

HERITAGE BILL 2017

Second Reading

Resumed from 8 November 2017.

MR A. KRSTICEVIC (Carine) [3.05 pm]: It gives me great pleasure to stand here today to say a few words in support of the Heritage Bill 2017, a piece of legislation that is long overdue and for which there has been much anticipation in the community about its passage through this house. When the bill first came to this Parliament in 2016, the then shadow Minister for Heritage, who is now the Minister for Heritage, was very keen to see it through Parliament. Unfortunately, due to circumstances beyond everyone's control—that is, the imminent election—the bill could not progress. It has taken a while for it to get to this point. I note that the Heritage Bill 2017, albeit with some minor administrative amendments, is the same as the Heritage Bill 2016 that was introduced in this Parliament. It goes without saying that recognising and conserving heritage is vital to not just Western Australia and Australia but also throughout the world. It is appropriate that every jurisdiction has legislation and policies around heritage.

I note that the Heritage of Western Australia Bill was introduced in 1990. It was the first piece of Western Australian legislation to recognise and protect our cultural heritage. It is amazing to think that prior to 1990, we did not have legislation to protect our heritage. In saying that, even though the Heritage of Western Australia Bill was introduced in 1990, over the last 28 years or so we have found many deficiencies in that piece of legislation, albeit its intent was very admirable. The ability for that intent to be executed as effectively as we would have liked is wanting, so it is appropriate that this is the first major overall of the Heritage of Western Australia Act. It is important to note that when the Heritage of Western Australia Bill was introduced in 1990, it set up a heritage framework in Western Australia and established a number of key things, including the Heritage Council of Western Australia, which has done an outstanding job in difficult circumstances trying to make sure that everybody across every sector in Western Australia is doing the right thing for the preservation of heritage. With a limited number of resources in what is a complex and difficult area, the Heritage Council has done an outstanding job, and I acknowledge the work that it has done. I look forward to the Heritage Bill 2017 giving it greater ability to make things happen in a much easier and more streamlined way than was possible in the past.

The Heritage of Western Australia Act 1990 also established the Register of Heritage Places; heritage agreements that bind both current and future owners to strategies to look after heritage places, which I think is very important; conservation incentives such as grants; ministerial and conservation orders; and local government inventories. A lot can be said about each and every one of those and we can delve into how effective some of those things have been. There have been some deficiencies along the way that I will touch upon very quickly.

It is important to note that heritage falls into a number of categories—Aboriginal heritage, environmental heritage, and historical or cultural heritage, which we are talking about here. That is not to take away from Aboriginal and environmental heritage. Those do not come under this bill. They have separate pieces of legislation. Today we are talking about places of historic or cultural significance. These places have a uniqueness about them, a special meaning or significance, and contribute to the understanding of Western Australia's history. Albeit our history since European settlement is not that long, it is very significant from the point of view of Aboriginal and Indigenous culture and history. I think it is important that we take into account all those characteristics. I believe that around 1 360 registered places are currently on the heritage register. That number will no doubt grow over time as the resourcing in this area and the ease with which places can be registered and preserved grows once this legislation is introduced. As I said before, it is long overdue and badly needed. I do not think anybody would disagree with that.

No major changes were made to this bill. Back in March 2011, the Heritage and Planning Amendment Bill 2010 increased the penalties applicable to unauthorised damage or destruction of heritage places. That was introduced back then. The current legislation is very cumbersome, inflexible, complex, and has an unclear assessment process. If we want people to do what needs to happen in this space, we need to simplify things to make it as easy as possible. We must also make sure that heritage legislation is open, transparent, simple to operate, easy to understand, and reflects best practices to recognise and protect heritage places. I think this bill does that well, from what I have seen of it. As we know, there is never a perfect piece of legislation. I note that throughout this bill references are made to regulations quite frequently. I look forward to seeing some of these regulations and to seeing how they complement this bill and make it easy to operate, but also allow us to have some flexibility to make changes along the way as needed.

It is important to note that this piece of legislation has gone through a very long and extensive consultation process—as much if not more than most bills that come through this Parliament. There is no doubt that that is the case. Three rounds of consultation have been done since 2011, including a discussion paper, a consultation paper, and an exposure bill. The 2016 bill was introduced prior to this 2017 bill. The review of the heritage act initially

involved two phases of community consultation in 2011 and a third in 2015. In April 2011 a consultation paper was released by the then minister, Hon John Castrilli. The paper sought feedback in line with heritage policy. It stated that it aimed to —

Ensure that Heritage legislation is open, transparent, simple to operate and understand, and able to reflect best practice in the recognition and protection of heritage places.

The consultation paper outlined a number of key issues that were consulted on, including the objectives of the act, the effectiveness and role of Heritage Council, the process for entering places on the state register, incentives for owners, and management of heritage places including maintenance. The response to that consultation paper listed over 100 submissions from government agencies, local governments, industry and professional peak bodies, interest groups and individuals. It was obviously of significant interest to the broader community and it was great to have that level of participation. As a result of that initial consultation, a discussion paper was released in September 2011. It comprised a series of proposals upon which the new heritage act should be based. When there was uncertainty or inconclusive direction with the initial consultation round, different proposals were offered for consideration. Another 80 submissions were received as a result of that discussion paper. One thing I picked up while reviewing all the paperwork on these pieces of legislation is that it has given us best practice for consulting the community and stakeholders and, when there is uncertainty, we need to put forward a number of options and proposals and allow people to work through that. There is something very significant about that for getting the best outcome for the community as well as people who own heritage-listed places.

