

AUSTRALIAN NATIONAL VETERANS ARTS MUSEUM (ANVAM)

SUBMISSION TO:

SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE

Inquiry into the Management of Defence Estate Assets

310 St Kilda Road, Southbank, Victoria

Former Repatriation Commission Outpatient Clinic

Submitted by:

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13 April 2026

Submissions close: 17 April 2026 | Report due: 3 June 2026

This submission addresses the following terms of reference:

- (1) *estate planning alignment with defence requirements*: Sections 1 and 5;
- (2) *management and disposal processes*: throughout, particularly Sections 1, 5, 6 and 8;
- (4) *financial assumptions underpinning divestment*: Section 10;
- (5) *heritage significance and veteran and community connections*: Sections 3, 7 and throughout;
- (6) *the Defence Estate Audit*: Section 8;
- (7) *an amended policy framework for surplus Defence land*: Sections 3, 4 and 11.

ANVAM does not comment on term (3) relating to permanent forces, reserve forces and cadet units.

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EXECUTIVE SUMMARY

The former *Repatriation Commission Outpatient Clinic* at 310 St Kilda Road, Southbank is a Commonwealth Heritage-listed property that has remained vacant for over thirty years.

For thirteen years, the *Australian National Veterans Arts Museum* (ANVAM) has worked with successive governments and departments to establish a national veterans arts and cultural institution at this site, an outcome aligned with the building's original purpose and its enduring connection to the Veteran Community.

The property is once again proposed for disposal as an outcome of the Independent Defence Estate Audit.

The evidence in this submission establishes that, in the course of considering this site for disposal,

- a statutory mechanism expressly available under the Lands Acquisition Act 1989 (section 122 trusteeship) was not brought forward to ministers as an available option;
- the Commonwealth Property Disposal Policy (CPDP) was applied as the primary framework, without full consideration of the broader statutory regime;
- aspects of ANVAM's proposal were not consistently or fully reflected in ministerial advice;
- material changes occurred relevant to ANVAM's proposal after submission of the audit to Government, namely the National Defence Strategy and the Royal Commission into Defence and Veteran Suicide, that do not appear to have been taken into account; and
- key heritage considerations, including social value (Criterion G) and EPBC Act implications, remain unresolved.

Taken together, this indicates that the full range of lawful and policy options for this site have not been comprehensively tested.

The current process remains open. The divestment strategy has not been finalised, and further work is pending through the Department of Finance with a credible alternative available. ANVAM's proposed trusteeship outcome is better aligned with Government's range of priorities in that it:

- retains Commonwealth ownership;
- removes financial and management burden from Defence while contributing to Defence capability;
- addresses the government's stated heritage outcomes for the disposal, plus legal obligations in a low-risk manner; and
- delivers nationally aligned veteran wellbeing, cultural, and public outcomes.

ANVAM's Alternative Use Proposal is that the Commonwealth appoint ANVAM as trustee under section 122 of the Lands Acquisition Act 1989.

Under this model:

- ANVAM would assume responsibility for remediation, activation, and operation of the site;
- remediation funding (estimated \$15–20 million) would be raised independently by ANVAM through philanthropy and other sources;
- the Commonwealth would incur minimal administrative cost and no ongoing liability; and
- the site would be returned to a use closely aligned with its historic purpose and contemporary policy priorities, including those identified in the National Defence Strategy, the Royal Commission into Defence and Veteran Suicide and National Cultural Policy: Revive.

This approach is consistent with established precedent. Defence has accepted community trust outcomes for former Defence land before. Section 122 of the LAA is the mechanism that makes that outcome available for 310 St Kilda Road without requiring local government involvement, a disposal of Commonwealth ownership, or any legislative innovation.

On the evidence presented, this option represents a superior alternative to commercial disposal on every financial, legal, heritage and policy measure:

- **Financially:** removes remediation and holding costs, with negligible impact on overall divestment proceeds while delivering an annual economic benefit of between \$9m-\$34m;
- **Legally:** utilises an existing statutory mechanism and reduces exposure to heritage-related risk;
- **Heritage:** preserves and activates a site with strong and continuing community significance;
- **Policy:** directly supports current Commonwealth priorities across defence, veterans' wellbeing, and cultural infrastructure.

The Committee is asked to:

1. Recommend the Government appoint ANVAM as Trustee of 310 St Kilda Road under section 122 of the Lands Acquisition Act 1989, enabling ANVAM to take responsibility for the building's remediation, management, and operation as a national veterans arts and cultural institution — the superior disposal outcome by every financial, legal, heritage, and policy measure.
2. Recommend an independent heritage impact assessment prior to any final disposal decision, including resolution of the Criterion G social value issue and relevant obligations under the Environment Protection and Biodiversity Conservation Act 1999;
3. Recommend that all statutory mechanisms provided by parliament for the management and disposal of Commonwealth properties be consistently presented within relevant policy frameworks in future Defence estate disposal processes.

ANVAM is committed to working constructively with the Department of Finance, the Department of Defence, and Government to progress the trusteeship outcome.



Repatriation Clinic c1937
Harold Paynting
Collection, SLV



Artistic rendering 2026
of 310 St Kilda Road
repurposed as the
*Australian National
Veterans Arts Museum*

INTRODUCTION

1. The *Australian National Veterans Arts Museum* (ANVAM) is a veteran led Public Benevolent Institution and registered charity. Its founding vision emerged following an invitation extended by the Department of Defence in 2013 to consider the future use of the former Repatriation Commission Outpatient Clinic at 310 St Kilda Road, Southbank, Melbourne. The vision became the establishment of a national veterans' arts and cultural institution that accentuated the strong historical, social and cultural connection of the Veteran Community to the former clinic.
2. That vision has been consistently pursued over thirteen years, across successive governments, ministers, and policy contexts. It proposes the establishment of a national veterans' arts and cultural institution that aligns with the building's original purpose and its enduring connection to the veteran community.
3. The former Repatriation Commission Outpatient Clinic at 310 St Kilda Road, Southbank, is important in the national psyche of the Australian Veteran Community. It was opened on 15 November 1937 as the first Commonwealth-built Repatriation Outpatient Clinic and is now the last remaining anywhere in Australia. For over forty years it served veterans of every Australian military campaign from Sudan (1885) to Vietnam until 1980 as a place of care, recovery, and community. It has been vacant since December 1995.
4. This submission:
 - documents the full history of ANVAM's engagement with the Commonwealth;
 - places relevant evidence, including material not previously in the public domain, on the record;
 - identifies systemic process failures in the management and disposal of Defence estate assets;
 - examines the legal and policy framework applied to this site; and
 - proposes both a resolution for 310 St Kilda Road and broader reforms to strengthen accountability in Commonwealth property disposal.
5. While this property has been the subject of sustained parliamentary oversight over an extended period, that oversight has not resulted in a substantive outcome. This submission provides evidence as to why, and identifies where reform is required.

KEY FINDINGS

The evidence presented in this submission supports the following findings:

- **Statutory mechanism not considered**
The power under s 122 of the *Lands Acquisition Act 1989 (Cth)*, a mechanism directly applicable to this case, was not presented to ministers in any of the nine ministerial briefs reviewed.
- **Policy applied as if it were law**
The Commonwealth Property Disposal Policy (CPDP), a departmental instrument, was consistently presented as the exclusive framework governing disposal, without reference to the broader statutory regime.
- **Ministerial advice materially inaccurate**
Ministerial briefs contained repeated factual inaccuracies and internal inconsistencies regarding ANVAM's proposal, including mischaracterisation of its scope, use, and engagement.
- **Heritage obligations not fully assessed**
Relevant obligations under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* have not been comprehensively evaluated, including unresolved social heritage values (Criterion G).
- **Disconnect between estate and capability functions**
The disposal process operated without integration of Defence's people capability objectives, despite clear alignment between ANVAM's proposal and those objectives.

- **Parliamentary oversight has not produced outcomes**
Despite sustained scrutiny over multiple years, the current framework has not enabled resolution or accountability in this case.

1. Thirteen Years of Good Faith

This section addresses terms of reference 1 and 2: the alignment of estate planning with Defence requirements, and the processes for managing and disposing of Defence estate assets. It provides the factual foundation for the sections that follow.

6. ANVAM did not arrive at this submission lightly. It has done so after pursuing every available avenue over thirteen years, across successive governments, ministers and departmental processes, without a substantive resolution.
7. Seven formal proposals have been submitted. Eleven ministers have been engaged. Three off-market processes to the Victorian Government and the City of Melbourne were pursued in good faith and did not succeed. The last process did not fail for lack of interest. It failed because the Commonwealth declined to contribute to remediation/prevention costs during its own period of ownership. The City of Melbourne had been prepared to acquire the property and provide ANVAM with a long-term lease but withdrew in October 2021 after Defence declined to fund remediation. Defence then funded \$4.7 million the following year toward remediation. That sequence was noted at Senate Estimates in contemporaneous evidence.
8. This pattern spans thirteen years and overlaps the period covered by the Freedom of Information documents later released to ANVAM. Those documents included nine ministerial briefs, spanning December 2019 to August 2024, provide documentary precision for part of the record. The broader history, however, reflects the same recurring features: the same objections, the same policy framing, and the same result.
9. One aspect of that history warrants particular attention. In 2015, ANVAM's proposal for an off-market transfer to a community organisation was arguably available under the Commonwealth Property Disposal Policy (CPDP) as it then stood. At that time, the CPDP allowed off-market sales where broader government outcomes, including social or economic outcomes, could be advanced, and where Commonwealth policy objectives supported special consideration.
10. In or around December 2017, while ANVAM's engagement with government remained active, the CPDP was amended so that off-market sales were limited to state and local government entities, thus closing off one otherwise viable method available to ANVAM. The Committee is invited to consider whether that change had the practical effect of closing the pathway ANVAM had been pursuing, without parliamentary scrutiny and without any equivalent restriction appearing in the *Lands Acquisition Act 1989* (Cth) (LAA).
11. That was not the only instance in which an available pathway narrowed as ANVAM approached it. In May 2020, ANVAM made a formal submission to the Department of Finance during consultation on the LAA, identifying the absence of the section 122 trusteeship mechanism from the CPDP as a policy gap and proposing a way to address it. Finance is now the lead agency for this disposal. The gap identified by ANVAM in 2020 has not since been addressed in policy.

2. The Senate's Own Record

This section addresses terms of reference 2 and 8 by examining the Senate's own institutional record in relation to 310 St Kilda Road and what that record indicates about the practical effectiveness of current oversight arrangements.

12. The Senate's own record in relation to this property is significant. In September 2001, this Committee's predecessor published a report on Defence property disposal that specifically recommended that '*a property has or is proposed to have a military-related function, such as a military museum, the Australian Defence Organisation should give special consideration to that use through priority or concessional sales*' (para 6.18). That recommendation did not produce lasting change in policy.

13. In March 2019, ANVAM made a formal submission to this Committee’s predecessor in the inquiry into the Australian Veterans’ Recognition Bill 2019, proposing a trusteeship solution under section 122 of the LAA for 310 St Kilda Road. Between March 2017 and October 2025, this property was raised at Senate Estimates on fifteen occasions by senators from three parties.
14. At the February 2022 hearing, a Defence official apologised to the Committee for failing to answer earlier questions on notice. That apology was itself an acknowledgement, on the public record, that Defence’s obligations to the Senate had not been fully met.
15. This submission does not rely on that history to criticise the Committee. It relies on it because this inquiry is specifically concerned with whether current oversight arrangements are adequate to protect community and heritage interests in the management and disposal of Defence estate. On the evidence of this case, sustained parliamentary attention has not resulted in a change of outcome.
16. The recommendations address that issue. The central question is not whether oversight has occurred, but whether the existing framework allows that oversight to produce effective accountability and timely resolution in practice.

3. The Statutory Mechanism Parliament Provided Was Not Considered

This section addresses terms of reference 2 and 7. It concerns a specific and documented issue: a statutory mechanism directly applicable to this case was not presented to ministers as an available option.

