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LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION COMMITTEE B MET IN TIDAL WATERS RESORT, ST HELENS, ON FRIDAY, 16 AUGUST 2013

ABORIGINAL LANDS AMENDMENT BILL INQUIRY

Mr LINDSAY DAWE AND **MARGARET DAWE** WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - (Mr Finch) - All the evidence you give today will be given under parliamentary privilege in this room, but that is quite different once you leave this room. You are protected by parliamentary privilege. The evidence today is going to be recorded and will be put on our committee website as soon as possible.

Mr DAWE - The aim of this presentation is to cover some of the important, historical, heritage and cultural aspects that Eddystone Point holds for all Tasmania and Australia. With this information you may be in a better position to make an informed decision on the future of this piece of Tasmanian history.

There is a conservation management plan being done, I think, by Australian Maritime Safety Authority. It is 161 pages and quite a comprehensive document, a copy of which is on that CD I gave you.

Flicking through the pamphlet, that first picture is the first permanent building that was built on Eddystone Point. If you went to the boat ramp today, there is a little shed on the left-hand side as you walk down the boat ramp. That is the Clerk of Works' office and residence. Presumably his job was to check all the equipment that came into the site while it was being built. It does not have the skillion piece on the side of it now but the rest of it is intact, but it is a bit dilapidated.

The next one is the grave site, which looks as though it is a fairly recent picture. Walter McFarlane Kirkwood was the first person to die at Eddystone Point. Head light keeper Isaacs, his 21-year-old son was bitten by a tiger snake while he was rabbiting one day and subsequently died in the Scottsdale Hospital.

The next picture on the top left is the south landing. That was used if there were strong, northerly, north-westerly or westerly winds and they could not get into the north landing. They would go around to the south landing and unload their supplies from that.

The bottom one on the left-hand side is a picture of the quarry. You can see all the split stone and everything there.

CHAIR - They were mined on the foreshore there?

Mr DAWE - Yes. All the stone for the lighthouse and for the keepers' houses was quarried and split there. I often wondered how they split them.

Ms RATTRAY - We wondered that today as well.

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Mr DAWE - There is an article on the CD called 'plug and feather'. A stonemason in Launceston was of the opinion that they would have a drill, a long piece of metal with a sharpened point on it, and another chap would hit it. As they hit it, they rotated around and drilled the hole. When the series of holes were drilled, there were two pieces of metal put in the holes and a wedge down in between it. They would go on and alternately hit each one until the whole rock split. Once it was rough-shaped they would take it up to the workshop. If you noticed the stones in the lighthouse, they were rough on the outside. The top, bottom and the two sides are dead smooth and straight. They were finished in the finishing shed. They were all numbered and then transported up to the lighthouse. There is a record somewhere of an engine being bought in on the *Warrentinna*, and some way or other they were lifted into position using that motor. One horse could pull approximately a two-tonne rock.

The next one is the north landing. I reckon that is the *Lady Locke*, the first of the lighthouse supply vessels, in the background, unloading I presume kerosene for the light. The gentleman standing at the foot of the lighthouse presumably is one of the earlier lighthouse keepers. Over the page, top left is the centenary celebrations at the lighthouse. John has just informed me they had over 500 people there that day.

The left-hand bottom photo is my grandmother. At that stage she was Ida Mallinson. She then married my grandfather who died at an early age and then she married Arthur Murray. Ida's brother was the assistant lighthouse keeper at Eddystone Point around 1924. Arthur Murray is the great grandfather of a very recent Tasmanian Premier. Bottom right is the cast iron stairwell in the lighthouse, cast by Kennedy & Sons in Hobart. It is a remarkable piece of architecture.

The next page was the article about Clyde and the Aboriginal Land Council wanting ownership of the site. The right-hand page is where the lighthouse, the whole 10.4 hectares, is listed on the Tasmanian register. The next page is where it is listed on the national estate. On the right-hand side is the national listing; turn over and on the right hand side again is the commonwealth listing. The commonwealth listing has probably more significance than the other two put together. Being commonwealth listed, the heritage people have a lot of teeth but for some reason they have ignored Eddystone Point.

Ms FORREST - The whole thing is heritage listed?

Mr DAWE - The whole site - the grave, the quarry. The Clerk of Works, even though it is outside the 10.4 hectares, it is still heritage listed on all.

Ms FORREST - On the commonwealth listing?

Mr DAWE - On all of them. The lighthouse itself and the landings as well, although the south landing is probably the only one on that 10.4 hectares. The north landing is again outside of it.

On the third page in the conservation management plan, I'll read that first paragraph:

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The cultural significance of Eddystone Point Light Station is that it is Tasmania's most substantial and distinctive Victorian period lighthouse building. They are still located in a virtually undeveloped setting with surviving remnants of its original supply facilities.

Well there's not much left of the landings - this was in 1994.

We go over to a few news articles. The first one is where the residents of the north-east expressed concerns about the de-manning of the light station and the automation of it for safety reasons. The fishermen and their wives expressed some concern about it. On the right hand side with the little green tag is the locals eager to get the light. That goes back some time when the north-east community wanted the light station and I'll just read the second paragraph:

The recently formed Eddystone Outdoor Education Committee, comprising representatives from St Helens District High School, the St Marys cluster of schools, local scout and guide groups, Lions and Rotary clubs, the St Helens History Room and the Break O'Day Council has already told the Environment and Land Management Minister, Mr Cleary, of their proposal.

Way back then there was a lot of local interest in taking over the light station.

Ms FORREST - Do you know what year that was?

Mr DAWE - No; it did not come out when I photocopied it. Around 1989.

The next one is an article about Mr Alan Levings, the head light keeper at Eddystone Point. The one on the right-hand side is head lighthouse keeper Lawrence Hayns and his wife. Mr Levings was reaching retirement age and the Australian Maritime Safety Authority said that for the last two years of his service he could pick any light station in Tasmania to spend his last two years on. He picked Eddystone Point.

The next page is a copy of a reply we got from the Australian Maritime Safety Authority. The other one is a newspaper clipping of my grandmother's brother. This is a letter from the head lighthouse keeper, Mr George Freeman, to the Marine Board in Hobart in regard to the mail service at Eddystone Point. There was a feud between Mr Mallinson and the people who delivered the mail - and I won't go into why, but that's all on record.

Ms RATTRAY - I believe it has been resolved.