As a result of that, from the submissions to stakeholder meetings, an exposure draft of the Heritage Bill was produced in 2015. The green bill was in line with the 2013 Liberal election commitment to introduce into Parliament a new, modernised Heritage Bill for Western Australia. It was fantastic that that green bill was put out there, and it retained a lot of the features of the current Heritage of Western Australia Act. It also identified and served to pull together and highlight problems with the current legislation. There were two phases of consultation in that process. The Heritage Bill 2015 exposure draft was tabled in this place on 12 August 2015, which started a further round of public consultation. On 24 August 2016, the Heritage Bill 2016 was introduced, closely resembling the green bill of the preceding year. As I said before, due to a change of government, that bill unfortunately did not progress. I know that the then shadow minister, now the current Minister for Heritage, obviously had a number of in-depth questions and he wanted to make sure that the bill covered those areas significantly. I look forward to going through consideration in detail with the minister to make sure that his concerns were able to be resolved, or he was able to satisfy himself. I assume that that was the case because he reintroduced the bill in its form as it was in 2016, with some minor amendments. I thank him for that and for adopting the policy settings that were taken through at that time.

I also thank the minister for offering me a briefing. The members for Kalgoorlie and South Perth also attended that briefing. I can tell members that everybody was very enthusiastic during the discussions in that briefing. As a matter of fact, the member for South Perth would have overturned every rock in South Perth if he could have during that discussion to see whether there was a reason that buildings should be heritage listed or not. He was very passionate about his electorate and trying to maintain its character and culture. Heritage is an area that is obviously of interest to not only the broader community, but also members here who are passionate about making sure that the Heritage Bill and the heritage of Western Australia is preserved and that we are able to build around that. I also thank the former ministers, Hon Albert Jacob and Hon John Castrilli, for the amazing work that they have done in this area. We would not be here today if it was not for their dedication and commitment. If they had not been involved, we would be looking at a bill that is less significant in its contribution to the future of heritage than it might otherwise be.

Mr Z.R.F. Kirkup interjected.

Mr A. KRSTICEVIC: We may be looking at the bill, but, more importantly —

Mr D.A. Templeman: Do you have anything nice to say about me?

Mr A. KRSTICEVIC: Of course! I complimented the minister on reintroducing the bill and the fact that he was obviously able to satisfy himself that his concerns, questions and areas of interest were adequately covered.

Mr D.A. Templeman: I am very satisfied.

Mr A. KRSTICEVIC: That is fantastic. It just goes to show how well those former ministers did their job and how well they consulted —

Mr D.A. Templeman: They are now relics of the past.

Mr A. KRSTICEVIC: They are out there doing local government inventories—maybe, in the case of Joondalup. It is important to note that they need to be commended for the work that they have done. I look forward to this bill getting through Parliament as quickly as possible.

Part 3 of the bill will bring in a much more simplified process for entering places on the state Register of Heritage Places. Under the current act, it is a two-step process of registration. Places are first assessed and public consultation is undertaken in order to enter it on the register on an interim basis. A similar process is then followed to make it permanent on the register. To go through that process twice is confusing, time consuming and costly. Effectively, part 3 will introduce a simplified and transparent single assessment and consultation process for permanent entry on the state register. There will be no more interim entry; it will be a permanent entry. When a place is recommended for inclusion on the register, the Heritage Council reviews it by considering its cultural heritage significance, consulting with the owners of the place and the public; and, if appropriate, makes a recommendation to the minister. Proposed section 38 sets out the considerations the Heritage Council must have in determining whether a place has cultural heritage significance. I will read through those very quickly because it is important to get these on the record and for people to easily reference this information. The bill states —

- (a) its importance in demonstrating the evolution or pattern of Western Australia’s history;
- (b) its importance in demonstrating rare, uncommon or endangered aspects of Western Australia’s heritage;
- (c) its potential to yield information that will contribute to an understanding of Western Australia’s history;
- (d) its importance in demonstrating the characteristics of a broader class of places;
- (e) any strong or special meaning it may have for any group or community because of social, cultural or spiritual associations;
- (f) its importance in exhibiting particular aesthetic characteristics valued by any group or community;
- (g) any special association it may have with the life or work of a person, group or organisation of importance in Western Australia’s history;
- (h) its importance in demonstrating a high degree of creative or technical achievement;
- (i) any other characteristic it may have that in the opinion of the Council is relevant to the assessment of cultural heritage significance.

That is a one-step process, whereas previously it was a two-step process. If that one-step registration process were available when the Fremantle West End precinct was being heritage listed, it would have reduced the time taken by seven months and saved around \$120 000. We can see the unnecessary time and money that was wasted on that two-step process and why it is very important to streamline the new process. Of course, we will improve transparency in this process and to achieve this, the bill mandates that the Heritage Council and ministerial decisions on state registration will be published. They will be available for people to see. This is set out, for example, in clause 41(3) which states —

The Council must —

...

