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SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES
COMMITTEE

Reference: Disposal of Defence properties

MONDAY, 5 MARCH 2001

CANBERRA

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SENATE
FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE
Monday, 5 March 2001

Members: Senator Hogg (*Chair*), Senator Sandy Macdonald (*Deputy Chair*), Senators Bourne, Hutchins, Lightfoot and West

Participating members: Senators Abetz, Bolkus, Boswell, Brown, Calvert, Chapman, Cook, Coonan, Crane, Eggleston, Faulkner, Ferguson, Ferris, Forshaw, Gibbs, Gibson, Harradine, Harris, Knowles, Mason, McGauran, Murphy, Payne, Tchen, Tierney and Watson

Senators in attendance: Senators Hogg, Hutchins and Lightfoot

Terms of reference for the inquiry:

For inquiry into and report on:

1. The importance and value of the Western Australian Army Museum and the Fremantle Artillery Barracks.
2. Whether the Fremantle Artillery Barracks is the most appropriate and suitable location for the Museum.
3. The reason for the disposal of the Fremantle Artillery Barracks.
4. The disposal of the Fremantle Artillery Barracks and the probity of the disposal process.
5. How the Australian Defence Organisation (ADO) decides whether property is surplus to requirements and the management or disposal of surplus property.
6. Sale and lease-back of ADO property.
7. Any other matter related to the above-mentioned issues.

WITNESSES

CHAPPLE, Ms Sophie, Environmental Legislation Coordinator, Humane Society International	531
GRAHAM, Mr Alan Douglas, Executive Officer, Australian Council of National Trusts.....	511
HEAD, Mr Neil, National Executive Director, Royal Australian Planning Institute.....	543
MARSDEN, Dr Susan, National Conservation Manager, Australian Council of National Trusts.....	511
McINERNEY, Mr John, National Honorary Treasurer and President Elect, Royal Australian Planning Institute	543
STEPHENS, Ms Sally, 'Bush for Wildlife' National Coordinator, Humane Society International	531

Committee met at 9.31 a.m.**GRAHAM, Mr Alan Douglas, Executive Officer, Australian Council of National Trusts****MARSDEN, Dr Susan, National Conservation Manager, Australian Council of National Trusts**

CHAIR—I declare open this public meeting of the Senate Foreign Affairs, Defence and Trade References Committee inquiring into the disposal of Defence properties. I welcome representatives of the Australian Council of National Trusts. The committee prefers all evidence to be given in public, but should you at any stage wish to give any part of your evidence in private you may ask to do so and the committee will consider your request. The committee has before it a written submission from the Australian Council of National Trusts. Are there any alterations or additions you would like to make to your submission at this stage?

Mr Graham—No, there is not.

CHAIR—I invite you to make an opening statement and then we will proceed to questions.

Mr Graham—Thank you. As Dr Susan Marsden has prepared the submission, I will ask her to speak to the committee for the five- or 10-minute introduction.

Dr Marsden—You have the submission in front of you. As you would expect from the national trusts, our focus is really on the heritage issues in the inquiry. We have identified a range of issues that impact on Australia's cultural heritage and natural heritage when the ADO properties are identified for disposal and disposed of. With this inquiry we have focused on, as requested in fact, the terms of reference that we are looking at for the Fremantle barracks. We said in our submission that we believe the heritage values of the barracks have been adequately protected. In our submission we felt it important to emphasise that we believe that to be so because the heritage values of that property had been properly identified before disposal and, equally importantly, their long-term protection has been assured by heritage listing. So those are two key aspects of the Fremantle barracks that we believe very strongly should be applied across the board to heritage properties owned by the ADO.

We have focused on terms of reference 5, 6 and 7, as we have mentioned. We have prepared a summary here, but probably it is a summary of a summary, if you like. There are four key aspects that we would like to emphasise that are very crucial to identifying and protecting the heritage values of the ADO properties. The first one is the identification of them. You cannot protect them unless you know what they are. As I say later in our submission, the ADO has made good efforts to identify some aspects of its heritage properties, but not all. It has not been across the board. The second aspect is management of properties. This is a subset in any case of good management of property ownership anyway, but in many instances national trusts in the individual states have been concerned about the relatively poor management of the heritage values of properties. We did mention that in the submission as well.

The third major issue is consultation, and we know from reading other submissions there is a great deal of concern about consultation outside the ADO with local government, with state agencies and with non government organisations and community groups such as the National Trust. That is consultation both in terms of identifying heritage values and also in terms of to

whom the property might be disposed of and how it might be managed after it has been disposed of.

The fourth aspect really is, of course, the disposal process itself that ensures the protection of the heritage values that have been identified.

That is very quickly, as I say, a summary of a summary. Turning to the range of recommendations we have made, firstly, many properties have of course significant heritage values which should be identified and assessed well before procedures are set in place for disposal. It makes it very difficult for all concerned, including ADO, if at the last minute before disposal there is a major outcry about heritage values of a place that has not been identified in that way. So it is in the interests of all parties that those values are identified.

The important point to make about this is, too, that it should be holistic. Defence properties are often so large that they do include a range of heritage values. It may not simply be that they were important to Australia's defence heritage, so it might not simply be that it is a drill hall or a rifle range or a barracks or an air base. It may well also include natural values. For example, quite often land, as we know, has been held for so long in defence hands since colonial times that it includes areas of land that have actually been protected from subdivision. Sydney Harbour, of course, is an obvious one, but there are many parts of the Australian coastline, for example around Perth, that have been in effect heritage preserved but for defence reasons.

Secondly, we need to take measures to protect those identified heritage values before disposal. In particular, the most effective form of protection is not in fact covenanting or all those other things that have been discussed; the most effective form seems to be heritage listing. It is quite difficult at the moment because quite often the strongest form of protection is state or territory heritage listing because, of course, that is part of the planning laws. Quite often we know for a fact those heritage agencies will not heritage-list Defence owned properties until they pass out of Defence hands because it is Commonwealth owned and state laws have no power over Commonwealth laws. This means, of course, there is a vacuum or a catch-22: the place is not going to be protected until it is disposed of, by which time of course it is under threat. So that initiative really needs to be addressed—getting those places heritage listed before they are disposed of by the Commonwealth.

Thirdly, we need to ensure good quality community consultations and, as I said, involvement of government and non-government heritage organisations. Also, in terms of talking with local government, they often have regional planning schemes and local planning schemes that can be really thrown out by large properties coming onto the market, quite apart from the heritage value. For quite some time we have expressed to Defence our willingness to be involved with what ADO was in fact proposing to set up, community consultative forums, and for four or five years now we have been expressing an interest and a willingness to be involved in that process. That is through the National Trust.

The nation's most significant defence heritage we believe should either be retained in Commonwealth ownership and/or nominated for inclusion on the proposed national heritage list. We would understand that you would be familiar with the fact that there is also a Senate inquiry at the moment into the new Commonwealth heritage legislation, the amendment to the environment act. The major part of that legislation is in fact a national heritage list and a

Commonwealth heritage list. Naturally, many Defence properties that have heritage values would be proposed for inclusion on one or both of those lists.

The ADO should enter into long-term lease arrangements, we have suggested. The best process of disposal may well be long-term lease rather than outright disposal. We have suggested that preference should be given to owners or leaseholders who will actually protect and maintain the sites' heritage values and present them to future generations. That, of course, would obviously take a great deal of consultation and may involve the splitting up of the sites where the heritage parts of the sites are those that are protected that way.

Proper maintenance and basic conservation measures, we believe, should be core business. We have had some concerns about that. Again it is very variable. There are extremely good processes in place, good conservation management plans for some properties—the Fremantle barracks is a good example. Other equally significant places may not even have been identified, or, if they have been, there is no management plan in place. Even if there are management plans, in some instances they seem to be ignored. So that is a real concern. There is a real variation in those conservation measures, and in some cases the assets are actually deteriorating. Finally, ADO property managers should be encouraged to enter into partnerships with government or non-government heritage organisations, as I have said, with regard to identification and conservation and the ultimate disposal of those properties. Thank you.

CHAIR—Thanks very much. I must say I welcomed the submission of your organisation, because it contained a number of recommendations to the committee and that is very helpful to the committee in its deliberations on these matters. But you mentioned that there was a gap—a catch-22 situation, as I think you described it—between the disposal of the property and the ability of the state governments to list such properties as being heritage, because they have no rights over Commonwealth property. Is there some cooperative arrangement that could be initiated by the federal government with the various states to put in place a bridging mechanism to protect those properties?

Dr Marsden—To speak from under another hat because of a Senate inquiry later this week about the Commonwealth's legislation: one of the National Trust's very strong recommendations is exactly that. Are you familiar with the Register of the National Estate which is maintained by the Australian Heritage Commission?

CHAIR—Yes.

Dr Marsden—We are very concerned about exactly the same thing: that places that may be Commonwealth owned but in the process of being disposed of may not be on state heritage registers, when to ensure their protection they should be. But the Commonwealth needs to initiate that.

CHAIR—This is an issue being addressed in another environment, so to speak?

Mr Graham—Certainly potentially, Senator, it could be. Obviously, that is subject to some further discussion through that inquiry. But I think it is worth mentioning also, in relation to the catch-22 situation, that there is nothing wrong with suggesting that the department itself could

look at specifically registering those sites with a state or territory agency as part of the disposal process. I think that is another option as well.

CHAIR—Do you know of any complete list done by Defence Estate on their properties, as to which have or might have heritage values?

Dr Marsden—In a word, no.

CHAIR—Even an incomplete list?

Mr Graham—No, there is not, although the department has produced what I think it calls its Green Book, which lists those places over the next two or three years which are up for disposal.

Dr Marsden—But they are not heritage properties.

Mr Graham—They are not necessarily heritage properties.

CHAIR—We know about the Green Book. I am just wondering if, as an internal process, you know if Defence have undertaken to identify well in advance of sale and/or retention of property—it may well be that they are retaining properties for the longer term but nonetheless have gone through an identifying process—those which may have heritage values attached to them.

Dr Marsden—I would draw your attention to an exchange of correspondence on this subject, among others, at the back of the submission.

CHAIR—I was interested in your exchange of correspondence. It was very good.

Dr Marsden—Thank you. The answer actually is no, there is no single ADO heritage register. We believe there must be a de facto one; they must have some consciousness of which are heritage properties. But, if there is, it is certainly not consolidated and tagged as to which ones will be disposed of soon or not, or which ones should be kept. It is certainly not publicly available, either.

CHAIR—Part of the problem is that a lot of the corporate memory of Defence has moved on. Many of those who, internally within Defence, would have known of the real value are now external to Defence, trying to re-establish what the heritage value might be. The case in question could be Point Cook, for example, where there are a number of retired air personnel who are now saying to this committee, rightly or wrongly, ‘This is a heritage site,’ et cetera or, ‘There are certain elements of the site that are worthy of preservation and heritage.’ My point is that the knowledge has moved on. I am wondering if some of that knowledge of heritage values could even have been lost.

Dr Marsden—It is still accessible. One of the things that I did when we sold our last green paper disposal was contact all the state trusts about their knowledge and contacts, including former Defence personnel. One of our executive officers at one of our national trusts happened to have an extremely good knowledge as an ex-Defence person. That is what you were talking about. I asked them which of those places in that green book were, they believed, of

significance. Similarly, I consulted with historians at the Australian War Memorial. It seems to me that is a fairly straightforward thing to do. What you do is speak with the Army historian, the War Memorial historians and the major nature, conservation and cultural heritage organisation groups. You could, in effect, come forward with an advisory group, if you wanted to call it that, who, through that network, could then tap into that oral memory—which is what you are really talking about—as well as the actual documentary record of significant places. That is fairly par for the course when you are trying to determine heritage significance.

CHAIR—I turn to appendix 1 in your submission. I do not want to refer specifically to items within the appendix but you list there ‘Defence heritage places classified by the National Trusts of Queensland and the Northern Territory’. What about other places throughout Australia? Are there similar such lists?

Dr Marsden—This was prepared in 1997-98 in a previous flurry of communication between the National Trust and Defence about this very issue, with some updates. The other states have knowledge of it, and it would be relatively easy with some of them—New South Wales and Victoria, for example—because they have it all on computer database now. For the smaller states we would have to double-check through their files.

CHAIR—So this list here was prepared as a result of discussions between yourselves and the Defence Estate Organisation?

Dr Marsden—Yes, it was.

Senator LIGHTFOOT—You said inter alia that not all the ADO properties have been identified for heritage. Do you have a list of those properties at hand?

