON: Yes, there's a possibility of a perverse outcome in that somebody who's maintained the place particularly well - so that it's now a beautiful near original example - may well find that therefore he's the one who's not allowed to sell his property for a townhouse development. Whereas the guy who sort of bastardised everything years ago, in a sense, is rewarded for having done that, and some people might see that as perverse or inequitable.

MR BLACK: Yes, I guess that could be an outcome. I tend to notice though that what I call the bold and the beautiful save themselves. It's the other ones that don't. I see in the Domain in the Sydney Morning Herald timber cottages in the inner west that have been contemporarily added on to the back, and they're quite stunning contemporary buildings. I couldn't imagine that it would get to a point where they would not be retained, even without a heritage listing, but I guess that's a possibility. But even with a heritage listing, it doesn't mean it's definitely going to be retained either. There can be an argument put for whatever reasons that that is not to be kept. I mean, the heritage listing, I guess - unless it's a state or a national listing - does not preserve the building for ever necessarily, and that's probably what some of the community don't realise either, that there still needs to be a fight sometimes put in if the new owner wants to do something else with their privately owned property.

DR BYRON: Anything else?

MR HINTON: That's good, thank you.

DR BYRON: Well, I thank you very much.

MR BLACK: Well, thank you very much.

DR BYRON: It's been extremely helpful, and thank you for all the time and effort you've put into both the written submission and coming today.

MR BLACK: All right. That's great.

DR BYRON: We'd better move straight on. Ms Roberts? Thank you for coming today, and for the written submission which we received quite early in the piece I must say. If you could just introduce yourself for the transcript, and then take us through the main points, the highlights from your submission, and then Tony and I would like to discuss it with you.

MS ROBERTS: Yes. I'm Elizabeth Roberts. I'm the executive director of The Convict Trail Project. I'd like to apologise for my co-author, Ken Phelan, who's now got another job so he couldn't be here today. I was going to outline what The Convict Trail is, but you probably know already what we are. The other thing I wanted to discuss with you is some results of some recent research we have done, since we wrote our submission, that impacts basically on our submission and on roads, because what we've been finding is very significant to the history of roads in New South Wales and probably Australia.

Everyone is aware that Romans built very good all-weather roads. But what people are not so aware of, that after the Romans until the early 19th century, we didn't have any. The process of building all-weather roads was lost, and it was only in the - - - (telephone rings)

MR HINTON: Please excuse us a moment. We'll see if we can sort this out.

DR BYRON: Wrong number.

MR HINTON: I apologise. Sorry, they've got the wrong number.

MS ROBERTS: So it was only in the early 19th century that Telford and McAdam started experimenting with road construction techniques, and they published these results in about 1820. I knew this, and assumed incorrectly that because of all the old roads, old bridges in England, Europe and America, that they also had a lot of evidence of 19th century roads in those places, and what made the Great North Road unique was it was built by convicts.

But recent research I've been doing - admittedly via the Internet, so it may be flawed - but what I am finding is that Australia is the only First World country that still has 19th century road works carrying 21st century roads. Yes, it makes our old roads very special. I was amazed when I found this, because I clearly thought there would be a lot more overseas.

You ask in your paper what makes a heritage place, and I now suspect not only is the Great North Road an extremely rare and important historic structure, but so are the numerous other currently disregarded 19th century back roads that are still in use supported by 19th century road works that tell the story of the development of modern road construction, not only in Australia but worldwide.

This brings me back to our paper. Because our European heritage is not yet 220 years old we often don't appreciate, in world terms especially, that so much of our population is first or second generation immigrants from places with a much older built cultural heritage. My co-author is first generation immigrant, so he's particularly aware of this - because we don't own what we are trying to protect we are very aware of the managers who hold the responsibility for the road, particularly where it is still in use, and because The Convict Trail is made up of a large number of people from a lot of geographic areas we know the asset managers, public and private, regardless of the type of asset they are trying to manage, genuinely see heritage as a problem and something that they don't have part in, and it needs to be changed so it is to be something they see positive benefits for.

We see this type of attitude as a major problem that the commission needs to address. We believe that to properly protect Australia's heritage we believe the federal government should provide creative leadership. The government at state and federal levels have protective frameworks in place, but for these frameworks to work effectively they need to be supported by community public education programs aimed at driving community attitude changes towards heritage, similar to the road safety and health campaigns of the 1970s and 80s that are now reaping benefits. Attitude-change programs take a long time but they do work eventually.

One way of changing attitudes could be through Australia's largest and growing hobby; is family history. Often not Australian history, but this interest forms a way of providing connections to Australia's heritage. I know from our use of prisoners in conservation work, them most unlikely people can become heritage enthusiasts if they can make meaningful connections to the heritage. I had some surprise result from some of the people we've worked with.

We believe that we need something to make Australia's - protection of Australia's heritage needs to be made trendy, important and everybody's business or, in modern terminology, sexy. If you could make heritage sexy, you've got to protect it. But at the moment it's not - it's the problem.

The other issue is I wanted to address specifically on roads and the problems of roads. Often, heritage roads are the boundaries between different jurisdictions and as such, nobody wants to own them. This is what led to the issue that led to the formulation of the Convict Trail Project. The other problem is their status as public roads and as public roads, the asset managers expect these roads to perform to modern standards they were not built to perform to. They're not built to carry heavy, fast traffic. There's all these sorts of issues related to a road that's a heritage road.

I have found recently that there are such classifications as heritage roads overseas. It would be helpful if this sort of classification could be adopted in Australia and, with it, come the ability for state or federal funding like you now get for regional roads. Regional roads, the councils that have to manage them, can apply for state funding. Councils that have to manage - if you had a classification of a heritage road and the council that had to manage it could get the same sort of funding as they get for a regional road, the pressure to have them made regional roads or apply for concrete bridges and things would be removed off them.

The other issue that I'd like to address is the problem of not-for-profit heritage organisations. We've often been asked, can we become self-funding. We don't own anything that we can become self-funding with. Someone looking after a road can't put a tollway on it. When you apply for funding, you have to provide fifty-fifty funding. That can be very difficult. That is really difficult. Of course the other thing is, so much of our work is done by volunteers, including me being here today because I only work part-time, so this is the extra day. A lot of our stuff is done by volunteers and there's a great deal of voluntary input into heritage right across the board, including some of the people here today. Yes, that was the - - -

DR BYRON: Thank you. I found your submission fascinating to read. I guess since I first read it, we've come across a few more examples from other people facing some difficult - different - in some ways, similar issues: heritage bridges, old timber bridges and those sorts of things in other states, Ross Bridge in Tasmania. But one of the first things that struck me is that the existing sort of heritage-conservation framework that exists is largely geared around buildings and it's not basically set up to cope with the sort of thing that you're doing. You're an outlier.

MS ROBERTS: We're an outlier. We are 240 kilometres long. Some of our precincts are 40 kilometres long. If you've got funding for something there and you want to get funding for something here, you can't get it at the same time because they're in the same heritage precinct; they're in two different federal electorates. They're 40 kilometres apart but they're the same precinct.

DR BYRON: Yes, the US has heritage trails - - -

MS ROBERTS: It and Canada and Finland, I think it is, have heritage roads. I'm not quite sure of all the details of them. But Canada certainly has roads, or some of the Canadian provinces, have roads that are listed as heritage roads. It's a legal classification.

DR BYRON: You probably don't know. The finance for that might come from the roads - department of transport. It might come from heritage or it

might - - -

MS ROBERTS: I don't know.

DR BYRON: But presumably both heritage agency and road funding would want to see a proposal before writing a cheque, that it wasn't just another disguising sting for getting more road funding from local government.

MS ROBERTS: There's specific issues with heritage roads. I did bring some pictures. We have 1830s walls, big, long ones that carry roads. It's the issues of the safety rails against - the safety rails. They put modern safety rails on them. You've got a stone wall here. You got the safety rail post there. Somebody hits it. It flips the stones out.

DR BYRON: Yes.

MS ROBERTS: It's a safety issue because the rail could drop out from under the thing. But from our point of view it's a major problem with our heritage walls. They're dry-stone walls. They're 170 years old. You put new fences along them and you're destroying the walls. We've had engineering plans drawn up on how the safety fences can be fixed back in under the road. But this takes money. Convincing the road managers that they need to spend this sort of money is a difficult issue. It's also the weight loads on roads that are carried by dry-stone walls. It's these sort of issues. They're very different to most heritage things.

DR BYRON: Do you have any idea of what proportion of people using the road even realise that they're driving over a convict-built, hundred-year-old asset?

MS ROBERTS: Between going down to Wiseman's Ferry and the Old Northern Road, probably .001 per cent. Between Bucketty and Wollombi, where that long sweeping section of the wall is, quite a lot. Because we do have signage up and people choose it as a tourist route. That one is quite a lot.

DR BYRON: But do they actually see the wall as they drive along the road or - - -

MS ROBERTS: That's taken from the road, that picture.

DR BYRON: The road is a horseshoe shape.

MS ROBERTS: It's horseshoe-shaped. You do see it.