- (b) publish, in accordance with the regulations, an advertisement in relation to the direction and any statement of reasons.

That is very important, but of course we do not yet know what those regulations will be. The minister might have some further information on those regulations, which he could share with us in not only his third reading speech but also the consideration in detail stage, and we can work through that to make sure that we achieve transparency and accountability. Obviously, we need to make sure that any of those decisions will be published in a timely fashion and in a way that is readily accessible to those who want it. All too often, I see this problem in local government, which has rules about publishing, consulting and putting something out there. For example, the information will be put in the local newspaper, which very few people get, or it will be put on a noticeboard somewhere in a library, which not many people go to. We need to make sure that these decisions are sent to the appropriate organisations and individuals so that people are informed and know what is going on. If we do not do that, we will often find ourselves caught out by difficulties that have arisen.

In part 4 of the bill, the current conservation orders in the Heritage of Western Australia Act 1990 have been retained and renamed “protection orders”, and the procedures for the content and enforcement of protection orders are clarified. Division 2 in part 4 of the bill introduces a new provision for what are named “repair orders”. This much sought after new provision will ensure that demolition by neglect does not occur. The minister and I talked earlier today about an article in *Pilbara News* about some buildings in the Pilbara that are located on Water Corporation land and would probably come into the category of demolition by neglect. A government trading enterprise such as the Water Corporation should not be allowed to say that its function is not to look after heritage places; its function is just to look after the water supply. The minister may want to comment on that and is probably looking into that situation in the Pilbara as we speak.

The provision in the bill for repair orders will enable the Minister for Heritage, on advice from the Heritage Council of Western Australia, to order the owner or occupier of a registered place to undertake repairs to sustain the

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Mr Tony Krsticevic; Mr Simon Millman; Mr Chris Tallentire

long-term viability of that place. The theme throughout the bill is that this will be done through regulations that will prescribe what the Heritage Council should do in certain circumstances. Clause 64(4) of the bill states —

Regulations made for the purposes of this section —

- (a) must prescribe steps to be taken by the Council to afford the owner or occupier of the place opportunities for consultation ...

It will obviously be very important to get the regulations right. It will also be very important to undertake a rigorous consultation process, with input from all the stakeholders, because there is no point in doing all the hard work and getting the legislation right if we are second-rate in developing the regulations and consulting as widely as possible.

The opposition is pleased to see that this bill will retain tough penalties for people who deliberately cause damage to a heritage place. Clause 129 of the bill provides for a penalty of \$1 million for damaging a registered place, and clause 130 provides for a penalty of \$1 million for contravening a protection order. With regard to the penalties in clauses 129 and 130, clause 131 puts the onus of proof on the owner and states —

... if the circumstances suggest that the owner has not suffered significant financial loss as a result of the demolition the owner is presumed to have carried out, or authorised, caused or permitted another person to carry out, the demolition, unless it is proved that the owner did not do so.

That is an interesting change from the original act.

I have talked about local government heritage inventories. Obviously, now that I am wearing the hat of shadow Minister for Local Government, I am pleased to see that part 8 of the bill provides clarification of what will now be known as municipal heritage surveys. I have always been under the impression that local governments need to have greater clarity about what they do in the heritage space. When I have asked the minister about this in the past, he has indicated that there has been a significant lack of compliance by a number of local governments with the requirement under the current act to prepare and regularly review their municipal heritage inventories. If a local government does not comply with the requirements of a piece of legislation, it does not set a good example for the community to which that local government is accountable. Local governments play a key role in the heritage space.

During the briefing, Mr Gammie indicated that the council has the highest number of referrals of places for consideration for the register coming from local governments. I also understand that it was a key player in the consultation phases of this bill. I am pleased to hear that local governments were not screaming to get rid of the inventories but they wanted more certainty. I think the bill responds to that lack of clarity. It now calls them local heritage surveys, which is a much better description of what it really means. The existing municipal inventories will become surveys for the purposes of the act and the local heritage surveys will cover off places rather than just buildings. It is good to have that broader interpretation. Clause 104 of the bill clarifies the purpose of the surveys. I will quickly go through those purposes because it is very important to get through to local government that not only does it have responsibilities, but it also needs to follow through with those responsibilities. They are —

- (a) identifying and recording places that are, or may become, of cultural heritage significance in its district; and
- (b) assisting the local government in making and implementing decisions that are in harmony with cultural heritage values; and
- (c) providing a cultural and historical record of its district; and
- (d) providing an accessible public record of places of cultural heritage significance to its district; and
- (e) assisting the local government in preparing a heritage list or list of heritage areas under a local planning scheme.

Mr D.A. Templeman: What would be the most significant heritage feature in your electorate? You are near the Pinelli winery, aren't you?

Mr A. KRSTICEVIC: The City of Stirling —

Mr D.A. Templeman: I suppose within your electorate, I was thinking.

Mr Z.R.F. Kirkup: His electorate office!

Mr A. KRSTICEVIC: No, definitely not. There is Flora Terrace, the museum —

Mr D.R. Michael: The tower.