Mr DAWE - Yes, as you can see by the date, 4 May 1925. The letter says:

I beg to report that the mail contractor, Mr Peter Steel, did not carry out his threat to reduce the mail service for all the station to the strict terms of his contract.

His contract was to deliver it fortnightly but he was delivering it weekly, out of the goodness of his heart. Assistant Livingston and myself - mail was brought to Ansons Bay every week. They incidentally had to go from the lighthouse to Ansons Bay and row across the bay to collect their mail and come all the way back again - mostly

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walking, but they did have a horse, which they weren't supposed to ride but evidently did.

The contractor is giving us a very fair deal and his threat only applied to temporary assistant Mallinson. Mr Steel and Mr Mallinson are enemies of very long standing and are very bitter towards one another. Each would do the other all the harm possible and there is no hope of peace between them. Assistant Mallinson now has his mail sent as opportunity offers with his relatives and friends from Gladstone. There has never been a mailbag ...

that's a bit incidental.

The next page says they had three tenders for the erection of the lighthouse for £14 876/10/2 - that tenderer was very thorough. On the next page, from Captain Hall, SS *Warrentina*, where he's just dropped off 10 practical stonemasons for work at Eddystone Point. The next one - Thomas Bryan was charged by Superintendent Armstrong with having stolen a blanket to the value of 12/- from Mr William John Duffy, the contractor of Eddystone Point, although he didn't pick his victims very well. The next one is an article about Mr Huckson, the designer, asking for an extension of time for the contract due to the masons going on strike. They want a wage increase from 12/- to 13/- per diem and a further advance of 14/- a day is predicted.

I won't go into the next one, but it's probably the best newspaper article I have ever read. It deals with three people leaving St Helens and going to Eddystone Point to view the progress on the lighthouse. I would urge everyone to read that fantastic piece of journalism. There is another article about Kennedy & Sons who made the internal staircase for the lighthouse. They constructed the mock-up in their yards in Hobart and assembled part of the staircase for everyone to see. If you go to the orange tab and go back two pages, there is an interesting article on the Supreme Court civil sittings. As an observation, the contractor was charged with stealing planks from one of the wrecks around Eddystone Point and a Mr Green had the salvage rights on it, and they took him to court. The interesting bit is the people who represented the defendant and the plaintiff. For the plaintiff it was the Solicitor-General, Mr A. Dobson, and for the defendant, the Attorney-General, the honourable A.I. Clark. Does anyone know who would be the most senior out of those two? The Attorney-General won the case. I thought that for people of such high stature to deal with a case like that seemed a bit unusual.

The orange tab is just a lot of lighthouse records, audits - and just an interesting piece of information. The pink one at the back is a copy of *Guiding Lights* written by Kathleen Stanley, which deals with the early history of the lighthouse. I recommend that everyone read that.

Lastly, the summary. We are not talking about simply handing over a piece of land to the Aboriginal Land Council of Tasmania. We are talking about transferring the ownership of part of our Australian history and heritage to an organisation representing some of the descendants of the indigenous community of our state who, as far as I am aware, have had no experience in the management of such an important piece of this country's European heritage and history.

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There are questions there that I thought deserved answers by the government. Why was a 40-year lease issued for national, state and commonwealth heritage-listed land and buildings in a national park without calling for expressions of interest or tenders and consulting with the general public and the local community? I understand the government may be in the process of issuing a secondary tourist licence for the Eddystone Point lighthouse and I would be interested to know whether any open tendering process has been, or is to be, adopted, such as public invitation for expressions of interest. If so, what stage has been reached and are submissions currently being received? If not, perhaps you could advise me, or us, of the present status of any plans for the future use of Eddystone Point lighthouse - as distinct from Eddystone Point - as a tourist destination.

The last bit at the bottom, is the committee aware that Eddystone Point is a listed place on the Commonwealth Heritage List and, as such, may need to be referred to in approval given by the federal environment minister for any action concerning Eddystone Point? Please refer below. That is taken out of the Commonwealth Heritage List.

CHAIR - Margaret, did you want to submit anything to us?

Ms DAWE - No.

Mr DAWE - Margaret has helped me enormously to compile this.

CHAIR - Thank you. It is a wonderful compendium of the history and you have obviously put a lot of effort into it to provide it to each member of the committee.

Mr DAWE - I might add that that has only scratched the surface. There are volumes of other information about it, specifically referring to Eddystone Point, mainly through the Australian Maritime Safety Authority. Any questions?

Ms RATTRAY - Lindsay, we have had a number of conversations with you, Margaret and others, but would you say that the continued access by the wider community - perhaps not the indigenous community - is your main concern around any potential transfer? I think I know the answer to that but it is useful for others and *Hansard* to have your view on that.

Mr DAWE - The overwhelming thing is to be able to have continued access to it. If you read my submission it will help. Without being detrimental to the Aboriginal Land Council - and this is only from what I've heard - they haven't proven they would be able to manage a site such as that, in my opinion. The experience isn't there, so I would prefer to see someone else take it over and manage it.

Ms RATTRAY - Do you see a co-management opportunity or that unless it is one single entity there couldn't be that working relationship? Do you think there could be a joint working relationship?

Mr DAWE - Yes, I do, and I also mentioned that in the submission. There are three different sizes for the Eddystone site: the largest was 500 acres, the next was 50 acres and the present is 26 acres, or 10.4 hectares. If the government is able to take 10.4 hectares out of the national park and develop it, they should be able to take one of those other areas as

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well. I don't see a problem with the Aboriginal Land Council doing something with that other site and working in conjunction with the new owners of the Eddystone Lighthouse site. I think that is a definite possibility if the Aboriginal Land Council is fair dinkum about doing something for its culture and history.

Ms FORREST - You acknowledge and accept there is Aboriginal heritage of significance in this area?

Mr DAWE - It hasn't been shown. I acknowledge that they lived and fished there but, as far as any physical evidence is concerned, Clyde may be able to clarify that but I don't know where you can say there is a midden, burial ground or campsite there. With the European heritage you can see what's there, but undoubtedly there is Aboriginal heritage value for that area - not necessarily for that site.

Ms FORREST - You've already said there is significant Aboriginal heritage in the broader area -

Mr DAWE - Oh, yes.