17. Section 122 of the LAA provides that the Governor-General may, by Proclamation, declare Commonwealth land held upon trust and appoint a person or body as trustee. The mechanism maintains Commonwealth ownership, does not require a market transaction, and does not involve a gift of public property. It is a lawful mechanism provided by Parliament.
18. Defence has accepted community trust outcomes for former Defence land before, including at Jezzine Barracks in Townsville, and Parliament has adopted statutory trust-based approaches through legislation including the *Sydney Harbour Federation Trust Act 2001*. Defence’s ministerial brief of November 2023 (MB23-000778) cited Jezzine as “*an exemplar arrangement that could be applied in the case of 310 St Kilda Road.*” The brief’s description of that arrangement is, however, internally inconsistent describing it as a gift of land to Council as trustees, and elsewhere as a Trust Deed held by Defence. Whatever the arrangement it required local government involvement. But multiple attempts to achieve that outcome with the City of Melbourne have failed. Section 122 makes that requirement irrelevant. It is lawful, retaining Commonwealth ownership throughout and requires no local government involvement. It is the mechanism the brief did not present to the minister.
19. Section 122 of the LAA was not identified in any of the nine ministerial briefs spanning December 2019 to August 2024 as an available mechanism for this site. Ministers were repeatedly presented with the CPDP as if it were the exclusive legal and policy framework.
20. The omission is especially significant given that the Governor-General personally identified section 122 as the relevant mechanism. On 29 July 2019, General the Honourable David Hurley AC DSC wrote to the Minister for Defence seeking support to retain 310 St Kilda Road in Commonwealth ownership and appoint ANVAM as trustee. The Minister’s response of 18 October 2019 advised that the site would be sold in accordance with the CPDP. Section 122 was not assessed.
21. That same position was later communicated within government as though the limitations contained in the CPDP were limitations contained in statute. In correspondence of 10 December 2019, the then Minister for Defence Industry wrote to the Minister for Health, with policy responsibility for the *National Arts and Health Framework*, advising that ANVAM’s proposal was inconsistent with the CPDP. It was said that assigning a private organisation as an enduring trustee did not accord with the relevant intent. Yet the LAA contains no restriction of that kind. Concepts such as “transitional” trusteeship, or restriction to national parks or open space, do not appear in section 122. Those are policy propositions, not statutory limits.
22. ANVAM named the LAA s.122 expressly in its October 2023 business plan submitted to the Assistant Minister for Defence. The ministerial brief for the November 2023 meeting between the Assistant Minister and ANVAM did not include s.122 in its legal framework section, despite the business plan being an attachment to that brief. Instead, it cited Jezzine Barracks in terms that made City of

Melbourne involvement appear necessary without disclosing that s.122 requires no such involvement. ANVAM named s.122 explicitly again in its August 2024 letter to the Deputy Prime Minister. In each case, the ministerial brief responding to that material did not engage with the statutory mechanism being put forward.

23. The implications of this framing of ANVAM’s proposal are discussed in Section 9.

4. The Policy Instrument Exceeded Its Authority

This section addresses terms of reference 2 and 7 and raises a broader question about the relationship between departmental policy and the statutory framework within which it operates.

24. Parliament does not only constrain executive action; it also enables it. The LAA, the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) collectively establish mechanisms and obligations for the management of Commonwealth property in the public interest.
25. The CPDP is a departmental instrument. It is not legislation, is not subject to parliamentary disallowance, and is not scrutinised in the same way as a legislative instrument. Yet in this matter it appears to have been treated as though it exhausted the available legal framework.
26. That treatment has practical consequences. Section 122 of the LAA was not presented to ministers. EPBC heritage obligations do not appear to have been made a mandatory threshold issue before disposal of a Commonwealth Heritage-listed property. Nor did the policy framework require resolution of the inconsistency between the Commonwealth Heritage List’s omission of Criterion G social value and Heritage Victoria’s later contrary finding.
27. The CPDP also contains restrictions that do not appear in the LAA. The limitation of off-market transactions to state and local governments is a policy rule, not a statutory one. The same is true of the criteria used in policy to determine whether Commonwealth ownership should be retained or relinquished.
28. The effect of this approach is that statutory options authorised by Parliament were not brought forward, while policy-based restrictions were applied as though determinative. The consequence has been a framework that is both narrower and less responsive than the legislation itself permits.
29. 310 St Kilda Road is therefore not only a site-specific issue. It is a well-documented case in which departmental policy appears to have substituted for the fuller statutory scheme. That is an issue squarely within the Committee’s remit.
30. The same concern is reflected in the Defence Estate Audit. The audit was directed to consider suitability and affordability, with attention to holdings that were no longer fit for purpose and presented commercial opportunity. Heritage was framed primarily in terms of its impact on practical use and commercial realisation. That framing does not answer the separate question whether the property is surplus to the Commonwealth’s requirements, which is the CPDP threshold.
31. The CPDP requires ‘*no alternative efficient government use*’ before they must be sold. The Clearing House process exists to test that question by enabling other Commonwealth entities to express interest before a property goes to market. Whether that was adequately applied here before adoption of the disposal recommendation is a matter the Committee should examine.
32. The audit’s own recommendations reinforce that concern. Recommendation 15 of the audit called for strategic assessment of Defence heritage places by independent third parties. Recommendation 17 of the audit called for clarification of the relationship between heritage, environment and capability. Those issues remain unresolved. 310 St Kilda Road is proceeding toward disposal notwithstanding that the audit itself identified further work as necessary.

5. ANVAM's Proposal Was Not Properly Assessed

This section addresses terms of reference 1 and 2, and the apparent disconnect between Defence's estate function and its broader people capability obligations.

33. The CPDP states that for a property to be retained, it must '*demonstrably contributes to government service delivery outcomes*' and that '*ownership represents value for money.*' ANVAM's proposal was directed to veterans' wellbeing and broader public outcomes aligned with the building's original purpose, with no ongoing operating cost to the Commonwealth. There is no evidence in the available documentary record that the proposal was assessed against those criteria.
34. ANVAM's capability paper provided to Defence in August 2022 and the new paper in November 2024 submitted to the Government, and Defence, both demonstrate direct alignment between ANVAM's proposal and Defence's stated people capability priorities in the *National Defence Strategy 2024* and the *Defence Workforce Plan 2024*. Yet the disposal process appears to have been handled within the estate stream without meaningful integration of those capability considerations.
35. ANVAM's proposal was also never assessed against the Department of Veterans' Affairs Veterans and Families Hubs model, notwithstanding that it is functionally analogous and, on ANVAM's case, broader in scope. The proposal was instead characterised in one brief dated August 2024, as preventing use by other Defence-related community groups, despite ANVAM's documented model expressly providing for a public institution open to veterans' organisations, the ADF and the wider community.
36. The Lovell Chen feasibility study exploring options for Defence's use of the site, commissioned in February 2022, is the most recent professional assessment of adaptive reuse options commissioned by Defence regarding the building. Its brief directed attention toward uses such as conference centre, training rooms, childcare and offices. Community consultation was excluded, and museum or gallery use was not listed as a nominated option. ANVAM's own ARM Architecture concept design was not provided to Lovell Chen, despite being in Defence's possession.
37. Even so, Lovell Chen identified gallery and exhibition functions as compatible and incorporated a gallery/museum component into its Option 2. That component was later absent from ministerial briefings describing Option 2. Lovell Chen recommended Option 3; Defence adopted Option 2. The option adopted was neither the one recommended by the consultant nor the one fully described in the consultant's work.
38. In November 2024, ANVAM developed and submitted a paper to the Government that mapped twenty-six direct links between its proposal and the *National Defence Strategy*, together with relevant recommendations of the Royal Commission into Defence and Veteran Suicide. That paper was prepared in response to feedback from a ministerial adviser. No substantive response was provided.
39. Taken together, the record indicates that ANVAM's proposal was not tested against the Commonwealth's own stated criteria, comparable program models, or current Defence strategic priorities.

6. Ministerial Advice Contained Material Inaccuracies

This section addresses term of reference 2 and provides the factual basis for the procedural fairness issue discussed later.

40. The FOI material covering the period 2019 to 2024 reveals a recurring pattern: ministers were provided with advice about ANVAM's proposal that was materially inaccurate or incomplete in important respects.
41. ANVAM's initial FOI request was narrowed after it was said too many documents had been identified. Only one document was initially released. ANVAM then sought review through the Information Commissioner, after which nine documents, all ministerial briefings, were provided.

42. **The vacancy date.** The first recurring inaccuracy concerned the vacancy date. Ministerial briefs repeatedly described the building as vacant since “the late 1990s”. In fact, the building has been vacant since December 1995, when the Maintenance Engineering Agency relocated. That date was confirmed at Senate Estimates on 27 October 2021 and appeared in material attached to ministerial submissions, but the briefs were not corrected.
43. **The 'declined offers' characterisation.** The second recurring inaccuracy concerned “declined offers”. Briefs stated that ANVAM had '*declined Defence's offers of alternative fit-for-use accommodation.*', even though Defence executed a licence agreement with ANVAM on 8 May 2020 and ANVAM accepted and occupied the offered space. Some of the same briefs also acknowledged ANVAM's occupation of space within Victoria Barracks Melbourne. This is not an ambiguity. It is a direct internal contradiction, across multiple briefs, for more than two years after the characterisation was factually superseded.
44. **The 'very specific arts therapy activities' characterisation.** The third mischaracterisation concerned the scope of ANVAM's proposal. Defence's December 2019 options analysis described ANVAM as providing '*very specific arts therapy activities*' and treated proposals involving ANVAM as presenting '*significant*' strategic risk. By June 2020, ANVAM's concept design, prepared by ARM Architecture, described a comprehensive national cultural institution encompassing a main gallery, six small galleries, artist-in-residence facilities, four studios, a performing arts space, cafe, retail, museum store, and partnerships with major arts, research and educational institutions. That design was provided to Defence. The Productivity Commission's 2019 final report on veterans' support cited ANVAM by name and found arts-based engagement '*could be particularly important for the large and growing proportion of rehabilitating veterans with mental illness*'.
45. **The 'exclusive use' characterisation.** The fourth mischaracterisation concerned “exclusive use”. In August 2024, ANVAM's proposal was described as one that '*would prevent the use of the facility by other Defence-related community groups*'. That was inconsistent with ANVAM's documented model and with the government's own single-lead organisation approach to veterans hubs.
46. **The 'nil consultation' characterisation and the capability paper.** The fifth mischaracterisation concerned consultation. A ministerial brief prepared for a site visit in October 2022 recorded consultation as “nil”, notwithstanding that ANVAM had provided a formal capability paper two months earlier, at the request of a relevant Defence official, together with letters of support from external organisations and stakeholders.
47. These are not isolated drafting slips. Across multiple briefs over several years, ministers were given a picture of ANVAM's proposal that was narrower, less developed, and more problematic than the underlying record supports.
48. A decision-maker who was not told of the section 122 mechanism, who was told ANVAM had declined accommodation it was occupying, who was told the proposal was narrow arts therapy, and who was told exclusive use was proposed where ANVAM's documentation confirmed otherwise, was not operating with a complete or accurate factual basis.
49. The same pattern is visible in the final phase before the disposal announcement. Following the release of the Royal Commission's final report, ministerial correspondence deferred further consideration of ANVAM's proposal until the audit outcome was settled and indicated that veteran and community use would be considered thereafter. ANVAM responded with a detailed submission aligned to the *National Defence Strategy* and the Royal Commission recommendations. The government later adopted the December 2023 audit recommendation unchanged. There is no public evidence that the foreshadowed consideration of ANVAM's detailed proposal occurred before the disposal announcement.

7. The Heritage Assessment Is Incomplete

This section addresses term of reference 5 and examines whether the heritage significance of the property has been adequately identified and protected within the disposal process.