Mr A. KRSTICEVIC: Yes, the tower. The member for Balcatta, being a former councillor for the City of Stirling, was no doubt passionate about local government inventories. I know that there was a councillor there by the name of Mr Collins. He was obviously very articulate in council chambers on heritage matters. I think he is on the heritage council of Mt Lawley or something.

Mr D.R. Michael: The Mount Lawley Society.

Mr A. KRSTICEVIC: Yes, the Mount Lawley Society. The Mount Lawley Society obviously knows everything of significance, not just around Mt Lawley but in the City of Stirling.

Mr D.R. Michael: He's very knowledgeable.

Mr A. KRSTICEVIC: Yes, he is very knowledgeable. If the minister is interested to know about that part of the world, I would say that Paul Collins is his man. No doubt, he will be able to tell the minister exactly what is going on.

Another important area is incentives. I have already spoken of the disincentives and the hefty fines that an owner can face for not complying with the bill. However, it is essential that there are some carrots in the bill, not all stick. This is attained in part 6, "Support for conservation", on page 58 of the bill. Division 1 enables an owner to seek revaluation of their land tax assessment when the land is made subject to a heritage agreement. I think that is very, very important. Division 2 outlines the council's ability to provide assistance in a number of forms—financial, technical and professional. This retains the Heritage Council's ability to provide grants, noting that the who, how and why of financial assistance will be specified again in the regulations under clause 84(2). Again, we go back to regulations. We know that heritage has undergone a renaissance. I am proud that the Liberal-National government took this seriously in its last term in government and was able to help progress this bill.

Significant projects that were undertaken in recent years obviously include the redevelopment of the Guildford Hotel. That is an outstanding example of not only the way heritage has been maintained and brought into the modern world, but also the way the developers were able to incorporate the fire damage that was caused into the design in a very special way, which gave us a very clear indication of the history of that site. I think the people who took up the fight to get the Guildford Hotel built the way it has been should be commended. Obviously, Brookfield Place is a very successful redevelopment and it has brought a vibrancy to the St Georges Terrace precinct. It is a real pleasure to walk through that precinct and to enjoy not only the historic significance of the area, but also the modern amenity that has been built around it. There is no better example of historical redevelopment than the old Treasury buildings. I think it is important to note that they are really amazing examples of how buildings can be brought back into a vibrant state and we can actually celebrate their heritage. It is about not only old stuff and boring buildings, but also bringing them to life and making them active places. By making them active places and bringing them to life in this way we are guaranteeing their future success, maintenance and upkeep as heritage places. It is very, very important to have the opportunity for adaptive reuse of heritage buildings; a fact that has been embraced so positively. If we do not go down the path of adaptive reuse and allow people to redevelop those properties with a degree of flexibility, nothing will happen. They will just sit there the way they are now and they will never actually come to life. I think that is very important. Of course, with the number of heritage places that are out there, a lot of money needs to be invested to bring them up to speed. I know the state government does not have the money to do it and nobody else is going to really put the money into it unless we are able to come up with a balance between the heritage value of a building and the redevelopment opportunities for its future success, whether it be for business, housing or whatever other adaptive reuse needs to happen. I think that is very, very important.

Another great example is the Royal West Australian Institute and Industrial School for the Blind building in Maylands, which is now the West Australian Ballet Company Centre. Last year, the minister and I were both there for the Western Australian Heritage Awards. It is a very nice redevelopment, very historic, and it has major significance for many different reasons. I think what has happened there is fantastic. There is also the General Post Office building, which connects to 140 William Street and the underground railway line. That has been nicely redeveloped into a shopping precinct and is, again, another hub of activity. I am glad that we were able to continue the theme of our commitment to heritage across the state. I cannot commend former heritage ministers Albert Jacob and John Castrilli enough for the great work they did in this area, and the state in which they left those precincts. They raised heritage in this state to a new level, so it is very important to remember the work they did. I commend the current Minister for Heritage for continuing with that work by introducing the Heritage Bill 2017 and, no doubt, committing to the regulations being of the utmost importance and to the highest standards so that we can ensure that this work continues.

Other key achievements of the former ministers included the heritage listing of Fremantle's West End precinct in November 2016. It was the largest addition to the state register, covering 200 000 square metres —

Mr D.A. Templeman: Interim listing.

Mr A. KRSTICEVIC: Interim listing, that is right.

Mr D.A. Templeman: I formally listed it.

Mr A. KRSTICEVIC: Yes, it was a two-phase process and I am glad the minister was able —

Mr D.A. Templeman: I just wanted to clarify that. I would not like Hansard to record inaccuracies!

Mr A. KRSTICEVIC: Okay. The minister saw the value in what the previous ministers had done and continued down the path of endorsing their interim recommendation. I commend the minister for following through on that and, yes, of course credit is due in that regard. It features some 250 buildings, so it is a very significant listing.

A key commitment of the previous government was met with the creation of Australia's first heritage revolving fund. That is a very significant initiative and success story. I am sure the current minister will be more than committed to continuing the heritage revolving fund. Does the minister have a particular view on that?