Ms FORREST - Let's just say for the point of this question that there is significant Aboriginal heritage in the immediate vicinity of the lighthouse, including the area this bill relates to, and acknowledging the European history that you've very clearly articulated, how would you see the best way to manage it? The bill says this land will be handed to the Aboriginal community and TALC will look after it, and you've expressed concerns about their capacity to do that. That can be addressed by getting appropriate skills and those sorts of things could be done. I believe Tony was saying you're concerned about access to the area, so how do you see it could be better dealt with rather than a complete hand-back?

Mr DAWE - Can you run that past me again?

Ms FORREST - You've expressed concern that there is significant European heritage here. You've acknowledged there is Aboriginal heritage in the area, possibly at this site - and I would suggest most likely at this site, if that is what the government is intending to hand back. If the bill goes through as it is, it is handed back to TALC in entirety, but you're saying you don't think that's right and that there should be some other model. What would be your preferred model?

Mr DAWE - I would prefer a bit more ground. The 10.4-hectare site is a very sensitive site with regard to vegetation and the like. I haven't said it there but they have had a problem with sand waves and everything there before so it's going to have to be managed very carefully otherwise you will get erosion problems. If the site is developed - and I think I mentioned caravan parks, coffee shops and things like that - the area isn't there to accommodate all that without encroaching too much on the site itself, so an additional 10 hectares or whatever further back along the road could be incorporated where you could put all the Aboriginal heritage sites, interpretation centres and maybe a caravan park without impacting so much on the 10.4 hectares. You'd need car parks and all that sort of stuff.

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Ms FORREST - Because this, as you've rightly pointed out, is heritage listed, there would be a number of restrictions to do the things you've mentioned, so if it was handed back to TALC I assume that the heritage listing would persist, that wouldn't be revoked, so it would be very unlikely that they would build coffee shops and car parks in that particular area. I still haven't got to the point of how you think it could be managed differently.

Mr DAWE - If you read through the Conservation Management Plan and go through the heritage listings there are provisions in them for that sort of thing but it has to be done in the right manner.

Ms FORREST - Yes, so the protections are there under the management plan through the heritage listing.

Mr DAWE - Yes, and you can develop -

Ms FORREST - But the question still is who do you think could better manage it? You say you have concerns about TALC managing it.

Mr DAWE - Yes.

Ms FORREST - So who could manage it? What we have to find out here is if this legislation is right or should it be different, and if it should be different, how should it be different?

Mr DAWE - It should be different.

Ms FORREST - So how - that is the question?

Mr DAWE - Call for open tenders for a start. I didn't worry myself too much with that side of it but I know someone else who is going to do a presentation here today will be covering some of those aspects, and they're far more conversant with it than I.

Ms FORREST - You just really wanted to tell us about the European history?

Mr DAWE - Yes, that was mainly what I was concerned about.

CHAIR - Lindsay, it is after one o'clock but I will allow two quick questions and two quick answers.

Mr VALENTINE - Part of it has been answered, but with respect to the management and your concern about the Aboriginal Land Council not having the expertise, presumably the lighthouse is managed by the federal body and so therefore there wouldn't be management of that, so is it the buildings you're concerned about as much as the land management?

Mr DAWE - Yes, it's the whole site. Just reflecting on the lighthouse, there is a 25-year lease on the site and there is every possibility AMSA would try to do something to divest itself of it after that because they're responsible at present for the maintenance and everything on it and it's becoming more irrelevant with GPS and all that for shipping and

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I believe there is only a small light bolted to the rail on top of the lighthouse. The lighthouse itself doesn't operate.

Mr VALENTINE - No.

Mr DAWE - I wouldn't be surprised if AMSA doesn't try to divest itself of the lighthouse and when that happens, who's going to take over the lighthouse and the responsibility and everything for it?

Mrs TAYLOR - I know you are concerned about access. Since the Aboriginal Land Council has been managing it by lease for the last six years, have you had problems with access?

Mr DAWE - No, they've been very good; we drive up there and wave and they wave back. We haven't actually spoken to any of the residents there but no, I can't complain about that.

Mrs TAYLOR - And the boat ramp is not part of this 10.4 hectares?

Mr DAWE - No, it may still be heritage-listed but there's nothing much left of it.

CHAIR - Lindsay and Margaret, thank you very much for giving evidence today. We appreciate your submission and also the work you have done.

Mr DAWE - My pleasure.

THE WITNESSES WITHDREW.

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Mr PETER PAULSEN AND Mr JOHN DENMEN WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Mr Finch) - Thank you, Peter and John, for joining us today. You are protected by parliamentary privilege for anything you say here but anything you say when you leave the building is not protected. We are being recorded and the transcript will be available on our website in due course. If there is anything you want to say in camera, we can clear the room and take that evidence.

Mr PAULSEN - I have a couple of concerns about the whole process. In reference to the proposed transfer of Eddystone Point, the Eddystone light station, three stone cottages and the existing grave of Master Kirkwood, I would like to raise my concerns in this matter. While there has been a general acceptance of the handback of land to the TAC, I struggle to see how this could include heritage-listed European infrastructure of a lighthouse and three stone cottages. While there has been successful argument raised about the cultural significance of particular regions of Tasmania, I would ask what cultural significance a 100-foot granite lighthouse has to the Aboriginal community? Time and time again we have heard Michael Mansell, as spokesman for the TAC, vilify and condemn the European occupation of Tasmania and the associated infrastructure, yet in this instance he is only too keen to take possession of a landmark property. I see this as blatant hypocrisy.

I moved to the east coast of Tasmania more than 30 years ago to go fishing. My work experience as a crew has spanned crayfishing, abalone diving, scallop fishing, trevalla fishing and commercial diving. I have recently returned to the role of commercial diving for local angasi oysters and long-spine sea urchins. I worked with abalone divers for approximately 12 years, which included working out of Eddystone Point for our winter fish. This is when we made the acquaintance of the lighthouse keeper, John Denmen. I came to understand John's role as lighthouse keeper went far beyond providing weather reports, but also a passionate commitment to the maintenance of the lighthouses in the surrounding area. The property was postcard-perfect at all times, but currently it is a pale shadow of its former self. The Eddystone lighthouse is part of my heritage as a fisherman. This light and all those around Tasmania provide a beacon of safety and security for all fishermen of Tasmania, both past and present. This is part of their heritage.