50. The Commonwealth Heritage List entry for the Victoria Barracks precinct records the former clinic under five criteria: A (historic processes), D (characteristic values), E (aesthetic characteristics), F (technical achievement), and H (significant people), but records no identified social value under Criterion G.
51. Heritage Victoria’s Statement of Significance of 19 May 2017 reached a different conclusion, finding that the clinic *‘retains a strong association with present day veterans.’* Heritage Victoria also recommended to the Heritage Council of Victoria that the building be listed on the Victorian Heritage Register with Criterion G social values identified. That recommendation remains pending.
52. Defence’s most recent commissioned heritage work, the Lovell Chen feasibility study completed in June 2022, reproduced the Commonwealth entry including the absence of Criterion G, but did not engage with Heritage Victoria’s 2017 finding. Later ministerial advice also appears to have misdescribed the heritage significance of the building by attributing the Commonwealth listing to prior association with veterans, when the relevant social value was precisely the criterion not recognised in that listing.
53. This gap matters legally. Section 341ZC of the EPBC Act prohibits a Commonwealth agency from taking an action that has a significant adverse impact on the heritage values of a Commonwealth Heritage Place unless there is no feasible and prudent alternative and all mitigation measures have been taken. ANVAM’s trusteeship proposal is, at minimum, an alternative that maintains Commonwealth ownership and reactivates the site for its original purpose consistent with its history and community significance.
54. Section 341ZE also bears on the conditions of any sale or lease. There is no clear indication in the available record that those obligations have been fully evaluated in relation to the disposal now proposed.
55. The property also sits immediately adjacent to the *Domain Parkland and Memorial Precinct*, which is on the National Heritage List. Actions that may significantly affect the values of an adjacent National Heritage-listed place may engage sections 15B and 15C of the EPBC Act. Those issues have not been clearly addressed.
56. No disposal decision for this site can be regarded as soundly based until the Criterion G issue has been resolved and the EPBC implications independently assessed. A disposal decision made without that work presents legal and administrative risk that remains avoidable at this stage.

8. The Audit, Its Aftermath, and the Current Process

This section addresses term of reference 6 and considers the audit process together with the period between completion of the audit and the public disposal decision.

57. The Independent Defence Estate Audit was completed in December 2023. The government’s response was not released until 4 February 2026. In the intervening period, three major policy developments occurred: the *National Defence Strategy* in April 2024, the Royal Commission into Defence and Veteran Suicide final report in September 2024, and the *Defence Workforce Plan* in November 2024.
58. Each of those developments bears directly on the case for a veterans and families arts and cultural institution at 310 St Kilda Road. None was before the audit when its recommendation was made. Yet the recommendation appears to have been adopted without public evidence of reassessment against those subsequent developments.
59. During the same period, a specific funding opportunity arose and passed. In July 2024, the urban Precincts and Partnerships Program offered funding of up to 100 per cent of eligible project costs. ANVAM assessed that program as capable of funding the complete remediation of the building and sought a conditional trusteeship commitment from government that would have enabled an application. The ministerial response said the audit remained under consideration, notwithstanding that the audit had already been completed months earlier, and yet appeared unwilling to entertain new information. The grant opportunity lapsed.

60. ANVAM later submitted a formal Alternative Use Proposal to the Department of Finance in December 2025, updated it in February 2026, met the Minister for Finance, and received confirmation in March 2026 that the proposal would be included in the divestment strategy for consideration and that a Defence working group would be established to explore next steps.
61. That later engagement is constructive and material. It also indicates that the process remains open. The divestment strategy has not been finalised, heritage due diligence is incomplete, and the Criterion G and EPBC issues remain unresolved. The Committee is therefore considering this matter at a point where corrective action remains possible.

9. What Has Been Lost: The Cost of Inaction

This section addresses terms of reference 1, 5 and 8 by documenting what has not occurred while the building has remained vacant.

62. 310 St Kilda Road has been vacant for thirty years. During that time, the national policy environment has repeatedly identified the need for precisely the kinds of functions ANVAM proposes.
63. The *National Defence Strategy* states that people are Defence’s most important asset and that recruitment and retention systems must be transformed. ANVAM’s proposal maps to Defence priorities including recruitment, retention, culture, wellbeing, families, transition, resilience and civil-military engagement, and cultural diplomacy.
64. The *Defence and Veterans’ Mental Health and Wellbeing Strategy 2025–2030* and the Royal Commission into Defence and Veteran Suicide similarly identify needs and recommendations that ANVAM’s proposal would directly support.
65. The *National Cultural Policy, Revive*, also supports arts and cultural infrastructure that is both preservative and generative, including arts and music therapy and wider social wellbeing outcomes. ANVAM’s proposal sits at the intersection of those commitments.
66. ANVAM has also mapped its proposal against the published outcomes of multiple Commonwealth departments and agencies. These include Defence, Veterans’ Affairs, Health, Industry, Infrastructure and the Arts, Social Services, Foreign Affairs and Trade, Climate Change and Environment (heritage) and Finance. Whether every claimed benefit is ultimately accepted is not the present point. The point is that no equivalent cross-government assessment appears to have been undertaken by Defence before recommending disposal.
67. ANVAM’s December 2025 Alternative Use Proposal included an economic impact model estimating annual benefits between \$9.8 million and \$34 million, including reduced health costs, productivity gains, tourism and cultural participation, and suicide prevention. ANVAM notes these figures would require independent validation. What remains notable is that no competing public analysis has been produced demonstrating that commercial disposal would deliver a superior net public outcome.
68. The consequences of inaction are therefore not abstract. They include a building continuing to deteriorate, programs not delivered, and a nationally significant veterans-connected site remaining inaccessible to the community most closely associated with it.

10. Procedural Fairness

This section raises a question the Committee is well placed to consider as a related matter within the inquiry.

69. Procedural fairness, or natural justice, is a fundamental principle of Australian administrative law. It requires that decisions affecting a person’s rights, interests or legitimate expectations be made on an accurate factual basis and with a genuine opportunity to be heard.
70. ANVAM has a direct and substantial interest in the decision concerning 310 St Kilda Road. That interest arises from thirteen years of formal engagement, repeated invitations to submit proposals,

substantial organisational investment in a viable use model, and the direct effect of the decision on the proposal it has consistently advanced.

71. In this case, the available record indicates that ministers were not briefed on a statutory mechanism directly applicable to the matter, were provided with advice containing material inaccuracies about ANVAM's proposal and made decisions without ANVAM being given an opportunity to respond to the adverse characterisations relied upon in that advice.
72. On that basis, there is a credible argument that the requirements of procedural fairness were not fully met.
73. The Committee may therefore wish to consider whether the process that produced the disposal recommendation met the standards expected under Australian administrative law, and what consequences should follow if it did not.

11. The Solution

This section addresses terms of reference 1, 2, 4, 5, 7 and 8 by identifying the available alternative and why, on ANVAM's case, it is superior to commercial disposal.

74. ANVAM's proposed outcome is straightforward. The Commonwealth would retain ownership of 310 St Kilda Road. ANVAM would be appointed trustee under section 122 of the LAA and would assume responsibility for remediation, management and operation of the site. Defence would be relieved of management obligations, financial exposure, remediation responsibility and associated liability. Administrative cost to the Commonwealth would be minimal.
75. ANVAM proposes to raise the required remediation funding, estimated at approximately \$15 to \$20 million, through a philanthropic campaign and other available sources. Its 2021 fundraising feasibility study reported full support among interviewed major donors and assessed a \$20 million target as achievable. Whatever view is taken of that campaign prospect, no public Defence analysis has been produced demonstrating that commercial disposal would deliver a superior overall financial, heritage and policy outcome.
76. The financial significance of this property to the broader audit program is limited. On the figures used in the submission, 310 St Kilda Road represents a very small proportion of the overall projected divestment revenue, less than one fifth of one percent. Removing it from the sale program would therefore have negligible impact on the audit's aggregate financial case.
77. By contrast, the legal and heritage risks associated with this site are relatively high. A flawed disposal decision here could have implications for other heritage-significant properties on the divestment list. Resolving 310 St Kilda Road through trusteeship may therefore reduce rather than increase wider program risk.
78. ANVAM's proposal does not require legislative invention. It requires the use of a mechanism Parliament has already provided. Defence has accepted community trust outcomes for former Defence land before. The pathway that produced those outcomes required local government involvement because it operated through the CPDP. Section 122 does not. It is the more direct and legally secure mechanism and the one that makes City of Melbourne participation unnecessary. Parliament provided this mechanism. It was not presented to ministers. That is what ANVAM is asking the Committee to address.
79. Commercial disposal, by comparison, carries unresolved heritage risk, potential EPBC litigation exposure, continuing public controversy, and the loss of an opportunity to return the site to a purpose aligned with its history and living community significance.
80. On the case advanced in this submission, trusteeship is the superior outcome on financial, legal, heritage and policy grounds. It also allows the Commonwealth to demonstrate that the statutory tools already available to it can be used to achieve better public outcomes than disposal to the market.
81. The Department of Finance is best placed to lead that outcome.

12. What the Committee Is Asked to Do

This section translates the issues identified in the submission into specific findings and recommendations for the Committee's consideration.

82. The findings and recommendations set out in full in Annex D are commended to the Committee, with particular attention to the following matters.

Regarding 310 St Kilda Road

83. The Committee is asked to acknowledge the strong and continuing social and cultural significance of 310 St Kilda Road to the Veteran Community, consistent with Heritage Victoria's 2017 Statement of Significance, and to note the unresolved Criterion G gap in the Commonwealth Heritage List as a matter of formal record.
84. The Committee is asked to recommend that the Government appoint ANVAM as trustee of 310 St Kilda Road under section 122 of the *Lands Acquisition Act 1989*.
85. The Committee is asked to recommend that the Department of Finance commission an independent heritage impact assessment before any disposal decision is finalised, including assessment of the Criterion G issue, EPBC obligations under sections 341ZC and 341ZE, and the impact on the adjacent National Heritage Listed Domain Parkland and Memorial Precinct.
86. The Committee is asked to recommend that disposal of Commonwealth Heritage-listed properties, particularly those with identified community-use potential, be led by the Department of Finance from the outset.

Regarding procedural fairness

87. The Committee is asked to examine whether procedural fairness was afforded in the process that produced the disposal recommendation, including whether ANVAM's rights, interests and legitimate expectations as a directly affected party were adequately protected in light of the documented inaccuracies and omissions in ministerial advice.
88. The Committee is also asked to note that the available documentary record indicates that advice provided to successive ministers regarding ANVAM's proposal was incomplete in law and inaccurate in material respects, and that ANVAM, and in turn the Veteran Community, has been adversely affected by that process.

Regarding the legislative and policy framework

89. The Committee is asked to recommend that the CPDP be amended to refer expressly to section 122 of the LAA and section 66 of the PGPA Act as available mechanisms, with guidance on when each should be considered, and that policy restrictions not grounded in statute be reviewed.
90. The Committee is asked to recommend that the CPDP require, before disposal of any Commonwealth Heritage-listed property, an independent heritage assessment addressing all relevant criteria including Criterion G social value, EPBC implications, and the proximity of any National Heritage-listed place.
91. The Committee is asked to recommend that the CPDP, and any successor instrument, be tabled in Parliament and made subject to a review mechanism comparable to that applying to legislative instruments, with periodic parliamentary review of its consistency with the statutory framework.

A closing observation

92. The building at 310 St Kilda Road has been vacant for thirty years. For thirteen of those years, a small volunteer-led charity has advanced the only proposal that would return the building to a purpose aligned with the one for which it was built.
93. The legal mechanism to achieve that outcome exists in statute. Parliament provided it. In this case, it was not used and, for a significant period, it was not brought properly before ministers.

94. The cost of that failure has fallen on the Veteran Community and on a building that was built to serve them. The remedy is available, lawful and, on the case advanced in this submission, superior to the proposed alternative on every measure. ANVAM respectfully asks the Committee to recommend it.