MR HINTON: I've got two questions, Elizabeth. Thank you for your

submission. I now appreciate, seeing the photographs actually, that that's helped me get a better understanding of what was involved. I'm trying to recall if I've ever driven along it. I probably have, but many years ago. I was hoping Neil was going to ask this, my second question. If I wait long enough, maybe he will. But I'll ask the first one first.

The first one is: assume there are engineering characteristics to these roads and that therefore, presumably, they would be of some interest to those engineers in Australia with a heritage bent.

MS ROBERTS: Yes.

MR HINTON: They've certainly appeared in these public hearings. I was wondering whether there's any association with them or link to them that might expand your membership group and influence accordingly.

MS ROBERTS: The heritage engineers in New South Wales are one of our affiliate members. We're made up of the asset holders and all the groups that have an interest in the road. They all have a right to be on our board. We have a board that's made up of about 50 people. They can meet twice a year and the elect the management team. The heritage engineers are part of our board.

MR HINTON: Part of the family.

MS ROBERTS: Yes.

MR HINTON: The question that Neil should have asked is one that goes something like - dare I ask it - shortage of funds, shortage of capacity. There is a problem with regard to load-bearing capacity of the road itself. Does that not take you down a track of saying, "You can't conserve all of it. Maybe you should go to segmentation and choose the best of the best, and have a big swallow regarding the loss of the rest"? Is that an outrageous suggestion?

MS ROBERTS: Yes, because some of the two best bits are those bits that you've got there that are carrying traffic. Part of it has been locked up on the national park. But the other bits are equally as significant as the bits that's locked up on the national park, and they're carrying traffic. It would be a great pity to lose them. There are other ways round that. You could not have heavy vehicles travelling on them. There are alternate routes that heavy vehicles could take. Particularly the section up around Wollombi, it doesn't need heavy traffic on it.

The other issue of that is: there's a lot of wooden bridges related to the section around Wollombi that we would really like to see kept in relation to the road. The bridges naturally act to slow people down. A lot of that road, in any

case, has an 80-kilometre speed limit on it. There are ways that you can protect with without taking the traffic off it. By - - -

DR BYRON: Slowing it and putting weight limits.

MS ROBERTS: Yes, slowing it and weight limits. Those sort of things would protect it quite a lot.

DR BYRON: I'm also wondering what more can be done to celebrate it. There's both the management retention, the physical caring for the place. But there's also the question of communication to - - -

MS ROBERTS: More signage would help. We did have a grant for some signage. But what we don't have is the large tourist signs saying, "This is a" - the big, brown tourist signs. Those ones would help.

DR BYRON: But is it a tourist road because people enjoy the scenery that they drive through, or is it a tourist road because of what they're driving on, or is it a mix of both?

MS ROBERTS: Both. Yes, it's a mix of both. Some parts are what they're driving on. Some parts are what they're driving through. And some parts are both. Some parts, it's only the actual line of the road. We are looking to get the whole road state listed. In some sections we're looking at, it will only physically be the line of the road and the name of the road. There is no evidence left. But it's the whole concept of building a road from Sydney to connect Newcastle and the Upper Hunter. It's the first road to connect these places. Some bits, it's just the concept of the road, the line and the name. In some bits it's physical evidence.

DR BYRON: Could somebody still walk from Newcastle along the original line of the road if they wanted to?

MS ROBERTS: There's a small section in Ryde where it's probably been built over. As yet, we're not quite sure - some of the bits going into Newcastle. But the rest of it, yes. Probably most of the bit into Newcastle, you can still walk on. But it's a matter of getting someone to put the old survey onto a modern map and then physically walking it to pick where it is. But the majority of it, yes, you can walk it. The majority, you can drive it. The majority of it, all except for 40 kilometres, carries traffic.

MR HINTON: Was the group concerned about the guardrail being constructed?

MS ROBERTS: I think the guardrail went in before we were formed.

DR BYRON: I guess my question is: have you any suggestions for us on how the system for identification, conservation and celebration of historic heritage places might need to be finetuned or adjusted to better accommodate heritage places that are not a specific building?

MS ROBERTS: I don't have any suggestions. It's something that needs to happen. It's also some of the other roads that probably need to also be taken note of, since I've found that we're probably the only place that's got 19-century roadworks still in use. The Great North Road is the oldest bit, as far as we know, and the largest bit of it. But there's parts of the Great South Road that are 1870s roads from St Albans to Bucketty. There's a road that could be anything from late 1830s, 1840s to 1870s, from Laguna to Watalgan. These have still got stone walls carrying the road. There could be heaps and heaps of others. People keep telling about, "Oh, there's a bit of wall in here or there," because we're interested in roads. We have quite a lot. There's probably a lot in other states as well.

The criteria of a heritage road, as a criteria, would be one way of alerting people to these. That might be the easiest way; is that sort of concept.

DR BYRON: Yes, if we think of anything as we go through - but I do thank you very sincerely for having brought to our attention as one of the areas where the existing system doesn't cope with the nonconforming, the unusual. Maybe an improved system would.

MS ROBERTS: Hopefully.

MR HINTON: Elizabeth, did you want these back?

MS ROBERTS: If they're of use to you, please keep them.

DR BYRON: I'm thinking I can probably get them from your web site, could I?

MS ROBERTS: Probably.

DR BYRON: Thank you.

MS ROBERTS: Thank you.

DR BYRON: Mr White. Thanks very much for coming. Whenever you're comfortable, just settle down and get your papers and your drink. Thank you very much for the written submission, which Tony and I have both read.

MR WHITE: Yes, do you need copies? They asked me to bring copies. Three copies, I thought I had to bring.

MR: We've got copies.

DR BYRON: If you could sort of take us through the highlights of that.

MR WHITE: Yes.

DR BYRON: And then we'd like to discuss it a bit further with you.

MR WHITE: Sure, yes.

DR BYRON: Thanks.

MR WHITE: Really, the first page is just a bit of background about myself and my involvement in heritage trade training. It's really the area which I feel is part of any policy framework; is that the training in the skills necessary to conserve, restore and maintain these buildings or places is the main thrust of my submission.

You'll see from the Main Issues, the conservation trade training, I feel, should be integrated into any policy framework that you make. So it should be not something that's added on. At the moment there is no real mechanism throughout Australia whereby it actually ties the training on these conservation skills to any real policy. Do you just want me to go through the head points - - -

DR BYRON: Yes.

MR WHITE: - - - or the whole lot?

DR BYRON: No.

MR WHITE: Lack of ongoing and long-term opportunity is one of the main problems of people working in the conservation area - and my background is that of a painter and decorator - is that there is no long-term prospect. It's generally fits and starts. I can't name very many people who would be employed full-time in conservation work in the painting and decorating area. There would be three or four. The problem that we have for - as I'm a TAFE teacher - is any course of program we deliver, if we put another 10 out there

into the industry, it absolutely swaps whatever particular area that is. That might be stone masonry or heritage roof plumbing or heritage plastering. Put 10 more people into that and you absolutely swamp the market. That's the problem; is sort of gearing the training to the demand.

Some of the ways of providing that sort of work or that continuation would be to link it to government contracts. Part of the New South Wales Heritage Trade Training Strategy initially indicated that part of any public works programs on heritage work, there would have to be some training attached to it. That's the sort of way that you could do that; is by making that a component of that. Then that generates the training. That generates the employment of the apprentices that employs the continuation of the work. That's the main sort of thrust of that ongoing work.

Also, too, I've been having minor discussions with New South Wales Historic Houses - sorry, the Heritage Office - about ways in which we can link the training to this sort of - the issuing of grants. So that when you apply to the Heritage Office for a grant to do some conservation work, then the contractors doing that work have had to have some training in conservation. You just don't get the lowest tenderer. You actually get somebody who has some training and some concept of what they're actually trying to do.

This is then linked in to being able to build up perhaps a preselected tenderer situation, so that if the public works - sorry, that's not their correct title. I can't remember the correct title now. I'll call them the Public Works Department. If they let a tender out, there's a group of preselected contractors who have gone through the training program that can go and do that sort of work. What happens quite often on projects is that a contract will be let and then the head contractor runs around, trying to find out who can actually do it.

For instance, a contractor many years ago, was a successful contractor - sorry, wasn't a successful contractor - but he was putting in a tender to repaint the Sydney Town Hall. He then rang me up and said, "Look, Richard, can you come and marble the columns because we got no idea." His previous business was painting roller carriages. It's this sort of absurdity, that you get the wrong people on the wrong job. Then we wonder why our buildings start to fall to bits when they've been restored. That's the sort of thing. If we can get that linking of some sort of requirements, some sort of pre-qualifying tendering, that you start to get that continuation there.

The centralised training facility. Australia just isn't big enough to support heritage trade training facilities or programs in all states. You might note that on the front page there I mentioned that I'm going to Italy to train at the European Centre. They've got a population of 200 million in Europe and they can't get six people to do the course. So there's little likelihood that we

could do anything like that in Australia.

We're sort of between the two. Some of the suggestions that we've tried over the years are that you have, like, a core or a common core of conservation principles and studies that would attract bricklayers, carpenters, painters and that. So you get the general principle. Then they go and do the specialised components appropriate to their trade, so that you have that sort of critical mass that makes the course viable and that you are actually putting people through the course.