Some years ago, the then minister David Llewellyn put forward a proposal to open the site to expressions of interests as a tourism enterprise. I was one of about 30 people who attended that opening day, only to be confronted by well-orchestrated, banner-waving protests by the TAC, making the most of television exposure. There were many I spoke to who had very exciting ideas for the future of the area, but alas the politics of appeasement won out and subsequently a number of Aboriginals took up occupation of the houses. The idea of a tourism venture, including guided tours of the light station, is an obvious one, as per the example of Cape Leeuwin in the south-western corner of Western Australia. I had the pleasure of a tour there last November and was delighted to find the mechanics of the light were identical to that of Eddystone - an enormous brass frame and multiple glass prisms to project to the light float effortlessly in a bath of mercury. While the mechanics of the light are in perfectly good working order, the light has been replaced by a bolt-on on the upper rail. I quizzed the tour guide as to the

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system that they worked and he explained that the tours pay for the wages and the surplus is reinvested in the maintenance and restoration of the site. The idea is not a foreign one to Clyde Mansell. He has expressed as much on ABC talkback radio last year, and in doing so put the government on notice for a \$750 000 handout as part of tourism venture. I also raised the issue of access to the area.

In conclusion, given the fact that this is European heritage-listed property, as very well pointed out by Lindsay, I would suggest a better model for the process here is to exclude that built heritage from the land hand-back. The cultural significance of the land is well recorded, but I cannot come to grips with the fact that we are surrendering a heritage-listed property of European construction as part of the Aboriginal cultural heritage argument. If they said there is a desire to have the land, I think that is great, but I would ask you to extract the heritage-listed land - the lighthouse and the cottages - out of the equation. If that is going to be a tourism venture, I would suggest that you put that out to public tender so that everyone has a chance to get the best operator in that area. It is important for the entire region of the east coast to make that link-up there as a tourism operation.

If the Aboriginal community and their team put forward a tender that is acceptable, that is fantastic, but it needs to be open and transparent that we have the best opportunity to develop that as a site rather than the way it is being done at the moment.

Mr DENMEN - I was the lighthouse keeper, the last at Eddystone. I was there for 14 years. My four children grew up there and were educated at St Helens. I hear you all talking about admission to the place. I and my family have a very strong feeling about Eddystone and I do not want to see it locked up.

On the point itself, as Lindsay stated earlier, there is no midden or any Aboriginal activity. They go north, to Deep Creek, where there is an Aboriginal woman buried, which I know of. She is 10 000 years old and she was uncovered in a storm. South to Ansons Bay, it is a lot more sheltered and there are middens at both ends. They have a ceremonial ground which is on the property at Policemans Point, which has been fenced by the local farmer. These places are more significant, I feel, for these people because the point, and I lived there for 14 years, can be very windy, cold and not a very hospitable place if you do not have shelter.

I get a bit emotional about Eddystone Point and you probably understand why. I have some photos here. These go back to pre-war. The last is the day I left in 1994 - locked the houses, the gates, the sheds and walked out. I came back 19 years later and I could have cried. It's a beautiful piece of our maritime history and I'm not sure whether you are aware of this weekend, it's a lighthouse and lightship and it's all over the world and Australia at this moment. But this piece of history, we seem to burn our history in Australia. We burn it, I don't know why and it really upsets me. I thank you very much for the opportunity for me to say something, to express my view on this and I will hand over to Peter.

CHAIR - When you came back, to see it in a different state to when you left, can you just give me the years again, please.

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Mr DENMEN - I left in 1994 and I was away for 15 years. I went to north Queensland and South Australia and I came home, back to Tassie, and of course went out to the lighthouse. I took the family out and I left it in what I feel myself a very pristine condition. I was very proud of it and when I came back I couldn't believe it, it was overgrown. I was asked about how to find Walter McFarlane Kirkwood's grave. I was the last guy - before I locked those gates, I had done all of the picket fences, there was a sign, a path and I wrote in the headstone, filled in - lightkeepers had been doing that for years and people go down to that little grave. I couldn't believe that they hadn't looked after that grave. I don't even know why I'm here; we are all Tasmanians for God's sake. I really don't know what I'm doing here because we all own this.

Why is there this wedge that seems to be driven between us over land? We all own it. I could ask the English to say sorry to me if I look at things, really, in this way. I just can't understand why there is such a commotion over this. The reason why they want to own the land, like Peter said, I just can't understand it. I'm sorry but that's the way I feel.

CHAIR - Thank you, John.

Mr DENMEN - Thank you.

Ms FORREST - Peter, you made the comment that it would be appropriate to remove the heritage-listed area but as I understand it from Lindsay, the whole area - not just the area that I think you are indicting, which is the area that the lighthouse and the buildings sit on and I'm not sure how that would work, whether you can excise part of it or not - when you say the national heritage-listed area, are you only referring to that small part of that site that is proposed for hand-back?

Mr PAULSEN - If I can explain it to you, the infrastructure is the part that I am referring to and that is the lighthouse itself, the three cottages, the grave site and then the appropriate break. It struck me that if there is a line around that particular part of it, which really should have no genuine significance to the Aboriginal community for cultural purposes at all, if that were extracted from the argument then the balance of the land going back to the Aboriginals, if that's what they desire, then that makes sense to me. But if the ongoing objective is for cottages and that light to be developed as a tourism venture, that's a different proposition. Certainly a clear business case needs to be made for that and I think the best way to get the results for that particular exercise would be to put this out as a public tender so that we at least get something.

You can't manage anything that you can't measure and there has to be some measurement in place here as to what is a good standard for this exercise. I don't know that this process that you are going through now allows that to happen; I don't know what measurements you have got in place here which, at the end of the day, would meet the expectations of the community as to the management of that area.

Ms FORREST - Who manages the area now?

Mr PAULSEN - I don't know. My understanding is that now this area has been on a lengthy lease to the Aboriginal community and it's their responsibility as such. Is that the take on it? I think so. Certainly anecdotally, and I have been up there and looked around as well, and as John just said, the management of the site, the houses and the lighthouse, is

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less than ordinary as far as the maintenance and respect for the property - certainly the respect for the grave site is appalling. When challenged as to why the grave site had been let go to such a deplorable state - and I don't know whether you guys saw it today - Michael Mansell's answer to that was, 'We let the boobialla grow over it to protect it'. That's just an insult. That annoys me no end. I believe that level of respect for the area is lacking in this and, to that end, the best way to protect that area for its future opportunity is to put it out there. If Michael Mansell and the TAC put forward a very strong and arguable case that they would be the best managers for it, that would be fantastic but it needs to be measured up against something else.