Annexes to this submission:

- Annex A: Chronological Timeline of Key Events, 1937–2026
- Annex B: Background and Evidentiary Record
- Annex C: Findings
- Annex D: Full Recommendations and References

REFERENCES

Full references are set out in Annex D. Key documents cited in this submission:

- A. MS19-002461 — Options Analysis for 310 St Kilda Road, 5 December 2019 / actioned 6 January 2020.
- B. MB21-001224 — Ministerial Brief, Options Paper for Minister for Defence Industry, 28 September 2021.
- C. MB21-001597 — Ministerial Brief, Feasibility of Defence-funded refurbishment, 10 December 2021.
- D. MB22-000324 — Event Brief, AMINDEF visit to Victoria Barracks, 17 March 2022.
- E. MB22-000590 — Ministerial Background Brief, ANVAM meeting request, 21 July 2022.
- F. MB22-000773 — Ministerial Background Brief for Deputy Prime Minister, 7 September 2022.
- G. MB22-000896 — Event Brief, Minister Thistlethwaite site visit, 13 October 2022.
- H. MB23-000778 — Ministerial Meeting Brief, ANVAM proposal for trusteeship, 15 November 2023.
- I. MB24-000489 — Ministerial Brief for Action, 30 August 2024, including Minister Conroy's signed response to ANVAM, 10 September 2024.
- J. MC19-001994 — Minister Price to Minister Hunt, 10 December 2019.
- K. MC24-002687 — Minister Conroy to ANVAM, 6 November 2024.
- L. Lovell Chen Pty Ltd, Former Victorian Barracks Repatriation Commission Outpatient Clinic Feasibility, June 2022. Defence FOI 189/22/23.
- M. ARM Architecture, ANVAM Concept Design Report, Job No. 1330, June 2020.
- N. Heritage Victoria, Statement of Significance, Former Repatriation Commission Outpatients Clinic, 19 May 2017.
- O. Commonwealth Heritage List, Victoria Barracks Precinct, Place ID 105232.
- P. National Heritage List, Domain Parkland and Memorial Precinct, February 2017 (emergency listing).
- Q. ANVAM, Enhancing ADF Capability through an Arts and Cultural Institution — 310 St Kilda Road, v1.0, 9 August 2022. Ref: JJ/KK.
- R. ANVAM, National Defence Strategy Support paper, 20 November 2024. Ref: CH24-0037.
- S. ANVAM, Alternative Use Proposal to Minister for Finance, 17 December 2025. Ref: CH25-0024.
- T. Department of Finance to ANVAM, 10 March 2026. Ref: MC26-000488.
- U. ANVAM, Submission to the Department of Finance, Land Acquisition Act 1989 Review Consultation, May 2020.
- V. ANVAM, Submission 11 to SFADT Committee, Australian Veterans' Recognition Bill inquiry, 6 March 2019.
- W. Productivity Commission, A Better Way to Support Veterans, Final Report, 2019, Box 6.13, page 274.
- X. Secretary Glynn Davis AC, Department of PM&C, to ANVAM, 16 January 2024.
- Y. Lord Mayor Sally Capp, City of Melbourne, formal commitment letter, 24 April 2020.
- Z. DGB Group, ANVAM Stage 1 Fundraising Feasibility Study, 23 September 2021.
- AA. ANVAM Business Plan, Version 1.0, 16 October 2023.
- BB. National Defence Strategy 2024, Department of Defence.
- CC. Royal Commission into Defence and Veteran Suicide, Final Report, 9 September 2024.
- DD. Defence Workforce Plan 2024, Department of Defence.
- EE. Sydney Harbour Federation Trust Act 2001 (Cth).
- FF. *Kioa v West* (1985) 159 CLR 550.
- GG. *Minister for Aboriginal Affairs v Peko-Wallsend Ltd* (1986) 162 CLR 24.
- HH. Senate FADT Legislation and References Committee, Estimates hearings on 310 St Kilda Road: 1 March 2017 (Hinch), 29 May 2017 (Gallacher), 17 Nov 2017 (Farrell QoN), 25 Nov 2017 (Gallacher), 28 Feb 2018 (Kitching), 30 May 2018 (Gallacher and Kitching), 24 Nov 2018 (Gallacher QoN), 23 Oct 2019 (Van QoN 80; Kitching QoN 95), 27 Oct 2021 (Van), 16 Feb 2022 (Van), 17 Feb 2022 (Van), 1 Apr 2022 (Van), 9 Nov 2022 (Van), 9 Oct 2025 (Shoebridge).
- II. Senate Standing Committee on Foreign Affairs, Defence and Trade, Inquiry into the disposal of Defence properties, Report, September 2001 (para 6.18).
- JJ. MC15-000767 — Parliamentary Secretary the Hon Darren Chester MP to ANVAM, 4 June 2015.
- KK. MC15-002149 — Parliamentary Secretary the Hon Darren Chester MP to ANVAM, 5 August 2015.
- LL. MA16-000474 — Assistant Minister the Hon Michael McCormack MP to ANVAM, 5 May 2016.

- MM. MC16-001982 — Acting Assistant Secretary Property Management to ANVAM, 17 June 2016. Finance advice on section 122.
- NN. MC16-003092 — Minister the Hon Dan Tehan MP to the Hon Sarah Henderson MP, 13 November 2016.
- OO. MC18-027296 — Minister for Health the Hon Greg Hunt MP to ANVAM, 4 April 2019.
- PP. MB19-000470 — Assistant Minister Senator the Hon David Fawcett, direction to progress open market sale, 20 March 2019.
- QQ. MC19-000957 — Assistant Minister Senator the Hon David Fawcett to ANVAM, 5 April 2019.
- RR. MC19-002328 — Minister the Hon Melissa Price MP to an ANVAM Board member, 1 December 2019.
- SS. MC19-002731 — Minister the Hon Melissa Price MP to the Hon Tim Bull MP, 9 December 2019.
- TT. MC22-001982 — First Assistant Secretary Infrastructure, Security and Estate Group, to ANVAM, 5 August 2022.
- UU. MC22-002293 — Assistant Minister the Hon Matt Thistlethwaite MP to the Hon Shaun Leane MP, 14 September 2022.
- VV. MC22-002484 — Assistant Minister the Hon Matt Thistlethwaite MP to ANVAM, 25 October 2022.
- WW. MB23-000778 — Assistant Minister the Hon Matt Thistlethwaite MP to ANVAM (signed letter), 21 November 2023.
- XX. MC24-000278 — Assistant Minister the Hon Matt Thistlethwaite MP to ANVAM, 6 February 2024.
- YY. MC25-001386 — Assistant Minister the Hon Peter Khalil MP to ANVAM, 3 July 2025.
- ZZ. ANVAM, letter to the Hon Dan Tehan MP, Minister for Defence Personnel, 21 November 2016. Re Veterans Support to Save 310 St Kilda Rd.

ANNEX A — CHRONOLOGICAL TIMELINE OF KEY EVENTS

310 St Kilda Road, Southbank — Former Repatriation Commission Outpatients Clinic

Australian National Veterans Arts Museum (ANVAM) | April 2026

Sources: Documents released under Defence FOI 1011/24/25 and FOI 189/22/23; ministerial correspondence; Senate Estimates Hansard and Questions on Notice; public records; ANVAM internal records.

Pre-History	
1936–37	Commonwealth constructs the Repatriation Commission Outpatients Clinic at 310 St Kilda Road — the first dedicated veterans outpatient facility in Australia's national repatriation system. Designed by George Hallandal, opened 15 November 1937.
1946–47	Extensions added to accommodate veterans of the Second World War. Neurosis clinic established — one of the first in Australia to treat what would today be recognised as post-traumatic stress.
1980	Repatriation Commission Outpatients Clinic closes. Defence assumes custodianship.
1993	Parliamentary Standing Committee on Public Works considers repurposing as Defence Health Care Centre at \$1.3 million. Not approved.
December 1995	Maintenance Engineering Agency (MEA) relocates to Defence Plaza, Bourke Street. Building has been vacant since this date — not 'the late 1990s' as stated in every ministerial brief from 2019–2024.
2001	<i>Sydney Harbour Federation Trust Act</i> passed for the management of several former Defence sites around Sydney Harbour.
27 September 2001	SENATE – Enquiry into Disposal of Defence Property “6.18 <i>Where a property has or is proposed to have a function associated with the military, such as a military museum or a cadet depot, the Australian Defence Organisation, including the new Defence Cadet Directorate (and not just DEO), should give special consideration to the continuation or commencement of such functions through priority or concessional sales.</i> ”
2004	Victoria Barracks precinct, including 310 St Kilda Road, listed on the Commonwealth Heritage List . Criterion G (social value) recorded as 'none identified.'
2004	<i>Point Nepean Community Trust</i> established as a transitional Commonwealth arrangement pending transfer of the former Defence site and quarantine station to Victoria
2007	<i>Jezzine Barracks Community Trust</i> established to manage the former Defence site in Townsville under trustee arrangement.
April 2011	Victoria Barracks Heritage Management Plan notes building in poor condition and identifies it as ideal for ' <i>a Public Museum outside of the site boundary.</i> '
2013	
Defence invites ANVAM founders to consider use for 310 St Kilda Road	
17 July 2013	ANVAM founders become aware of the vacant clinic. Base manager at Victoria Barracks invites ANVAM to propose ideas for the property's use.
August 2013	Initial engagement with Defence Support and Reform Group. Remediation cost of \$20m identified. Defence indicates any occupant would require financial backing and wherewithal.
September – November 2013	ANVAM makes three written submissions to Defence Estate, Assistant Minister for Defence (Hon Stuart Robert MP), and Chief of Defence Force (General David Hurley AC DSC).
7 October 2013	ANVAM writes to Assistant Minister for Defence the Hon Stuart Robert MP formally proposing the use of 310 St Kilda Road, identifying the building's history as the Repatriation Commission Outpatient Clinic, and anticipating the proposal will eventually require sign-off by the Minister for Finance. No written response received from Robert.
18 November 2013	Meeting with CDF General Hurley. Defence advises it cannot support a lease due to refurbishment costs of \$20m and lack of evidence in arts and health but encourages ANVAM to approach Government. ANVAM does so.
2014	
31 October 2014	Telecon with Defence Estate DepSec. ' <i>Defence offered the exclusive option for ANVAM to progress a transfer of the building subject to identifying a suitable entity at State or local government level.</i> '