The courses that we ran as part of the New South Wales Heritage Training Strategy, they are a six-semester course. It's a certificate 3 in heritage painting and decorating. The problem being that we're only ever funded by semester, so that we never really knew whether or not we were going to have or we would be funded over the six semesters to complete the course. What actually happened was that there was one year there we didn't get any funding and so the students actually missed out a year and they came back the next year. Then you get up to the bind that they won't run the course because you haven't got the students because they've lost interest. It's all these sorts of pressures that you need to sort of really sit down and try to work out.

A centralised facility gives you that opportunity to bring people in from other states. They may attend by grants or subsidies. Or the industry, there might be a levy. There's talks of building-industry levies. There's many ways in which you can fund this sort of thing and get people to actually participate by way of grants. This course in Venice that I'm attending, we all attend by a grant. I don't think too many people are actually funding themselves. They've either got a grant from the European Union or, as I have, from DEST. There needs to be that sort of funding to get the people.

Whilst it's very nice for me to go to Italy, I don't really think that's a solution. I think the solution is in the home-grown product. I think if we can develop our skills back here in Australia - because we've got contextualise it. It's sometimes hard, when I've been there before, getting across to them that an old house in Australia is 1900. They're sort of saying, "What?" They've got no concept of that. It's this sort of thing. So you need to do it in the Australian context.

The other things about having a centralised facility, it provides a link between the clients and the people who can actually carry out the work. So that if you know or if the various national trust sections around Australia, the Heritage Offices and any sort of local groups, like the lady who just presented; if they need some trained or qualified craftsman or tradesman, there's a central place that they can go to.

One of the problems I found, because I also have a consultancy business in heritage painting - and I've been on the list of painters with the Heritage Office. But I've never had an inquiry. Whilst I'm on the list, nobody knows to go to the list to find me. There's these sorts of issues that, when you sort of sit around the table, you sort of go, "How does this happen?" To me, it's so simple. Yet these are the issues and this is what I wanted to do.

There's a lot of people beaver away out there, doing this sort of work. But it's sort of getting them together, which is a real issue and, in the getting them together, it's to give them that critical mass in which to exchange skills and ideas, employee and trainees or apprentices. Or it may be that you have an adult like myself who wants to go and improve their skills. You don't necessarily want to enter into an apprenticeship or training arrangement. But by a subsidy or a grant, you can do that.

The inappropriate training. We've tinkered around this for about 15 years. I don't believe we've got it right. We need to sort of, again, sit back and have a real good look at what we're actually doing. Sorry to keep taking - I should have bifocals on. Again, there's one of this problem of, there's a notion of a master artist and this is the person who's needed. But in reality these buildings or places were not built by master artisans. They were built by tradesmen with a very good understanding of their trade. The notion that we've got to create this superperson, to me, is a total fallacy.

If we have a look at the national competencies, which I'm sure you're not familiar with, on conservation, they bear absolutely no relationship with the skills and the curriculum of those who work, we're trying to replicate. We've got a set of skills over here which bear no relationship whatsoever with the skills that the people were practising in order to carry out the work. This again is what I see as the major problem because any of your funding is inevitably linked to national training packages and they are totally inappropriate. While you got the funding going into the most inappropriate means, you're never going to get a success.

The funded mentor system. As I mentioned before, a lot of people who are out there beaver away in the industry are generally older tradesmen because they are the ones who have got the skills, because it's a lot like training the piano. You cannot train somebody to play piano concerto number 5 in a week. You can teach them to do something, but not that level. But the expectation is that you can put together a group of skills, give them a week's training, and we got this master artisan. It's just totally ridiculous.

You've got those people who are out there. What we need to do is to encourage them by way of perhaps a subsidy to take on an apprentice. Their business isn't big enough to take on an apprentice. That's what I say; come

back to that problem of, it's fits and starts. So that they've got no real opportunity to employ them because they don't have the work. So it needs this sort of paid mentoring system, whether you paid the contractor to take him on or you pay the person to work with that. That's something to be determined. Again, these sorts of things, these incentives, could be linked to taxation relief or made part of any government grant or assistance to home owners.

I'm mindful of the time. I think they're the general trust of some of the main issues, which I think are holding back the appropriate training of people in conservation. They're intertwined. I don't think there's a one fix that's going to fix up the whole problem. But I think if there's a framework in place, then it's very important that that framework includes a mechanism which will allow that ongoing training because, as I mentioned, the people who are out there working on it or sort of working at those skills are generally older and they're getting closer to retirement. There's no succession planning unless we get that.

One of my colleagues who I work with is a very good wood grainer - and I'll finish on this. He would wood grain a door and people sort of say, "Yeah, that's fantastic," and it is. They say, "How do you do it?" He says, "With some old paint, a couple of old brushes and 30 years' experience." They say, "But how do you do it?" "Couple of brushes and 30 years' experience." They can appreciate what he does but not the length of time in which is taken to get those particular skills. I'll leave it there. Thanks very much.

MR HINTON: Cooperation. Have a look at this.

MR WHITE: Are these heritage?

DR BYRON: Thank you very much for stepping in. I really thank you very much for that, Richard, because a few other people have already raised the issue that there's really not much point in identifying heritage properties that we want to pass on to future generations and providing funding if there simply aren't people with the technical skills to look after the fabric.

MR WHITE: Yes, pass on a pile of bricks.

DR BYRON: Yes, that's a point that's pretty well made. But one of the things that we're trying to get it clear on is that the shortage of heritage material conservation and trade skills is quite over and above current general shortage of skills in building trades.

MR WHITE: Yes.

DR BYRON: Everybody else that we've asked about, stonemasons and roof slaters and so on, have basically said the same thing as you; that they're very

hard to find. But I don't think most other people have analysed why that is and what to do about it. I think you're right, that these are interrelated, that perhaps if there was a steady stream of work that would give people a more reliable income rather than hit and miss, then they would be in a better position to take on apprentices and be mentors. It would encourage people to come in. I can understand why students are not too keen to specialise in an area that's only going to promise them occasional work.

MR WHITE: Yes, exactly right.

DR BYRON: But one of the - I think it was David Young that we spoke to in Canberra. We were talking about whether you need to have a physical centre of people with the skills or expertise, or whether you can have a sort of a virtual centre, where there's a network or a group of people who are in touch, who have worked together in the past perhaps. But given just the scale of Australia, that you're probably not going to have a lot of physical clusters of people around.

MR WHITE: That's exactly right. I think just going back to your bit about the slaters, it's not that they're not out there. Where the people are sort of saying, "Look, there's a shortage," what they really mean is that, "I can't get somebody to do the job when I want them to do it."

DR BYRON: Yes, or, "I can't find them."

MR WHITE: Or, "I can't find them." But the shortage is because they've got a job. The fact that there's no further work for this guy down the track has no impact on them. They're sort of saying, "There's a shortage of" - there is. But if you know where they are - I want to say, I don't know that there's any heritage job at the moment which isn't going ahead because there's no tradesman. I don't think there's any. It's being addressed somehow. I think it's this linkage which is missing and is perceived. Because I know there are people out there. I've got six people who have been trained in heritage painting who are at the moment stripping off lead paint.

DR BYRON: Yes, the one person who said that there wasn't a shortage of skilled tradespeople was the cathedral architect in Melbourne. But it may be that after 30 years there, he has the network. He knows the people and he can find them and get them when he needs them. Other people can't find them but he can. It's not necessarily a contradiction. As you said, if you had a college that was going to turn out another 10 or 20 blokes a year, you'd very soon have them everywhere.

MR WHITE: Yes, I don't think there's a demand for 10 guilders in Australia. If I'm teaching people how to guild - that is, the application of gold - what are

they going to do when they finish the course? That's the real dilemma. This is the bind. Do we let that skill disappear simply because we can't connect those people with the work? That's the real bind, is that if we sort of say, "Look, there's no work for these 10 people. Let's not offer the course" - and I think that's the shame of it all; is that the skills are disappearing because we can't coordinate enough work for people to actually to be - can actually employ. That's the real dilemma.

DR BYRON: Bringing supply and demand together.

MR WHITE: Exactly. Exactly.

DR BYRON: Sorry. Tony.

MR HINTON: Richard, thanks for your submission.

MR WHITE: Yes.

MR HINTON: It's got a particular perspective that's of interest to us. Have you spoken to DEST about the idea of a "centralised training facility"? Where this falls is not entirely clear to me. I know that DEST is involved but some of the state governments are also involved in activities of TAFEs.

MR WHITE: The answer to your question, no, I haven't approached them, but what we have done in the past has been to work with the University of Western Sydney, with the idea of putting together a materials conservation degree based on a trade, so that people would do a degree in materials conservation with a trade specialty. We had talked of the possibility of using some places like the orphans' home at Rydalmere or in Gladesville Hospital. There's plenty of places where you can do it - - -

MR HINTON: Practically applied training.

MR WHITE: Yes. If I go right back to 1980, I put up a proposal to TAFE which went down like a lead balloon; it was to use the old Museum of Applied Arts and Science on the corner of Mary Ann and Harris Street, Ultimo, as a conservation centre. But that one wasn't all that well received. So the answer is yes, I've tinkered with it for about 20 years, but not with a lot of success.