CHAIR - What sort of a sense do you get from the community, Peter and John? We seem to have had a lack of submissions from the community - probably 10 in all, a dozen maximum. It seems to be that the concern is not voluminous and it doesn't seem to be in an argumentative sense. We had a few but it's not a strong protest against what's happening with this amendment bill.

Mr DENMEN - I believe it hasn't been advertised enough. I expected people - families from keepers who go back years, don't even know this is going on. It's not advertised enough. There would be very few people who would know that I'm sitting here now who have been tied with lighthouses for years. If they all knew, we could get these guys together, but it's not advertised enough and it's a very serious thing.

CHAIR - Do you live locally, John?

Mr DENMEN - Yes, I do, I've moved back to Scamander.

Mr PAULSEN - I think John is right, this has flown under the radar. Certainly the transfer of the land originally with the lease arrangement, no-one knew about that. That just happened and it wasn't until some years later that people became aware of the fact that had happened. All we were aware of was that there was Aboriginal occupation at the site, which we just had to accept - it was a matter of them taking up residence.

I can't recall when I learned that there was a lease handed over in the process. I keep myself reasonably involved in the community, especially in the fishing side of things, and I can't even recall when that happened. All of a sudden there is a 20-year-odd lease in place and anyone I spoke to had no knowledge of that whatsoever. That was certainly not an open and transparent exercise at the time. My fear factor now is that this slides past and all of a sudden circumstances change and we don't have much of a chance to do anything about it once it's done.

Ms FORREST - If you are suggesting that you excise off the area where the European history clearly is, in a practical sense - and I don't know the topography well enough to fully appreciate it - but on this map that is the very point of the area and the rest of it remained the land handed back to the Aboriginal people. Does this make it, whoever manages this area, an ongoing challenge in access? Sometimes we put things in a certain frame because it's easier than trying to create little pockets that sit out on their own - the need to manage it as part of a bigger area. Is that what would happen potentially?

Mr PAULEN - To do that would be awkward, there is no doubt about that, but it's certainly possible to have that area re-surveyed to give a perimeter around the lighthouse - pretty

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much where John used to mow. There is an area around the back of the lighthouse which was mowed - he's still doing it, almost on a daily basis - and that area needs to be pulled out of the equation. That's not going to be a simple task, there is no doubt about that.

Ms FORREST - To get to it, under this legislation to hand it back, you would still have to go through the land?

Mr PAULSEN - The building structure would include the road in this area into and around and pick up the lighthouse -

Ms FORREST - So the road would be included in the excised bit, that's what you're suggesting?

Mr PAULSEN - Yes. That's not a simple task, I understand that, but it would certainly put some balance into this. If the argument we are hearing from the Aboriginal community is that they have connection with the land, fantastic, they've made that case and it's been accepted, but I still struggle with the fact that it is caught up in this. Is the lighthouse and the three cottages the by-product of this whole exercise? I would hate to think it was because it's far too important to have this just tossed into the mix with the land and not have a chance to develop the site.

I mean, the opportunity was there back when David Llewellyn did it in 2005 or 2006 and he was obviously trying to open it up for that purpose and it was just a shame that never came to any conclusion. There were people who were very excited about wanting to do something more specific. I know some of the school teachers here personally may have been part of that submission about wanting to take it on board as an educational process for schools to run camps and do that sort of stuff up there, which would have been also fantastic, but the fact is that once John left it just sat there and no-one was taking responsibility for its maintenance and taking any pride in the place. That's exactly what has happened.

It's heartbreaking, and more so for John who spent a lot of his life up there, but for anyone who went up there. A dear friend of mine who has not long passed away, Gay Jamieson, had told me stories that every time they went to Eddystone through Ansons Bay as kids they would go up there and take flowers to the grave. It was part of the process of going and having a picnic. To see it in the state it is now I find somewhat insulting and disrespectful for our heritage today. We are being asked to respect other people's heritage and yet by the same token our heritage is being disrespected.

CHAIR - A plan has never been put in place to make sure that that is maintained in good condition, but that's not to say that that might not occur at some time in the future.

Mr PAULSEN - Gay Jamieson's husband, Peter, who still lives in Ansons Bay, has all the measurements and could have the materials ready to put a brand new fence around it tomorrow if there was an opportunity.

Mr VALENTINE - John, I can understand your connection; you were the last lighthouse keeper and had four children born there so no doubt you have a connection with it.

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Mr PAULSEN - We're a disappearing race.

Mr VALENTINE - You might have some sons there somewhere and they might carry the family name on.

Mrs TAYLOR - He meant lighthouse keepers.

Mr VALENTINE - Lighthouse keepers are a disappearing race. Obviously you didn't own the land, it was owned by the commonwealth, so is the real issue for you continuing access to the site and being able to walk around it and keep that connection?

Mr PAULSEN - Definitely.

Mr VALENTINE - Even if it went out to tender, it could be any group that gets that tender.

Mr PAULSEN - I am of two minds here. I would like to see it kept in that pristine condition because it's our maritime heritage and it's a magic place. If you look at the rest of the lighthouses they're all on islands and are beautiful set-ups but Eddystone and the way it is should be looked after and my way of thinking is that if private enterprise got hold of it there would be rules and regulations under the National Trust. We took the dome completely off years ago. It's a copper sheet dome and we took all the sheets down, scraped the paint off and put them all back and the screws weren't the same as the screws that came out because they'd all broken off, so we had to get them specially made - 365, I know how many there were - but they were made in New Zealand and we had to put back what we took off. They wanted to put a fibreglass dome on it and that was just terrible.

They really keep control of what's going on with the heritage but as Peter was saying, since I locked those cottages and walked out the gate that day nothing has ever been done. They put roofs on the houses and spent \$750 000, I believe, on the cottages after we left upgrading the inside of them, but then nobody looked after them.

Mr VALENTINE - What year was that, do you know?

Mr PAULSEN - Let me think, I left in 1994, but I couldn't honestly say. I know it was all done because we came back on holiday and went back to Eddystone and there were workers there working on houses.