2015	
Centenary of ANZAC Commences ANVAM incorporated 25 Apr 2015 310SKR declared surplus to Defence needs	
13 March 2015	ANVAM meets Minister for Defence Hon Kevin Andrews MP. Minister proposes a 99-year lease and requests staff follow up.
26 March 2015	Hon David Feeney MP delivers adjournment speech in the House of Representatives on the importance of 310 St Kilda Road to the Veteran Community.
28 March 2015	ANVAM meets Assistant Minister Hon Stuart Robert MP. Robert requests a brief Alternative Use Proposal.
25 April 2015	ANVAM incorporated as a Public Benevolent Institution and registered charity advancing Culture, Health and Security or Safety of Australia or Australian Public.
6 May 2015	310 St Kilda Road formally declared 'surplus to Defence requirements' and set for disposal. CPDP requires a site to be surplus to Commonwealth requirements before disposal.
2 June 2015	ANVAM writes to Assistant Minister Robert formally proposing lease of 310 St Kilda Road per the Hon Kevin Andrews' suggestion of 13 March 2015, attaching high-level lease proposal and Business Plan. Letter documents two years of broad consultation across vice-regal, government, Defence, ADF, DVA, veterans groups, arts institutions, philanthropists and business community. No written response received from Robert.
4 June 2015 (MC15-000767)	Parliamentary Secretary Hon Darren Chester MP responds formally. Offers interim premises within Victoria Barracks and building inspections. From this point the CPDP governs how Defence advises Government. Offers Defence to <i>"coordinate further investigations into the cost works for the building at 310 St Kilda Road, to help your planning for the refurbishment and assist by facilitating building inspections and other access to the building."</i>
5 June 2015	ANVAM submits first Alternative Use Proposal to Minister Robert and Secretary Chester per conversation of 28 March 2015.
5 August 2015 (MC15-002149)	Parliamentary Secretary the Hon Darren Chester MP responds to ANVAM advising the <i>"intent"</i> of the CPDP with respect to off-market sales. Flags 310's condition does not make it suitable for lease. Offer for space at VBM.
2016	
ALP announce election commitment for 310 St Kilda Road. ANVAM proposes LAA s.122 for first time	
28 April 2016	Defence nominates 310 St Kilda Road to the Victorian State Heritage Register.
5 May 2016	Assistant Minister Hon Michael McCormack MP agrees to Defence progressing open market sale.
25 May 2016	ANVAM writes to Assistant Minister McCormack formally proposing section 122 of the Lands Acquisition Act 1989 — the earliest documented instance of section 122 being named in formal ministerial correspondence. Letter describes the mechanism precisely: Governor-General declares property public land and appoints trustee, retaining Commonwealth ownership. Victorian Government confirms interest on the same day. Letter copied to the Hon Dan Tehan MP, Minister for Veterans Affairs.
17 June 2016	Australian Labor Party announces formal election policy commitment: \$10 million funding for ANVAM's proposal.
17 June 2016 (MC16-001982)	Defence responds to ANVAM's letter of 25 May 2016 during caretaker period. Advises Finance has been consulted on section 122 and found ANVAM's proposed use 'unlikely to be considered a relevant public purpose.' No independent legal advice obtained. This is the origin of the section 122 mischaracterisation that persists across all subsequent ministerial correspondence and briefs. Victorian Government invited to formally advise Defence of interest before open market process proceeds.
7 September 2016	Minister for Veterans Affairs the Hon Dan Tehan MP meets with a representative of the Defence Force Welfare Association, National President, in relation to ANVAM's proposal for 310 St Kilda Road.
13 November 2016 (MC16-003092)	Minister Tehan writes to the Hon Sarah Henderson MP in response to a constituent representation. Characterises ANVAM's proposal as a request for a gift — the earliest documented instance of this mischaracterisation in ministerial correspondence. ANVAM had proposed section 122 trusteeship in May 2016, which retains Commonwealth ownership and is not a gift. Note: listed as 16 November 2017 on some records; correct date is 13 November 2016 per reference MC16-003092.
21 November 2016	ANVAM writes to Minister Tehan ahead of December 2016 meeting. Letter quotes section 122 in full statutory text, explicitly rejects the gift characterisation, and confirms ANVAM has not sought Commonwealth funding. References the 25 May 2016 McCormack letter as prior correspondence proposing section 122.

9 December 2016	Minister for Defence Personnel Hon Dan Tehan MP meets ANVAM. Agreement to seek expression of interest from Victorian Government.
December 2016	Victorian Government offers to acquire subject to conditions. Defence advises offer inconsistent with CPDP.
2017 Repatriation Clinic turns 80 ANVAM's inaugural annual exhibition.	
1 March 2017	SENATE ESTIMATES — Senator Hinch (cross-bench): First ever Estimates appearance on 310 St Kilda Road. Defence acknowledges awareness of ANVAM's interest, and claim to suitable proposal received from ANVAM.
13 February 2017	<i>Melbourne's Domain Parkland and Memorial Precinct</i> entered on the National Heritage List. 310 St Kilda Road sits immediately adjacent.
19 May 2017	Heritage Victoria publishes Statement of Significance finding for Criterion G that clinic ' <i>retains a strong association with present day veterans.</i> ' Commonwealth Heritage List records Criterion G as 'none identified' — a gap that has never been addressed.
19 May 2017	Heritage Victoria recommends to Heritage Council of Victoria that 310 St Kilda Road be included on Victorian Heritage Register with Criterion G (social value) identified. Recommendation remains pending.
29 May 2017	SENATE ESTIMATES — Senator Gallacher (ALP): Status update. Defence: ' <i>The ball is very much in the court of the Victorian government.</i> ' & ' <i>310 St Kilda Road has not been used by the Department of Defence for some considerable time.</i> '
15 November 2017	Senate Motion 563 by Senator Hinch on 80th anniversary of the Repatriation Clinic.
17 November 2017	SENATE ESTIMATES — Senator Farrell (ALP): Question on Notice.
25 November 2017	SENATE ESTIMATES — Senator Gallacher (ALP): Defence confirms Victorian Government engagement ongoing.
2018 ANVAM Exhibitions – 2 nd Annual March to Art Exhibition From War (APH) International Veterans Art Exhibition (Syd)	
28 February 2018	SENATE ESTIMATES — Senator Kitching (ALP): Defence awaiting Victorian Government response.
30 May 2018	SENATE ESTIMATES — Senators Gallacher and Kitching (ALP): Defence states situation ' <i>unchanged since we last met.</i> ' Defence declines to disclose financial data.
November 2018	JLL market valuation: as-is value \$4.05 million.
24 November 2018	SENATE ESTIMATES — Senator Gallacher (ALP): QoN. Defence declines to disclose remediation cost estimates.
9 November 2018 – 3 February 2019	ANVAM's <i>From War</i> exhibition — first exhibition of Veterans' Art at Parliament House. Prime Minister Morrison provides formal written message.
2019 ALP new election commitment for 310 St Kilda Road.	
4 February 2019	Victorian Government confirms it cannot develop a CPDP-compliant proposal. Second off-market sale attempt fails.
28 February 2019	ANVAM submits to the Productivity Commission inquiry into compensation and rehabilitation for veterans. (19 July 2019) Commission final report cites ANVAM by name (Box 6.13, page 274), finding arts therapy and facilitated arts engagement ' <i>could be particularly important for the large and growing proportion of rehabilitating veterans with mental illness.</i> '
6 March 2019	SENATE — ANVAM Submission 11 to SFADT Committee inquiry into Australian Veterans' Recognition Bill 2019. First time section 122 trusteeship is formally proposed to this Committee.
12 March 2019 (MB19-000470)	Assistant Minister Fawcett approves Defence to progress open market sale.
20 March 2019	Senator Fawcett instructs Defence to progress open market sale.
25 March 2019	MEDIA — Minister for Veterans Affairs Hon Darren Chester MP, ABC Radio Melbourne: ' <i>supportive of the initiative</i> ' but unaware of the decision to sell despite his ministerial appointment.
28 March 2019	Senator Fawcett reverses open market sale decision following news of Melbourne City Council interest.
March 2019 (MB19-000470)	Senator Fawcett writes to ANVAM. Advises gifting not permissible under CPDP. Letter incorrectly names ANVAM as ' <i>Australian National Vietnam Veterans Museum.</i> '

	Note: Gifting of Property is permissible under the PGPA Act section 66.
16 April 2019	All three Macnamara candidates (ALP, Liberal, Greens) publicly endorse ANVAM's initiative at community forum.
4 April 2019 (MC18-027296)	Minister for Health the Hon Greg Hunt MP writes to ANVAM in response to ANVAM's letter of 12 December 2018. Commends ANVAM's work on veterans' mental health and wellbeing. Advises no Health funding available. Refers matter to Senator Fawcett and writes to Fawcett directly. Hunt was therefore personally familiar with ANVAM's proposal and its merits before Minister Price wrote to him in December 2019.
5 April 2019 (MC19-000957)	Assistant Minister Senator the Hon David Fawcett writes to ANVAM confirming he has personally discussed the off-market sale opportunity with Lord Mayor the Right Honourable Sally Capp and has instructed Defence to engage with the City of Melbourne to explore an off-market sale in accordance with the CPDP. Commits that any sale process will provide for protection of heritage values including the historic use for rehabilitation of veterans.
29 July 2019	Governor-General Hon David Hurley AC DSC writes to Minister for Defence Reynolds seeking support to retain site in Commonwealth ownership and to assign ANVAM as Trustee. Section 122 LAA is the mechanism the Governor-General would have exercised.
18 October 2019	Minister Reynolds advises the Governor-General the site will be sold in accordance with the CPDP. Section 122 not assessed.
23 October 2019	SENATE ESTIMATES — Senator Van (Coalition) QoN 80 and Senator Kitching (ALP) QoN 95. Defence states it has 'explored' trusteeship and concluded it 'does not accord with this intent.' The December 2019 Options Analysis, prepared the following month, does not list section 122 among nine options. Defence also states ANVAM has 'declined' accommodation offers — superseded seven months later.
1 December 2019 (MC19-002328)	Minister Price writes to an ANVAM Board member in response to his letter of 21 August 2019 to Minister Chester. Contains the Government's most complete statement of its position on section 122: that it is limited to transitional management for open space or national park as part of an off-market sale to state or local government. None of these limitations appear in the Act. Confirms City of Melbourne's renewed interest in off-market sale is being actively explored.
5 December 2019 (MS19-002461)	Defence Options Analysis completed. Nine options assessed. Section 122 absent. ANVAM described as providing ' <i>very specific arts therapy activities</i> .' contrary to Productivity Commission final report. Options involving ANVAM rated ' <i>significant</i> ' strategic risk.
9 December 2019 (MC19-002731)	Minister Price writes to Victorian Shadow Minister for Veterans Affairs the Hon Tim Bull MP. Substantively identical to MC19-001994. Same Finance and DVA advice cited. Same declined offer characterisation. Section 122 paragraphs omitted.
2020	ARM Architecture develop Concept Design
May 2020	ANVAM makes formal submission to Department of Finance consultation on the Land Acquisition Act 1989, identifying the absence of section 122 from the CPDP as a specific policy gap and proposing a reform framework. The gap remains unaddressed in 2026. Finance is now the lead agency for the disposal.
8 May 2020	Defence executes licence agreement with ANVAM for storage space at Victoria Barracks. ANVAM accepts and occupies. The ' <i>declined offers</i> ' characterisation in ministerial briefs is now factually superseded — but will persist until at least October 2022.
June 2020	ARM Architecture completes professional concept design for ANVAM at 310 St Kilda Road. Document placed in Defence's possession.
4 August 2020	Lord Mayor Sally Capp formally confirms City of Melbourne's intention to pursue off-market acquisition and provide ANVAM a long-term lease.
2021	Melbourne Council decline invitation for off-market sale
9–16 July 2021	Letters of support received from Southbank Residents Association, RSL Victoria, Dr Brendan Nelson AO (former AWM Director), Paul Wheelton AM, Phoenix Australia, Weary Dunlop Foundation, National Trust of Australia (Victoria), University of Melbourne, Air Force Association Victoria, DGB Group.
28 September 2021 (MB21-001224)	Ministerial brief to Minister for Defence Industry. Consultation: nil. Contains ' <i>declined offers</i> ' characterisation despite ANVAM occupying offered space since May 2020.
20 August 2021	Minister for Veterans' Affairs the Hon Darren Chester MP writes to ANVAM conveying message from Minister Price: City of Melbourne has sought extension to end of October 2021 to respond to off-market sale proposal. Price's appreciation for ANVAM's ongoing work conveyed.