MR HINTON: Why I asked is that I notice that the fellowship that you're going to take up - and congratulations for that - is through DEST and ISSI, and that suggests prima facie that they have an interest in these sorts of matters. Have there been other applicants for the fellowship you got, and for that matter, have there been other recipients of similar fellowships that have taken you elsewhere?

MR WHITE: Yes. DEST gave out this year - sorry, it was last year that I got it. I had to take it this year. They give out one for each state. It's a \$10,000 grant, and what you do is you identify the skills gap - and now we've got people in the hospitality industry, we've got the airconditioning industry, it's not just in conservation. I think out of the seven, I think, of this year - sorry to be a bit vague - I think I'm only one of two who are actually doing a heritage thing. The rest are doing something - - -

MR HINTON: Other niche expertise - - -

MR WHITE: Yes. It's not a heritage award, it's a skills gap. So it might be in airconditioning or material science or something like that. So I'm not sure if I've answered your question.

MR HINTON: No, that did give me a response that reminded me that this was much broader than heritage, thank you.

MR WHITE: Yes.

DR BYRON: But the ISSI - International Specialised Skills Institute isn't it?

MR WHITE: Yes.

DR BYRON: They'd probably consider you a master artisan.

MR WHITE: Does that mean I'm old?

DR BYRON: No, that just means that you're highly skilled.

MR WHITE: Those two generally go together. I would say that I've got a reasonably good, or a reasonably high level of skills; and again, it comes by the fact that since I was a boy - and that's not too many years ago - I've been interested in heritage buildings. So it's not just a matter that I'm a good painter and decorator, it's that I've had an interest in old buildings and heritage on top of that. Again, I think that's an important point to make, is that you can put a lot of people through training, but if they've not got a real interest in it and they just want the qualification, then they generally drop out.

Those who have dropped out are those who wanted the qualification. Those who went on to continue the course wanted to do it because they liked it. It didn't matter that they didn't get a qualification. So it's a very fine line between - and this is where if you're going to link your funding to qualifications, it's not what people want.

DR BYRON: But one of the other things that's been raised in terms of trade training is that a lot of the trade courses have discontinued the practical training element, and it was assumed that apprentices would get that on the job. So you get someone who's finished his three years but he's never actually held a hand tool, and they've been only using state of the art mechanised machinery and using modern construction techniques. So if you talked to that guy about how to work on heritage fabric, you might as well talk Martian to him, because he's just not familiar with the concepts, either the fabric or the tools that would have been used 150 years ago or whatever.

MR WHITE: Yes. I think a lot of that's got to do with the difference between a modular approach, like TAFE used to deliver modules, and that's where it's basically a knowledge part and people to practise it. Now there's a national competency approach, where people actually have to demonstrate competency. Again, it comes back to if they're demonstrating competency in the wrong skill - this is the point I made earlier on - if you're demonstrating competency in the wrong skill, you're way off. As you say, you may as well talk to them in Martian, because they're competent in these perceived heritage skills; put them onto the job, totally useless, because the course and the qualification and the funding all goes to that, and it's totally wrong.

MR HINTON: But Richard, I'm a bit puzzled by that, in that I thought that the competencies are subject to modification, especially when they get direct feedback from industry; and if the competencies are not valid any more, they're out of date or inappropriate, there are ways to address that. I don't know the exact mechanism, but I thought that there was a fairly regular review of competency based systems to ensure that the competencies are appropriate. Maybe this is something that could be done fairly quickly, I would hope.

MR WHITE: The reality: there is a process - I just went through a process, strangely enough, on heritage the other day - of reviewing the cert for competencies. It was like a public hearing like this, and this is where you would think the industry comes in and says, "This is what's wrong." There were I think two people from industry, there were seven people from TAFE, and that was it. So the mechanism is there, I agree with you; it is there.

What happens is that it's very hard to get people to actually participate in the process, and you'll find that it's had this roadshow going all round Australia finding this information; and at the end of the day, when you look around, the representatives there are from associations, and they're like the chief executive officer, who may or may not have ever been a trade background, and he's giving the feedback, and he's got no idea. The people that you want to be giving that feedback are the tradesmen, and sort of saying, "Look, the people who are coming out of the college haven't got this," but that's just not happening. The mechanism is there, but it's not being applied.

DR BYRON: But I thought the issue was that the heritage trade was such a small percentage of the total trade, that a TAFE college could be sending out people who were quite acceptable for slapping up modern buildings, but they didn't have the skills for working on restoration of heritage buildings.

MR WHITE: Yes, I agree with you.

DR BYRON: So nine out of 10 members of the HIA might be perfectly satisfied with what's coming out of the TAFE colleges.

MR WHITE: Yes.

DR BYRON: Anything else, Tony?

MR HINTON: I'm fine, thanks.

DR BYRON: Anything else that you wanted to say by way of wrapping up?

MR WHITE: No, I just think that - I think I've mentioned it before, and sorry if I repeat it. I think it's important that we have some sort of structured approach that's consistent in the funding of trade training. I think it's important that we have a look at looking at the skills which actually make up the heritage trade, rather than the qualification. I think there's a real big difference there. So I think if we can get something to that, and some mechanism whereby the graduates can go into an industry that's viable. As I say, there's not much point putting out 10 guilders if there's no industry. Thank you very much.

DR BYRON: Thank you very much for coming.

MR HINTON: Thanks, Richard.

DR BYRON: I think we've not got time for about 10 minutes for a cup of tea, then we'll have Meredith Walker from Heritage Futures.

DR BYRON: Thank you very much, if we can resume now. Meredith Walker, thank you very much for coming, especially given your little incident. If you could just introduce yourself for the transcript and then take us through the main points that you want us to get for maybe 10 or 15 minutes and then we will discuss those with you and perhaps Tony and I would like to bounce some other issues off you, whether you've raised them or not because we know your reputation.

MS WALKER: Right, good. My name is Meredith Walker and I'm a heritage consultant with a small practice called Heritage Futures. I have sort of over 30 years experience in heritage conservation with a background in local government town planning. I spend at least a day a week of my entire professional life working as an activist. That makes me an unusual person because I cross the boundaries between high-quality professional practice and fighting on behalf of, well, I shouldn't call it fighting, making submissions and working on behalf of my local communities and those that contact me for help.

My major points really go to the heart of what I think the two questions, there are two questions that face you. One is what is the subject and the other is how do we deal fairly with it in today's society. When the Australian Heritage Commission started in 1975 and during the 1970s the issues which were propelling our recognition of heritage were largely to do with development control and it's that development control concern that has been the major focus of heritage management. The preparing of lists, the reviewing of lists, the revising of lists, the management of heritage through a list. This listing process has propelled itself through each of the state heritage organisations and via national trusts and local government as the principal way of managing heritage.

This environmental and development control focus has delivered quite a good product in the sense of recognising what things are important but it has, I think, not been adequately complemented by the major and overall objective of heritage conservation, which is the community's appreciation and understanding and the ongoing keeping of heritage. So whilst I think we've been quite good at doing lists we haven't complemented that by interpretation. I became more aware of that last year when with Laney Lawson I prepared some guidelines about heritage interpretation for the New South Wales heritage office. I'm not certain whether they've got them online yet but it was thought that they would have some kind of national application.

There is certainly nothing else like them at the moment. I don't think they're anywhere near perfect but it is an illustration of how a state government kind of lands on a figure of money to do something and really doesn't have enough money to do it. So the problem with our listing system is that on the one hand it only delivers a list and a bit of management via development

control. It doesn't manage the things that people aren't putting applications in for at all but it doesn't, or only marginally provides an education component. I've now lost my track a little bit. The emphasis on development control has, I think, created anxiety within the community to a greater or lesser extent about heritage, and I think there are some people who only encounter heritage as a problem.

So this listing and the way we do things has made heritage a problem, and that's the way you can see it reported in the papers, for example by architects complaining they can't get their own way with a building or whatever it is. I think they probably have legitimate complaints but it reflects the I suppose changing understanding within the populous of what heritage means. I think in the 50s and 60s when these lists were starting and problems were occurring with buildings being demolished a lot of people knew what these things meant. They had a better understanding of their community. Now people can't understand why the places are important, because we haven't spend the time and resources telling them, so they are in a sense being asked to keep something that they don't recognise as being significant and they don't appreciate.

This is seen most obviously in the thriving practice of owners and developers questioning heritage listing through the court systems. Very little of that occurred 20 years ago, very, very little, and it's now become quite common. There seems to be two reasons why people either want to remove something from a list or want to narrow down the values for why it's significant. When I asked my colleagues who were involved in this they say that it's because the developers could make more money if it wasn't heritage listed but we don't sort of try to upset other aspects of legitimate legislation because we don't really agree with them. We don't sort of question that we have to meet the requirements for health and safety or lots of other things. So I ask myself why is it that lots of owners and developers are questioning this listing system we've got. My feeling is that it isn't quite legitimate within the society. Do you see what I'm getting at?

DR BYRON: No, I'd like you to elaborate on that, please.

