HOUSE OF ASSEMBLY

Tuesday 26 November 1991

The SPEAKER (Hon. N.T. Peterson) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Dangerous Substances (Cost Recovery) Amendment,
Director of Public Prosecutions,
Fair Trading (Miscellaneous) Amendment,
Land Tax (Miscellaneous) Amendment,
Parliamentary Committees,
Statutes Amendment (Waterworks and Sewerage).

PETITION: HILLCREST HOSPITAL

A petition signed by 87 residents of South Australia requesting that the House urge the Government not to close Hillcrest Hospital was presented by Dr Armitage.

Petition received.

PETITION: HINDMARSH ISLAND BRIDGE

A petition signed by 5 043 residents of South Australia requesting that the House urge the Government not to proceed with the construction of the Goolwa to Hindmarsh Island bridge was presented by the Hon. P.B. Arnold.

Petition received.

PETITION: WINE GRAPE PRICING

A petition signed by 356 residents of South Australia requesting that the House urge the Government to retain existing pricing arrangements for wine grapes was presented by the Hon. P.B. Arnold.

Petition received.

PETITION: STUDENT TRANSPORT

A petition signed by 29 residents of South Australia requesting that the House urge the Government to reconsider the decision to reintroduce public transport fares for students not in receipt of the School Card was presented by Mr S.J. Baker.

Petition received.

PETITION: PROSTITUTION

A petition signed by 172 residents of South Australia requesting that the House urge the Government not to decriminalise prostitution was presented by Mr Brindal.

Petition received.

PETITION: JUVENILE JUSTICE SYSTEM

A petition signed by 1 335 residents of South Australia requesting that the House urge the Government to review the structure of the juvenile justice system and increase the penalties for juvenile crime was presented by Mrs Kotz.

Petition received.

PETITION: HALLETT COVE SCHOOL

A petition signed by 302 residents of South Australia requesting that the House urge the Government to retain junior primary tuition at Hallett Cove School was presented by Mr Matthew.

Petition received.

PETITION: HALLETT COVE POLICE STATION

A petition signed by 273 residents of South Australia requesting that the House urge the Government to establish a police station at the Hallett Cove shopping centre was presented by Mr Matthew.

Petition received.

PETITION: SOCIAL BEHAVIOUR EDUCATION

A petition signed by 1 435 residents of South Australia requesting that the House urge the Government to introduce instruction in social behaviour in the education system was presented by Mr Such.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 46, 50, 71, 180, 183, 192, 193, 196, 199, 208, 209, 212, 214, 215, 221, 222, 226, 227, 229, 230, 232, 235, 236, 240, 241, 243, 244, 247, 258, 264, 275, 277, 278, 281 and 286; and I direct that the following answers to questions asked during the Estimates Committees be distributed and printed in *Hansard*.

ABALONE LICENCE

(Estimates Committee A)

In reply to **Mr MEIER (Goyder)** 24 September.

The Hon. LYNN ARNOLD: During 1987 and 1988, the former holder of central zone abalone fishing licence number CO6, Mr John McGovern, was convicted of more than three prescribed offences under the Fisheries Act 1982. In such circumstances, the Act requires the court to cancel the licence. However, whilst the court action was being resolved, the licence expired (on 31 August 1987) and has not been renewed. Licence number CO6 is no longer in existence.

Following submissions to the then Minister of Fisheries by Mr Robert Pennington, who had a financial interest in the licence issued to Mr McGovern, the Minister, in July 1987, agreed to allow Mr Pennington's son Mark Pennington to take abalone on a commercial basis pursuant to a Ministerial exemption issued under section 59 of the Act. The exemption was issued by the Minister on the following grounds:

- that it was given knowing that there was no financial advantage to the licence holder;

- that the regulations and Supreme Court recognise that a person, other than the licence holder, may have direct interest;
- the licence would not be forfeited in any event;
- that Mr Pennington was in a severe financial situation;
- the Supreme Court recognised Mr Pennington's claim to licence number CO6;
- that in normal circumstances the licence holder would be able to continue fishing, but not transfer the licence.