Mr D.A. Templeman: I'm very concerned about a revolving fund for you, of course. There could be a case for that in the seat of Carine! I'll answer all questions relating to heritage in my response.

Mr A. KRSTICEVIC: We all have to move on occasionally! Obviously, some of us are encouraged much earlier than others.

Mr D.A. Templeman: Yes, and I have heard whispers about you, but I wouldn't like to divulge anything!

Mr A. KRSTICEVIC: I do know that the member for Dawesville is very keen for me to continue to contribute in this Parliament and he looks forward to following in my —

Mr D.A. Templeman: One doesn't always agree with the member for Dawesville's views, of course.

Mr A. KRSTICEVIC: He is a very smart young man and I look forward to his contribution to this Parliament for the people of Western Australia for many years to come. I have no doubt that he will make a significant contribution—no doubt about that at all. Obviously, when we first initiated the heritage revolving fund, \$4 million was put into the fund and it was seed funding over two years. The funds were used to invest in publicly owned heritage buildings that were languishing, as a lot of them are, unfortunately. It was all about restoring and rejuvenating those buildings and turning them into something with a viable future. The buildings are then sold and the funds are quarantined back into the fund so they can be reinvested into other projects. Irrespective of the difficulty we find ourselves in financially in this state, I really think that this fund is important to maintain. It is important to maintain the nature of the fund and to reinvest the money back into it, because it is something that can only continue to grow. It can grow in size by the fact of bringing heritage buildings up to an appropriate level. I think that is very important. A couple of projects that fell into that category were the Coogee hotel and post office and the Fremantle warders' cottages. I think they have both been very successful projects that have made a huge difference in their communities. They are a good example of what can be done. I think the recent sales resulted in some \$7 million to be reinvested back into the fund. Again, I look forward to that growing and those funds being reinvested. It is also important to make sure that it allows us to protect those areas. Having those buildings reoccupied is the best possible way to maintain their heritage, rather than just leaving them vacant and subject to vandalism and disrepair.

I also note that February 2011 was very significant because it was the first time in Western Australian history that we had a state cultural heritage policy. The policy document states —

HERITAGE IS WHAT WE INHERIT FROM THE PAST AND VALUE ENOUGH TODAY TO
LEAVE FOR FUTURE GENERATIONS

I think it is a very important policy. I do not know whether the minister has any intention of making changes to that policy or will continue with it, but it was great to see Hon John Castrilli come out with that policy. Its main objectives were to recognise, protect, promote and partner. For those people who have not looked at that policy document or who are not aware of it, I urge them to do so. I would also like to know whether the minister is keen to continue with that policy in future years.

In conclusion, a lot of work has gone into this bill. A lot of very knowledgeable people have been consulted. It has been a collaborative effort across the entire community. There is some very good and constructive direction being set and I think heritage in Western Australia is on the right trajectory to be able to be valued, preserved and enhanced for future generations. I am very keen to support this legislation. I am also very keen to make sure that it is implemented by all sectors of the community properly and that it is not simply paid lip-service by some sectors while being passionately adhered to by others. I hope that it is given the importance and value that it has. More importantly, I look forward to having some input into the regulations. I hope that there is consultation with not only me, but also many other people to make sure that the regulations are clear and concise and add value to the process. I hope that they do not simply put another millstone on our community to make things more difficult. We need to be cognisant of the fact that we need to be adaptable to change when it comes to legislation and regulations and to make sure that we move quickly. All too often, unfortunately, the unintended consequences of decisions made do not give us the flexibility to make changes soon enough to be able to stop the damage that is being done in our communities.

I am doing some work with the member for Perth, my friend who is going to help me with Local Projects, Local Jobs funding for the Riding for the Disabled Association of WA organisation in Carine, and I have been talking to him

about my concerns about some planning decisions and the impact they will have on the community. Again, that has a significant outcome for the heritage value of our precincts and the sort of community that we are building. It is not always just about structures; it is about community and making sure that those structures help us build a better community. Heritage has a very significant role to play there. When people walk along the old cobblestoned streets and through the old buildings at heritage sites in Europe, they feel a real appreciation for and a sense of connection with the past. It is very important that those sites have been maintained. Those areas are like magnets; people are drawn to them. We also need to embrace our heritage and our culture to make these sites magnets to draw people to them and to make people appreciate them. We do not have a long history since European settlement, but we have a colourful and vibrant history, albeit there are some things that we are not proud of, as happens in all cultures, and so we need to embrace that and learn and grow from that history.

I look forward to the consideration in detail stage. I look forward to this bill's quick passage through Parliament and it coming into law so that we can get some certainty and clarity around some of these areas and the process can be improved so that we can achieve more with limited resources. On that note, I commend the bill to the house.

MR S.A. MILLMAN (Mount Lawley) [3.46 pm]: As I have advised members of this chamber on many occasions, it is my great pleasure to be the representative for the seat of Mount Lawley, not least because of the fantastic privilege it is to represent constituents in suburbs such as Yokine, Dianella, Menora and Coolbinia, but also because as the local member I have the wonderful opportunity to stroll along those salubrious streets, those leafy laneways and those agreeable avenues in suburbs such as Menora, Mt Lawley, Coolbinia and Inglewood. One of the things that contribute so significantly to that wonderful aesthetic environment is the preservation of the heritage throughout that neighbourhood, so it is with great pleasure that I stand to make a few brief remarks on the Heritage Bill 2017. I commend the minister for all the work that has gone into the preparation of this bill and the consultation that the member for Carine has referred to. I also commend the people of my community who have made the preservation, protection and renewal of heritage places such an important part of Mt Lawley.