MS WALKER: All right. We've got a system going but some people don't believe it in, okay? I think that we can all probably see that we all agree with keeping some things: the Sydney Harbour Bridge, the Opera House, a whole lot of things, but at some point or another we perhaps disagree with each other about what's worth keeping or we don't have the knowledge that helps us understand why something is on a list. Or we don't trust the people who are making the list. If you don't trust the people who are making the list and you don't understand why the thing is significant and you've got other objectives which are in conflict with the list then yes, you might question the list, but I

believe that there is too much of that questioning going on.

Now, if there are so many people trying to get themselves out of the listing system maybe we should be questioning how we prepare the lists and whose values we're representing. Do you see what I mean? For example if a colleague of mind decides to say that a place that's on the list at Ku-ring-gai isn't significant and it's been on the list for 15 years or something since the study was done, I don't know, it was a 1994 study, something like that, why didn't they object to it in 1994.

You could say well, "They didn't think about it" or "They didn't own it" or whatever, but they're also saying, "I don't trust Ku-ring-gai Council and this system we've got in New South Wales to adequately identify these things." So I believe we've got to look back and - people like me have been questioning these things for decades but there's nobody listening so I'm thrilled that I have a small audience today.

DR BYRON: Small but high quality.

MS WALKER: Absolutely high quality, that's right. Small thinking.

MR HINTON: All seven of us.

MS WALKER: So from the heritage point of view, the people involved with heritage conservation are a bit defensive about these things. The reason that I haven't been successful in this is that they don't want to open the Pandora's box. But if they don't open the box it's disintegrating anyway. I believe that we need to rethink the systems and see that it is done in a manner that can have credibility. So I'd like to see, for example, the New South Wales Heritage Office meet with a lot of developers and say, "Look, why are you questioning this legitimate legislation, this legislation process?"

Just taking that a little bit further, I think that it's indicative of the changing positions between the professional view and the community view. So in a lot of aspects of our modern life the professional view doesn't - people take it into account, but it's not the only thing. You can see that with medicine. You can see it in a lot of fields, that the position of the professional is going from being the person who had all the goods to being a person who is like a handmaiden, whose advice you might take or leave depending upon how you feel about it.

So my recommendation about lists is that we ought to review how they're done and what the scope of them is. One of the reasons they're so wide at a local government level is because town planning - which is my own background - hasn't looked at keeping the character of places. So we've had to

keep the character of suburbia, for example, through heritage, whereas really it should just have been ordinary town planning controls. So a lot of things identified with the heritage label are really just ordinary, good-quality houses that typify the Australia landscape. That's my first point about listing.

My second point is that, if we are going to continue with listing being the core basis of heritage management, we do have to ensure that the systems that are set up have adequate administration. So I would say that the current federal system is a little bit under-resourced with the new legislation. You've probably had submissions about that. From my knowledge, and I work in several states, I think New South Wales has about 400 nominations unconsidered for its state heritage register. Queensland is the same. I've got an example here of something that was nominated to a register five years ago in Queensland. So we've set up a particular kind of system that is woefully resourced. That gets people's backs up: if they go to the trouble of putting in a nomination, they ought to be able to get a response within a year, if not earlier.

If we're going to continue to have the list-based system, we ought to be providing more emphasis on interpretation and on the relationship between people and their heritage, and linking in places with objects and museums and local histories; all sorts of things. These sorts of distinctions, like making lists of places, it's an artificial system. We in our society divide things up for our administration, but they aren't divided up in the life and minds of the people. In the community work that I've done, and I've done a fair bit of it, communities like more things than ever go on lists, a wider range of things, a more thoughtful basis of things. The communities do know their heritage relatively well, but we're all sort of losing track of some things because we haven't done good or detailed history.

I'd like to see a greater recognition of the abilities of communities to do work. I'd like to show you some examples. Here's my old school atlas. At the back of it are some diagrams about the explorers' routes around Australia, where Europeans first encountered Aboriginal people and they first encountered Europeans. Here is Leichhardt's Track, going from the Southern Darling Downs in Queensland, right through Cape York to Port Essington, Darwin. Because the explorers wrote quite good maps, we do have quite good records of where they went.

I'm bringing this up because it's mentioned in your issues paper. You've got one of Leichhardt's trees, the one at Taroom.

DR BYRON: There's another one that I've found myself that had never been identified since Leichhardt did it?

MS WALKER: Is it in the Darling Downs?

DR BYRON: No, it's between Springshaw and Bondo.

MS WALKER: Right.

DR BYRON: A previous career.

MS WALKER: That's the subject that I'm talking about. People do discover these things. Here at the back of this book written by some people in Chinchilla and Miles, they've exhaustively covered the route between Jimbour, which is a station famous - mansion in Queensland, Darling Downs, to sort of more or less due north of Miles.

This very expert kind of work has been done by locals totally unfunded. It's the sort of work that we could never afford to fund within the existing system. This group I think are broadly related to the Burke and Wills group who are having a conference in Bidoori next weekend. So they've done this really very expert piece of work that provides the detail of where the track really is. From an indigenous or a European perspective, it's incredibly interesting. So I'd like to see people like this group funded to do this work, and for us to take it seriously.

The dilemma that the heritage list has with somebody writing about, you know, 25 Leichhardt trees is, you know, "Are they all significant? Do I have to put them all on the register?" This is the sort of intellectual problem that a person like myself can solve relatively easily. But the authorities don't have enough money to engage anybody to help them solve it. I mean, it's truly pathetic in some respects, because intellectually it's not a terribly great problem. But really no Leichhardt tree is probably much more important than other ones.

DR BYRON: Perhaps it's the whole route that - we were talking about heritage trails earlier this afternoon.

MS WALKER: That's right. Our understanding of heritage, like roots and tracks and things, has been very much helped through the work of the Australian Heritage Commission and their very insightful and thoughtful work that they've done since 1975. It's really been inspirational. There's no other state or territory organisation that can put a candle to their expertise in recognising the ongoing intellectual framework of the subject. So it's very important for them to continue that sort of work and to link it back to other things.

One of the reasons that we don't have funding for these sorts of groups is that people get worried that they don't do it as well as the professionals. If you

imagine that they were doing interpretation, they were going out into the environment learning what it was about and what the route was like and getting some perspective from that point of view, you wouldn't be so worried if they didn't produce the absolutely perfect document. But because we're engaging people to do listing and to fill in very lengthy forms, we kind off exclude the ordinary person from it. I just feel we should be putting more money into ordinary people engaging with their heritage, producing something at a reasonable level, like this is, with the GPS systems. There's lots and lots of people who can do that. We need to share the money, and not have it continue to go primarily to professionals.

DR BYRON: That's interesting coming from someone who is in the heritage consulting business, such as you are. It's particularly interesting coming from - - -

MS WALKER: Yes, well, I believe that the resources should be shared. The problem at the moment is that the expertise does lie with the consultants mostly, but we might learn about something and give back a report that looks pretty boring - a few coloured pictures and stuff in it. We have the knowledge and the community doesn't. We're not doing it in a way that helps the community learn, because that costs more money. The list comes forth, and the community rejects it. It's as simple as anything, really.

DR BYRON: It's a question of ownership of the intellectual material.

MS WALKER: Yes. Here's another example of a book about Marrickville potteries that was done by people who were interested in potteries. Of course, potteries are made in the physical landscape, and all those potteries, of course, did exist. These sorts of things are produced very well with fairly small sums of money. These people - I've just suggested they send something to the Minister for Environment in Queensland, who's an awfully nice person, and would be very interested in this. They can't afford to send it, so I'm buying it a copy and sending it. It really is sad. The heritage authorities don't have the resources to send somebody to the conference, because it's at Bidoori.

They have their own sort of parallel system, as it were. I'll just check at my notes and see if was some other things that I really - I can't read my right-handed writing.

MR HINTON: Are you left-handed?

MS WALKER: Yes, here's another one. We've most identified heritage places through what's called Heritage Studies, which are based on local government authority. We've been doing those studies now for a bit over 20 years. It's time we reviewed the method. Whilst it has changed a lot over

the years - and I'd have to say I've been strongly influenced how it's changed - I now wouldn't do the studies because I don't think they properly relate to the communities. It would be better to do them slowly, and to do them with a lot of community involvement than to do them quickly and get them done, and not get that credibility. Do you see what I mean? There's not all that much point in doing the things if you don't have the credibility.

In New South Wales, and it's true for some of the other places, the New South Wales heritage office gives dollar for dollar funding for local government authorities. What that's meant is that all the big cities and towns and the whole coastal strip have been studied, and some places studied twice. The western areas - Dubbo or Wagga and the big towns would be covered. A lot of those small LGAs really don't feel they've got the resources to do the dollar for dollar thing. I think that there is a case for more money being put in by government to provide equity across the country. We're not providing equity in the recognition of heritage. It's even more true in Queensland where the local government areas are much smaller, and some of them have only got a couple of thousand people in them.

I really should stop. Australia has a wonderful collection of 19th and 20th century history, as well as, of course, the indigenous values which cover the whole of the landscape. When I go overseas, which I do very infrequently, I can see that 19th century towns and landscapes have disappeared in some European countries, especially in the Balkan areas. I think we don't recognise what values our places have in the big picture. I think that will do. I'm happy - I've taken my time up anyway.