Dr Marsden—No, we do not, because we do not have access to a list of all the ADO properties. All we really have to go on is the list that is in the green book. But what we found when we looked at that list was that it is quite imprecise. It is actually quite difficult with a lot of those places. A lot of people are trying to consult with them but we do not actually know what they mean by Greenborough, for example. It was quite difficult to know which precise property they were referring to.

Senator LIGHTFOOT—Do you have a list of the properties that have not been identified?

Dr Marsden—I could ask. I do not have it with me but I can find out.

Senator LIGHTFOOT—Would you be kind enough to take that question on notice and come back to the committee?

Mr Graham—To add to that, in many respects I think the key to our submission is the whole issue of identification. One of the things that came out in early 1997 was the what is referred to as the Schofield report was tabled with government. The committee may be aware of that report. One of the main recommendations within that—and this was a cross-government look at the whole issue of heritage management within the Commonwealth sphere—was that all Commonwealth agencies undertake the major task of identifying all their heritage properties. Obviously ADL as a major land-holder and owner of heritage properties would be a key to that.

I should also add that the Commonwealth, the minister in particular, has yet to deal with those particular recommendations coming from that report.

Senator LIGHTFOOT—What other areas of ADO property are you likely to request be heritage listed, other than the obvious superstructures?

Dr Marsden—From our point of view, we should take a few steps back and explain that the National Trust unlike government departments actually includes moveable heritage as well as natural. When we say cultural and natural, we are also talking about objects and documents as well. There are places that have still intact really crucial contents and documents which relate to that site. That is another issue that we are quite concerned about across the board and not just with defence. It is quite a concern because, again, obviously as you know, when a place is disposed of, the material culture that is associated with it tends to be dispersed as well.

Senator LIGHTFOOT—What of the areas in Fremantle Barracks, for instance? Are you aware of what buildings, other than the barracks themselves, have been listed for heritage? For instance, the terrace houses?

Dr Marsden—No, I do not know. We would have to check that.

Mr Graham—We would have to check.

Senator LIGHTFOOT—You are not aware of that?

Dr Marsden—No.

Senator LIGHTFOOT—The radio station?

Mr Graham—At Fremantle?

Senator LIGHTFOOT—Yes.

Mr Graham—No. We would have to seek some advice from the WA Trust about that.

Senator LIGHTFOOT—Yes. You are not aware of actually what the heritage listing covers with the complexity of the Fremantle Barracks: gun house, rifle house, the gate houses, the wagon house, et cetera?

Mr Graham—We are not aware of the exact detail of the listing.

Dr Marsden—The Western Australian submission, I noted, had quite a lot of detail about that and also the Australian Heritage Commission submission.

Senator LIGHTFOOT—I just thought you may have had some personal knowledge of it. What then does it take to trigger an application to have a building, or other areas, listed by the National Trust?

Dr Marsden—What triggers classification?

Senator LIGHTFOOT—Yes.

Dr Marsden—What it takes is an assessment of heritage values. It would be either of two ways nowadays. Either it will be a thematic approach and the National Trust, as I have explained in our submission, did develop a policy on defence heritage several years ago. Therefore, as part of that process, what the National Trust would do, and certainly I am very familiar with this in Western Australia where they actually had in the National Trust of Western Australia a defence heritage committee. They quite specifically assess the defence heritage places in Western Australia right across the board, from colonial times to the present, and identify key heritage places.

Senator LIGHTFOOT—Who does that?

Dr Marsden—The person mainly involved with that there is Robert Mitchell, who works for the National Trust. He has a defence background himself.

Senator LIGHTFOOT—He is a salaried officer of the National Trust?

Dr Marsden—At the moment, yes.

Senator LIGHTFOOT—What is his expertise? What is his background?

Mr Graham—His background is with the Canadian army. He has been a resident in Western Australia for 15 or so years.

Dr Marsden—He has actually taken us around and showed us defence heritage sites in the West.

Senator LIGHTFOOT—So he is qualified to come back to your committee and say, ‘I have inspected the guardhouses at the Fremantle Barracks and I believe they should be listed under the legislation governing the National Trust’?

Dr Marsden—It is not that simple. Usually each of the national trusts has specialist conservation committees, which include architects, historians, archaeologists and so on.

Senator LIGHTFOOT—Do they all participate in this, or often participate?

Mr Graham—The citation would go before the subcommittee who, in turn, would consider the proposal to actually list. Then, in turn, a recommendation would be made by that subcommittee to the full council of the WA National Trust. There is quite a process involved.

Senator LIGHTFOOT—When it gets to the full council, what happens then?

Dr Marsden—They will assess the information and the recommendation.

Senator LIGHTFOOT—The recommendation of whom or what?

Mr Graham—To support the recommendation to list.

Senator LIGHTFOOT—What happens then?

Mr Graham—Then it is entered on to the National Trust classified list as a place of heritage importance in Australia.

Senator LIGHTFOOT—What legal protection does it have once it is entered there?

Dr Marsden—None.

Senator LIGHTFOOT—None whatsoever?

Dr Marsden—No.

Mr Graham—The National Trust list carries no legal protection.

Senator LIGHTFOOT—Right. So it is possible that something in Western Australia could be either listed by the committee over here and I assume that the council resides in—where?

Dr Marsden—To explain, we are the peak body for all the national trusts. We do not list ourselves.

Senator LIGHTFOOT—Yes. Where does your body reside?

Mr Graham—In Canberra.

Senator LIGHTFOOT—It resides in Canberra. So everything comes back to Canberra from Darwin—

Dr Marsden—No.

Senator LIGHTFOOT—There is autonomy in the states?

Mr Graham—The listing process, as with all management issues relating to the National Trust, is actually a state and territory responsibility. The state and territory trusts are fully autonomous entities in their own right and totally responsible for their listing process in their own jurisdiction. We, effectively, are a national secretariat acting on behalf of the National Trust at federal level.

Senator LIGHTFOOT—Do you ever make any mistakes? Do you create controversy when you say ‘this should be heritage listed’ and it becomes virtually a caveat or an encumbrance upon the property, if it has to be resold? Even if it is not a legal instrument that is put on it, once it becomes heritage listed it is a kind of an impediment to development, isn't it? At least it is an impediment. Would you agree?

Mr Graham—Yes. I think in some respects, Senator. Certainly the National Trust, like all organisations, will make mistakes, That is the first thing that has to be said. But in terms of it being an impediment to development, yes, in some instances that may be true but, equally, a listing can actually enhance the opportunity for a particular site. There are plenty of examples of that occurring throughout Australia as well.

Senator LIGHTFOOT—We have got several examples in the last decade, or particularly in the last 50 years in some goldmining towns, where hotels have been listed in the small goldmining towns and other places—wheatbelt towns too—and then mysteriously the hotels have been burnt down.

Dr Marsden—As an objection.

Senator LIGHTFOOT—Yes. Had the listing not been on the hotel they were prepared to develop it and make it more attractive for its commercial life rather than its aesthetic life.

Dr Marsden—I suspect that would be state listing rather than National Trust listing. The difference is that state listing does have legal controls whereas, on the whole, our observation is people are quite pleased about National Trust. It actually draws attention.

Senator LIGHTFOOT—I think you are right. Yes, people are quite pleased about having National Trust and I think it is a very responsible body by and large. Perhaps the minutiae of some of the problems that a National Trust heritage listing brings with it is something that ought to be considered in its absoluteness rather than in its generic cover.

Are you saying that all of the heritage potential that ADO property has, without it being a definitive, should go through your organisation? Are you saying that is what should happen?

Mr Graham—We are not necessarily saying that. What we are saying is the National Trust, along with lots of other community organisations, could be part of a process which helps ADO identify those places of heritage significance and assists them, if it is appropriate, in appropriate disposal of those places.

Senator LIGHTFOOT—So you do not see it as an impediment to the disposal of properties by ADO; you are saying that it would assist them? Do you mean that it would assist them in an earlier disposal of it if heritage aspects of it were identified?

Mr Graham—Certainly potentially earlier, and certainly in more appropriate disposal. What we are really talking about here is community consultation with ourselves and other organisations to actually assist the organisation in the disposal process.

Senator LIGHTFOOT—So you do not see it as an impediment at all?

Mr Graham—Quite the opposite.

Senator LIGHTFOOT—Yes, you think it would bring an earlier resolution to any problems that it may have if your organisation was involved?

Mr Graham—It seems to us that would be our observation when you look at what has happened in Sydney Harbour recently, and to a lesser degree at some of the things that seem to have happened up at the Dotswood area in Townsville. One of the concerns being expressed by community groups in Sydney has been about the lack of consultation with them about those disposal processes. Because there has been a greater hue and cry about the Sydney Harbour sites than has been the case in other parts of Australia, Defence and government generally have reacted more favourably to that and have set up a Sydney Harbour Trust to look at the whole disposal process there.

What we are urging the Department of Defence to do, essentially, is to enter into a process earlier in the piece that involves community groups that are interested in a particular site or particular sites in the region to try and stem the concerns earlier on in the piece.

Senator LIGHTFOOT—Don't you think that if you knocked on the doors of owners or occupiers of properties and said, 'Hello, I'm from the National Trust. We are here to assist you,' they would spring back in horror?

Dr Marsden—Possibly.

Mr Graham—I would certainly hope not.

Senator LIGHTFOOT—That is all. Thank you very much.

Senator HUTCHINS—In relation to the state National Trust and the national body, are the guidelines for saying that something represents cultural, historical or ethnological significance the same in Western Australia as they are in New South Wales and all over the country?

Mr Graham—Effectively, yes, they are. There might be slight variations in the detail of that because some National Trusts have adopted listing criteria that are identical to the criteria used by the state and territory heritage councils, and in some instances they have not done that. But, essentially, yes, we are talking about the same principles and standards that underlie that assessment process.

Senator HUTCHINS—It may be unfair to ask you this question. In a way I suppose your offices are proactive, but there would be references made to your various state committees to list properties or homes as National Trust. How many applications would you get in any one year?

Dr Marsden—I have just been asking that question. All up, the National Trust all over Australia has classified about 23,000 places around Australia, which is about 10,000 more than on the Register of the National Estate, so that gives you some idea of the size. The numbers each year depend really on the size and resources of each state trust. Tasmania is very small and New South Wales is quite large, so as you would expect, there are differences between them on that basis. Tasmania might add 150 in a year and New South Wales might add close to 1000.

Senator HUTCHINS—If you classify them under your guidelines, it does not mean they are accepted by the state government or the national government? Is that the next process that you plan?

Mr Graham—That is the next referral stage. Let's talk hypothetically about a thematic study of railway stations. The National Trust in Western Australia may decide that it will classify X number of railway stations as a result of a study that took place. The WA Trust may then decide to refer a nomination to the state heritage council and/or the Australian Heritage Commission for it to be entered onto the state heritage council's list or the Registrar of the National Estate in the case of the Commonwealth. So the decision about whether that ongoing referral takes place really rests with the state or territory National Trust.

Dr Marsden—It is worth saying that most of the government heritage listing process in each state—and it now covers all states nationally—pretty well took over the National Trust lists. In Tasmania in 1996, which is the most recent of the states, the whole list essentially comprises the National Trust classification list. They have only got a few hundred more, basically, and that is pretty common. Similarly, as Alan just said, quite frequently, the National Trust determines the national significance or the state significance. For example, the Victorian National Trust has ready to go a full and up-to-date nomination of Point Cook to the state heritage register in Victoria. As I said earlier, Heritage Victoria will not take that on until disposal, so it is in a bit of a limbo. But the National Trust literally has it ready to go; it classified the site quite some time ago and it has reassessed it recently. Senator Lightfoot was asking about double checking facts and determining just what is significant on that very complex site.

Senator HUTCHINS—Where I live, even though it is no longer Defence land, there is a debate about aspects of the ADI site at St Marys being declared by the National Trust, and there is some dispute between the federal and state governments. Are you aware of that one?

Mr Graham—I am aware of it, but I do not know the detail to be able to respond.

Senator HUTCHINS—You say that there 23,000 sites throughout the country. Are they mainly commemorating European settlement?

Dr Marsden—Yes, more so than Aboriginal sites, though they include that. They also include natural sites. The National Trust also owns or manages about 300 sites itself, and a number of those are also natural sites, natural reserves, so it is worth remembering that its expertise does include the natural sites. Also, we have been, as most organisations have been, if you like, trying to improve our indigenous heritage expertise and efforts, although the National Trust traditionally have always had that concern as well for the 50 years since its formation.