27 October 2021	SENATE ESTIMATES — Senator Van (Coalition): Major live exchange. Defence confirms building last occupied December 1995, correcting the 'late 1990s' error in all ministerial briefs. Defence admits spending virtually nothing on maintenance in 26 years. Senator Van: <i>The amount of messing around from your office, the messing around of Melbourne City Council by your office, has caused them to walk away from this!</i>
29 October 2021	Lord Mayor Capp formally declines acquisition. Support was conditional on Commonwealth remediation funding that Defence refused to provide. Third off-market sale attempt fails.
10 December 2021 (MB21-001597)	Ministerial brief recommends ceasing divestment and exploring adaptive reuse. Consultation: nil.
November 2021	Secretary of Defence Greg Moriarty writes to ANVAM acknowledging ongoing interest and promising to keep ANVAM updated on options under consideration.
2022	310 St Kilda Road removed from 'surplus list'. Remediation works \$4.7m
10–14 February 2022	Defence contracts Lovell Chen to undertake adaptive reuse feasibility study.
16 February 2022	SENATE ESTIMATES — Senator Van (Coalition): Raises building ahead of formal hearing.
17 February 2022	Morrison Government announces 310 St Kilda Road removed from disposal list and Lovell Chen commissioned. ANVAM writes to Minister welcoming announcement. Senator Van tables ARM Architecture concept design at Senate Estimates. Defence apologises for failure to answer previous questions on notice.
22 February 2022	ANVAM meets Defence Security and Estate Group to discuss change since removal from surplus list, and engagement of heritage architects. Advised if a capability paper can show the link between create arts and ADF capability then that would assist justify ANVAM's proposal.
1 April 2022	SENATE ESTIMATES — Senator Van (Coalition): to Defence <i>'You did not cooperate. You did not consult. You did not work with those agencies.'</i>
May 2022	Albanese Labor Government elected. ALP had a formal 2016 policy commitment to support ANVAM's proposal. Incoming ministers not briefed about this commitment in any subsequent ministerial brief.
June 2022	Lovell Chen Feasibility Study completed. Recommends Option 3 (childcare, conference, offices) as highest and best use. Gallery/museum component included in Option 2 design but omitted from all subsequent ministerial briefs. Community consultation explicitly excluded from scope.
21 July 2022 (MB22-000590)	First Labor government ministerial brief recommends minister not meet ANVAM. No mention of ALP's 2016 commitment. Contains <i>'declined offers'</i> characterisation while confirming ANVAM currently occupies offered space.
9 August 2022	ANVAM provides formal capability paper requested by Defence Estate Group (22 Feb 2022); <i>'Enhancing ADF Capability through an Arts and Cultural Institution – 310 St Kilda Rd'</i> . Paper identifies LAA section 122 as applicable mechanism. Co-copied to President of ADF Creative Arts Association at Joint Health Command as proposed co/sub-tenant. Letters of support attached.
5 August 2022 (MC22-001982)	First Assistant Secretary Infrastructure, Security and Estate Group writes to ANVAM advising Lovell Chen feasibility study complete and preferred option identified: flexible meeting space for Defence with some areas available to Defence-related community organisations on a non-exclusive basis. Stakeholder engagement strategy promised. Gallery and museum use not mentioned.
7 September 2022 (MB22-000773)	Background brief for Deputy Prime Minister. Governor-General listed in sensitivities. Section 122 not mentioned.
20 September 2022	ANVAM writes to Senator Raff Ciccone concerning 310 St Kilda Road.
13 October 2022 (MB22-000896)	Minister Thistlethwaite site visit. Brief records consultation as 'nil' — two months after Defence received ANVAM's capability paper. Brief describes preferred option: <i>"Defence has identified a preferred re-use option that will provide flexible spaces for use primarily by Defence, with the intent for some areas to be available for use by Defence-related community organisations on a non-exclusive basis. The refurbishment will create a mix of useable space with areas suitable to support office functions, conferencing and other activities, such as seminars or exhibitions"</i> Description of functional areas are effectively per ANVAM's Concept Design of 2020. Gallery/museum component and ADFCAA co-sponsorship absent from brief.
14 September 2022 (MC22-002293)	Assistant Minister Thistlethwaite writes to the Hon Shaun Leane MP, Victorian Minister for Veterans, in response to Leane's letter of 31 August 2022 to Deputy Prime Minister Marles. Confirms preferred use as office accommodation. Names ANVAM specifically as a potential non-exclusive community user. Commits to keeping ANVAM informed. City of Melbourne's withdrawal characterised as declining an offer rather than withdrawing due to Defence's refusal to fund remediation.

5 October 2022	Southbank News: ' <i>An insult to veterans</i> ': Former repatriation clinic to be used for offices and meeting rooms.
25 October 2022 (MC22-002484)	Assistant Minister Thistlethwaite writes to ANVAM in response to ANVAM's correspondence to Senator Ciccone. States: 'Defence will retain 310 St Kilda Road.' Commits to keeping ANVAM informed. This is a signed ministerial commitment to retention — reversed by the disposal announcement of 4 February 2026.
9 November 2022	SENATE ESTIMATES — Senator Van (Coalition): Conference room recommendation challenged.
December 2022	Defence completes preservation works at a cost of \$4.7 million — exceeding as-is market value of \$4.05 million.
2023	National Cultural Policy 'Revive' – A story for every place, a place for every story Defence admit proposal 'has merits' ANVAM engages Defence Estate Audit
January 2023	Albanese Government releases <i>National Cultural Policy Revive</i> . Commits to pilot funding for arts therapy programs — precisely what ANVAM delivers. Government's own cultural policy and Defence's disposal direction point in opposite directions on the same building.
August 2023	Government commissions <i>Independent Defence Estate Audit</i> .
6 September 2023	ANVAM meets Minister Thistlethwaite at ANVAM's <i>ADF to V Creative Conversations</i> event, Parliament House.
30 October 2023	ANVAM resubmits formal proposal to Minister Thistlethwaite: business plan, fundraising feasibility study, ARM Architecture concept design.
15 November 2023 (MB23-000778)	Ministerial brief for Thistlethwaite meeting. First of nine briefs reviewed to acknowledge ANVAM proposal ' <i>has merits and is worthy of further Defence consideration</i> .' Jezzine Barracks acknowledged as ' <i>exemplar arrangement that could be applied</i> .' Section 122 still absent from legal framework despite being named in ANVAM's attached business plan.
21 November 2023 (MB23-000778)	Assistant Minister Thistlethwaite writes to ANVAM confirming ANVAM's trustee proposal 'will be further considered by Defence concurrent with the outcomes of the Defence Estate Audit.' Audit expected by December 2023. Letter carries same reference number as the ministerial brief. ANVAM's address at 312 St Kilda Road confirmed on face of letter — directly contradicting 'declined offers' characterisation.
14 December 2023	ANVAM meets Defence Estate Audit team. Presents case linking proposal to <i>Defence Strategic Review</i> .
18 December 2023	ANVAM provides audit team with written summary and briefing slides.
31 December 2023	<i>Independent Defence Estate Audit</i> delivered to Government.
2024	ANVAM major submission in response to policy changes in 2024
3 January 2024	ANVAM submits updated Capital Fundraising Feasibility Study to Assistant Minister Thistlethwaite.
16 January 2024	Secretary of PM&C Professor Glynn Davis AC writes to ANVAM: ' <i>critical role in the telling of veterans' stories... innovative thought in place-based partnerships, despite a long dialogue with the Department of Defence</i> .' Letter copied to Minister Keogh, Secretary Frame, Secretary Moriarty.
6 February 2024 (MC24-000278)	Assistant Minister Thistlethwaite writes to ANVAM acknowledging updated fundraising feasibility study and ANVAM's request for ownership transfer. Confirms Government has received audit and is considering recommendations. States: 'The future of the former repatriation clinic will be considered by the Government taking into account the recommendations of the estate audit and Defence's future capability priorities.' This is the third signed ministerial commitment to consider ANVAM's proposal alongside the audit.
April 2024	<i>National Defence Strategy</i> released. People capability and national resilience identified as core strategic priorities. Post-dates the Estate Audit.
July 2024	Government announces <i>urban Precincts and Partnerships Program</i> (uPPP) — up to 100% funding for eligible projects. ANVAM assesses as potentially fully funding remediation of 310 St Kilda Road.
8 August 2024	ANVAM writes to Deputy Prime Minister Marles seeking conditional commitment to trusteeship for uPPP application. Section 122 explicitly cited.
30 August 2024 (MB24-000489)	Action brief for Minister Conroy. Contains 'late 1990s' vacancy error (sixth occurrence across nine briefs). Section 122 absent. Describes ANVAM's proposal as ' <i>exclusive use</i> ' — inconsistent with documented public institution model.

9 September 2024	<i>Royal Commission into Defence and Veteran Suicide</i> delivers final report. Post-dates the Estate Audit.
10 September 2024 (MB24-000489)	Minister Conroy responds: <i>'The Government's consideration of the Defence Estate Audit remains ongoing.'</i> Audit had been complete for eight months. Letter drafted by Defence officials.
October 2024	Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation provides Letter of Support.
4 November 2024	ANVAM meet with Minister Conroy's office and Defence officials.
5 November 2024	<i>Defence Workforce Plan</i> released. Post-dates the Estate Audit.
6 November 2024 (MC24-002687)	Minister Conroy writes to ANVAM with an update on the Defence Estate Audit.
20 November 2024	ANVAM submits paper (Ref: CH24-0037) to Government, and to eleven ministerial and senior Defence recipients, mapping 26 direct NDS connections and 28 Royal Commission recommendations applicable to ANVAM's programs. Paper was prepared in direct response to feedback from a ministerial adviser. No substantive response received from any recipient.
uPPP 2024	Urban Precincts and Partnerships Program grant opportunity lapses. An opportunity to fully fund remediation at no direct cost to the Commonwealth is not pursued while Government defers to audit already complete.
2025	ANVAM submits Unsolicited Proposal & Alternative Use Proposal
June 2025	ANVAM submits Unsolicited Proposal to Government for 310 St Kilda Road. No response.
3 July 2025 (MC25-001386)	Assistant Minister Khalil writes to ANVAM. Generic response. Directs ANVAM to Department of Finance website.
August 2025	Shadow Minister Hon Darren Chester MP meets ANVAM. Expresses surprise ANVAM is not already operating from 310 St Kilda Road.
9 October 2025	SENATE ESTIMATES — Senator Shoebridge (Greens): Requests Defence's 2022 business case for 310 St Kilda Road be provided to the Committee. Not provided.
17 December 2025	ANVAM submits formal Alternative Use Proposal to Department of Finance linking initiative to 28 recommendations of the Royal Commission and 19 departmental outcomes across 12 Commonwealth departments and agencies. Potential economic benefit between \$9m-\$34m p.a.
2026	ALP Government confirm intent to sell 310 St Kilda Rd – 10 years after committing to its use for veterans arts and cultural institution
4 February 2026	Government releases response to Defence Estate Audit. Confirms 310 St Kilda Road will be disposed of.
16 February 2026	ANVAM updates Alternative Use Proposal with Supplementary Submission.
February 2026	Assistant Minister Khalil writes to ANVAM. Generic letter. No reference to twelve-year engagement, Alternative Use Proposal, ALP 2016 commitment, or section 122.
19 February 2026	ANVAM meets Minister for Finance Senator Gallagher. First direct ministerial meeting with the minister now responsible for disposal.
10 March 2026 (MC26-000488)	Department of Finance confirms ANVAM's Alternative Use Proposal will be included in divestment strategy. Notes Defence working group being established to explore next steps.
13 April 2026	ANVAM submits to the Senate Foreign Affairs, Defence and Trade References Committee inquiry into Management of Defence Estate Assets.

ANNEX B — BACKGROUND AND EVIDENTIARY RECORD

The Site — Significance, Heritage and Community Connection

History and Purpose

1. The former Repatriation Commission Outpatient Clinic at 310 St Kilda Road was designed in 1936 by Commonwealth architect George Hallandal and opened on 15 November 1937. It was built to replace an earlier facility that had become inadequate, to meet the growing demand for outpatient medical services from veterans of the First World War who were aging and presenting with increasing complexity of need. An extension was added in 1946–47 to accommodate veterans of the Second World War. The building served veterans of every Australian military campaign from the Sudan (1885) to Vietnam.
2. At its peak, up to 340 veterans attended the clinic each day. The Red Cross maintained a canteen where up to 250 veterans were served daily by volunteers. The clinic provided general practice, pharmacy, physiotherapy, massage, a dispensary, an operating theatre, and significantly a neurosis clinic for the treatment of what may today be recognised as post-traumatic stress. The arts and crafts were used as a treatment modality from the clinic's earliest days; exhibitions of work by veterans recovering from war neurosis were held as far afield as Palestine during the Second World War.
3. The clinic operated until 1980, when the Repatriation Commission relocated. The building was subsequently used by the Maintenance Engineering Agency of the Department of Defence from 1982 until December 1995. The building has been vacant since that date. It was the first, and is the last remaining, Commonwealth-built outpatient facility constructed specifically for the care of returned service personnel.