I want to dwell on only a couple of matters. I thank the member for Carine for drawing the chamber's attention to the work of Mr Paul Collins, a former councillor with the City of Stirling and the current president of the Mount Lawley Society. I propose to make a few brief remarks about the terrific work that the society does, but I also want to talk about some of the former local councillors from the City of Stirling who have worked very hard on heritage protection and preservation. More particularly, as part 4 of the bill deals with the doctrine of demolition by neglect, I want to congratulate the minister on that issue, draw the chamber's attention to some examples of when this has taken place and commend the government for introducing legislation that will address that.

Before I do all that, hopefully members will have seen the excellent article by Mr Kent Acott in *The Weekend West* of 17 February titled "Mount Lawley's castle gets new grant to plan further conservation". For anyone who has driven along Guildford Road, one of most striking, remarkable, evocative and recognisable buildings is Albany Bell Castle in Mt Lawley. Built over 104 years ago, this distinctive building started out as a cake and confectionery factory. What we have seen with the Albany Bell Castle premises is precisely the sort of renewal, rejuvenation and repurposing that will become a feature of this legislation so that we can preserve those wonderful heritage elements that are replete throughout the electorate of Mount Lawley and the state of Western Australia more generally. For members who have not seen that article, I commend it to them and congratulate Mr Acott on the story he tells therein.

I move to demolition by neglect. There have unfortunately been several instances in the Mount Lawley electorate of demolition by neglect coming to the fore, including Joel Terrace, a 100-year-old house; a 1910 weatherboard house at 177 Seventh Avenue in Inglewood; and another house at 760 Beaufort Street, which was not attractive to look at but underneath the cream and red paint were the original walls of the Pole's store that dated back to 1912. At 181 Walcott Street in Mt Lawley, we unfortunately had another prime example of demolition by neglect. That property was knocked down and replaced by development.

The owners of those properties and property developers have allowed these premises that they have purchased with a view to developing to run down. In doing so, they have not only decreased the value of the particular property and facilitated its demolition and replacement, but they have also created significant adverse effects on the surrounding community. These derelict buildings, as you would know, Madam Acting Speaker (Ms S.E. Winton), have the propensity to attract undesirable elements such as squatting, vandalism, antisocial behaviour and even, with respect to some of the building materials, environmental health issues. The provisions of the Heritage Bill 2017 designed to deal with demolition by neglect are incredibly welcome. Hopefully, the issues I have just outlined will be addressed. If people have what I think is the great privilege of being custodians of great pieces of heritage architecture, they have a corollary obligation as part of their investment in civil society to maintain those. That is the first thing.

The second thing is that in my view these provisions represent a shift in community attitudes. Since the inception of the Heritage of Western Australia Act 1990 there has been a very clear shift, I would submit, in community attitudes. The broader community is now more engaged and informed about the importance of recognising and

preserving its sense of place through familiar landmarks, urban spaces and regional areas. From the exchange just now between the minister and the member for Carine, and the input from the well-versed and very good member for Balcatta, we know that a number of landmarks, urban areas and regional spaces are evocative for people in the community. That attitudinal change in the community is really coming to fruition. These places are resonant of past generations and speak to the history and development of the great state of Western Australia; they speak to its character and cultural identity. Those attitudinal changes create an environment in which it is incumbent upon an active government to introduce legislation such as this that reflects and represents those community attitudes, and does what is necessary to preserve that built cultural and architectural heritage.

Further, over the past 25 years our attitude towards cultural heritage has undergone a dramatic makeover. I agree with what the minister said in his second reading speech, that heritage is now largely seen as an asset rather than a liability, as is evidenced by the many homes, bars, restaurants and community spaces that have given heritage-listed places a new lease on life. I have already referred members to the excellent example of the Albany Bell Castle in my electorate, my neighbourhood and my community of Mount Lawley. I think the minister is spot-on in those remarks.

As the member for Carine and the minister rightly said, stakeholders have been calling for modern heritage legislation for many years. It is testament to the rolling up of sleeves and getting on with the jobs that the McGowan government is now delivering that on behalf of the community. As the minister said, the McGowan government is committed to continuing to work with the community and stakeholders to further recognise the value of our heritage buildings, reactivate and conserve them for future generations, and enhance the Western Australian story and our sense of place. On that note, that is what we are talking about when we look at the redevelopment of the Western Australian Museum, a project that the minister has taken responsibility for and that he has addressed in glowing terms in this chamber. We see that once again in the Western Australian Museum, which is the wellspring from which that cultural knowledge bursts forth. It will be a heritage building re-imagined and renewed for a whole new generation of Western Australians.