Senator HUTCHINS—Is there an indigenous group that keeps an eye on issues of heritage, or heritage to them?

Mr Graham—There are within certain state and territory trusts. The charter of the state and territory trusts does include protection of indigenous heritage, but for fairly obvious reasons it is a very sensitive area and without the expertise on council I think the state and territory trusts find it very difficult to involve themselves in that area. Notwithstanding that, a number of trusts have made efforts to improve their understanding and liaison with indigenous groups in their respective states and territories. For example, the South Australian trust have now established an Aboriginal advisory group within their council advising the council directly. I am aware that there have been appointees to the New South Wales National Trust of indigenous people to help them with that sort of area. Certainly in the Northern Territory and in Western Australia there

has been reinterpretation of National Trust properties from an Aboriginal perspective in terms of the history of the place—not just the building but the general locality. Those sorts of things are going on.

Senator HUTCHINS—I went to Jerusalem once. I think they have a full-time minister who is involved with historical and cultural effects. How different are their guidelines for the preservation of sites from ours? Is there any difference in emphasis? If you look at something that was constructed at the turn of the 20th century here it is of significance to us, but in Jerusalem that would be five minutes ago in their history, so what sort of difference in guidelines and emphasis might there be? We could get to a stage where sites from World War II are going to be declared part of the national estate or something like that. I was born 11 years after World War II finished. I wonder if you would like to comment?

Dr Marsden—There are some national standards that the DEO would be well aware of and the main one, which has been recently revived, is called the Burra Charter. You may have heard of it.

Senator HUTCHINS—What is it called, I am sorry?

Dr Marsden—The Burra Charter is a set of principles and standards for preservation of heritage sites. It is based on an international charter, the Venice Charter, and it has actually become quite world famous because it is the first one where any nation actually decided on having its own charter. It is pretty common knowledge now, and it is used as a basis for conservation management plans in Australia and as the basis for proceeding with physical repair and maintenance of heritage sites. As I say, it was prepared by Australia Icomos, which I think you would be familiar with. That is another voluntary organisation of heritage professionals. It was quite thoroughly revised a year ago. That is the basis for local government, state government, non-government heritage protection. What I am saying is that there may well be differences of detail but there is now a very solid body of accepted standards.

Mr Graham—And those principles espoused in the Burra Charter are very similar to the ones that are espoused in the Venice Charter in terms of the wording, so there is no distinction made between a place that might be 1,000 years old and a place that might be 50 or 60 years old. The issue is whether the place has heritage value.

Dr Marsden—And then how to respect the fabric there, how you treat it, what your preferred choices should be. For example, one of the preferred choices is not to move a building from its original site, which is often a suggestion that is made.

CHAIR—Would you have discussed this charter with the DEO?

Mr Graham—I would be very surprised if DEO are not aware of that.

Dr Marsden—They are very well aware of it.

CHAIR—Pardon my ignorance—and excuse me, Senator Hutchins, for interrupting you—but is there a copy of that available?

Mr Graham—We can certainly make a copy available.

CHAIR—Thanks.

Senator HUTCHINS—One of the things we might get confronted with in assessing the disposal of Defence estates is, being cynical, that people like to live next to big blocks of open parkland whereas the imperative for the government might be that that is no longer operational use. Are you conscious of the potential manipulation of the trust? I am sure you are. How do you determine what is genuine and what is not?

Dr Marsden—I think that ironically, because the National Trust listing is moral only, put bluntly, there is a lot less manipulation of the trust than there would be of state listing where inevitably political and economic considerations do tend to have an impact and because you are dealing with the Public Service, which the National Trust is not. It is difficult. I am quite certain there must, at some point, be people with biases, I suspect, rather than being manipulated. Would that be your impression, Mr Graham?

Mr Graham—Certainly.

Senator HUTCHINS—I wonder how many applications from groups you have refused. Would you have a list of what has been knocked back by yourselves?

Mr Graham—I cannot give you an example straight off the top of my head about a state or territory situation but I can give you an example in relation to a program that the Australian Council of National Trusts run. We run a thing called Endangered Places, and each year we publicise a national list of heritage places we believe to be under threat—I will not go into the reasons but basically because of neglect and that sort of issue. We had a nomination to that last year from the Kuringai Protection Society which wanted to list the whole of the Kuringai municipality. We, as a National Trust office, rejected that. We said to them that we were prepared to list the conservation areas within Kuringai that had been identified by the New South Wales National Trust, so we were discerning about that whole nomination process. Because of the very reasons Susan has mentioned, we can be independent. We are a non-government organisation. We can put our own imprimatur in terms of our views and how we express those. We are discerning. I am sure those sorts of pressures exist at state and territory level across the board on a day-to-day basis.

CHAIR—Turning to your submission once again, at page 5 you refer to recent activities in the North Queensland region. How recent were those activities? Were they in the last six or 12 months?

Dr Marsden—Yes, the single officers barracks at the RAAF base in Townsville that were built in 1940 during World War II were knocked over at the beginning of this year unexpectedly. It was quite a shock.

CHAIR—So there had been no appreciation of the importance of those barracks made prior to their knocking over?

Dr Marsden—There is a peculiar thing about this, and it has us all very puzzled. I referred earlier to our concerns about quality of management in some areas. This site has not only been identified as being a crucial site, a World War II site, but it actually has a conservation management plan prepared by a professional historian. So they have done all the right things and it still got knocked over.

CHAIR—Who prepared the management plan and for whom?

Dr Marsden—Defence Estate Organisation engages professional historians and architects. In this particular instance—in fact, in a number of places in North Queensland—the historian is Dr Peter Bell. In other states it will be a different—

CHAIR—So he had prepared a management plan for Defence Estate Organisation who, after having had the management plan prepared, then went ahead and knocked the building down. Is that what you are saying?

Dr Marsden—Yes.

CHAIR—And you are finding that difficult to understand?

Dr Marsden—If a decision has been made that the place has to be demolished for non-heritage reasons, which is perfectly legitimate, what we have been saying is that at the very least, because that building was identified very clearly in ADO's own internal documentation as being of heritage significance, the state heritage agency or a heritage agency should have been consulted with before demolition.

CHAIR—Yes, I can understand that.

Dr Marsden—I do not want to get into a debate about quality, necessarily, but there has been considerable concern. Mr Graham referred a minute ago to the fact that we, the ACNT, run a national program of endangered heritage places. One of those places on our list last year was Dotswood Homestead, also in North Queensland, also for very good concerns locally and from the National Trust of Queensland that it looked as though, because it had problems with white ants, it would be demolished—again without any consultation and, in fact, without any access. Of course, since it is Defence owned, there are no rights for anyone to actually visit. So you cannot have the National Trust knocking on the door and saying, 'We have come to help you,' because that is not permitted.

In other parts of Australia people are much happier. When we have consulted with all the national trusts around the country, quite frequently they have said, 'No, we have been quite happy with management of particular heritage places.' The point is that it just does not seem to be across the board.

Mr Graham—May I add a comment, Mr Chair?

CHAIR—Yes.

Mr Graham—It is that issue of lack of consistency which seems to permeate a lot of the activity of the ADO. In some instances, our impression from Fremantle barracks is that there will be good outcomes ultimately in Sydney Harbour, that the various sites that are being discussed there will be handled well. But there does not seem to be a consistency of approach across the board in terms of how ADO handles things on a nationwide basis. That is, as much as anything, one of the key points that we would like to stress to you, the committee.

CHAIR—I think that is something the committee has well detected in this inquiry, that there is an inconsistency in the approach. On Friday week we will have Defence Estate back before the committee to answer a range of issues that have come up during this inquiry, and I am sure that they will address that issue because it is a very important issue indeed. This North Queensland region report says, in the second dot point:

DEO NQ has developed a reputation for seeking to demolish or dispose of property without consultation ...

Then you give some examples, one of which—Dotswood Homestead—you have referred to. Whilst that does not necessarily typify all of Defence Estate's approach, it is, nonetheless, part of the problem that seems to emerge out of Defence Estate. Is it only because of the vigilance of people associated with the national trusts that those sites which might have some real heritage value are preserved in the end?

Dr Marsden—I think that is the case in some cases. It is not just the national trusts, it is also, as I have said, other professional historians or other people who might alert the national trusts and we will then follow it up.

CHAIR—How do you respond to this problem that Defence Estate have? They have huge holdings of land, property, buildings and so on, and many of those buildings now are in a state of disuse. There are no longer Defence Force units present at those sites. The government of the day sees it as being appropriate for those sites to be disposed of. But the wheels turn slowly. Defence Estate are faced with a property that is virtually vacant, and with the maintenance of that property and the allocation of resources to maintain it and other properties in such a way that they can be disposed of. That is not necessarily one of the priorities of the defence budget: Defence see themselves as having a role to keep our defence forces at a certain level of preparedness and readiness, with the appropriate equipment and so on.

Yet there is this dilemma, one could say, in that Defence have some sites which are heritage listed but the assets are deteriorating because they cannot afford to allocate the resources to those assets. How does one expect Defence therefore to address those issues? Is there a need, within the budget that a government might bring down, to have a special allocation for defence heritage so that the sites, having been identified, can be preserved in whole or in part until they are disposed of in whole or in part?

Mr Graham—Can I take your idea of a part of the budget being allocated for ongoing maintenance of those places? One of the suggestions that we have made to the Senate inquiry looking at the heritage legislation is essentially that sort of a model. We have actually suggested to them that perhaps part of the proceeds of sale of heritage places could be used in a trust fund arrangement across the board within government agencies to help maintain heritage places over a period of time. So that sort of idea I think is reasonably commonplace and certainly one way,

in a practical sense, of finding some solution to the problem you have obviously mentioned. One of the other ways that I would like to stress—and I think Point Cook is a pretty good example of this—is that community consultation and community involvement in discussions that are going on are offering some solutions. The Point Cook preservation group actually came up with some suggestions to the minister about how to preserve the thing and how to continue some of the heritage responsibilities there. So, a combination of early community consultation—and I am not saying this will necessarily work every time, but that sort of approach—and some ongoing program which assists all Commonwealth agencies in the ongoing maintenance of these sorts of places would be very useful vis-a-vis either a budget allocation or the proceeds of sales of defence properties being put back into a trust fund to actually fund that are two suggestions that I could make. Perhaps Susan may have a couple more.

Dr Marsden—We are well aware of the frustration. The National Trust has the same problem. When you think about literally the tens of thousands of heritage places in Australia that are deteriorating, especially in rural and remote areas, the truth is that there will never be the money sufficient to look after them, which is why listing was instituted in a way, because in fact you do have to prioritise as you do with any budget expenditure. It seems to us, therefore, it is really crucial for ADO to say, ‘Well, which are the most significant of the heritage sites’, and in terms, as I said earlier, not only of the defence heritage but it may be that there might be very important sites that do not have any defence heritage value at all but that, as I said, protect really important native coastal vegetation, for example. In other words, you do your thematic studies which we recommended in this correspondence to DEO, and you then do say, ‘Well, the major budget allocation, such as it is, will go towards maintenance of those properties.’ But, as Alan said, then you tie that in with consultation with groups that, for example, are willing to take on management, as PCOL is at Point Cook. There are many other groups around Australia that have similar interests or could be developed in conjunction with local government. So it is really a matter of structuring the whole problem and then dealing with the priority and the most significant sites, and also prioritising in terms of which are the areas that would be suitable for community takeover—and that may or may not be a problem as well.

Senator LIGHTFOOT—I have just a couple of quick questions. Do you have any specific examples that you could give the committee where the ADO has not fulfilled its duty with respect to heritage values—maintenance or disposal without consultation, things of that nature?

Dr Marsden—There has been an interesting process involved with the major DSTO site in Salisbury, with what was a huge Second World War munition site in Adelaide. Again, they had a professional historian there, Dr Peter Donovan, prepare conservation management plans for that site. Interestingly enough, I notice from his recent correspondence that he has been asked to update that, and that is in the process of rationalisation. Parts will be sold, parts will be preserved and it seems to us on the whole that has been handled quite well. In other words, we have some residual watching brief. We will consult with the South Australian National Trust about that. But that seems a lot less contentious, and there seems to be recognition of the heritage significance of the surviving munitions sites there. It is a huge site now on a largely suburban area, which it was not, of course, when it was established on the fringes of Adelaide.