Heritage Recognition

4. The former clinic is Commonwealth Heritage Listed as part of the Victoria Barracks precinct (Place ID 105232) under the Environment Protection and Biodiversity Conservation Act 1999 (Cth). The Commonwealth Heritage List recognises the place under Criterion A (historic processes), Criterion D (characteristic values), Criterion E (aesthetic characteristics), Criterion F (technical achievement) and Criterion H (significant people). Under Criterion G (social value), the listing records 'none identified.'
5. In April 2016, Defence nominated the property to the Victorian State Heritage Register. The nomination was assessed by Heritage Victoria. In its Statement of Significance, dated 19 May 2017, Heritage Victoria found that the clinic *'retains a strong association with present day veterans.'* Heritage Victoria also recommended to the Heritage Council of Victoria that the building be included on the Victorian Heritage Register with Criterion G social values identified. That recommendation remains pending.
6. The clinic sits immediately adjacent to Melbourne's *Domain Parkland and Memorial Precinct*, which was entered on the National Heritage List under emergency listing provisions in February 2017. The National Heritage List is the highest domestic heritage recognition in Australia.

Community and Institutional Support

7. In 2017 ANVAM was able to gain the support of more than 13,400 people in a petition to save 310 St Kilda Road. By mid-2021 ANVAM had secured letters of formal support from the following organisations and individuals, all of which were provided to a Defence official in August 2022 with the capability paper prepared at Defence's request:
 - The serving Governor-General, His Excellency General the Honourable David Hurley AC DSC, and Mrs Linda Hurley, as Joint Patrons-in-Chief
 - Dr Brendan Nelson AO, Director of the Australian War Memorial 2012–2019
 - RSL Victoria (Dr Robert Webster OAM, State President)
 - Southbank Residents Association (Tony Penna, President)
 - Paul Wheelton AM KGSJ, Wheelton Philanthropy
 - DGB Group (Peter Dalton CFRE FFIA, Director)
 - Phoenix Australia Centre for Posttraumatic Mental Health (Janine Kirk AO, Chair)
 - Weary Dunlop Foundation (Mike O'Meara OAM, Chair)
 - National Trust of Australia (Victoria) (Simon Ambrose, CEO)

- Professor Su Baker AM, Pro-Vice Chancellor Community and Cultural Partnerships, University of Melbourne / Victorian College of the Arts
- Air Force Association Victoria (Max McGregor, President)
- Connie Boglis, counsellor, author, President of Labor for Veterans and Families
- Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation (October 2024)

8. The proposal also received a formal commitment letter from former Lord Mayor Sally Capp, City of Melbourne, dated 24 April 2020, confirming Council's intention to pursue an off-market acquisition and provide ANVAM a long-term lease. The former Victorian Minister for Veterans, the Hon Shaun Leane MP, wrote in June 2021 formally endorsing the proposal and offering an exhibition at the Parliament of Victoria. In January 2024, former Secretary of the Department of PM&C, Professor Glynn Davis AC, wrote to ANVAM describing its work as *'innovative thought in place-based partnerships, despite a long dialogue with the Department of Defence.'*

Policy and Assessment Failures

The Incomplete Legal Framework

9. The Commonwealth Property Disposal Policy (CPDP) does not reference section 122 of the Lands Acquisition Act 1989. Section 122 provides that the Governor-General may, by Proclamation, declare Commonwealth land held upon trust and appoint a person or body as trustee. This mechanism maintains Commonwealth ownership. It is not a gift. No disposal occurs. Parliament expressly authorised it.
10. Defence's November 2023 ministerial brief (MB23-000778) cited the Jezzine Barracks outcome in Townsville as an *"exemplar arrangement"* applicable to 310 St Kilda Road. The brief's description of that arrangement is internally inconsistent — describing it in one place as a gift of land to Townsville City Council as trustees, and in another as a Trust Deed held by Defence. Those characterisations are legally incompatible. A gift transfers beneficial ownership; a trustee holds without it. The brief does not resolve this inconsistency. Whatever the correct characterisation of the Jezzine arrangement, it required local government involvement, and the brief concluded from this that City of Melbourne participation would be necessary for any equivalent arrangement at 310 St Kilda Road. Section 122 makes that conclusion wrong. No title transfer occurs. No local government is required. The CPDP does not apply. The brief conflated the Jezzine outcome — whatever its mechanism — with the separate and more direct statutory pathway Parliament provided in s.122, and did not present that pathway to the minister.
11. Across nine ministerial briefs spanning five years, December 2019 to August 2024, section 122 was never mentioned. The CPDP was consistently presented as the exclusive framework. ANVAM cited section 122 in formal correspondence from at least 2016. The Governor-General personally wrote to the Minister for Defence in July 2019 advocating for section 122 trusteeship and received a response that did not assess the mechanism. In August 2022, ANVAM provided a capability paper to a Defence official at that official's own request, naming section 122 as the applicable mechanism, and two months later, the ministerial brief for Minister Thistlethwaite's site visit recorded consultation as 'nil.'
12. The CPDP has been amended at least ten times between 2014 and 2024 without a published change log. It includes methods of disposal, off-market sales, concessional sales, land swaps, not provided for in any legislation. The restriction of off-market sales to state and local governments is a CPDP policy constraint, not a statutory one. The Lands Acquisition Act 1989 contains no such restriction.

The Heritage Assessment Gap

13. The Commonwealth Heritage List entry records Criterion G (social value) as 'none identified.' Heritage Victoria's 2017 Statement of Significance found the opposite. The Lovell Chen Feasibility Study (2022), the most recent Defence-commissioned heritage assessment, reproduced the Commonwealth Heritage List entry without engaging with Heritage Victoria's contrary finding, despite post-dating it by five years.
14. Section 341ZC of the EPBC Act prohibits a Commonwealth agency from taking an action with a significant adverse impact on Commonwealth Heritage values unless there is no feasible and prudent alternative and all mitigation measures have been taken. ANVAM's trusteeship proposal is a feasible and prudent alternative. The Criterion G gap means it has not been assessed as such. Section 341ZE requires comprehensive due diligence including heritage assessment before disposal proceeds. These obligations have not been evaluated in the context of the disposal decision.

The Characterisation of ANVAM's Proposal

15. Documents obtained under Freedom of Information reveal a persistent pattern of inaccurate characterisation in ministerial briefs across five years and two governments:

Declined offers: Briefs from at least July 2022 through October 2022 stated ANVAM had 'declined Defence's offers of alternative accommodation.' Defence executed a licence agreement with ANVAM on 8 May 2020. ANVAM accepted and occupied the offered space. The same briefs confirm this in the same document. The characterisation was never corrected.

Very specific arts therapy activities: The December 2019 Options Analysis used this characterisation to rate options involving ANVAM as 'significant' strategic risk. In the same year, the Productivity Commission independently cited ANVAM by name in its final report on veterans' support, finding arts-based engagement 'could be particularly important for the large and growing proportion of rehabilitating veterans with mental illness.' ANVAM's November 2024 paper mapped 26 NDS connections and 28 Royal Commission recommendations to ANVAM's programs. It received no substantive response.

Exclusive use: The August 2024 brief characterised ANVAM's proposal as precluding use by other groups. ANVAM's documented model is explicitly a public institution open to all. The DVA Veterans and Families Hubs program — funded by the same Government — operates on the identical single-lead-organisation model across nine locations nationally.

Late 1990s vacancy: Every substantive brief from 2019 to 2024 described the building as vacant 'since the late 1990s.' The correct date is December 1995. Confirmed at Senate Estimates October 2021 by Defence's own First Assistant Secretary Infrastructure. Never corrected.

Nil consultation: The October 2022 site visit brief recorded consultation as 'nil.' Two months earlier, ANVAM had provided a formal capability paper at Defence's own request to a named Defence official, accompanied by letters of support, naming section 122 as the applicable mechanism.

The Lovell Chen Study

16. The Lovell Chen Feasibility Study (June 2022, Defence FOI 189/22/23) was commissioned by Defence in February 2022 following the Morrison Government's announcement that the site had been removed from the disposal list. The scope directed Lovell Chen toward 'conference centre, training rooms, secure tender rooms, childcare centre, multi-use facility.' Gallery or museum use was not in the examples. Community consultation was explicitly excluded. Lovell Chen was not provided with ANVAM's ARM Architecture concept design, which was in Defence's possession and had been tabled at Senate Estimates two weeks after Lovell Chen was contracted.
17. Lovell Chen recommended Option 3 (childcare, conference and offices) as highest and best use. Defence adopted Option 2 (conference centre) — the option Lovell Chen did not recommend. Option 2 as designed by Lovell Chen included a gallery/museum component on the ground floor and first floor. This component was absent from every subsequent ministerial brief describing Option 2 to ministers. Cost plans remain redacted under section 47G.

Financial Considerations

18. The November 2018 JLL market valuation estimated the property's as-is value at \$4.05 million. Defence completed initial preservation and site preparation works in December 2022 at a cost of \$4.7 million, confirmed in ministerial brief MB23-000778.
19. ANVAM's model absorbs remediation costs through philanthropy and other sources. Its 2021 Fundraising Feasibility Study (DGB Group) found 100% support among major donors and assessed a \$20 million campaign target as achievable. The business plan (October 2023) models \$2.6 million Year 1 revenue, 107,000–133,000 annual visitors, and a positive operating surplus from Year 1.
20. In July 2024, the Government announced the urban Precincts and Partnerships Program (uPPP), offering up to 100% funding. ANVAM wrote to the Deputy Prime Minister in August 2024 seeking a conditional commitment. The minister's September 2024 response deferred to the audit outcome — the audit had been complete for eight months. The grant subsequently lapsed. An opportunity to fully fund remediation at no direct cost to the Commonwealth was not pursued.
21. In November 2024, ANVAM submitted a paper identifying three options: trusteeship at negligible administrative cost; trusteeship plus funding at negligible administrative cost; or no change. The paper received no substantive response from any of eleven recipients.

The Audit Validity Gap

22. The Independent Defence Estate Audit was completed December 2023 and delivered to Government. The Government's response was released 4 February 2026 — more than two years later. In the period between audit completion and the Government's response, the following significant developments occurred that were not before the audit when it made its findings:

17 April 2024: *National Defence Strategy* released — reframes Defence's people capability priorities and identifies national resilience as a core strategic objective.

- 9 September 2024:** *Royal Commission into Defence and Veteran Suicide* final report — recommendations directly relevant to Veteran Community infrastructure and wellbeing.
- 5 November 2024:** *Defence Workforce Plan* released — implications for infrastructure supporting Defence people capability.
- 20 November 2024:** ANVAM submitted comprehensive evidence to Government including updated business plan, fundraising feasibility study, and alignment with NDS objectives.

23. The Government adopted the audit's recommendation unchanged, two years after it was made, without publicly assessing it against any of these developments.

ANNEX C — FINDINGS

The following findings are drawn from the evidentiary record set out in Annex B and the full submission. Each is supported by documents obtained under Freedom of Information, Senate Estimates Hansard, and ANVAM's own documentary record.

FINDING 1

The legal mechanism Parliament expressly authorised for the appointment of a community trustee to manage Commonwealth land for a public purpose, section 122 of the Lands Acquisition Act 1989, was never presented to any minister as an available option across nine ministerial briefs spanning five years. The Governor-General personally advocated for this mechanism in July 2019 and was told by the Minister for Defence that the property would be sold in accordance with the Commonwealth Property Disposal Policy, which does not reference section 122.

FINDING 2

Defence's heritage assessment framework for 310 St Kilda Road contains an unresolved and material gap. Heritage Victoria's Statement of Significance (19 May 2017) identifies a living social connection between the building and the present-day Veteran Community, while the Commonwealth Heritage List records social value under Criterion G as 'none identified.' No heritage assessment commissioned by Defence has addressed this gap. The EPBC Act obligations that flow from it, including the feasible and prudent alternative test under section 341ZC, have never been evaluated in the context of the disposal decision.

FINDING 3

Ministerial briefs about ANVAM's proposal contained factual errors and characterisations inconsistent with the documented evidence. The 'declined offers' characterisation was directly contradicted within the same documents that repeated it. The 'very specific arts therapy activities' characterisation was inconsistent with professional documentation in Defence's possession and with the contemporaneous findings of the Productivity Commission. The 'exclusive use' characterisation was inconsistent with ANVAM's documented proposal. The vacancy date error persisted across five years and nine briefs despite being corrected on the public record. The 'nil consultation' characterisation appeared in a brief prepared two months after Defence received ANVAM's capability paper at its own request. Ministers who relied on these briefs could not have formed an accurate view of ANVAM's proposal.