The second feeling for me is that my kids can go back with their kids. Not only my children, but all Tasmanians can go there. It's such a lovely place and I'd hate to see the gate locked. I read somewhere in some of the papers that if they maintained the ownership of Eddystone they would lock the gates when they have ceremonies and so forth. This, in another way, is okay, but if you come up the east coast trail, which I'm hoping is going to extend right up now - where you've got the wind farm, Barnbougale, the Lost Farm, and a new course going in at Musselroe - this corner is starting to develop a little bit and on this east coast trail, Eddystone would be a spot-on place for people to go to, but if you can't get in there it's a bit disappointing. If they do it that way, so be it, but I would like to see it left open for all Tasmanians. I don't see why there should be any ownership at all; it's a European set-up. This wedge that has been driven between the two of us I can't understand because it's a beautiful place and we can all enjoy it and it is part of our history and our heritage, both sides.

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CHAIR - You made reference a couple of times to locking the gates yourself when you left, John. Was that metaphorically or did you physically lock a gate when you went?

Mr DENMEN - Yes. That was the direction I had from work, to lock it all up. There was no-one in attendance at the light - everything was in it, furniture, tools. The whole thing was just there. It was locked in case anyone tried getting in because it was well known that it was going to be closed because it was a local area. Yes, it was a sad day.

CHAIR - What do you understand happened from then? Vandals - what occurred?

Mr DENMEN - There was a little bit of vandalism but mainly over the holiday periods when people come in from outside the area, camping up in the northern end. I've been out there four or five times since I have been home, my wife and I go out there quite often, and there's no-one in the houses but the lights are all on. It hurts to go back and see it. There's no-one about. Something's going to happen. Someone's going to get in there, some young fella, and they'll lose one of the houses; they'll be burnt down. Something is going to happen and I really dread to see that, I really do.

CHAIR - But when you've gone back, John, you've had access to move about the property quite freely with no hindrance or anything like that?

Mr DENMEN - Yes, I'm not disputing that all. I've never been challenged in any way whatsoever, which is great, but the fear is the ownership thing, that once you own something you can lock it up, and I have a great fear in my heart that's what they'll do and I don't want that. I want all Tasmanians to love that place and be able to walk in and enjoy that place. That's how I feel. I get a bit emotional about this, sorry.

CHAIR - What do you understand, Peter, of the cultural activities that might take place there? Do you have any understanding from living in the region locally for such a long time now of what the cultural activities might be?

Mr PAULSEN - Aboriginal cultural activities?

CHAIR - Yes.

Mr PAULSEN - Not a sausage, no idea. One of the things I think John is alluding to is the fact that there's a rider in this, that question mark of if there is Aboriginal control of the space and they decide it is cultural activity they can lock the place up. That arcs me up, there's no doubt about that. It's not a veiled threat but it just sits there. As it is at the moment, that doesn't exist. We can have access to the place anytime we like is my understanding and the last few times I've been there the place has been vacant anyway. There's been no resistance in that regard, but that little rider that says, 'We've got the opportunity or the right to close the place up if we feel like it', I think needs to be removed.

CHAIR - John, you mentioned Policemans Point, that there used to be Aboriginal cultural activities at that site. Can you tell us a bit more about that?

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Mr DENMEN - Yes. There are some stones placed south of the actual mouth of Ansons Bay, called Policemans Point, on Mr Tucker's land. They don't know what the stones are but they have been placed in a ceremonial-type set up. Years ago John Tucker fenced off the cattle from that land. To me, this would be a very significant part of my heritage and that exists. The old lady, north of us, a big storm uncovered her in the sand dunes. The skull was taken to Hobart and carbon dated and it was 10 000 years old. That is north of the lighthouse. To me, these places are more significant than the point.

There is physical evidence such as middens. The kids and I went down to the back dunes in the Bay of Fires after a storm and saw some of the middens that are uncovered and covered up, but there are none on the point. They are all down the back beach and in the north where it's calm and sheltered and where there was plenty of food in those days - at Ansons Bay and Deep Creek. These lighthouses are located on windy, horrible places - points and islands. I can't see the sense of it.

Ms RATTRAY - In relation to the access issue, Peter, you have given evidence this has never been an issue when you have visited the site. Are you aware there have been any issues from the general community?

Mr PAULSEN - Nothing that comes to mind where people have been refused access to the area. Looking at the heritage of the light itself, I would like to see the strap-on torch on the outside of the building removed and the light put back into operation. There is nothing wrong with the light; it still operates in a mechanical sense. I find it insulting to put a flashing torch on the outside of the building rather than have the light operating. The Cape Leeuwin light in Western Australia is identical in make-up and structure to this light and it operates as it should. It becomes part of the heritage of the site and gives it more credibility as a heritage site if that light is operational. If this turns into a venture as such, I would love to see the light reinstated as a fully operating light. I don't believe there is any real drama in putting that back together.

Mr DENMEN - There would be no trouble. There is a Toyota stop-light globe stuck on the rail because of the mutton birds. Mutton birds have been hitting that tower for approximately 125 years. For the sake of safety at sea they clamped on a plastic dashboard light - it's a damn insult. That structure is magic. If you have walked up the lighthouse, the stairs go anticlockwise, but in every light in Australia they go clockwise. Why they have done this one this way, I don't know.

Mr PAULSEN - John mentioned the mutton birds. The survey that was done last year on the population of mutton birds estimated between 15 million and 20 million birds, so it is certainly not a threatened species in the scheme of things.

Mr DENMEN - They stopped them taking the mutton birds and yet the indigenous people are allowed to take them. On Flinders Island and all the islands up through the route, they are undermining the islands. It is getting to a stage where they are going to have to do something - the topsoil is going.

CHAIR - If I could ask about the cottages, what use have they been put to since the demise of the lighthouse and John's departure, highlighting the situation where money came into the area because of the lease to ALCT or TALC, and money has been spent to refurbish

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the cottages. Are they lived in now? Have they been lived in? What use have they gone through?

Mr PAULSEN - From my last visits up there over the last couple of months, they looked vacant and empty. The cottages seem to be a weekend getaway for those within the Aboriginal community, and I think that is pretty well accepted in that sense. There is little evidence that anybody else has access to the cottages. The fact that the Aboriginal community set up camp there probably has people thinking, 'leave that alone'. It always looks desolate and unoccupied the last few times I have been there. The grounds reflect the fact that there is no-one on site. I know from John's dedication to the task as lighthouse keeper, apart from providing weather reports and the like and general maintenance, the place was an absolute postcard. I believe it went well beyond what you would expect from someone. It was mowed, maintained and painted. The last thing I remember you doing up there, John, was the first time I had ever seen a needle gun. John was attempting to clean that staircase inside the light. He chipped it away with a needle gun to get all the years of paint off, and repainted it. You could not pay anyone to do that; it was extraordinary.