Senator LIGHTFOOT—What about the disposal of the Torrens parade ground? What sort of an ongoing brief do you give yourselves, or do you have, to ensure that the barracks and other office buildings that have been there since the First World War—

Dr Marsden—Colonial.

Senator LIGHTFOOT—are not used for a food hall, retail centres or some other appropriate industry?

Dr Marsden—That is in a set of city parklands, so they would get very short shrift if that happened. Those things are primarily a state trust, so the South Australian National Trust would watch that. As it happens, the Adelaide parklands, of which the Torrens parade ground is part, were on ACNT's endangered places list last year because the state government, not the city council, which actually owns and controls the parkland, is very gung-ho about it.

Senator LIGHTFOOT—But it is not in effect parkland, is it, because it could be argued that it is an extension of the historic government house property there?

Dr Marsden—It is.

Senator LIGHTFOOT—Or it could become part of the campus of the Adelaide University as well.

Dr Marsden—Yes, it could and, as with the Fremantle Barracks, which I think also is proposed to be—it is Notre Dame isn't it, the university?—the National Trust might deem that to be the best or most appropriate way of maintaining those historical buildings and that open space. We are not averse to adaptive reuse—that is the Burra Charter process—in order to maintain the viability of heritage sites. It is not keeping them necessarily; it has already been handed over as a parade ground now.

Senator LIGHTFOOT—What about where there is a concentration, or where there are large numbers might be more correct, of defence property? In New South Wales, some of the properties that the committee has seen appear to be almost certainly going to development of a blanket nature. That is, there is going to be a density of residential areas, whether they are units, single homes or duplexes, or what have you. There is going to be a blanket cover of the area, and it will completely obliterate what was once—one would assume—a significant defence establishment. What is your reaction to high density housing on areas of that nature?

Dr Marsden—Again, we are concerned at the National Trust with such concepts as cultural landscapes and whole precincts. In fact, we probably pioneered it in Australia—Alan referred briefly to urban conservation areas that are whole areas. As a National Trust, we are quite strong about that. So I guess the immediate answer would be not too favourable. But, it is same old story about having to compromise in some areas. And it might be that, in order to preserve parts of those sites, some of it should be redeveloped. It is the case by case.

Senator LIGHTFOOT—What about a generic reference though? Doesn't the defence organisation have a responsibility to return to taxpayers of Australia at least an optimum amount

that it can get for a development of land that it acquired maybe a century or more ago? One could even argue that it has a duty to return a maximum amount rather than optimise on it.

Mr Graham—Our response to that would be that commercial gain is not necessarily the best outcome. Perhaps, in the instance you are mentioning, the best outcome is retention of what could be public open space for community good. That might well be intermingled with park development of the site, or partial development of the site, but if the community deems that the best outcome from their perspective is in fact the retention of, let us call it, an open space area for public open space purposes, then what is wrong with that as an outcome?

Senator LIGHTFOOT—What do you mean by ‘if the community deems’ that? Do you mean the wider community, or the one that is juxtaposed to the Defence land?

Mr Graham—I am talking about community concerns that may be raised in relation to a particular site. If, through that process of consultation, it becomes very obvious that the community—by that I mean community groups, local governments, maybe even state governments—are of the view that a part, or a large part or all, of that particular area should be retained for public open space purposes, then I think that is a valid outcome.

Dr Marsden—Reading the submissions to this inquiry, I was interested to observe that the ACT government says that across the board all Defence properties that are going to be disposed of should be handed over to the territory government, whether or not the ACT government would pay top dollar for those sites. But what is implicit in that, and has certainly been the case for the National Trust over the years that we have been debating the disposal of government property generally, is the huge community concern. We have a very strong impression about that. The point is that you say the Australian people are all the same people. So there is concern, I think, about getting a good commercial return and equally as strong Australian community concern about keeping precious places, about keeping some public access to those precious places, about maintaining the community and social viability of country towns and so on. In other words, as Alan just said, it is not always true that getting top dollar for a site will actually meet with widespread community acceptance. There may be greater community acceptance within, let us say, a particular town if the lesser dollar is achieved because the site goes on being used for community purposes.

CHAIR—I want to follow up an issue that you have just raised, that of public access. We have heard that one of the advantages of many of those Defence sites—as I think you mentioned earlier—is that the public have not had access and that may well have been one of the redeeming features. Public access is not necessarily going to be something that does well for the site. We heard of a site in Afton Street, Essendon, in Victoria, where there was some degradation of the site in terms of introduced species, noxious weeds and so on. Those can be removed, though. One of the strengths of that site is that there has been a big fence around it because it has been Department of Defence property, and no-one has had access to the site over a period of time. The fear is that, if people do get access to it, erosion will start and other things will happen. How does one get the balance between preservation and access, and preservation and exclusion?

Dr Marsden—There are various means. The National Trust again, as a property owner and manager, has exactly the same issue to deal with.

Mr Graham—So does every state national parks service. It is that fine balance between allowing access and maintaining.

Dr Marsden—Sometimes they are roped off, particularly indigenous sites, as you would know. In fact, registration of indigenous sites will go so far as to not explicitly specify where they are, to totally limit access. So there is that, at one extreme. One useful way of dealing with this is to still keep the place fairly inaccessible but make it regularly accessible—to have an open day regularly. This always arouses enormous interest in the place, but it means it is still not accessible on a daily basis. There is a range of options, and again it is something that the National Trust would be very happy to discuss further.

CHAIR—Last but not least: you have mentioned consultation on a number of occasions this morning. Has the degree of consultation that you have had with the Defence Estate Organisation improved, say, over a period of time? If so, can you identify when it improved? And can you let us know what the improvements have been?

Mr Graham—I am afraid I have some bad news. I am not sure that it has improved. We have held discussions with the Department of Defence for about four or five years now about a number of concerns that have been raised with us by state and territory national trusts. Whilst we have had a hearing, I have got to say that, in terms of the response time from the department and how we would view what we thought could be reasonable outcomes, I do not think the situation has greatly improved.

CHAIR—Do they see you as an obstacle to their development process?

Mr Graham—One would get that impression, yes. It is difficult from our point of view. All we are trying to say to the department is, ‘We believe in many instances we can actually help you with some of these situations if you are prepared to accept that our motivation is not necessarily total protection. It is really a case of finding a reasonable outcome for a set of potentially difficult circumstances.’ But in many respects the department’s response has been a little disappointing. Susan mentioned much earlier on and in the submission we talk about regional committees that we thought would be a useful initiative for the department. That was an initiative, actually, that the department mentioned to us, quite offhand. We thought that was a very good idea, to involve community in the consultation process rather than just narrow it down to one particular site. It was really the case of perhaps looking at regional committees that may cover three, four, five or six sites. That initiative, as far as we know, has never got off the ground. Certainly, if it has, the National Trust and various other committee groups to our knowledge have not been invited to be involved in it. So it has been disappointing. I do not know if Sue would like to add something to that.

Dr Marsden—Even to get the reply to this letter took most of the year. The reason given was that it was a complicated letter and they do not have the resources, but it is a little worrying that there are not sufficient resources to answer a letter.

CHAIR—It is not possible to characterise the relationship with Defence Estate as being a very harmonious relationship where there is constant feedback between your organisation and Defence Estate?

Mr Graham—That is correct.

Dr Marsden—It has not been hostile, though. We have certainly had a hearing.

CHAIR—It is just not a warm, friendly, loving relationship. I think that that impression has been created by some others for us, so we will be looking to the warmer side of Defence Estate when they appear before us in a fortnight's time.

Mr Graham—That is encouraging.

CHAIR—Thanks very much for your appearance here today.

[10.43 a.m.]

CHAPPLE, Ms Sophie, Environmental Legislation Coordinator, Humane Society International

STEPHENS, Ms Sally, 'Bush for Wildlife' National Coordinator, Humane Society International

CHAIR—The committee has before it a written submission from the Humane Society International and a second submission from Ms Sally Stephens on behalf of the Humane Society International. Are there any alterations or additions you would like to make to your submissions at this stage?

Ms Chapple—No.

Ms Stephens—No.

CHAIR—We invite you to make an opening statement, and then we will proceed to questions.

Ms Chapple—We would like to thank the committee for this opportunity to come and speak to you today. We would like to bring a number of issues to the committee's attention for consideration during this inquiry into the disposal of defence properties. In particular, we would like to highlight in general terms for the committee some of the opportunities and obligations for the conservation of biodiversity on defence properties. We are concerned that these opportunities and obligations could be lost if these properties are disposed of without their conservation values being considered and protected.

Ms Stephens—My interest is in nature conservation, in particular nature conservation on land that it is not currently formally dedicated as a conservation reserve. So we are looking at conservation in important remnants across the country. As has probably been raised before, defence lands by default have become excellent conservation reserves. They carry some of the biggest remnant vegetation areas within the country. Puckapunyal is an example. Apparently, it is the largest remnant in Victoria of continuous retained native vegetation.

These have been protected for a long time from clearing and development. While they have been protected, all the lands around them have been increasingly altered and developed for agriculture, coastal development, residential development, roads or whatever. They have become sort of islands of habitat in this increasingly altered landscape and have become more and more important as time goes on. I guess we have been quite relaxed about the fact that they are excellent conservation reserves. Even though they have not always been managed for that purpose, that purpose has become an increasing focus of the Department of Defence. Some already have conservation commitments, like Puckapunyal, which is a Land for Wildlife property. It is the biggest one in Victoria. Another example is Shoalwater Bay, which has Ramsar sites on it, and it is on the Register of the National Estate.

The fact that they are excellent conservation reserves is also recognised by the Department of Defence, and it is consistent with their own defence environment policy statement, which I will now quote from:

The Defence Environment Policy Statement (1998) states: '... it is increasingly recognised, particularly by the public, that Defence has an important stewardship role in conserving many of Australia's unique environmental values. These range from endangered animals and plants, diverse landscapes and heritage places through to the air we breathe and the water we drink. From both a military and conservation perspective Defence is, and should continue to be, recognised as a major force in conserving the environment for current and future generations of Australians.'

The Environment Vision in the Policy Statement states: 'Defence will be a leader in environmental stewardship as an integral part of its activities.'

Therefore, nature conservation values are important on many of these defence lands. These statements are also consistent with the obligations on the Commonwealth under the Environment Protection and Biodiversity Conservation Act, as Sophie just mentioned.

Ms Chapple—I would now like to outline a few of the key requirements under the Commonwealth Environment Protection and Biodiversity Conservation Act, or EPBC Act, and some of its implications for the protection of biodiversity on defence lands.

Firstly, under the EPBC Act there is a range of legal obligations that are imposed on the Commonwealth and obviously, therefore, the Department of Defence. For example, the Commonwealth is obliged to prepare inventories of listed threatened species, ecological communities and migratory species on Commonwealth land, including defence land. We understand that the Department of Defence is already some way down the track in this process.

There is also an obligation, for example, on the defence department and other Commonwealth agencies to comply with recovery plans for threatened species and communities on its lands. Another example is the requirement for the Department of Defence to include information in its annual reports on how its activities accord with the principles of ecologically sustainable development. If, for some reason, any of these requirements are not complied with, there are options for third party enforcement under the EPBC Act. If Commonwealth agencies are not meeting the requirements, there is an opportunity for conservation groups such as ourselves to take legal action to ensure that requirements are met.

Similarly, there is also a range of specific requirements and protections under the act that relate to biodiversity conservation in Commonwealth areas such as defence lands. For example, there is a permit regime set out under the act for taking, killing or injuring members of threatened species, migratory species, ecological communities and so on in Commonwealth areas. There are also special requirements for environmental assessment and approval for actions that are taken on Commonwealth land which are likely to have a significant impact on the environment under the act. They are just a few examples of some of the obligations and there are more set out in our submission.

Essentially, what all these obligations and requirements mean is that biodiversity and the environment on properties held by the Department of Defence receive special legal protection under the act. Our concern is that this special protection could be potentially lost when defence lands are disposed of. We think it is particularly important that these obligations need to be considered in the disposal process. We note, for example, that there is a requirement under the

act for Commonwealth agencies that are leasing or selling their land that, where that land contains critical habitat—that is critical habitat for listed threatened species in ecological communities that is listed on a register under the act—they are required to include a covenant to protect that critical habitat when they execute the contract for sale or lease of that land.

Our position is that if defence land must be disposed of, we would like to see similar or even perhaps stronger precautions for all high conservation value lands disposed of by the Department of Defence, and not just those containing critical habitat. For example, we would like to see not just covenants being entered into but, for example, voluntary conservation agreements under part 14 of the EPBC Act being entered into with the new land-holder prior to the execution of the contract for sale or lease of that land.