A fee was set as a condition of the exemption to provide for consistency with fees applied to operations conducted by licence holders in the central zone abalone fishery. Mr Pennington agreed to these terms and conditions. An option available for consideration was to issue another licence by public tender, but the Minister decided not to do so given Mr Pennington's circumstances.

Advice was received from the Crown Solicitor regarding the matter, and at the time the advice was that convictions recorded against Mr McGovern would not result in suspension or cancellation of the licence. However, subsequent advice from the Crown Solicitor indicated that the licence was liable for cancellation due to the number and timing of the various convictions against Mr McGovern. Upon receipt of the amended advice the Department of Fisheries, at the Minister's request, wrote to Mr Pennington giving him an opportunity to make representations to the Minister as to why the exemption should not be revoked. Representations were made by Mr Pennington, and the Minister decided to allow Mr Pennington to operate under the exemption for another year (to expire 20 April 1990).

In March 1990 Mr Pennington sought an extention of the exemption for two years. The request was based on compassionate grounds, citing near bankruptcy resulting from his association with Mr McGovern. I, as Minister, considered the circumstances of the case and, whilst deciding that the exemption should be revoked, agreed to allow the exemption to continue for a further two years on the understanding that the exemption will not continue beyond 20 April 1992 and that there are no breaches of fisheries legislation during that time.

Mr Pennington's operations are controlled by the conditions attached to the exemption. Section 59 of the Fisheries Act 1982 empowers the Minister of Fisheries to issue an exemption subject to such conditions that the Minister thinks fit, and to vary or revoke an exemption or a condition of an exemption or impose a further condition. It is my intention to revoke the exemption on 20 April 1992 and then consider options with regard to the possible issue of a licence by public tender.

In reply to **Mr MEIER (Goyder)** 24 September.

The Hon. LYNN ARNOLD: No prosecution action has been initiated against either Mr Robert Pennington or Mr Mark Pennington for breaches of the Fisheries Act 1982. However, Mr John McGovern has been prosecuted whilst the holder of licence number CO6. The details are outlined below in order of hearing, and the date in brackets is the date of the offence.

1. 27 November 1987 (27 March 1986), Adelaide Magistrate court.

Charges/Result

(i) Sold fish taken in contravention of the Fisheries Act 1982. Section 44 (2) of the Fisheries Act 1982:
- no conviction recorded;
- $20 Criminal Injuries Compensation ordered.

(ii) Take undersize fish, namely, abalone (554). Section 41 of the Fisheries Act 1982:
- $100 defendant distress;
- $20 criminal injuries compensation ordered. $22.50 court costs. Additional penalty $491.60.

2. 23 February 1988 (16 February 1986), Kadina Magistrates Court.

Charges/Result

(i) Failing to submit statistical returns. Regulations 24 (1) *(b)* and 24 (7) Scheme of Management (Central Zone Abalone Fishery Regulations 1984).
- $100 defendant distress;
- $22 court costs. $20 criminal injuries compensation ordered.

3. 21 March 1988 (28 December 1985), Adelaide Magistrates court.

Charges/Result

(i) Taking undersize fish, namely, abalone (338). Section 41 of the Fisheries Act 1982:
- $200 defendant distress;
- additional penalty $1 798.

(ii) Contravening a licence condition. Section 37 (4) of the Fisheries Act 1982:
- $200 defendant distress.

(iii) Failing to have a suitable measuring device. Regulation 31 (1) of the Fisheries (General) Regulations 1984:
- $400 defendant distress.

(iv) Failing to replace abalone. Regulation 31 (4) of the Fisheries (General) Regulations 1984:
- $400 defendant distress.

(v) Fail to carry licence. Section 40 (1) of the Fisheries Act 1982:
- $100 defendant distress.

4. 26 April 1988 (28 March 1986), Adelaide Magistrates Court.

Charges/Result

(i) Take undersize fish, namely, abalone (431). Section 41 of the Fisheries Act 1982:
- $100;
- court costs $29. Criminal injuries compensation $20;
- additional penalty $451.75.