Mr DENMEN - They didn't pay me much.

Mr PAULSEN - That dedication to the task and love of the site was manifested in John's occupation there and at the moment it is a long way from that.

CHAIR - They would be part of your duties to maintain the site?

Mr DENMEN - Definitely; flora and fauna - the lot.

CHAIR - So I suppose the demise of the area occurred when they decided not to have it as a manned lighthouse, and now it has fallen into disrepair or not looking as good as it once did with the TLC that might have occurred with a paid person on site.

Mr DENMEN - That is exactly right. When it was leased I thought it would have been looked at and made sure it kept that standard. When I came back it broke my heart; it was just terrible. This is my heritage, and for all Tasmanians; it is our marine history and those places are amazing. That stone over the doorway as you go in is five tonnes - that lintel over the top. You have never seen anything like it.

CHAIR - Is there anything else you would like to say in conclusion?

Mr DENMEN - I take the opportunity to thank you for letting me say my piece. I hope that you take real consideration, which no doubt you will, to look at this as our heritage. Unfortunately in Australia we seem to throw it away and burn it; we don't look after it.

Mr PAULSEN - I also appreciate being given an opportunity to raise some issues with this. Being involved in the tourism industry over a period, there is a real opportunity for this place to be put on the map as a tourism destination. I would like to see the best possible operator for that purpose. Given the fact that it is government-owned property, it needs to go through a clear, open and transparent process so that we end up with the best operator to make it work. If that happens to be the TAC, or if members of the

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community put together a good presentation and can do that, then fantastic. It needs to be something worthwhile because that then opens the door and puts a link between Eddystone Point, Binalong Bay and St Helens. Real opportunities will flow off the back of that for growth in the area. I still struggle with the fact that we are about to surrender this European heritage-listed infrastructure. I don't see how it has any connection with Aboriginal culture in the area.

THE WITNESSES WITHDREW.

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MAYOR SARAH SCHMERL, BREAK O'DAY COUNCIL, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mr Finch) - Thank you for joining us today. You understand you are under parliamentary privilege whilst you give evidence here but once outside the building it is a different matter. If at any time you would like to go in camera to give evidence privately to the committee, we are able to clear the room for you to be able to do that. Would you care to make a presentation on your view of the Aboriginal Land Amendment Bill?

Ms SCHMERL - I really don't have a lot to say because council hasn't formed a view on the bill but they didn't have any objections to the bill as has been presented.

CHAIR - So what you are going to say to us today and the opinions you give are your own?

Ms SCHMERL - Yes, they are.

CHAIR - How do you feel about the bill?

Ms SCHMERL - I don't have any concerns with it either; I'm happy for it to go ahead.

CHAIR - What sort of discussions took place at council? Can you enlighten us as to what sort of discussions you have had privately with people? Do you get a sense that people are objecting to what might unfold if the bill becomes an act?

Ms SCHMERL - The only concern that has been raised with me is about what access will be available at Policemans Point for recreational camping and fishing in that area.

CHAIR - Policemans Point is not an issue with this bill at all.

Ms SCHMERL - Not within this one. No other issues have been raised with me.

CHAIR - Did you hear any issues about access to the Eddystone Point lighthouse if the bill is enacted?

Ms SCHMERL - There have been some local people from Ansons Bay who have mentioned to me that they are concerned about the ongoing maintenance of the buildings there and whether they would still be accessible to the general public, but I've always been assured that there would still be access as there is now.

CHAIR - There is some talk that access might be limited if there is a cultural activity by the Aboriginal community. Do you have an understanding of what a cultural activity might entail and how long access might be disallowed?

Ms SCHMERL - I have met with some of the committee members working on the tourism venture there and they've said to me that most of the things will be long weekends and maybe up to four or five days at a time but not for extended periods of time.

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CHAIR - So was there a suggestion of how many long weekends there might be in a 12-month period?

Ms SCHMERL - No.

CHAIR - Any indication of how they might let the local community know that there is a cultural activity on and that access is denied?

Ms SCHMERL - I don't believe that the committee were at the point of knowing how they were going to handle that situation yet because it was very early days when I spoke to them when we were talking more about the tourism aspect for their proposal rather than general access at other times of the year.

CHAIR - What is your understanding of the proposition that the Aboriginal community might be considering as a tourism venture?

Ms SCHMERL - That they are looking to have a low-cost, almost like an adventure holiday-type of situation where they can offer group bookings and do guided bushwalks and things like that, and to teach the Aboriginal culture and share as well.

CHAIR - And to use the Eddystone Point lighthouse as a destination?

Ms SCHMERL - As a destination, but also to provide not just for the tourism market but for the local Aboriginal community to have a place they can call home and where they have their activities, as well as the broader Tasmanian Aboriginal community.

CHAIR - So are you suggesting that you don't get disgruntlement from the community to a great extent about what is developing at Eddystone Point?

Ms SCHMERL - Only a very few people have ever raised it with me and it has mainly been to do with access issues and has nearly always been about Policemans Point more than Eddystone.

Ms RATTRAY - I want to go back, if I can, to the discussions the council had in relation to this. Was the council as a whole briefed on the proposal put forward by the government and then went into a formal process with council?

Ms SCHMERL - No, not on the bill as such, but we were briefed by the land council on the tourism proposal several years ago.

Ms RATTRAY - But what about the actual proposal? There was nothing formal?

Ms SCHMERL - No.

Ms RATTRAY - So there hasn't been any discussion around the council table?

Ms SCHMERL - No, there hasn't, but I have informally shared the information I have received with councillors and asked for feedback and there hasn't been anything. That is why there is no formal council opinion.

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Mr VALENTINE - So there has been no motion of any sort that has gone before the council for them to make any decision? It was simply that some information was made available and to all intents and purposes was reasonably accepted, by the sound of it.

Ms SCHMERL - Yes, it certainly has been accepted. The only motion that went before council was to do with dual naming, which we agreed to support.

Ms RATTRAY - Has there been any rate income from that area at the moment?