CHAIR—Thank you very much.

Senator HUTCHINS—On the covering sheet from your director, Mr Kennedy, you have a PS there:

HSI has a particular interest in the disposal of the former ADI site in Western Sydney and have enclosed an alert by HSI on this issue for your information.

Would you like to expand on that?

Ms Chapple—Did you not receive an alert?

Senator HUTCHINS—No.

CHAIR—I cannot find the alert.

Ms Chapple—I will make sure that gets sent through. To outline it in general terms, a former ADI site at St Marys is quite an interesting example of what can happen in the disposal process. We understand that there are currently plans to build an 8,000 home residential development on this site, which actually contains one of the most, if not the most, significant remnant of the endangered Cumberland Plain woodland ecological community, of which there is actually only six per cent left. It used to be the predominant vegetation type in the Sydney region, and it is particularly crucial that this particular remnant is conserved. We understand that the Commonwealth is yet to make a final decision on this development, but certainly we are very actively seeking to ensure that this important remnant of the Cumberland Plain woodland is conserved.

Senator HUTCHINS—Do you know how many hectares you are referring to at all?

Ms Chapple—I could not give you the exact figure now.

Senator HUTCHINS—It is not the total site, is it?

Ms Chapple—No, it is only a portion of the site, as I understand it, that has Cumberland Plain woodland on it, but part of that site—

Senator HUTCHINS—Has the HSI made representations to the Commonwealth?

Ms Chapple—Yes, we have.

Senator HUTCHINS—Do you know where it is up to at all?

Ms Chapple—Not at this stage. One of the other things we have done is nominate the Cumberland Plain woodland for critical habitat listing under the EPBC Act which then would result in this obligation to include a covenant. We understand that nomination is being considered.

Senator HUTCHINS—Do you know what the impediments are for the Commonwealth to declare this land national estate or national heritage at all? Why have they not acted in this area? Is there any particular reason they have given you to not act?

Ms Chapple—Not at this stage that I am aware of. We have not had much of a response.

Senator HUTCHINS—We might get a bit more from the alert document.

Ms Chapple—Yes.

Senator LIGHTFOOT—I wonder whether you would be kind enough to tell the committee what your surveys or surveys that you have had access to have turned up with respect to threatened, endangered, rare or degraded flora and/or fauna. I am speaking with respect to Defence properties of course.

Ms Chapple—Sure. We have not had access to a lot of the surveys as I understand it, but certainly a lot of the lands do have threatened species and communities and Ramsar wetland sites on them as we understand it.

Ms Stephens—Certainly under the old Endangered Species Protection Act there was a requirement for Commonwealth lands to provide an inventory of threatened or endangered species on their lands.

Senator LIGHTFOOT—Commonwealth Defence lands or Commonwealth lands generally?

Ms Stephens—Commonwealth lands—and Defence land is one of the major ones. I am not sure where that got to when the Endangered Species Protection Act was replaced by the EPBC Act. I did inquire of Environment Australia about two months ago—because I know the same inventory requirement is in the new act—and all the staff and the responsibility areas had changed within Environment Australia because of the new act and they did not have any information they could give me at that stage. I also understand that the Department of Defence has done surveys of quite a lot of its lands but I have not tried to get access to that information at this stage.

Senator LIGHTFOOT—The committee has visited several Defence establishments that are soon to be disposed of on which there is situated some wetlands—they may not be permanent,

but they are for the purposes of the definition described as wetlands—and those areas would have interesting marine life I imagine. Others have had, or front, a river. On two occasions at least we have seen properties that front rivers. Some have had fairly well established eucalypts, but my own personal observation was that they were relatively young—probably 30, 40, 60 or even 70 years old—but not to the point where they had established themselves as habitats for our varied cockatoo class of bird. What areas does your organisation have—and with respect to Defence land—that you would consider to be of higher priority with respect to the preservation of flora and fauna or, alternatively, that desperately need a comprehensive survey in order to establish what needs to be preserved, even in micro flora or fauna?

Ms Chapple—Firstly, we would probably like to see all the Defence lands surveyed, because you never know what these things are going to turn up. But certainly there is a range of Defence sites that we are aware of that are of high conservation value. For example, just down the road here in Canberra in the inner suburb of Mawson is a naval base that is also flagged for disposal and residential development. That is a fine example of natural temperate grasslands of the region of south-east Australia. Grassland ecosystems are the most threatened ecosystems in Australia. There is also a range of sites in the Northern Territory as we understand it. I understand a lot of Darwin Harbour is in Defence hands. That represents one of the largest continuous mangrove sites in Australia.

Ms Stephens—I do not think we have a specific focus on any particular ecosystem, but Defence lands contain large remnants of all manner of ecosystems, and there are conservation priorities. As Sophie mentioned, grassy ecosystems are the most threatened in the country because they have been neglected in the past and they are just now picking up interest. In the past there has been more focus on things like rainforests and dramatic things, but our own backyard has often been ignored. There are different organisations in collaboration determining priority ecosystems, and we would be supporting those. Grasslands are an example. Grassy box woodlands is another example. The box eucalypts—various types of eucalypts that come under the name of box—have certain habitat associations with them. They can have a grassy understorey; some of them have shrub layers under them. A lot of these are just not represented in the formal conservation reserves.

HSI does not have its own priority ecosystems. It would be using priorities determined by the scientific community in collaboration with the assessment that is made of where we are at crisis stage really. I came to this hearing from a workshop on grassy box woodlands, which is running at the moment. One vegetation type has only 0.005 per cent of its original coverage remaining. We would be guided by the conservation priorities that are determined scientifically.

Senator LIGHTFOOT—When you speak of grassy box woodlands, you are by definition talking about fairly significant areas of land, aren't you?

Ms Stephens—Often not.

Senator LIGHTFOOT—Could you give the committee some idea of the size that you would consider would still encompass or embrace grassy box woodlands?

Ms Stephens—I do not have figures with me. There are quite a lot of different kinds of grassy box woodlands.

Senator LIGHTFOOT—Is it two hectares, five hectares or 10 hectares?

Ms Stephens—Do you mean what one would consider to be a suitable site?

Senator LIGHTFOOT—Yes.

Ms Stephens—That is a discussion that crops up all the time in this debate. If you have two hectares surrounded by wheat crops and nothing else in between, it is important to retain it because it might be the last remnant where a certain little orchid lives or something which can actually manage to survive in a small area. Other species cannot survive in small areas like that—for example, mammals and many birds. Some species would use a site like that in their migrations. Some birds might find suitable feeding trees while they are travelling. So they can be important, maybe not because they represent a whole complex ecosystem but because they do retain some habitat values for some species. If you get to a point where you have to choose between a two-hectare site and a larger site, you would be more likely to for the larger site. The larger the site the better the conservation value obviously.

Senator LIGHTFOOT—Yes.

Ms Stephens—There is quite a lot of work been done on the size of an area that can remain viable. In fact the size of the areas to be viable for a full complement of all ecologically processes is quite large—thousands of hectares really.

Senator LIGHTFOOT—Has your organisation taken cognisance of the change in the demographics of defence lands? In other words, the lands are being disposed of largely in the southern part of the continent and being acquired, maintained or enhanced, in terms of defence in the northern part of the continent. Is there something that your organisation should be doing with respect to ascertaining the biodiversity of those large areas of land that are being acquired, or have been acquired, by defence establishment? This would be in respect of mapping those areas for flora and fauna before they get to the stage of, say, land around Penrith which has been encompassed by the western suburbs. Or in respect of other land that has been surrounded by human habitation with all that it brings with its dogs, cats, contamination with grasses et cetera.

Ms Stephens—I think what you are saying, in a way, relates to a proposal I put to the Department of Defence quite recently, which I attached to my submission, which is the Department of Defence taking a proactive role in conservation management of their lands. They are doing that to a degree. They are generating conservation management plans for all their lands and they are focusing on those that they consider most vulnerable. I specifically have not dealt with what you are asking. But I would imagine that this proposal that I have put to the Department of Defence would be ideal for that kind of situation where they are acquiring lands that might be in reasonable condition still and their conservation management plans should endeavour to retain, enhance and protect that.

They may be acquiring lands that have been heavily grazed, so their ownership could, in fact, improve the biodiversity values if grazing is excluded or managed maybe better than it had been in the past. Some grazing management is considered valuable. There are some sites where there are threatened species in South Australia—not defence sites—but some habitats for a particular endangered blue tongue which was thought to be extinct until about four or five years ago when

it was rediscovered on a grazed grassy remnant patch. The only reason it was a native grassland was that it was too rocky to plough. It is subsurface rock; it is not dramatically rocky. But it therefore retained native grassland. It had been grazed; sheep wandered over it. The feeling was that the animal continued to exist in that habitat under that management, so it was probably better to retain that management because it worked, whatever it was. There was also the feeling that, if you took off the sheep, the introduced grasses would explode and create a cover that was not suitable for the lizard. There are different kinds of managements. It is not necessarily excluding all other uses. In response to what you were asking, moving into these lands, one could go into them with very enlightened conservation management goals. I do not know whether that answers what you are asking.

Senator LIGHTFOOT—That is roughly right. I just make the point that the blue tongue is probably surviving because it is omnivorous and it is not a specific feeder.

Ms Stephens—It is mainly an insect feeder.

Senator LIGHTFOOT—It could survive in lots of places where, say, other more specific—

Ms Stephens—But this is a special blue tongue.

Senator LIGHTFOOT—What is its name?

Ms Stephens—This is the pygmy blue tongue. Its scientific name is *Tiliqua adelaidensis*.

Senator LIGHTFOOT—You could confuse me if you gave me its proper name, and I am sure the committee as well.

Ms Stephens—It used to be called the Adelaide blue tongue but it has since been renamed the pygmy blue tongue. It was only called the Adelaide blue tongue because the last sighting of it was somewhere near Adelaide. I think it had not been seen since 1959, and it was rediscovered in about 1992 in a dead road killed snake. There are now 10 known locations, all found in native grasslands. They are very sparse and scattered in South Australia. This is near Burra north of Adelaide in very small patches of grassland that are accidentally still there. That is just an example of a situation where current management has been fortunate for that species. Current management would have ploughed it if it could have, but it was too rocky.

Senator LIGHTFOOT—I guess when you are a farmer your object is to get as much as you can out of your land.

Ms Stephens—Yes. In fact, most of the land-holders in the locations of that animal are very sympathetic to it. They are quite excited by it, too, and happy to have it there.

Senator LIGHTFOOT—In Western Australia we—as Western Australians; not me personally—discovered a frog that was tentatively titled the harlequin frog, because of its beautiful colours. It is only about three centimetres long. Female and male vary in length of course. It survived the continental drift 55 million years ago and has been on the Australian continent ever since then but it was not discovered until about six years ago. It was discovered on about 0.2 of a hectare of wetland that was left as a remnant because the tree-fellers could not

get in there with heavy vehicles because of the slightly marshy land. I just make that point that surveys do need to be done. I know the committee is very interested in the preservation, maintenance and mapping of flora and fauna.

Ms Stephens—There are two other frogs in the same part of Western Australia that also occur only in a handful of small swamps in forests.

Senator LIGHTFOOT—This frog is so distinct that it does not have any parallel anywhere in the world. But, having said that, it was named the harlequin frog after what appeared to be a harlequin frog in South America. But DNA testing soon put a stop to that; it is unique.

Ms Stephens—It also indicates the value of very small sites—

Senator LIGHTFOOT—Yes, that is exactly right. That is why I mentioned it.

Ms Stephens—particularly when most of the other similar sites are no longer there. It is like the western swamp tortoise, which in the wild is only known to be in one swamp. It was known to be in two swamps. It became extinct in one of those swamps and has now been relocated into that swamp.

Senator LIGHTFOOT—Yes, I am very interested in amphibians so I appreciate that.

Ms Stephens—So small areas can be valuable.

Senator LIGHTFOOT—Thank you very much.

CHAIR—How do you respond to the contention that Defence Estate Organisation may be under undue pressure in terms of conservation and other issues, given that not all but many of the sites that are surplus to their needs and that they want to dispose of—sites that they do not have the money to maintain in any way; money that they could better use for other defence purposes—were remote 30, 40 or 50 years ago but with urban sprawl have become a ‘sanctuary’ and Defence are now paying the price? In other words, Defence are now bearing the responsibility on some of their sites—not all of their sites—for the poor practices over the last 30, 40 or 50 years as urban sprawl has taken up. Should we place that burden upon Defence? Is it an unfair thing that they have to bear and, if it is not, how can you compensate Defence for having that burden?