DR BYRON: Thank you very much, Meredith. I've asked a few other people, as before, but if you think of the heritage task as the "identification and recognition listing", the conservation, management and restoration - the taking care and looking after those places that have been identified. Then a third phase as the celebration, the extension, the outreach, the communication and engagement of the public of those places that we've identified, and maintained. As I right in you saying that we've done a lot of the first, some of the second, and very little of the third?

MS WALKER: Yes.

DR BYRON: That has consequences.

MS WALKER: Yes. That's right. I would do the third first. In all the recommendations I make about when I've done heritage studies for local government authorities, which, as you know, are a teamwork, the recommendations at the top are always about informing the public. Listing comes somewhere further down the track. Because they go to management

organisations like planning departments, they see their credits as getting the list going, so they ignore all the first things that are suggested, and just do the listing. Then of course they get into trouble because the people don't understand what they're doing, or why.

DR BYRON: One explanation that was given to me in the 60s or 70s when the imperative was seen as stopping the bulldozers in the days of green bans, and so on - listing and using the regulatory sledgehammer seemed to work pretty well at stopping the bulldozers. It doesn't work terribly well at fixing a leaking roof. Particularly if we're moving on to the question of how do we look after those places that have already been identified, relying on regulation, may not be able to do the heavy lifting that's required. We need the sort of positive support and engagement and sort of willing volunteers rather than conscripts into the heritage conservation task.

MS WALKER: Yes, I think to me, it's how we're distorting what we're handing on to the future through our own management practices. I think our own management practices focus on where development is occurring. Little help is going to things down the road that aren't the subject of change. People are moving out of homesteads all over the country, that are probably valuable, and probably could be kept by a small amount of activity.

DR BYRON: There certainly seems to be a bias towards loss through demolition and re-development in the metropolitan areas, when there may be at least as much important historical fabric being lost, simply because it's not worthwhile for anybody to look after any more. That seems to be a rural, or a non-metropolitan issue. Is that - this is where I'm testing out a perception, that I'm getting. There are actually two stories. We're asked to look at the threats to heritage conservation. The Sydney Melbourne one, especially, is knocking it down with bulldozers and putting up something else. The greater threat - nobody wants to demolish and put up a high-rise out there.

MS WALKER: It's redundancy.

DR BYRON: It's redundancy, exactly.

MS WALKER: Maybe, keep things going isn't always the answer. I think people learn as much - I'm a great advocate for temporary displays and temporary museum presentation. If you imagine something that's going to disappear, inevitably, maybe it's more useful for a lot of people to engage with it, when it's still visible and like, for example, industrial building on Cockatoo Island. They are now getting on to doing that sort of thing. The heritage professionals tend to tidy things up in following the regulations. The community, kind of, don't get to experience something. If a community saw something before it was demolished, or major change, they would learn about

past. They'd experience it.

The same thing goes with the redundancy. We tend to think that keeping the building itself, or whatever it happens to be, and doing the best we can for it, is what we professionals do. I would say it's much more important for the public to see it before we start work, and not just see it at the end where the things that made it really valuable have largely disappeared.

DR BYRON: And has been sanitised.

MS WALKER: Exactly, like Woolloomooloo Wharf. It's great that we've kept it, but how many people really understand that more people migrated to Australia through that wharf than probably any other location in New South Wales, and that's where all the troops left for the war - the First World War.

Now, that sort of interpretation can be built into the conservation process - and going back to your original question about redundancy - yes, if we linked up more with museums, which do have quite a good set-up, and if we were to recognise that heritage as a subject falls really between environment and the arts, and keeping it environment keeps it focused on development control, and keeps the issues that come before the public solidly within the development control bag. If we were to be a bit more conscious of heritage as a community value, and saw it funded through the arts - equally through the arts, these other programs, like going out and looking at things, and appreciating, and saying, "Well, yeah, I'm sorry it's going but whatever", and perhaps looking at different ways of tidying things. I mean, some people like to tidy up their woolshed by completely removing it because they don't like it looking untidy, you see.

Now, if we could introduce some other concepts about what tidy and what management is, we may be able to keep things in a very useful way. I mean, after all, thousands of trees go into building a woolshed, and the woolshed represents the change to the natural environment that was caused by, you know, building the shed out of local timbers or whatever, and the impact which the sheep had on the landscape.

DR BYRON: Tony?

MR HINTON: Meredith, Neil asked you a question he's asked others. I'm going to ask you a question that certainly hasn't been asked of others, and this is: where did you go to school with this wonderful atlas?

MS WALKER: I went to Lauriston. It's a Melbourne school.

MR HINTON: In Melbourne - - -

MS WALKER: But I'm not certain that one - it's great. I mean, perhaps you could show the others. They're fantastic maps, which - - -

MR HINTON: Yes.

MS WALKER: The explorers - - -

MR HINTON: It shows maps of Australia with the - by periods, where the yellow shows where the explorers light up the country, so to speak.

MS WALKER: I mean they are - - -

MR HINTON: It progressively gets - - -

DR BYRON: As more bits turn yellow.

MR HINTON: More bits turn yellow. It's fascinating - by period, which is marked.

MS WALKER: I mean, I - - -

MR HINTON: I had an atlas a little like that, but it was very New South Wales-specific. I know exactly where Oxley went.

MS WALKER: Well, representing - - -

MR HINTON: I'll return it so I won't be tempted to steal it.

MS WALKER: Well, representing the country by black - I mean, I find that extraordinary, you know, and that's why I picked the atlas, because I think it's just so amazing to - - -

DR BYRON: It's a heritage item itself.

MS WALKER: - - - represent our story in that way.

MR HINTON: My second question, though, relates to - several of them actually - are related to your comment which I was interested in, and that's you noting that there's been a tendency in recent times for greater litigation - challenging through judicial process - - -

MS WALKER: Yes.

MR HINTON: - - - testings, and you then ran through possible reasons, and concluded that lack of integrity was a - the perceptions of lack of integrity

could very well be a driver.

But I was going to put to you another possible factor that I'd welcome your comments on, and that is your reference to "we don't challenge OH and S". But OH and S relates to everybody. The heritage requirements relate to a segment of community, and therefore there could be some disadvantages that go with it, and I have in mind, for example, the commercial considerations. If it's a commercial building, operating with commercial imperative, they may be operating in an environment whereby their competitors are not subject to the obligations associated with heritage listing; and that in itself could be a driver to challenge - to remove the what they would perceive as a direct impediment to a level playing field.

MS WALKER: Look, I think that all these sorts of things about betterment have been argued endlessly in lots of frameworks, and there certainly is betterment for people who have got heritage buildings, but we're not doing those sorts of sums, and I certainly don't think it's the way to go in terms of how we assess things. In town planning, of course, you don't have consent unless you've got the approval, and you do have to meet a whole lot of requirements, and there is a recognition in town planning that the characteristics of the land and the features that are on it are part of what you have to work with.

So the heritage really in that sense is not an impediment, and the fact that the surveys are done comprehensively means that, in a sense, the whole community is affected, although, yes, some owners' places may have more values than others. I don't really think those people are disadvantaged in that sense, and I don't think they need to be compensated. They could sell it. They could sell the place. I mean, there are - they're ordinary mechanisms of life where, if something doesn't suit you, you can sell it.

MR HINTON: One example given to us is a retail outlet that is precluded from replacing the timber floor with a highly efficient cement floor. He's precluded from putting in the cheapest version of the necessary sprinkler system because the characteristics of the building that make it heritage require it to be a timber floor, not a cement floor, and require the sprinkler system to be hidden in a certain way, so the costs to the owner of the heritage building are that much higher than his competitor next door who has a more modern building that could do those more efficient, effective modern-building techniques to meet the obligations of fire safety and just general replacement of flooring. So - - -

MS WALKER: Yes, I can see in that case that more might be needed, but I think there are lots of examples like that: being located on a corner; all sorts of things that go into why things are done the way they are. A lot of people never

do things at the cheapest level, anyway. Now, I'm not, sort of, a great advocate - I don't see why perhaps people couldn't - we couldn't review the taxation incentives requirements that were in before a few years ago, at a federal level, and I'd be quite in favour of that. I think that - I don't know whether you've seen Ian Stapleton, but he was a great advocate of the taxation incentives, and I think that- you know - that's probably a good way to go if people are meeting other heritage requirements.

Just back to my other point, I think that the whole development control thing is distorting, and making an unequitable situation for heritage across the whole of Australia, because it is getting the resources that are being spent on heritage and the other places - remote places - I think we should be trying to look after remote things as well as things on the coast; not necessarily in the same way - and I'm not an advocate for spending money if you don't have to.

It's not about restoration. It's about appreciation to me - and maybe - and maybe we can get rid of the timber floor. I mean, I think that what you're doing is looking at what the issues are. Our experience with developers changing things is that they question every bit of the fabric; they will question every - again, if you've heard Ian Stapleton - he would explain this better than me, but they want to change everything, so you could almost get a facsimile in a different set of materials if you went along with everything that was questions.

So it's a conceptual problem about people not wanting to getting more fun out of getting around the requirements than meeting them. That is what the issue is for development control. People get more fun out of avoiding the requirements, and more pleasure and bravado out of not meeting them than they do out of compliance.