(ii) Possession and control of fish taken in contravention of the Act. Section 44 (2) of the Fisheries Act 1982:
- $100 defendant imprisonment;
- $20 criminal injuries compensation.

5. 25 August 1988 (14 February 1987), Adelaide Magistrates Court.

Charges/Result

(i) Take undersize fish, namely, abalone (95), meat weight less than 113 grams:
- fine $200;
- court costs $29;
- $20 criminal injuries compensation;
- $100 council fee;
- additional penalty $281;
- Total = $630.

(ii) Take undersize abalone (305), meat weight less than 113 grams:
- fine $400;
- $20 criminal injuries compensation;
- additional penalty $975;
- Total = $1 396.

Total 1 + 2 = $2 025.60.

MINISTERIAL STATEMENT: ADELAIDE HEADS OF GOVERNMENT CONFERENCE

The Hon. J.C. BANNON (Premier): I seek leave to make a statement.

Leave granted.

The Hon J.C. BANNON: I would like to advise the House of the results of the meeting in Adelaide last Thurs-

day and Friday of the Heads of Government of the States and Territories of Australia and representatives of local government. As I informed the House on Wednesday 13 November, the Adelaide meeting was held following a unanimous decision by Premiers and Chief Ministers not to attend the planned Special Premiers Conference in Perth, due to the Commonwealth's unwillingness to negotiate on some key proposals.

By continuing with a range of micro-economic reforms initiated by meetings between the States and the Commonwealth in Brisbane and Sydney, the States demonstrated that they are prepared to make decisions in the national interest, which cannot be defined by the Commonwealth alone. I am pleased to inform the House that the Adelaide meeting was most successful, producing agreements and policy decisions that will do much to both unite and advance the States and Territories. Perhaps most importantly, the Premiers and Chief Ministers agreed on a proposal to be put to the Prime Minister for reopening the process of cooperative federalism.

The meeting endorsed the establishment of the Council of the Federation, a formal and permanent body to coordinate fiscal policies of the Commonwealth, the States and Territories. The council will meet regularly, exchanging information and seeking the best united results for all Australians. The Premiers and Chief Ministers, while reiterating their support for a national income tax sharing scheme, have proposed that the Commonwealth and the States, in consultation with independent experts, undertake an objective assessment of a range of options to reduce vertical fiscal imbalance. This was one of a number of decisions agreed to at the Adelaide meeting.

A formal agreement to introduce legislation to lead to a mutual recognition of standards throughout the States and territories was signed; national uniform road rules are to be investigated; a national vehicle security register will be developed; and the meeting agreed to further investigate long-term reform in areas including education and training, TAFE funding and gun control measures. The Premiers and Chief Ministers were unanimous in their concern about the current unemployment rate, and in their determination to improve efficiency and intergovernment relations in a number of areas related to employment growth. Certain proposals on the tax treatment of major infrastructure projects have been put to the Commonwealth to assist in economic recovery.

Premiers and Chief Ministers, with the President of the Australian Local Government Association, also agreed to finalise an agreement with the Commonwealth on the environment. This historic document recognises, for the first time, that all levels of government have specific roles and responsibilities in protecting and enhancing a broad range of environmental issues. I do not intend to detail all of the considerations and agreements made at the Adelaide meeting. However, I wish to table the communique issued at the completion of the meeting, and I commend its contents to all members.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Health (Hon. D.J. Hopgood)—

Controlled Substances Advisory Council—Report, 1990-91.

Institute of Medical and Veterinary Science—Report, 1990-91.

Pharmacists Act 1991—Regulations—Registration and Practice.

By The Minister of Industry, Trade and Technology (Hon. Lynn Arnold)—

Riverland Development Corporation—Report, 1990-91.

By the Minister of Correctional Services (Hon. Frank Blevins)—

Parole Board of South Australia—Report, 1990-91.

By the Minister of Recreation and Sport (Hon. M.K. Mayes)—

Racing Act 1976—Regulations—Sporting Events—Betting.