Ms Stephens—This is true of all land-holders, basically. Other land-holders face the same dilemma. There is an increasing emphasis now on the role of private land-holders and their remnant bits of bush. It might happen to be their back paddock. There is now increasing pressure on them to manage those for conservation because often they are the last remnants. So there is increasing pressure on private land-holders, whether they be a big Commonwealth agency or a small cocky out west somewhere. So that dilemma they do not bear alone.

CHAIR—But Defence’s problem is that they have such huge parcels. Who should bear the responsibility? One cannot expect Defence, whose primary focus is not land management or protection of the environment—and I am not saying that in a disparaging way; I think they do a

reasonable job in protection of the environment—to have that cost shifted on to them when the land and the surrounding areas have long since outlived their usefulness to Defence.

Ms Stephens—I think that is relative too. The whole livelihood of other land-holders is coming off that patch of land, so again that responsibility and the cost of that responsibility are put on them. Everyone is looking at this at the moment, I think, in terms of its being the nation's responsibility: if we want to conserve land, then the nation must pay for it. So people in the cities must somehow subsidise those bush blocks that we would like to be retained.

Another point is that governments, including the Commonwealth government, are putting this responsibility on the private landowners, the small people, and expecting high things from them for volunteer rates. If the Commonwealth is putting that responsibility on the land-holder, the Commonwealth should also set an example by taking that responsibility themselves. In one way, the Commonwealth is putting a lot of money into conservation through the Natural Heritage Trust, for instance; it is putting a lot of money out into the community, supporting community conservation, land care groups, bush care groups, Riverwatch, Coastwatch, Waterwatch, threatened species—all of those—and expecting community involvement and participation in kind through commitment, which also does cost. Therefore, the Commonwealth should set an example too. If the Commonwealth expect the community to take that burden, they should also take that burden in being a leader in conservation matters.

CHAIR—The argument which Defence Estate would mount, in my view quite rightfully, is that there is a limit to their resources out of the Defence budget to do this. Where do you think the responsibility lies, therefore, if it is not with Defence? Is this something that should be met out of the budget of Environment Australia, or where? Perhaps you can give us some guidance there. If you have not got an answer and want to take it on notice, I do not mind.

Ms Stephens—I see it as something that has to be worked out at the Commonwealth level, maybe through cost-sharing arrangements or partnerships between departments, looking at how high priority conservation areas can be retained or conserved, even looking perhaps at bringing in whoever the new owners are—if there are to be new owners—in terms of management. They might not need to be purchased as conservation reserves but they might need to be purchased with conservation management as part of the long-term goal.

CHAIR—We had a look at the site at Ermington, on the river at Parramatta. There was a fairly long and involved process of consultation between Defence Estate and the local community, which seems to have worked very well. The outcome of that is that that site, after remediation, will become a fairly substantial and, on the surface, a reasonably well-planned housing estate. Was your organisation, for example, involved in the process there? Whether there are any endangered species or whatever I would have no idea at all.

Ms Chapple—We personally were not involved in that one; there possibly would have been other people from our organisation who were, but we are not sure. We can take that on notice.

CHAIR—All right, would you take that on notice. Defence can see some realisation of the sale of that property for housing development, and that will give a fairly good return to Defence Estate on their land. I think that, if there are no other reasons as to why that should not proceed, then that is a reasonable path to go down.

Ms Stephens—Sure. I think another point is that Defence were not set up to be in the real estate business. Their purpose and funding base are not to acquire and sell land for profit. Presumably, many of those lands they acquired a long time ago. They would now be selling them at enormous profit if they are anywhere near Sydney, for instance. The lands were not acquired as an investment; they were acquired with a defence purpose. The purpose of selling them should not be to make a profit. One would understand that to make a profit is a reasonable thing to do, but it is not the purpose that those lands were provided for. Perhaps, where some lands have no conservation value but high real estate value, they can offset losses where other lands have conservation value.

CHAIR—In the submission of your organisation you referred to the need for identifying and monitoring the biodiversity. Inventories must be completed, according to your submission, by 16 July 2005 or within five years of the land becoming Commonwealth land, and must be kept up to date. I think you mentioned a requirement under a predecessor to the EPBC Act to keep inventories. Have you had access to those inventories, and are those inventories automatically subsumed under the new act?

Ms Stephens—I think they are.

Ms Chapple—Yes, I think they are. Our understanding is that those inventories under the old act were not completed, and the work that was done was not made publicly accessible. So we have not had access to them. Again I understand that, with this inventory, the intention at the moment is although it will be prepared within five years it will again not necessarily be made publicly accessible.

CHAIR—Have you had any discussions with the Defence Estate Organisation, or access to previous inventories on sites that they might have undertaken?

Ms Stephens—I have not. Environment Australia have a relationship with the Department of Defence to do with that part of the act.

CHAIR—I accept that. But your organisation as such has not had any discussions?

Ms Stephens—No. I rang them a couple of months ago to see where they had got to under the previous act and what was happening, and there did not seem to be any detailed knowledge at all apart from the fact that some defence estates had had surveys done. The department is responsible for getting them done. But no-one in Environment Australia that I spoke to in that area of responsibility had any definite information to give me. It was not that they did not want to give it to me; it was just that, because of the transition between the acts, it was very interim and nebulous at that stage.

CHAIR—There is this transition between the acts and there seems to me, from the evidence that you presented, to be a minor degree of uncertainty as whether there is an endangered species of flora or fauna or anything else there. Many of these sales are on the books to proceed now; they are not going to wait. How does one handle the requirement to comply with the act, and also Defence Estate's desire to proceed with the disposal of land and property to meet their budgetary needs?

Ms Chapple—That is our concern. If the land is disposed of without other mechanisms being put in place, then basically a lot of the obligations under the act are lost. For example, the requirement to prepare inventories is only applicable to Commonwealth lands, so we would like to see those surveys completed before disposal, where possible.

CHAIR—Are you saying to the committee that there is an obligation on the part of Defence to have undertaken this prior to the sale?

Ms Chapple—No, not legally under the act, but we would like to see that occur anyway. I guess the point is that, for example, if the sale proceeds and the site is being developed after that, under the act there are obligations even on the new owners. If there are, for example, threatened or migratory species or Ramsar sites there, they are under an obligation. If that development will have a significant impact on those species, it could require assessment and approval under the act. In that sense, it is important to know whether there are threatened species or other important biodiversity on that land at any stage.

Ms Stephens—If the department were working within the spirit of the act, they would probably have to take those surveys prior to disposal. That would be the good corporate citizen approach, I guess.

Ms Chapple—And certainly the new owners will have an interest in knowing whether those species are there, because it could impact on their development proposals at a later stage.

CHAIR—The other issue I want to pursue with you briefly is the relationship between your organisation and Defence Estate. Do you have a consultative mechanism set up between your organisation and Defence Estate on the matters that obviously interest your organisation?

Ms Stephens—We are both outliers, really. We both work independently on specific projects that are hosted through the Humane Society International but—at least I can speak for myself—we do not deal constantly with all the actions of the organisation. There are a lot of things that other members of the organisation are doing that I am not part of.

CHAIR—It is not a trick question. I am just seeking to know whether you know of any formal consultative mechanism between the HSI and DEO.

Ms Stephens—No. I have had consultations with the environment and heritage area in the department, to do with a proposal I put up in December. I have had discussions with them, after which I developed a proposal which I then submitted to them on behalf of HSI and my particular project. You could describe that as a formal relationship that I have had with a part of the department.

CHAIR—How would you characterise that relationship?

Ms Stephens—Very positive.

CHAIR—That is good. I am pleased to hear that. In your submission you refer to the environmental vision in the policy statement that Defence will be a ‘leader in environmental

stewardship as an integral part of its activities'. From your experience, are they leaders in environmental stewardship?

Ms Stephens—There are examples of it, yes. I understand that the properties that they own are managed quite autonomously within the regions, not under strong central management guidelines. In Victoria there are examples of several defence properties which are members of Land for Wildlife. It is a voluntary conservation scheme whereby private land-holders—which in this case includes Defence—agree with the Department of Natural Resources and Environment in Victoria to manage land for its habitat values. That does not mean all of the land but it means that the property has been assessed, certain areas of it are designated as good habitat and the landowner will continue to manage for those habitat values. Then the property owner becomes a member. There is no legally binding obligation on them; any landowner can move out of that scheme at any time. Yet, because it is a very high public profile scheme in Victoria, it certainly gives good PR recognition to land-holders that have it. Puckapunyal, as I said before, is a member. Puckapunyal is one of the biggest grassland habitats in Victoria. It has other habitat ecosystems on it. So there are examples, in areas where they have got interested commanding officers managing the sites, interested environmental managers, where they have actively, without being approached, approached the Land for Wildlife coordinator and said, 'We are interested in this'—usually when there is someone interested who works there and puts it up.

My proposal was to have a more pro-active approach from the department at a senior policy level. There could be a range of management issues, some of which would involve core conservation matters, some of which might involve lower level conservation, some of which might involve multiple use and some of which obviously would be purely for defence purposes. So we would try to get a network of management across defence land.

CHAIR—In the last 12 months I have visited HMAS *Stirling* in Western Australia. I was very impressed by the environmental attitudes of the commanding officer and his staff. One of the things that impressed me was a nursery where they were breeding some rare eucalypts that are confined only to the base, as I understand it—a special melaleuca. They can do things very well.

Ms Stephens—They are doing so in many places, yes. I see it as a great opportunity for conservation, and it is threatened with being lost. It would be good if we did not lose this opportunity. So many Commonwealth assets have been disposed of; the public is owning less and less of its own country. This is one public asset, the Commonwealth owned lands, in regard to which opportunities will be lost forever if we do not do it cautiously.

CHAIR—Thank you very much for your appearance before the committee. We appreciate the evidence that you have given us and we will take it into consideration. Defence Estate are appearing before the committee again on Friday, 16 March. They have heard your submission today and obviously they will make appropriate comments where necessary. We do appreciate your participation in this hearing this morning.

Ms Stephens—Thank you for the opportunity.

[11.40 a.m.]

HEAD, Mr Neil, National Executive Director, Royal Australian Planning Institute

McINERNEY, Mr John, National Honorary Treasurer and President Elect, Royal Australian Planning Institute

CHAIR—I welcome to this hearing the representatives of the Royal Australian Planning Institute. The committee prefers all evidence to be given in public, but should you at any stage wish to give any part of your evidence in private, you may ask to do so and the committee will consider your request. The committee has before it a written submission from the Royal Australian Planning Institute. Are there any alterations or additions you would like to make to your submission at this stage?

Mr McInerney—Mr Chairman, with your permission we would like to table an elaborated version of our initial submission which we have here.

CHAIR—I note you have tabled another elaborated version. In the interests of sanity, we will take that as being your submission and replacing your previous submission. I think that will be the easiest way to treat that. Are there any alterations, deletions or changes to what is now your submission to the inquiry?

Mr McInerney—No.

CHAIR—I now invite you to make an opening statement and then we will proceed to questions. I just draw to your attention the fact that the committee can only sit until 12.30 when the Senate commences. Standing orders prevent us going beyond 12.30. I always mention that to the last witnesses in case they feel a bit peeved that they are chopped off at 12.29 and 48 seconds. Over to you.

Mr McInerney—Mr Chairman and members: in my opening statement I will refer you to page 4 of our submission under the heading ‘Executive summary and RAPI recommendations’. With the time available, I thought I might just go through that executive summary and recommendations, perhaps making a few elaboration points. I intend just going through them as you see them and I would be happy to elaborate on any particular point or leave it until the end—at your discretion.

Our first point just introduces ourselves. The Royal Australian Planning Institute is the professional body of town planners in Australia and the national body, which we represent today, is the peak body of the various state divisions. Point two contains our overall recommendation. In some ways, Mr Chairman, this is sort of a summary of a summary that puts our position in five dot points. Public declaration that a piece of land is surplus should be the first step, which would be the department and the government’s decision, to bring clarity into the definition of ‘surplus land’. As I understand various previous examples, there has been some insecurity as to whether or not it is surplus or to what extent that surplus is a real term or is defined by certain withholdings.