FINDING 4

The Lovell Chen feasibility study was given a scope that excluded community consultation, was not provided with the only existing professional concept design for the building, and listed preferred use categories that did not include gallery or museum use. Lovell Chen recommended Option 3; Defence adopted Option 2 and described Option 2 to ministers without the gallery/museum component Lovell Chen had designed into it. The cost plans remain redacted.

FINDING 5

The Estate Audit on which the disposal decision rests was completed in December 2023. The National Defence Strategy, the Royal Commission's final report, the Defence Workforce Plan, and ANVAM's updated evidence were all produced after the audit's completion. The Government adopted the audit's recommendation more than two years after it was made without publicly assessing it against the intervening strategic context.

FINDING 6

The Commonwealth Property Disposal Policy restricts off-market sales to state and local governments — a restriction not found in the Lands Acquisition Act 1989. It describes criteria for holding or disposing of Commonwealth property that similarly have no direct statutory basis. This instrument has never been tabled in Parliament or subject to disallowance. The executive has simultaneously ignored a mechanism Parliament expressly provided and imposed restrictions Parliament never contemplated, without any parliamentary body having the opportunity to review either failure.

FINDING 7

The principles of procedural fairness — as understood in Australian administrative law and articulated by the High Court in *Kioa v West* (1985) 159 CLR 550 — require that decisions affecting a party's rights, interests or legitimate expectations be made on accurate and complete information, and that the affected party have a genuine opportunity to be heard. The documented record raises a substantial question as to whether ANVAM's interests as a directly affected party were protected in the process that produced the disposal recommendation.

ANNEX D — FULL RECOMMENDATIONS AND REFERENCES

Recommendations

The following recommendations are grouped under three outcome categories. Recommendations specific to 310 St Kilda Road address the immediate situation. Recommendations on procedural fairness address what ANVAM has been denied and what remedy is appropriate. Recommendations on the legislative and policy framework address the systemic failures this case illustrates.

Recommendations Specific to 310 St Kilda Road

1. That the Committee acknowledge the strong and living social and cultural significance of 310 St Kilda Road for the Veteran Community, consistent with Heritage Victoria's Statement of Significance dated 19 May 2017, and note the unresolved gap in the Commonwealth Heritage List entry under Criterion G (social value) as a matter of formal record relevant to any future heritage or legal proceedings arising from this inquiry or the disposal process.
2. That the Committee recommend the Government appoint ANVAM as Trustee of 310 St Kilda Road under section 122 of the Lands Acquisition Act 1989, enabling ANVAM to take responsibility for the building's remediation, management, and operation as a national veterans arts and cultural institution — the superior disposal outcome by every financial, legal, heritage, and policy measure.
3. That the Committee recommend the Department of Finance commission an independent heritage impact assessment before any disposal decision is finalised, that expressly addresses the Criterion G social value gap, evaluates EPBC Act obligations under sections 341ZC and 341ZE, and assesses the potential impact of disposal on the adjacent National Heritage Listed Domain Parkland and Memorial Precinct under sections 15B and 15C.
4. That the Committee recommend the Government consider whether ANVAM's proposal is eligible for funding under a successor program to the urban Precincts and Partnerships Program, or under the PGPA Act non-competitive grants framework, noting that a grant opportunity capable of fully funding the building's remediation lapsed while the Government considered its response to an audit while new information was produced.
5. That the Committee recommend 310 St Kilda Road be nominated to the National Heritage List to represent the Repatriation system and its social and cultural heritage significance for the Veteran Community, values that are presently unrecognised on any national heritage instrument.
6. That disposal of Commonwealth Heritage Listed properties with recognised potential community use be led by the Department of Finance from the outset, with the Department of Defence in an advisory role only.

Recommendations on Procedural Fairness

7. That the Committee examine whether the principles of procedural fairness, as understood in Australian administrative law (*Kioa v West* (1985) 159 CLR 550), were met in the process that produced the disposal recommendation, specifically whether ANVAM's rights, interests, and legitimate expectations as a directly affected party were protected, having regard to the documented inaccuracies and omissions in the ministerial advice provided over the period 2019–2024.
8. That the Committee note that the advice provided to successive ministers about ANVAM's proposal was, on the documentary record, incomplete in law and inaccurate in material respects, and that ANVAM has been directly and adversely affected by that advice across thirteen years. The Committee is invited to consider what remedy is appropriate, including whether the disposal process should be remitted for reconsideration on an accurate and complete evidentiary basis.
9. That the Committee note that the two ministerial letters of 10 September 2024 and 6 November 2024, each deferring consideration to the audit outcome, were issued after the National Defence Strategy (April 2024) and the Royal Commission final report (9 September 2024) had materially changed the policy context, and that ANVAM's detailed submission of 20 November 2024 responding to both but received

no substantive reply from any of its recipients. The Government's response to the audit, released February 2026, adopted the December 2023 recommendation unchanged, with no public evidence that these developments were brought to bear on it.

Recommendations on the Legislative and Policy Framework

10. That the Committee recommend the Commonwealth Property Disposal Policy be amended to expressly reference section 122 of the Lands Acquisition Act 1989 as an available mechanism for the disposal of Commonwealth land, with guidance on when it should be considered as an alternative to open market or off-market sale, and that no restriction be included in the CPDP that is not supported by the applicable statute, including that the current restriction of off-market sales to state and local governments only be reviewed given its absence from the Act.
11. That the Committee recommend the CPDP be amended to require, as a mandatory step prior to disposal of any Commonwealth Heritage Listed property, an independent heritage impact assessment that addresses all Commonwealth Heritage List criteria including Criterion G social value, evaluates EPBC Act obligations, and considers the proximity of National Heritage Listed places.
12. That the Committee recommend the CPDP be amended to require that any discrepancy between the Commonwealth Heritage List entry for a property and the findings of other heritage authorities be resolved before a disposal decision is made.
13. That the Committee recommend the Public Governance, Performance and Accountability Act framework for non-competitive grants be examined to determine whether it can be expressly extended to cover arrangements combining section 122 trusteeship with PGPA Act funding agreements, providing a clear policy basis for community trusteeship of Commonwealth heritage properties.
14. That the Committee recommend:
 - a. the CPDP, and any successor instrument, be tabled in both Houses of Parliament and made subject to a disallowance procedure equivalent to that applicable to legislative instruments, given the significant public consequences of its provisions for communities, heritage places, and public interest outcomes, and
 - b. that a suitable Committee undertake a periodic review of the CPDP to assess its consistency with the legislative framework within which it operates, its alignment with whole-of-government policy objectives, and the adequacy of its provisions for heritage-significant and community-significant properties.
15. That the Committee recommend the Government direct the Department of Finance and the Department of Defence to review their policy instruments governing disposal of Commonwealth property to ensure all legislative mechanisms, including section 122 of the Lands Acquisition Act 1989, are accurately reflected in departmental guidance and consistently presented to ministers as available options, and that this review be completed before the divestment strategy for Defence Estate Audit properties is finalised and its findings reported to the Senate.
16. That the Committee recommend that Parliament establish a formal oversight mechanism for the Commonwealth property disposal framework and for the disposal of Commonwealth Heritage Listed properties.

References

References are ordered by first appearance in the submission body, then by date within thematic groups. All FOI documents are from Defence FOI 1011/24/25 unless otherwise noted.

Freedom of Information Documents — Ministerial Briefs

- A. MS19-002461 — Options Analysis for 310 St Kilda Road, clearance date 5 December 2019, actioned 6 January 2020. Defence FOI 1011/24/25.
- B. MB21-001224 — Ministerial Brief, Options Paper for Minister for Defence Industry, 28 September 2021. Defence FOI 1011/24/25.
- C. MB21-001597 — Ministerial Brief, Feasibility of Defence-funded refurbishment, 10 December 2021. Defence FOI 1011/24/25.
- D. MB22-000324 — Event Brief, AMINDEF visit to Victoria Barracks, 17 March 2022. Defence FOI 1011/24/25.
- E. MB22-000590 — Ministerial Background Brief, ANVAM meeting request, 21 July 2022. Defence FOI 1011/24/25.
- F. MB22-000773 — Ministerial Background Brief for Deputy Prime Minister, 7 September 2022. Defence FOI 1011/24/25.
- G. MB22-000896 — Event Brief, Minister Thistlethwaite site visit to 310 St Kilda Road, 13 October 2022. Defence FOI 1011/24/25.
- H. MB23-000778 — Ministerial Meeting Brief, ANVAM proposal for trusteeship, 15 November 2023. Defence FOI 1011/24/25.
- I. MB24-000489 — Ministerial Brief for Action, grant funding opportunity, 30 August 2024, including Minister Conroy's signed response to ANVAM, 10 September 2024. Defence FOI 1011/24/25.

Ministerial Correspondence

- J. MC15-002149 — Parliamentary Secretary the Hon Darren Chester MP to ANVAM, 5 August 2015.
- K. MC15-000767 — Parliamentary Secretary the Hon Darren Chester MP to ANVAM, mid-2015.
- L. MA16-000474 — Assistant Minister the Hon Michael McCormack MP to ANVAM, 5 May 2016.
- M. MC16-001982 — Acting Assistant Secretary Property Management, Department of Defence, to ANVAM, 17 June 2016. Finance advice on section 122 of the Lands Acquisition Act 1989.
- N. MC16-003092 — Minister the Hon Dan Tehan MP to the Hon Sarah Henderson MP, 13 November 2016.
- O. MC18-027296 — Minister for Health the Hon Greg Hunt MP to ANVAM, 4 April 2019.
- P. MB19-000470 — Assistant Minister Senator the Hon David Fawcett, direction to Defence to progress open market sale, 20 March 2019.
- Q. MC19-000957 — Assistant Minister Senator the Hon David Fawcett to ANVAM, 5 April 2019.
- R. MC19-001994 — Minister for Defence Industry the Hon Melissa Price MP to Minister for Health the Hon Greg Hunt MP, 10 December 2019.
- S. MC19-002328 — Minister the Hon Melissa Price MP to an ANVAM Board member, 1 December 2019.
- T. MC19-002731 — Minister the Hon Melissa Price MP to the Hon Tim Bull MP, 9 December 2019.
- U. MC22-001982 — First Assistant Secretary Infrastructure, Security and Estate Group, Department of Defence, to ANVAM, 5 August 2022.
- V. MC22-002293 — Assistant Minister the Hon Matt Thistlethwaite MP to the Hon Shaun Leane MP, Minister for Veterans Victoria, 14 September 2022.
- W. MC22-002484 — Assistant Minister the Hon Matt Thistlethwaite MP to ANVAM, 25 October 2022.
- X. MB23-000778 — Assistant Minister the Hon Matt Thistlethwaite MP to ANVAM (signed ministerial letter), 21 November 2023.
- Y. MC24-000278 — Assistant Minister the Hon Matt Thistlethwaite MP to ANVAM, 6 February 2024.
- Z. MC24-002687 — Minister for Defence Industry the Hon Pat Conroy MP to ANVAM, 6 November 2024.
- AA. MC25-001386 — Assistant Minister the Hon Peter Khalil MP to ANVAM, 3 July 2025.
- BB. MC26-000488 — Department of Finance (Assistant Secretary, Property and Construction Division) to ANVAM, 10 March 2026.
- CC. The Hon Peter Khalil MP, Assistant Minister for Defence, to ANVAM, February 2026.
- DD. Governor-General the Hon David Hurley AC DSC to Minister for Defence Senator the Hon Linda Reynolds CSC, 29 July 2019 (seeking section 122 trusteeship for ANVAM); and Minister Reynolds' response, 18 October 2019. Documented in MB22-000896 Attachment E. Defence FOI 1011/24/25.
- EE. Prime Minister the Hon Scott Morrison MP, Ministerial Message for From War: An Exhibition of Veterans' Art, Parliament House, 26 November 2018.
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