By the Minister for Environment and Planning (Hon. S.M. Lenehan)—

Botanic Gardens and State Herbarium—Report, 1990-91.

By the Minister of Employment and Further Education (Hon. M.D. Rann)—

Local Government Superannuation Scheme—
Actuarial Review, 1987-90.
Rules—Northern Territory.

Parks Community Centre Act 1981—By-laws—Definitions and Offences.

MINISTERIAL STATEMENT: RIVERLAND STORM DAMAGE

The Hon. LYNN ARNOLD (Minister of Agriculture): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: A severe electrical storm with strong winds and hail caused significant crop damage to some areas of the Upper Mallee and Riverland. The areas damaged ranged from Holder in the west to Taldra in the east. Local and severe damage (100 per cent) was reported from paddocks in Holder, north of Wunkar, Moorook West, New Residence, Pyap and Murtho. Major damage was caused in a 5 km wide strip. A number of other areas within the total boundary received patchy damage.

With respect to cereal crops, reports of whole crop damage have been received from Holder, Wunkar and Pyap. More commonly, crop damage ranged between 30 and 50 per cent loss. Twelve properties showed an estimated total of 2 000 ha of severe crop damage with 50 to 70 per cent loss. Most of these growers were insured. Farmers have contacted their insurers and assessors have begun their job. Structural damage to sheds and a silo occurred on a property at Holder. A lightning strike near Lyrup started a fire which destroyed 180 ha of barley before the fire was extinguished by heavy rain.

Widespread horticultural production damage has been reported from New Residence, Pyap and some areas of Loxton with 36 growers affected. Damage has been particularly severe in the New Residence district with locally very severe damage to citrus, grapes and stone fruit. Estimates of total loss reported include 50 ha of citrus, 160 ha of grapes and 5 ha of stone fruit. Citrus damage includes next year's crop. Fruit from this year's crop can go for juice if picked immediately. Local processors are making all necessary provision for urgent intake of damaged fruit.

Strong winds and hail defoliated vines and badly cut fruit, vines and trees. Near ripe apricots were destroyed in the centre of the affected area, but there are few varieties ripe at present. The level of insurance has not been determined. Insurance cover can be taken only for grapes and stone fruit (with a strict upper limit on a per ha basis). No insurance is available for citrus. Surveying is continuing and a more detailed estimate of damage will be provided.

MINISTERIAL STATEMENT: HAWKER BUSHFIRE

The Hon. LYNN ARNOLD (Minister of Agriculture): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: The location of the bushfire was eight to 10 km east of Hawker, between Druid Range, Mount Craig and Warcowie Homestead. Approximately 10 800 ha (108 sq km) of pastoral country has been burnt. However, the fire is now under control. Eight properties have reported damage. On some properties, the total grazing area has been burnt. Several woolsheds, many smaller sheds (machinery, implements, etc.), one truck and one tractor have been destroyed. Many kilometres of fencing have been destroyed. There has been minor damage to one homestead but the stock losses reported have been minimal. Some sheep have been destroyed, although the number has not been determined, and the damage is still being assessed. Details are difficult to ascertain because of the inaccessible country. I will provide further reports as they come to hand.

MINISTERIAL STATEMENT: SOUTH AUSTRALIAN SPORTS INSTITUTE

The Hon. M.K. MAYES (Minister of Recreation and Sport): I seek leave to make a statement on the structure and function of the South Australian Sports Institute and, in particular, on the operation and charter of the board of the institute.

Leave granted.

The Hon. M.K. MAYES: Over the past week I have had productive meetings with the board and with its acting Chairman to confirm terms of reference for the board's operation. There is broad agreement by the board that the following terms of reference should apply:

The board will have a direct advisory role to Government through the Minister of Recreation and Sport on all sport policy matters, and will have a fundamental role in the operation of SASI as outlined in the 1988 decision. This process will involve direct recommendations to the Minister on all areas of sport policy, operations of SASI and the sports budget, and will also involve regular contact with the Minister and the Minister's office. It will also involve a similar process to the Director of SASI and the CEO of the Department of Recreation and Sport. Both the CEO and the Director will be non-voting ex officio members of the SASI Board.