The second dot point was a recommendation to transfer the land to a landholding entity that inactivates any special procedures applying to crown land. That is a rather clumsy way of saying that we think that, in some cases, the general context of crown ownership can be a problem to the processing of land. This is particularly so in Victoria where I understand crown land confuses the zoning process in that the state government feels unable to act against a higher authority—being the crown—whereas New South Wales seems to have no reservations about doing that. It appears to us there is some insecurity or unsureness about the ability of crown land to be dealt with by state planning agencies. We feel that, through a national decision, it might be possible to clarify the position of crown land vis-a-vis the relative powers of state government. As I say, two different regimes seem to operate in Victoria and New South Wales when the process drops down to the state government taking planning powers over from the Commonwealth and in particular when the land is sold. For example, Victoria says that the zoning as Commonwealth land or Commonwealth land in its entirety, and with the powers of the Commonwealth remaining intact, remain so until the land is sold; whereas New South Wales takes the position to our knowledge that they are able to rezone land and set as it were planning controls on that land prior to the sale of land. It seems peculiar that the two states would take a different point of view—I suppose on second thoughts it is not really peculiar.

CHAIR—It is all right. There is no-one from Victoria or New South Wales here so you can say what you like.

Mr McInerney—The third dot point is a recommendation that planning procedures commence with strategic land use concepts for the site in a national, regional and local context. The reason we stress the national in that point is that the land is currently owned by the Commonwealth, and it seems to us that there is an opportunity for the Commonwealth to put in place its own national objectives. If one such objective, for example, is to increase public housing just for the sake of the argument, then it may well dispose of that land with those objectives in mind. I think there is always a valid position for the Commonwealth to take its own strong stance on a particular piece of land and then as one moves down to both regional and local contexts—and for regional in most cases we would put ‘state’ in there—I think those various other planning concepts, which are often very well known, can be brought into place.

The next dot point is the planning of land use for the site to be implemented through zoning, development application and other like processes, similar to private landholdings. In other words, once you have got down to that local level and the procedures are in place, we would argue strongly that the land should be dealt with as if it were a similar piece of land to a private piece of land. And the final point recommends that the process be underpinned by a special duty of care as a consequence of the land being publicly owned. We suggest that duty of care may be taken to include avoiding unnecessary appeal proceedings and, in fact, maximising the use of the land for the best purposes of the whole population of Australia. If one of those purposes is to save costs, then we would argue that avoiding appeal proceedings is one way of saving costs. We have seen in Sydney quite excessive amounts of money spent in appeal proceedings. There was the submarine episode down in Mosman, I think it was, that went to the appeals court and hearings lasting several weeks were attached to that particular disposal process. It seems that getting to that stage just brings in a lot of unnecessary extra expenses.

CHAIR—If I can just stop you there for a moment: are you saying that the lead-up processes have been poor?

Mr McInerney—Yes. Not necessarily per se because it gets to appeal because there may well be occasions where there is no recourse other than an appeal. But I would think that should be the bottom of the line and very much an exception rather than something which seems to hang around these disposal cases quite regularly. I would have thought it should be the one per cent situation rather than the 20 per cent, which seems to be the norm. I will move on, if that is okay?

CHAIR—Yes, go right ahead.

Mr McInerney—We suggest that the inquiry note that each of the states is different as planning became devolved from the Commonwealth to the state governments, and it is the right of the state governments to manage land. The result has been that each of the states has a peculiar—in the sense of unique—way of dealing with land. As you would know, the Western Australian government has a separate system altogether from both Victoria and New South Wales. Each of the states has their own way of doing things. We actually refer in point eight to the potential value of the Planning Ministers Conference—I am sorry for jumping around here. State planning officials have been meeting with the federal minister. Currently, Senator Ian Macdonald is the equivalent at the federal government level and he has called two meetings this last year, I think, which are the first I might add for some 10 years. It went back that far. To our knowledge, each of the state ministers felt this was a very valuable process. Senator Macdonald is looking toward what he calls harmonisation of planning legislation across the states as a beneficial thing. Amongst other matters, the possible harmonisation or bringing together of the processes for dealing with these disposal matters might be facilitated by taking advantage of the senator's initiatives with the individual state ministers, all of whom have been quite enthusiastic about this process.

In the fourth point we note in passing that the Commonwealth's Environment Protection and Biodiversity Conservation Act which is now in power brings in another overlay, certainly at the Commonwealth level, impacting important areas of wetlands and endangered species, et cetera. RAPI is very supportive of the act itself. We feel that that adequately covers all these matters. We just note its existence and assume that the act would be referred to as necessary.

In point five we note the importance of the Sydney region in terms of the predominance of defence sites in and around that area. The current processes have been rather complicated because they have entailed the interim Sydney Harbour Trust legislation, which is either before the House or going through at this stage—I am not entirely sure.

CHAIR—I think it was back in the Senate last week.

Mr McInerney—I think it might be close to completion.

Mr Head—It is still current. I think this reference committee has inquired into that previously.

CHAIR—Not this committee, another committee inquired into it. I understand the legislation was back by way of message before the Senate—it might have been last week.

Senator LIGHTFOOT—From the lower house?

CHAIR—Yes.

Senator LIGHTFOOT—I think it came up to us, we amended and it went back to the lower house.

CHAIR—It has come back again. I don't know the final status of it—

Mr Head—No, but it deals with a significant proportion of the land that we are discussing.

CHAIR—Yes.

Mr McInerney—And again in this case, because it is such a major portion of the land, we would support that as a useful way of handling what is a rather unique situation.

Mr Chairman, we took the opportunity to check with some of our contacts, our equivalent planning contacts in both America and England both of whom have gone through this procedure at great length. The committee may be aware of how particularly America—I should not say particularly America because England has been working at it since about 1949—

Mr Head—And published major findings about this process from an England point of view last year.

Mr McInerney—In our references at the rear of the submission we have given various web site numbers for contacts both in England and America who might be of use to the defence department or yourselves.

CHAIR—Could you just draw our attention to where those are mentioned in your broader submission?

Mr McInerney—Page 20 lists the actual contacts, but we have referred on page 16 to a series of references.

CHAIR—That is what we needed.

Mr Head—And the specific reference to the most recent United Kingdom inquiry, which was in 1999, is at the top of page 10.

CHAIR—We have had no evidence on that before, so your evidence is very useful indeed. That is why I was anxious to get those references pinned down. Thanks very much.

Mr McInerney—We have drawn out of some of that information a localist RAPI position under point six. While this is obviously a precis, we feel that it represents a distillation that we would be happy with anyway of both the English and American experience. The first dot point is a national strategic approach to the disposal of the surplus land, and I am sure the committee is headed that way anyway in the sense of treating it as a problem across Australia. The second dot point is clear, comprehensive, widely disseminated and agreed guidelines on the procedures. The third point is for planning authorities to include planning for defence lands into their

forward strategic planning process. In this case it would be both state and local planning authorities. What this means is that putting an onus on those authorities, not just the defence department, by saying to those authorities, 'If you have large defence holdings in your area, take the initiative yourselves and start to work with the defence department.' In fact, the English committee recommended that that process could commence prior to definition as surplus lands, particularly in areas where there are very large holdings.

The next dot point is for the defence department—and this came from the English experience—to undertake internal strategic planning research within the context of the planning system that applies to both operational and surplus land. The term 'operational' is obviously for land that they are currently continuing to use and 'surplus' is that which has been defined as such. The second last dot point is that adequate in-house planning expertise be available to undertake this defence land use planning or to supervise consultants for this. There has been, certainly in my personal experience, a lack of understanding of the planning processes in the defence department, which is not surprising considering that the planning regime is constantly changing both locally and state and it would be difficult to keep up. But I think there is clearly a need for some planning expertise at a greater level than currently exists. Then finally there should be a clear public information strategy in relation to that adopted process.

In point seven we recommend that perhaps there might be benefit in referring to the institute's current national policy agenda. We have a copy of that here and we would be very happy to leave additional information with the committee.

CHAIR—For the sake of the *Hansard* record, could you identify the document?

Mr McInerney—The document is entitled *Liveable communities: a national agenda*. It is a national policy recently produced by the Royal Australian Planning Institute and puts in place what we believe ought to be at least a national policy for the government as opposed to perhaps a less than clear policy which we perceive to be the current position in regard to national land use planning issues.

CHAIR—Has that policy been communicated to the government?

Mr McInerney—My understanding is that we have done that through our current chairman, Barbara Norman, but Neil may like to elaborate.

Mr Head—Yes, Mr Chairman. The policy has been brought to the attention of Senator Macdonald and also the opposition spokesperson, Mr Laurie Ferguson. Its formal passage for tabling will be through the process that we have talked about in point eight, through the Planning Ministers Conference. We see that process as being a way for these policies external to the government to be brought to the government's attention.

Mr McInerney—Therefore, if there were no other, more obvious position, we might suggest you could refer to it at least, and it might be of use in the processes of disposal of land.

CHAIR—Is this the first time your organisation has developed such a comprehensive policy?

Mr McInerney—The answer is yes. Prior to this we had assisted various federal governments in formulating national urban policy, but this is the first time that we have come out on the front foot, in the sense of putting up a suggestion to the government. We are hopeful that, by doing this, we might both stimulate discussion at the government level and also get certain of our ideas forward.

CHAIR—Thank you.

Mr McInerney—We move on to point 8, which we have referred to earlier: the role of the Planning Ministers Conference. There is another note there on senior planning officials. In explanation, currently, when the Planning Ministers Conference occurs, either biannually or annually, the senior planning officials—the heads of each of the planning departments in the states—take the opportunity to meet. That seems to be, in many cases, a very valuable meeting place for those people as well as for the ministers.

Mr Head—It is attended by the Commonwealth as well.

Mr McInerney—Yes. In fact, the Commonwealth has chaired this meeting so far. Point 9 reads:

RAPI recommends that Defence publish a regular update on planning for disposal of surplus land. RAPI would be pleased to assist publicising the update ...

Our last point—again, this comes from the English experience—reads:

RAPI recommends that the overall annual program of dealings on planning matters by Defence be aided by a Reference Panel which shall include at least one qualified Planner ...

We have to think of our own employment.

CHAIR—Yes. I thought that was very good.

Mr McInerney—I guess that was fairly obvious. We did not really have to point it out, but we said it anyway just to be up front. More importantly:

... the Institute could assist by presenting a list of suggested nominees that the Minister could select from.

We would by that process hope that some sort of planning expertise might be available at a reference level to the department to get over the problem we referred to earlier of a seeming lack of planning knowledge in the department itself.

There was one other point that was conveyed to us by one of our state presidents this morning. I might add at this stage that the Commonwealth may from time to time consider a right of first refusal. This person, who is the president of the Queensland branch, asked that a right of first refusal be given to state housing agencies. We did not have the time to incorporate it within our total submission in the way I would have liked, but it comes back to my earlier point that the Commonwealth clearly has a right, and perhaps even a responsibility, to implement its own policies in the process of distributing or selling surplus land.

That really represents the complete statement. I would be happy to either expand on or refer you to other points in our report. Substantially, the rest of the report elaborates on those matters, and I think I could leave that for your own perusal.

CHAIR—Thank you. I was just saying to my colleagues that we are very impressed with your submission.

Senator LIGHTFOOT—Given the healthy anathema that some of the outlying states have for what we call the axis states of Victoria and New South Wales, and the mendicant territory of the ACT, you are quite clear and unambiguous about the national strategic approach to the disposal of Commonwealth or defence surplus land. I would have thought, having worked in that environment in the Western Australian parliament, that it is not going to be well received that there should be a national approach to this. ‘We’ve got our land, God damn it, and we’re going to do what we want with it.’ The Commonwealth, of course, can do so with its land in New South Wales. I understand that it can subdivide it and do all sorts of things with it, which I think is in process now. But that may not be the approach in the outlying states of Queensland, Western Australia and Tasmania in particular. How do you expect to try to sell an approach like that, which I offer no opinion on, other than those problems that I see arising from it?

Mr McInerney—I am very aware of your point. I have worked in several states, for the Commonwealth, and for the ACT as well, so I am aware of the interactions between the various levels. I make the strong point that land ownership bestows, in the first instance, rights, but also responsibilities. The land is in the ownership of the Commonwealth via its defence department, but let us go beyond the word ‘Commonwealth’ to ‘the people of Australia’. The land is in fact owned by the people of Australia, from whatever state. All of us ultimately own that particular piece of land. I think the government, as the representative of all those people, has both a right and a responsibility to ensure that the interests of that whole are taken into account when the land is disposed of. In some cases the interests of the whole may differ from the interests of a particular state. In a pure democratic sense, the interests of the whole should then take precedence if that is the case and can be illustrated or proven to be the case.