DR BYRON: The example that I thought Tony was going to give was somebody we met elsewhere who is operating, I think, a trade business but out of heritage-listed property in the centre of this regional town, but his competitors were all operating from modern buildings on the outskirts of town, and his point was:

They don't have to pay \$75,000 to maintain a slate roof; I do. If I go out of business because I can't compete with these other guys, then who's going to maintain this beautiful building that I love and have been maintaining for the last 25 years? If I go broke because I'm carrying this burden on my shoulder, then what's going to happen to my building that I love and have been maintaining for the last 25 years, if I go broke because I'm carrying this burden on my shoulder, then what's going to happen to my building that I love?

I think that's a slightly different example than the one you gave us just then because he doesn't want to destroy the building - - -

MS WALKER: No, I understand.

DR BYRON: - - -he's just complaining about it. He's just worried that if he goes broke, what will happen to his building.

MS WALKER: Yes. Well, I suppose that it's our lack of strategy. Again, I mean I keep coming back to the list base business. We put the things on the list and then we say, "Well, now, you run the race on your own. Off you go," and we're not doing strategic planning for those sorts of situations. We're not saying, "Yes, we recognise this is the main street of Dubbo or Bathurst or Orange and that it has a certain sort of status in our community, and how can we keep that status and its architectural worth going?" Now, one of the reasons we don't do that is that we're still thinking of them as individual dots on the map. Whilst there is a main street project, that's really related to a sort of tizzying up of things. Yes, I do think they should be able to access funds, but whether it needs to be slate or has to continue being slate is another question because you can't get the slates that would have been on that roof. So I'm in favour of some kind of incentive support for those things, but in a strategic framework.

DR BYRON: Thanks. That's a good answer.

MR HINTON: Let me try a question on you that I have asked others in different formulations. It's to do with another category of building and it's one that's probably going to emerge more and more with the passage of time - that is residential housing, privately owned and occupied, even built by the occupant perhaps but never on a list, but with the passage of time suddenly events emerge that perhaps warrants in somebody's mind that that house be put on a list; that it has accrued heritage characteristics or at least the characteristics that its got have been identified as having heritage benefits. Now, that is therefore a retrospective listing, unknown to the owner at the time of acquisition and that therefore has a retrospective effect.

The question has arisen in discussions with some, is whether or not the system itself for that particular category should give the option of negotiated veto for the owner. Let the authorities - the local government - talk to the owner and say, "Well, these are the benefits of listing and these are the costs, and maybe you want to be listed and maybe you don't." At least give the owner a right of veto given the particular characteristics of that particular category of building. Do you have any reaction to that idea?

MS WALKER: Well, in a sense that's what some people are doing now effectively. There are some listing organisations who do that. The New South Wales Heritage Office doesn't put something on the list unless the people agree with it, on the New South Wales State Heritage Register. It's very similar for Queensland's State Heritage Register, and because they've got such backlogs it's not such a problem. But if we think about the mid-20th century house, I think there are several factors. One is the process of how you do the listing and how credible it is. So, I would put the emphasis on improving the thematic way in which we did that listing identification and maybe listing things individually isn't what we need to do. Say we keep speaking about the - - -

MR HINTON: But they're owned individually.

MS WALKER: They are owned individually and because they are presented as individual items, they see them as individual items - I mean, if you were looking at say Harry Seidler's or Samuel Baldinson's houses in Sydney. Whilst a lot of them are on registers, one could then do a sort of collective survey and list and speak to all the people about what the issues were, what the values were and what the options were.

Personally, I think that I would worry less about the list and more about the appreciation and do more on the appreciation side, so that the people did understand what they are about, and less worry about losing them because listing is a very expensive process. I mean, I don't know whether people have given you the figures, but when I last worked it out I think it's about \$10,000 to get something on a State Heritage Register; the cost that are involved in the survey work and everything.

Now, to me, we should be looking more at how we are dividing the cake and how people can appreciate that. There are people like myself who have often advocated just staying away from houses for a while or forever, but certainly, if we look at the small amount of money involved, I would undoubtedly put it into the interpretation and the gathering of information, and not into the listing process.

You see, people don't know how rare and representative their things are - that's basically it. They feel they're being targeted; they don't see how their things fit into the big picture and some of the ones who do perhaps don't want it to fit into the big picture. I think that that's where the energy should be put, into understanding the resource better and transferring that understanding to the population generally.

I mean, I doubt now whether anybody after the last couple of years would buy a Harry Seidler house and think they'd pull it down. I would be very surprised if anybody would do that. Now that's because his reputation and

the appreciation of his houses and the way people have looked out of them has itself become a status symbol. With Burley-Griffin houses, of course, there's an enormous amount of competition for them in the open market because people want to look after them; they don't want to pull them down.

It's a question of raising the profile and if there are too many things like that - you know, if we can't keep them all, we can't keep them all. I think we're putting the money in the wrong place. The problem is that the list will lose credibility if you don't keep them operating properly, so maybe the answer is, and this is what I would probably say for the moment, is that we haven't adequately researched the mid-20th century. Things are pretty okay up until about the World War II in terms of architecture. You wouldn't say the same thing for industrial premises or explorers or heaps of other things, but for houses it's pretty good, and we just say that we know these things are valuable. We do appreciate people looking after them.

It's important to tell people what isn't on the list and what the reliability diagram of the list is, like you used to see on maps. You would say, "Well, we did this bit by aerial photography in 1959 and we did this bit by field survey pre-World War II." We don't say what the reliability of the list is. Do you see what I mean?

DR BYRON: Yes.

MS WALKER: You've probably finished with questions and got some one else who has to present.

MR HINTON: I'm about finished with my questions, Meredith. Neil? I'm sure we could spend more time.

DR BYRON: Yes.

MS WALKER: I've probably got one other thing I think I would like to mention.

DR BYRON: Before you do, I just want to come back to a comment about architects having their wicked way, et cetera. It's architects, who out of all the different groups that we've spoken to, who seem to particularly talk about towns, streetscapes, buildings, as dynamic and evolving. I think, not surprising given it's their profession, that a lot of other people do seem to have a very sort of static snapshot view, whereas they are quite happy to see things evolve and even to see an old building with an obviously contemporary addition. Do you have a reaction to that?

MS WALKER: Well, when we were preparing the latest version of the

illustrated Burra Charter, it was the concern that everybody had. The dilemma for additions to old places is how you respect that place in the streetscape - in the landscape - and it's always been the Burra Charter view that any new work should be new and shouldn't imitate the past, but it also shouldn't upstage the past and that's what we do a lot of. The new thing often becomes the focus of attention.

I think we haven't quite got that balance right. Because for architects - poor things - their slice of work, compared to what it was when I started architecture school at Melbourne University in the 60s, architects did a lot more new buildings than they do now. As a designing group who want to express their creative abilities, old buildings don't provide that creative ability. But I don't see that we should necessarily heritage practice in order to make way to help their creative forces as individuals.

The question is: are we running heritage for the architect's creative talent or are we running them to maintain their values in relation to the past? It's okay. You can laugh.

DR BYRON: No, but I understand that's a very serious point.

MS WALKER: It is, but it isn't recognised by the architects. But there are old adages. If you go to an architect, he'll give you a building. The dimension is whether one sort of professional group in the community should give up their values and who they represent - and I would say the reason I've kept in this role is not because I'm not capable of doing other things. I could do probably lots of other things. But I keep interested in heritage because I know the community it and they value my contribution and I can work for them. That's why I keep going, why I keep this interest.

I don't see that the community's values and interest in a place should have to give way to the architect's creative ambitions either. In architectural terms, I'm a modernist. I grew up with modernism. I've lived in architect design houses. It's a subject very dear to me. But I think that there were too many architects who were expecting too much out of what's available to them now. The building practice has changed a lot. Architects are not drawing details of windows and stuff like that that they were in the past. Their creative niche is a much more reduced niche than it used to be. They're trying to get their creativity out of heritage buildings. Perhaps they don't want to understand the detail of why the step is worn and that sort of social history that lies in the fabric of a building.

We had a debate about this at The Mint last year. The architects were saying they view the building as an aesthetic. People like myself and others in this room, like Zeny Edwards, we see the building - we can see it as an

aesthetic if we want to talk about it that way. But we also see it as a document of history. It's a document that we'd look after as carefully as we'd look after a diary. It's how those things are melded together. Again, I think the problem lies in the fact that people dealing with buildings don't know enough about those other values that people value or aren't prepared to deal with them.

There are probably quite a lot of things we could do about that. I think that we could fit them into the building process. I, for example, see that the building process is - in every step of a building project, there is an opportunity for interpretation: at the beginning, at the end, on the hoardings. For the whole life of, say, the project of the Woolloomooloo Wharf, people could have understood significance. You could have had an image and a phrase that changed every two months and, by the end of the building project, everybody would understand what the significance of the building was and they'd also understand whether it was multiplex or what are the development company, and where to buy the new unit.

But we're not giving equal credibility to interpretation and appreciation. It doesn't take much to start me off, does it?

MR HINTON: There was one other point you wanted to raise, Meredith.

MS WALKER: There was, yes. I've got here a study that I might leave with you as well. It's about drop-log walling in Eastern Australia. It's written by Robert Irving and colleagues at University of New South Wales 1983. Drop-log walling is a particular kind of building construction, a sort of slab where the slabs are laid horizontally between two posts. I don't know whether you can sort of see it there. It's a particular feature of the Riverina area of New South Wales and of course it occurs in all the states, actually.