Proposed terms of reference to be:

The board is responsible to the Minister of Recreation and Sport to provide the following:

Recommendations and advice on policies for the operation of the SASI.

Recommendations and advice on general sports policy.

Recommendations and advice on the implementation of SASI policy through all SASI programs.

Recommendations and advice on sports funding priorities within the SASI budget allocation.

Recommendations and advice on sports programs to assist socially disadvantaged persons.

Effective liaison with, and representation for, sporting associations and organisations.

Recommendations and advice to the Minister on specific matters as requested.

The board may also provide recommendations and advice as appropriate on the above matters to the Chief Executive Officer, Department of Recreation and Sport, and/or the Director, SASI.

Such a role is almost identical with the current role of the board, as set out in the 1988 decision. Any modification is intended only to fully establish a proper legal structure for the operation of the board.

It would be anticipated that the board's recommendations would be generally accepted, consistent with Government policy, and recognising the ultimate responsibility of the Minister to the Parliament and the taxpayer. That is entirely consistent with the terms of reference established in 1988.

In relation to the board's responsibility to the Minister, it would be a part of its function for its delegated representatives to meet regularly with the Minister, and for the Minister to meet with the full board on an occasional basis, or as requested by the board.

MINISTERIAL STATEMENT: WATER RATING SYSTEM

The Hon. S.M. LENEHAN (Minister of Water Resources): I seek leave to make a statement.

Leave granted.

The Hon. S.M. LENEHAN: I refer to the letter read into *Hansard* by the member for Coles on behalf of Mrs Gwenda Riddle of Kensington on 19 November 1991. The letter, which related to the new water rating system, protested against the impact on consumers, and expressed concern that Mrs Riddle would not be able to meet rising costs. Members will recall that I have said repeatedly that consumers should take advantage of the opportunity to determine the facts about their property before concluding that they may have been disadvantaged under the new system.

I have had a comparison of the old and new system carried out for Mrs Riddle's property, and the position is as follows. The capital value of the property is $180 000 for 1991-92. Under the former system, the charge for water based on the same consumption as the previous year would have been $313.20. Under the new water rating system, the total charge for the same quantity of water would be $247.15. This is a saving of $66.05 or 21 per cent, and I know that Mrs Riddle will be delighted to learn the truth.

As a result of the change to the threshold value from $;117 000 to $140 000 for 1992-93, Mrs Riddle will also save an additional $18.40 next year. Her savings under the new water rating system will be $84.45 from 1 July 1992. Under the old system Mrs Riddle would have been allocated an annual allowance of 368 kilolitres based on her property valuation. However, as her consumption was only 231 kilolitres, she would have been forced to pay for 137 kilolitres more than was used the previous year.

There is much more I could say, but I believe there are two relevant points to be made. First, the new system provides an opportunity for most consumers to pay only for what they use. Secondly, even the small numbers of consumers adversely affected by the new system can lower their water bills by reducing their household water consumption.

MINISTERIAL STATEMENT: WORKCOVER FRAUD

The Hon. R.J. GREGORY (Minister of Labour): I seek leave to make a statement.

Leave granted.

The Hon. R.J. GREGORY: On Thursday 14 November the member for Bragg made certain allegations about the WorkCover corporation's supposed lack of willingness to follow up two cases of fraud by workers. He claimed that these cases had been brought to WorkCover's attention by the employer concerned. According to the member for Bragg, WorkCover chose not to pursue these cases because the money amounts involved were minor.

Because of confidentiality provisions of the WorkCover Act, I will not provide the names of the parties involved,

but I can advise that the allegations made by the member for Bragg are without foundation. WorkCover does not have an arbitrary cut off line for prosecuting fraud cases. The decision to prosecute is based on the merits of the case and the likelihood of succeeding with a prosecution, not on the monetary amounts involved.

While the major thrust of the fraud prevention unit within WorkCover is directed at preventing fraud, it is also active in the area of seeking prosecutions against those persons who have been found to have defrauded the system. WorkCover has a large fraud prevention unit and adopts the latest sophisticated methods for preventing and detecting fraud.