One of the most important aspects of this legislation is the engagement and encouragement over stakeholder participation. I want to touch briefly on the Mount Lawley Society, an organisation I have mentioned previously in this chamber. I have commended it for the excellent work it does in preserving and promoting our local cultural and architectural heritage. I commend president Paul Collins, vice president Mark Hodge, secretary Sheila Robinson, its patron Barrie Baker, and committee members Christina Gustavson and Tracey King, who are neighbours and friends of mine. I also commend former committee members, including the former treasurer Bruce Wooldridge and Tim Hammond, the federal member for Perth, who was also a former president of the Mount Lawley Society. It was a great privilege, pleasure and honour for me, as part of the Local Projects, Local Jobs commitment, to be able to deliver \$10 000 to the Mount Lawley Society to assist it with digitising its archives to preserve its store of collective community knowledge for future generations. It is exactly this sort of work that an activist government should be encouraging in our local community.

The other great thing about the Mount Lawley Society is that it does not sit on its hands. It gets out and engages in the community and in stakeholder consultation, and makes representations to local councils in the area, such as the Cities of Stirling, Bayswater and Vincent. That is not all. It also encourages things such as the Mount Lawley Short Film Festival, which members might like to know is taking place this year on 29 April. One theme is “Mount Lawley”, a fantastic theme that I clearly associate with, and on throwback Thursdays the other great theme is “Remember When”. It is encouraging members of the community to put together short films to be played at the beautiful Astor Theatre, on the corner of Beaufort and Walcott Streets in Mt Lawley. They are encouraging not only the community to participate, but also secondary school students to participate. There is a dedicated category just for secondary school students. That is a fantastic testament and great example and evidence of its engagement and involvement in the local community and its desire to promote heritage values more broadly in the area of Mt Lawley.

When it comes to heritage protection, I was at the AGM last year when two former local councillors were awarded life membership. I remarked to Paul Collins, when I said that I was going to make some comments on the Heritage Bill, that I would commend and repeat some of the great acknowledgement paid to those two councillors—two neighbours of mine—who no longer serve on the City of Stirling council. Members, can I draw the Assembly’s attention to the lifetime of service for the communities of Mt Lawley, Menora, Inglewood, Coolbinia and Yokine by Mr Rod Willox, who recently celebrated his eightieth birthday, and Mr Terry Tyzack. It was a great pleasure for me to be at the annual general meeting when both these community representatives became recipients of life membership awards of the Mount Lawley Society. Part of the reason that they were recipients of such an elevated and lofty recognition is what they had done in our local community to preserve and promote our heritage. This included working on demolition by neglect provisions for the local council, retention of the local streetscape and working towards a special heritage protection area under the local planning scheme for Mt Lawley. These two councillors and the Mount Lawley Society were at the forefront of that change in community attitudes to which the minister referred in his second reading speech. This work has meant that those salubrious streets, leafy laneways and appealing avenues that I spoke of earlier have all been preserved for the local community so that the

next generation can enjoy them, and it makes Mt Lawley such a wonderful place to live. It makes it such a desirable location and it really builds a strong sense of community.

I commend both Rod Willox, AM, and Terry Tyzack for all the work they put in at the City of Stirling and for heritage protection. I commend the Mount Lawley Society and its members, including Paul Collins, Mark Hodge, Christina Gustavson, Barrie Baker, Tracey King, and former members Bruce Wooldridge and Tim Hammond. The Mount Lawley Society plays a fantastic role in our local community and it is through its work that we get to enjoy the fantastic amenities in Mt Lawley. I commend the McGowan government for this legislation. It is an important part of the renewal of the statute books that has fallen to us to try to achieve. I commend the minister for all the work that he has done to engage stakeholders and make sure that our heritage for the twenty-first century is preserved and protected for this generation and future generations.

MR C.J. TALLENTIRE (Thornlie — Parliamentary Secretary) [4.02 pm]: I rise as the member for Thornlie and I am very pleased to speak on the Heritage Bill 2017. I begin by commending the minister for bringing this legislation to this place. It is very important because one of its key provisions concerns the problem of demolition by neglect. We have heard stories from other members and, unfortunately, this is a common problem; right around the state we are seeing demolition by neglect. I have a case in point in the Thornlie electorate. Maddington Homestead is suffering from this terrible situation of demolition by neglect. The property dates back to 1836. Bear in mind that the Swan River Colony really began only in 1829. The Georgian building was constructed in 1836 using a construction material known as wattle and daub, which was in part borrowed from what the family building the property understood to be a reliable building material. They could employ and adapt wattle and daub to Western Australian conditions. By its very location the property shows how we, as white settlers here in 1820 and into the 1830s, were trying to work out how we could survive in this colony then known as the Swan River Colony.

The need for provisions to protect a building such as the Maddington Homestead is very important to us. I am really thrilled that the Minister for Heritage is tackling this issue, because I am really sorry to report that the condition of the Maddington Homestead is absolutely deplorable. It is falling apart. It has a conservation order on it. This mechanism has been in place for some time and throughout the time of the Barnett government, we were told that it would be a satisfactory arrangement to protect a valuable piece of heritage such as Maddington Homestead. However, because a conservation order really functions only when some decision needs to be made on whether something can be developed, there was no means by which the minister could intervene to prevent demolition by neglect. I am really pleased that the Heritage Bill 2017 will remedy that situation.