I am more of a local government planner than anything else. I know what it is like at the local council level when the state interferes with our God-given right at the local level to plan everything. The same feeling occurs at the state government level. If interference by the Crown still existed, I am sure that you would be annoyed at the interference by the Crown. Each level seems to have some antagonism regarding the power above it. But the truth is that we live in a multi-level society. I made the point earlier that the responsibility and the rights of the landowner may need to be taken into account. If they are not paramount, they certainly have to be taken into account.

Senator LIGHTFOOT—I understand what you are saying but there is a mistrust by outlying states, justified or not, with respect to the interference by the Commonwealth, particularly on land matters, subdivisions, zoning, et cetera. I do not think the approach would work, no matter how intelligent, proper or logical that approach may be, if it is going to be on a national basis. In your submission, at paragraph 7, the fourth dot point, you refer to ‘achieving a greater efficiency in housing production’. Do you mean, in achieving that efficiency, that you optimise, rather than maximise, the plot ratio for houses? Does that mean that you would prefer multistorey houses to be considered for defence land? Do you think that an extension or a fill-in

of those defence properties, say in the western suburbs, should conform, given that the tide of time has swept over some of the designs? Do you think they should conform to the western suburbs concept of development or do you think that a new approach is necessary for the disposal of fairly large areas of land, such as at Penrith, that currently reside under the hand of the Department of Defence?

Mr McInerney—I think that at that level I would defer to both the state and local government initiatives. While the Commonwealth may put up an argument for its use as housing, I think our history has led us to the point that in general we are pretty much coming to terms with the local right to control the type of housing that goes in the particular location. If you were asking me what the Commonwealth's role would be, I would say it would perhaps have the right to say yes, it should be for housing, but I would step back from the Commonwealth's involvement past that and leave it to both the state and ultimately the local council.

Senator LIGHTFOOT—In New South Wales, the Commonwealth has the right, doesn't it, to get it advanced to the stage where virtually it can even zone it itself and then seek approval from the local government. Is that correct?

Mr McInerney—Yes, that is correct. I then refer to my earlier point that I would argue that that right should be, in essence, surrendered in a deliberate move by the Commonwealth. Notwithstanding that there may be some proviso apropos my previous point that there may well be some overriding Commonwealth initiative or requirement, within that I would argue the right of the Crown to make its own decisions on disposal in terms of zoning and those sorts of matters. Here we are getting into density and particulars of land use. Our argument as RAPI is that that should be done ultimately by the state in concert with the local government.

We do stress, however, as Neil has pointed out to me, that this whole process should begin quite early and should be a very integrated process to bring all realms of government together, in the hope of coming up with a common position on the whole process—which may not always be possible. Certainly the Sydney example shows us that it is almost impossible: at the local council level they ultimately want it all to be open space, which clearly may not be the right answer for large pieces of land.

Senator LIGHTFOOT—Mr McInerney, as a planner of some eminence in New South Wales and probably nationally, you would understand that people do want open space. Is 10 per cent of the project sufficient? Should it be more? Should wetlands be included in that 10 per cent POS, or should that be extraneous to that sort of thing? Do we want further development of western suburb-style housing in New South Wales or rapid northern development such as happened in Perth? Do we need 300-square metre blocks, or are they far too small? Are they suitable with multistoreys on them? I suspect that you are going to reiterate what you have just said, 'Leave it to local government to decide that.' But do you, as an eminent planner, regard as your ideal development of a fill-in, say 25-hectare, piece of undeveloped land?

Mr McInerney—I guess my ideal position would be for the Commonwealth, as the pre-eminent level of government, to take a leadership role in achieving the best of what could be done if one were to say that the best thinking in urban and regional planning, for example, was very much towards sustainability as an object of land subdivisions. A reduction in energy or

perhaps public transport was a strong element, yet we all know that most of the outer Sydney suburban areas are very deficient in public transport. So there may be a case for taking, for example, the Penrith land and saying, 'We are going to require that that land is to be subdivided or disposed of with a strong component of public transport in it.' Or there might be a requirement that it be energy sustainable in the longer term. If the Commonwealth were to take that position as a leader on national urban and regional policy issues, it might wish to translate that down to a particular piece of land.

On the other hand, I think that presumes that the Commonwealth has a very strong position on that area and has a body of knowledge that it wants to implement. At the moment, I doubt that it is in fact the case. In which case, it may defer to the particular state—in this case New South Wales—which has a strong position on regional planning. I know the Commonwealth has a strong position on regional development in Australia and it may well be that the development of regions in Australia is a pre-eminent position that the Commonwealth would wish to take. With that in mind, it may dispose of lands with an economic incentive in mind to add something to an otherwise struggling region.

I think these are the legitimate areas I touched on earlier that the Commonwealth might well wish to take a role in. Clearly, there will be a point at which there needs to be a link to the state government and ultimately to the local council or whatever the case is.

Senator LIGHTFOOT—Some significant areas of Defence land have already been disposed of—Torrens Parade Ground in Adelaide, the Fremantle Artillery Barracks in Western Australia and that beautiful and magnificent area of land around the harbour from the bridge. Land that has not yet been disposed of is the area in Mosman which has breathtaking views back towards the city and across the bays. Hasn't the horse gone, hasn't it bolted? Is it still not too late to have a national approach to this?

Mr McInerney—I suspect you are right. I think the horse has bolted. I do not think it has bolted in the wrong direction, by the way; I think it has probably bolted in the right direction as a result of a lot of interaction. Yes, in practice the major holdings, to my knowledge, have been disposed of: certainly the more contentious ones. I am not fully aware of other holdings that may still be around. There may still be some opportunity. On the more obvious ones, I agree with you and I doubt that there is much chance to do a great deal.

Senator LIGHTFOOT—Defence has disposed of land or are shortly to dispose of land because it has already been zoned and ready for subdivision in New South Wales. I do not mean the ones that have been handed over gratis because of their significance to the states with their military heritage. Do you think that Defence has optimised—done a good job on—that disposal by and large? It is not going to please everybody but do you think there is some criticism that could be made that the committee could use in order to make sure that we do it better with the Defence land that is left.

Mr McInerney—The answer is yes, by and large. I am surprised actually at the extent of criticism of the process. I know a lot of it is typical—at that level of government criticism, there is always the friction of, 'Why didn't they do it in a better way? Why didn't they come to us earlier?' and other perennial sort of questions. People say, 'You should have come and talked to

us before and we would have sorted it all out.' But of course we know that does not quite happen.

Probably the lesson is in fact for them to start talking a little earlier than they have in the past. I think I touched on, in one of the previous points, the fact that it may well be valuable to start talking prior to surplus being defined—that is to say, to talk to the local council and the state about large holdings of land even though they may not be being considered for surplus disposal at that stage. There cannot be anything wrong about getting a dialogue going at that early stage in the hope that when the process moves along there will not be this antagonism that seems to have been built up—as I say, unfairly in many cases. There is a separation between Canberra and the local councils and that is where the real axe starts to bite. When you get the local councils concerned, they can take on the old hobby horse of kicking Canberra, which is easy when you are a local councillor—it is the easiest thing in the world, as we all know.

Senator LIGHTFOOT—It is a great pastime across Australia.

Mr McInerney—It is a long way away, particularly if you are a local councillor in Western Australia, by the way. I think the only answer is communication and discussion and to get in early, talk to them and keep talking. I do not see any other simple solution.

Senator LIGHTFOOT—This is my last question is about that magnificent land, I think it is called Middle Head, where the officers mess is near Mosman.

CHAIR—Georges Height, Middle Head.

Senator LIGHTFOOT—By world standards it is quite a magnificent piece of land. What, ideally, is your view of that? Does it need to be preserved, significantly so? Should we have housing for the socioeconomically deprived going right up to the officers mess there, or should we have multistorey buildings?

Mr McInerney—If I could answer you in reverse order, no multistorey. I think we would have a problem there. Secondly, the economically deprived, if we were to settle them on Georges Head, would feel that all their Christmases had come at once. Thirdly, the answer to the disposal of that land, it really would be presumptuous of me to say, because it is such a difficult question. I guess it really has to do with the visual surrounds—

Senator LIGHTFOOT—Could you just give me a generic view of what you would like to see?

Mr McInerney—I think it is possible to have some form of cluster housing within an overall landscape context so that not only the visual beauty and quality of the land is preserved but also the pathways—that currently go through it and are used by the local community—and the visual context are preserved. But within that there should be some sort of cluster housing, which I believe could possibly be integrated into it, very carefully designed, so that it retains that overall quality of visual beauty that you have commented on.

Senator LIGHTFOOT—Using 50 per cent of the land for cluster housing—less or more?

Mr McInerney—Senator, you are pushing me a little hard here. Somewhere between nought and 50 per cent, I would say.

Senator LIGHTFOOT—I appreciate that contribution; thank you very much.

CHAIR—I am fast running out of time—I have a commitment in the chamber first up, so I will have to finish before 12.30. These questions have been raised during the proceedings of this inquiry, and I would like your comments on them. To what extent should Defence redevelop a site before disposal? Although superficially greater revenue may be gained by redevelopment before sale, are there also risks, which might reduce the revenue to Defence?

Mr McInerney—I understand the problem. In truth, experience teaches us that the greatest sum of money probably comes with giving the responsibility to private enterprise to develop the land. In other words, the Commonwealth will net the greatest return by letting a private company take the risks of development. Opposed to that is the reality that, if the Commonwealth gets it wrong—in the sense of mistaking the state and local council context—and puts up a development plan or some planning or development control that ultimately falls over at the end of the day, then there is a chance of two things happening. Firstly, the person who buys the land may well sue the Commonwealth for an incorrect sale. Or, secondly, a battle rages through the various courts—the various councils and state governments—and that battle ultimately wipes out, to the total Australian community, the benefit of that money. In other words, the sale price is dissipated in legal fees and you name it, wasting of time. So there is a balance there. I think it depends on each case really.

Mr Head—Some of the state agencies have good agencies for doing that.

Mr McInerney—Yes, as Neil says, the states themselves have land disposal agencies that may sometimes take on that responsibility. The federal government as well has land disposal powers.

CHAIR—Your organisation's reaction to and experience of dealing with Defence Estate, do you have any comments there?

Mr McInerney—Not really. We do not have a great deal of knowledge of that. That tends to be very operational and to do with leasehold and these sorts of matters, so I personally do not. We may have in the particular municipality that is affected; it would tend to be at that level that we might pick up some problems through the local council. But at a national level, anyway, we have no position on it, really.

CHAIR—Is there a consultative mechanism at the national level between your organisation and Defence Estate on the issues that surround the sale and disposal of land that is surplus to Defence?

Mr McInerney—This is the first time that we have actually, at the national level, communicated with Defence on this matter.

CHAIR—Is there a value in your organisation in communicating with Defence Estate?

Mr McInerney—I believe there is, actually. Certainly after this discussion here I think there are many issues that would benefit both sides.

CHAIR—The mechanism for that process would be through your organisation to Defence Estate directly?

Mr McInerney—I believe so. We did make reference to a possible reference panel that might be set up in a formal way. So it would be either through that or directly through our national secretariat, of which Mr Head here is the representative.

CHAIR—I interpret your organisation as being at the grassroots level of the development of any site which might be sold by Defence. Therefore, it seems as if you are stakeholders in the whole process. I would like to have one matter clarified before I draw these proceedings to an end. You have spoken about the role of ‘the Commonwealth’ in your policy and your submission here today. The inquiry specifically looks at Defence Estate. Are you saying that the Commonwealth and the Defence Estate are synonymous in that sense, or should be synonymous? Or should there be delineation between the Commonwealth, which has broader overarching interests, and Defence Estate, which has quite specific responsibility in the management of land for Defence as a department of the Commonwealth government?

Mr McInerney—In the context that we are putting our submission forward, I would maintain that they are synonymous. In other words, when the defence department disposes of land, it disposes of Commonwealth land in our context. It is Defence land, but it is in effect Commonwealth land. I would go further, referring to my earlier point: it is in fact land that belongs to all of us.

CHAIR—Thank you. We have found your submission very interesting. As I have let the other witnesses know, Defence Estate will be appearing before the committee on 16 March. They will undoubtedly respond to the submission that you have put to us today. We appreciate the evidence that you have given to us and we thank you very much.

Committee adjourned at 12.28 p.m.