But this little study looked at where we got the ideas from and the skills and stuff and made up a bit of typology and suggested what could happen next in 1983. Nothing has happened next. This is in Riverina. It's a very, very distinctive characteristic. But in heritage we put dots on maps and lists and inventory forms and we don't actually study the building construction. There are quite a lot of subtle differences in building construction around Australia, which we've never studied at all because we're so focused on the individual place.

It would be fantastic for this to be studied. If there was a big university - there is a university at Charles Stuart, which is out at Bathurst and various places. But a person doing a thesis can't really get beyond this sort of thing. We're not studying and recording our buildings in the same way that people are in Europe. We're not looking at them in the thorough, methodological ways that, say, the Italians have looked at typologies of towns and things like that. I

have done a bit on towns, but only a little bit.

I think that we do deserve to provide a better context in which the individual place can be understood. If someone took me to a drop-log walling building now and said, "Well, what's its significance?", I'd say, "Well, you know, it is the common form of construction in New South Wales, particularly with cypress pine from the mid 19 century up until perhaps the 1920s, and yes, you know, that's one variety, and yes, I know something like that in South-east Queensland." We don't even know. Things that are being pulled down now, we don't know. We're losing the resource to understand what it is we're attempting to keep by heritage listing.

I've got a wonderful art that one of my colleagues wrote about community participation, which I'd like you to have, too.

DR BYRON: Thank you.

MS WALKER: Part of our problem, really - that's for you to keep - is our nexus between the community and the professional and the conceptual idea about whose views - yes, Kristal is the president of ICOMOS at the moment.

DR BYRON: Yes, Kristal was here yesterday. But that does raise one last point. The Register of the National Estate, a number of people in other hearings have suggested that it could be maintained as a very valuable asset and, with a little bit of moderation, a way that thousands of people out there in citizen land, who have an enormous wealth of detailed knowledge about a particular place, which is shown on the RNE as details not available; that, I think, could possibly be part of the engagement to allow people who don't have professional accreditation, but they do have detailed local knowledge, to be partners in this larger venture, rather than feeling somewhat excluded as non-professionals.

MS WALKER: I agree. I'm not in favour of professionalism particularly. The professionals go about their work, separating themselves from the community through jargon and things like the Burra Charter. I've been a party to all this. It worked very successfully in the 80s. It's not so good now because of the differing relationships between the professionals and the ordinary person.

I agree with you about the Register of the National Estate. It was the most far-sighted activity of the Commonwealth. It also recognised that Australia is made up of communities and that the great majority of those communities started in the colonial times before Federation. So getting concepts of nationalness are really quite hard. We are made up of communities. I think that it would be good to continue the Register of the

National Estate. It was a wonderful place to get recognition without getting control. That's one of its fantastic things. Places like the First Government House site, which I was very instrumental in it being saved.

It wouldn't have been saved if we hadn't have been able to get recognition through the Register of the National Estate, when then forced the New South Wales government to re-look at their proposals for that site, and subsequently to change them. So I think it has a lot of potential; and how many more people you'd need to make that an effective reality, I don't know, perhaps not all that many.

DR BYRON: That exhausts my questions for now, I'm afraid. But it's been very stimulating and very interesting and enjoyable. Thank you very much for coming and sharing your experience with us.

MS WALKER: Okay, I will try and get some notes to you about those things. I had got half a page written, but it isn't enough to be useful, I don't think, at the moment.

MR HINTON: You know, of course, Meredith, that there is a transcript and when it's checked for accuracy it will be sent to you.

MS WALKER: Fantastic, good, yes.

MR HINTON: So you don't have to re-write that which you've already said, is the point, if you - - -

MS WALKER: No. I think there's a lot of opportunities to rethink things. We can rethink heritage studies, we can rethink about how we go about listing, we can make the process of making lists slower and more credible; and that's really the thing, if we're going to continue doing them, they have to regain credibility so that you can turn round to a developer and say, "Do you really feel you want to go against the community's decision that this is a significant building?"

MR HINTON: Thanks very much.

DR BYRON: Thank you very much, Meredith. I said when we started yesterday morning that before we conclude the hearings, I always give the opportunity to anybody in the room who wants to come and add something to the transcript. There's an opportunity now. You'll have to come and sit in front of a microphone if you want it to go on the record, and if you could introduce yourself for the transcription, please.

MR BOYD: John Boyd from Mona Vale Road, St Ives. I've attended the two days of the commission's hearing, and I've found it absolutely fantastic. I didn't realise just how much was involved with heritage. I had a thought in my mind that heritage was old houses, probably old churches and probably old government buildings and that was the end of it. But this two days that I've been here has been a revelation to me, in fact, and the numerous facets and strands that come off this whole topic are just unbelievable. It's been a great eye opener to me.

I think that people that control the heritage have got an enormous problem to get some of the detail that we've listened to out to the general public, and get them to start talking about all these other facets and what the community is all about, and what our previous life has been about, and how it's all important that it is saved. So although I fought desperately to have my house off heritage listing and I'm still fighting desperately to keep it off, I've got a much greater appreciation of what it's all about.

I would thank you for the way you've handled the whole two days, and for the friendly atmosphere that you've encouraged, and for the knowledge that you've picked up, obviously. I don't know how long you've been involved with this heritage situation, but the knowledge that you've picked up, which is apparent to me from the questions that you've been asking, has just been amazing. So congratulations to you and thank you.

DR BYRON: Thank you very much. The only thing that actually helps Tony and me - I don't speak for Tony - helps us look intelligent is this process whereby people like you come here and tell us things. That's exactly how we've learnt: from the written submissions and from these sorts of hearings, and having the privilege of meeting with lots of people like you in other states and having these sorts of discussions. It's a privilege that - you know, it would be fantastic if more people could do it, because yes, you're right, we've certainly learnt an awful lot in the last couple of months.

Anyway, thank you very much for your very kind words; but actually, the thanks should go to the people like you who participate in the hearings, because without that there wouldn't be anything and we wouldn't be able to do our job either. On that basis, I think I probably can draw the hearings to a close, but I'd like to just thank everybody for their involvement, the time and effort to come here, to sit and listen, to prepare material for us. We rely very much on your generosity. Thank you.

MS DAVIDSON: I just have one more query - - -

DR BYRON: Did you want to go onto the transcript or just want to have a little conversation with Meredith after?

MS DAVIDSON: Just a little conversation.

DR BYRON: In that case, I think we're adjourned. Thank you.

MS DAVIDSON: Okay, can I go on the transcript?

DR BYRON: Tell us your name.

MS DAVIDSON: I'm Josie Davidson from Balmain East, and ever since I retired a few years ago, heritage has been my passion, and I've been involved in our Precinct 2 Committee in Balmain East with John Stamolis who spoke earlier. I just wanted to ask Meredith and somebody here who would be knowledgeable about the Burra Charter, because I'm rather confused about it.

When I see developments going on in our community, and some of them are just horrendous monstrosities that do not fit with the character and scape of the old heritage Balmain, I kind of blame the young officers who work for council who call themselves heritage officers; but they're new to our community, they approve all these development applications, but they don't really have the feel of our suburb, and this is why we get all these buildings that are coming up that don't really fit with the scape of the old heritage suburb of Balmain.

Further to that, I just wanted to - when I asked one of the officers why do they approve additions and renovations to old cottages there, they said it's basically in the Burra Charter that says when you make a new addition, it's got to be a modern one against the old one. Right? So if that is the case, if that is their way of thinking, if the fabric of the older one is going to be slowly eroding and you have the new structure there that's going to stand for another 50 or 80 years, and the old one erodes, they're not going to build an old one, they're going to put a new one. Consequently, all of these heritage that we're fighting for, for years will slowly erode because of this Burra Charter which is not making it clear.

My point is, in Paris for instance, as of recently, the Parisians have a clear vision of their heritage. During World War II, when the buildings were all bullet-ridden with cannons and you know, they decided to knock down the whole street of all the old buildings, you know, the four-storey ones with their lovely planter boxes and ornate designs on the outside buildings; and they decided to say that is the vision, "We want to build all new buildings based on

the past, and we want to replicate the old buildings and build them from the old designs that they had."

So if our council is saying you cannot have any replication of the old beautiful buildings that they had, we're just going to be slowly having all modern buildings, which will defeat the purpose of this whole heritage commission, of why we're trying to keep our heritage. If this is the basis in our Burra Charter, that they're going to approve and keep approving new designed additions, where do we stand in regards to preserving the old parts of the buildings?

The Parisians, to my way of thinking, have a clear vision of what they want Paris to look like. They've said, "Why don't we replicate the old buildings, make the Champs Elysees bigger," and that's what they wanted Paris to look like. I can't see why we can't have the same vision of Sydney or any other town that we want to keep. That's all I wanted to say, thank you so much.

DR BYRON: Thank you.

MR HINTON: Thank you very much.

DR BYRON: Interesting point. This time I think we are adjourned. Thank you very much.

AT 4.17 PM THE INQUIRY WAS ADJOURNED ACCORDINGLY

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