Ms SCHMERL - A very small amount.

Ms FORREST - Are you aware of any specific Aboriginal heritage on the site that relates to where the lighthouse and the buildings are, in that particular area?

Ms SCHMERL - I am aware that the Aboriginal community hold that area as important to them but I am not aware of any significant items.

Ms FORREST - Are you aware of other areas within the vicinity that are significant sites - middens and others - and could you tell where they are?

Ms SCHMERL - No, I can't tell you where they but I'm aware they are all through the Bay of Fires area.

Ms FORREST - But not specifically at the point, where the lighthouse is?

Ms SCHMERL - No, I'm not aware of anything on that site but I know that it is important.

Ms FORREST - You said that you're not aware of the number of weekends that might be tied up. We can check with other people obviously. People who have a European heritage in that area, which has clearly been identified with us earlier today, if there are a lot of weekends, wouldn't that be a potential issue because that's the time people with European heritage might want to go there and have a family event there as well?

Ms SCHMERL - Yes.

Ms FORREST - So you are not hearing any concern about that?

Ms SCHMERL - I haven't but I would personally hold that as a concern. I wonder how that information is going to be shared and how the broader public is going to know that it's not accessible on a certain date.

Ms FORREST - You would agree that weekends are times when everyone, particularly those people who work, would want to access it, so if it's closed then, that's -

Ms SCHMERL - Tasmanians are going to go for a drive on a weekend or have a weekend away and that's their opportunity.

CHAIR - In the future, if this bill does come to pass, do you think if the council wanted to give support or if ALC came to the council looking for support or some partnership

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involvement, do you think it would be forthcoming? Do think there would be any issues that might mean there would be a negative response to an approach like that?

Ms SCHMERL - Any approach would be treated the same as any other developer coming to council, we would be looking to have a working relationship as far as road maintenance and access along those routes, signage and things like that. We certainly wouldn't be contributing to the development of any structures or any sort of infrastructure like that.

CHAIR - The council's responsibility is now in respect of roads. The road in through Mt William National Park, that's not a council responsibility, is it?

Ms SCHMERL - The North Ansons Road is but not the road going in, not the turn-off in.

CHAIR - Who looks after that?

Ms SCHMERL - Parks, I believe.

Ms RATTRAY - In relation to the lighthouse, do you have any contact at all with AMSA in relation to what the long-term plans are for the lighthouse? Is that something, as a council, you have any understanding of?

Ms SCHMERL - No, we don't have any relationship at all with AMSA and the only time I have had contact with them was for the dual naming ceremony that we attended about a year ago.

CHAIR - Does anybody have any questions for the mayor?

Mrs TAYLOR - Yes, I have. We have heard today people expressing that the lighthouse and the three other houses - I would say the quarry probably too, for instance - are European heritage rather than Aboriginal heritage. I guess whatever Aboriginal heritage might have been exactly right there on that site because of the disturbance with the buildings and whatever happening, that may well have extinguished any signs there were of Aboriginal heritage. It has been strongly expressed that it is as much European heritage as Aboriginal heritage and therefore some concern about it becoming Aboriginal property because should the European heritage not be recognised. Do you have a comment on that?

Ms SCHMERL - I know that it has significant Aboriginal importance but there is also significant European importance and I would say they are equal.

Mrs TAYLOR - How would that be resolved do you think, if this bill is passed, and it is given the Aboriginal community as land handback? How would we satisfy that desire for the European heritage to be recognised also? I know it's a difficult one, but I'm just wondering if you have some kind of -

Ms RATTRAY - Put yourself in the Premier's seat.

Ms SCHMERL - I don't know if I want to be in that seat. I think there would need to be a very strong working relationship between the Aboriginal Land Council and a government-formed committee that was overseeing the European heritage to ensure that

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access was there and viable to both sectors as such. Whether that would actually work, I am not 100 per cent sure but I don't believe that saying one party should look after both histories is appropriate or very workable. I couldn't see that being a very positive outcome.

Mrs TAYLOR - The way I see it is that the people who are interested in a European history would suggest that the style of maintenance of the property might be very different to the way the Aboriginal community might see it, for instance, should you have mowed lawns around it or should you just have the native coastal vegetation growing, and those kinds of things. That seems to me to be a tension and I'm not quite sure how you would resolve it.

Ms SCHMERL - I think there would need to be a very concise management plan done for the infrastructure that's there and how that is managed into the future. Who would oversee that, I'm not 100 per cent sure on what would be the best outcome but I would say that just handing it to one party and expecting them to respect and honour both cultures is probably not something that's really going to be very workable.

Mrs TAYLOR - Because that's what this bill is asking us to do.

Ms SCHMERL - Yes.

Mrs TAYLOR - And it has been until now in European ownership, which has not seen it possibly from the Aboriginal point of view as much as that might be possible if it was - I don't know how to resolve that issue.

Ms SCHMERL - Does it need to have ownership? Can't it just be open for everyone to use?

Mrs TAYLOR - Somebody has to own it, I would think, because it has to be managed. Somebody has to maintain it. Somebody has to take responsibility for maintaining the buildings and everything else that needs maintaining so who would do that?

Ms SCHMERL - It would have to be a management committee.

CHAIR - Committee members are okay and we have appreciated your time.

Ms SCHMERL - I probably didn't have a lot to put in because, as I said, there hasn't been any feedback from other councillors on it so these are my personal views.

CHAIR - Sarah, I think it is interesting for us to hear back from you that the council don't see this as the most riveting issue on their plate at this time and no doubt you have other things that you are thinking about but certainly it's good to have that knowledge that it's not a burning or divisive issue within the council, so it is important for us to hear that as well. Any final comments?

Ms SCHMERL - Yes. I would expect that the people who are ratepayers of this municipality who feel most passionate about this issue will probably be people who don't actually live here. They will be people who live out of the area who still own holiday homes around the Ansons Bay area who will be passionate about that but they don't live here full-time - 40 per cent of our ratepayers don't live here.

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We quite often find when we are dealing with passionate issues that the people who really do care the most - and I'm not saying that the people who live here don't care as well - the ones who have the strongest opinions are often the ones whose families have been living here for years and the shacks or the homes have been passed down, but they are not actually living here full-time themselves.

CHAIR - An interesting point. Thanks very much for your time today.

THE WITNESS WITHDREW.