In 1836, we were still learning about how to live in this colony from a white person's perspective. We were learning how to bring our livestock here and grow the vegetables that we had grown back in the United Kingdom. Major William Nairn was determined to build a home and use all kinds of materials that he felt would be appropriate in the colony but, at the same time, were reminiscent of England and suited the style of grandeur that he wanted. I think all those sorts of things are worthy historical pieces for us to be able to see to this day. As well as that, the homestead has great potential as a community gathering point. It is close to Burslem Drive—that is its location—on the banks of Canning River. The Arcadia Waters Maddington retirement village and Maddington shopping centre are also nearby. The area really needs some sort of historical landmark to give it a bit of extra historical context. I think that is a reason in itself to protect the homestead. The current ownership of the homestead is with a property developer group known as the Golden Group. The Golden Group has done very well. It has been able to put through a subdivision that extends onto Kawana Avenue, Lendich Pass, Panozza Circle, Niobe Link and Dockerty Mews. There is brand-new housing of good quality and people are very happy with the location. It is a successful subdivision, but one that needs an immediate community gathering point. Unfortunately, the approvals around the subdivision were on the basis that the final stage of the subdivision could only ever proceed if the developer was to restore Maddington Homestead. Currently, the developer is not motivated to do that final stage of development so we have this complete impasse in which nothing is happening. The building is just falling apart. It is absolutely a case of demolition by neglect. I think this is an example of a developer flouting the laws—the conservation order that is currently in place on the property. I find that totally unacceptable. The developer is talking about selling the property—passing it to a foundation of some sort. I am not sure why that even rates a mention because this other foundation would not be the legal owner of the property. The Golden Group is the legal owner of the property. It should be held responsible for the current situation—this demolition by neglect—and be made to act swiftly so that there is no further demolition by neglect. There has been a succession of fires, people have squatted in there and the walls have been exposed to the elements. It is a very sad state of affairs, so much so that some people would probably say that we have almost lost. However, the last time that I was able to speak to some very good people from the Heritage Council of Western Australia, their advice to me was that there was still good potential to remedy the situation. That was getting on for two years ago, so I am concerned that more recent decline could be absolutely fatal to the homestead's future.

Maddington Homestead is located on the banks of the Canning River in the City of Gosnells. Fortunately, the City of Gosnells has an excellent history and heritage advisory group headed by freeman of the city

Extract from *Hansard*

[ASSEMBLY — Thursday, 22 February 2018]

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Mr Tony Krsticevic; Mr Simon Millman; Mr Chris Tallentire

Mrs Patricia Morris, AM, JP. Mrs Morris and the excellent people on that group are determined to make sure that we protect this historical asset and others in the community. The community is absolutely desperate for action to be taken here, and that is why this legislation is so welcome. I hope it will enable that to happen, along with actions by the local government. Clearly, there is a need for action there. It will be an expensive operation to restore the building—there is no doubt about it—but we should bear in mind that the property developer has done exceedingly well by developing land around it, and that that development was allowed to proceed on the basis that there would eventually be restoration of the Maddington Homestead.

I do not want to detain the house too long, but I will put on the record some of the comments that Major Nairn made back in 1836 when he commenced work on Maddington Homestead. In a letter quoted in assessment documentation, Major Nairn said —

With respect houses and premises, I have got the best standing house in the colony all built with the best materials, stone and lime and Mahogany timber. A large fine barn all built new with best materials; a complete large shed one hundred and thirty feet long by sixteen broad for to keep my sheep dry and warm during the bleaching rains that fall here in the winter. This prevents foot and rot and every other incidental disease attending sheep taking place; this is the principal thing that gives my sheep the superiority over all the others in the colony.

That is a fascinating insight into the agricultural practices of the time. It is interesting that Major Nairn should comment on the bleaching rains that would fall on this part of the world in the wintertime. I do not know that we would describe our winter rains as such anymore, but clearly these are stories that can be told. There are other accounts of the interaction, not always happy, with the Whadjuk Noongar people of the area as well. There are so many stories that need to be told that give us that connection with the area and enable us to appreciate what it once looked like and what the pioneers went through and, and at the same time, help us to realise that we are now the custodians of this heritage of this part of the world. We should think about how we go forward and do that in a sensitive way that acknowledges and works with our natural heritage and perhaps also restores the Canning River. When Major Nairn first moved into the Maddington Homestead I doubt there was that sense of neglect that unfortunately pervades some parts of the Canning River. Another reason to use this cultural heritage point is to enable people to better connect with the natural environment of the area, to better connect with the area, and to really identify proudly with what a wonderful asset we have in the suburb of Maddington. It is desperately needed.

We must cease this problem of demolition by neglect. The community expects this Parliament to act on these problems. It expects us to ensure that property developers do not get away with just turning a blind eye to magnificent cultural assets in our neighbourhoods. The community expects us to preserve and protect our cultural heritage and ensure that it is part of our vibrant society. With those remarks I will terminate my discussion, but I look forward to hearing more on how we will use these provisions, especially those that are designed to counter demolition by neglect.

Debate adjourned, on motion by **Mr D.R. Michael**.