The fraud prevention unit employs 18 people, including several of the State's best professional investigators and analysts in the area. It has been quite successful. Since November 1990, the unit has launched over 20 prosecutions. About half those cases have been heard so far and all have resulted in success for WorkCover and the imposition of a penalty. Among these cases were two employers who have been successfully prosecuted. In another case, a worker received a three month gaol sentence after working while on benefits and falsifying a medical certificate. Another recent example of the unit's success was reported in the *Advertiser* and concerned a claim which had a potential cost in excess of $1 million but which was thwarted by the fraud unit.

In addition to action before the courts, investigations by the fraud prevention unit have prompted some 'miraculous' recoveries from injured workers. Issues of professional misconduct by treatment providers have been reported to the Medical Board of South Australia and to the Physiotherapy Board. Further such referrals are expected as a result of investigations currently under way. We have no reason to believe attempts to defraud WorkCover are any more widespread than they are against any insurance scheme of its type. However, I want to stress that fraud against WorkCover is not and will not be tolerated. Clearly, the facts I have presented to the House support this claim.

Unfortunately for him, the facts do not lend support to the member for Bragg's allegations. He claimed that WorkCover had failed to respond to advice from an employer that two workers of that employer were working elsewhere while on WorkCover benefits. I can advise the House that in both these cases the work being undertaken for other employers was part of authorised rehabilitation programs. As a result, no double payment occurred and no fraud was proved to exist. The employer was advised verbally of the results of investigations in both these cases and, according to WorkCover records, expressed satisfaction with the explanations given. Once again we have seen the member for Bragg get it wrong. I am sure that the House and WorkCover will wait anxiously for his apology.

PUBLIC SECTOR EMPLOYEES

Mr HAMILTON (Albert Park) laid on the table the following report by the Parliamentary Standing Committee on Public Accounts, together with minutes of evidence:

Management of transport of public sector employees.

Ordered that report be printed.

QUESTION TIME

WOODS AND FORESTS

Mr D.S. BAKER (Leader of the Opposition): Why did the Minister of Forests not provide the term and other key details of the Government's forest sell-off in his press release of 22 June 1990, in his answers to the Estimates Committee last year, or in any other statement to the Parliament?

The Hon. J.H.C. KLUNDER: I made available enough detail for members to appreciate that the Government had a very good deal going, and that $6 million which was not otherwise available to the Government would be available under this type of structured financing.

The Hon. J.P. TRAINER (Walsh): My question is directed to the Premier in his capacity as Treasurer. Where and how was the structured financial arrangement made public which enabled SAFA to make a $6 million equity contribution to the Woods and Forests Department?

The Hon. J.C. BANNON: I could understand any members or, indeed, members of the public who had seen or heard reports over the past 24 hours believing that some kind of secret or clandestine transaction had been undertaken in respect of this matter. That is absolute and palpable nonsense. Of coure, it is being fermented very much for his own interests by the Leader of the Opposition. We know that he has major internal problems at the moment: the Opposition at this stage cannot even get its act together with respect to committee nominations: there is a reshuffle on and a lot of tension there. I know also that the matter of forests is a very sensitive one. The Leader of the Opposition's record on this matter is quite astonishing. In 1988, as one would expect a good South-East member to say, he said:

> I support the Woods and Forests Department's growing trees and creating forest areas in this State.

He questioned whether or not there was an intention to sell off commercial operations. That was the Leader's position then. The years tick by and opportunity arises. In 1989 the Opposition did not even have a forests policy. Then, in September 1990, after this particular transaction had already been announced and the details disclosed, the Leader was not on about how terrible that might be or whether this proposal was nefarious or wrong in any way—not at all: he was talking about the Government's review committee looking at transferring ownership of the forests to a specially created forests trust. This was the Leader's solution at that time, and it was not a stupid idea but perhaps something worth examining. However, it was a very different position from the one he had the year before.

Of course, this year, as opportunism gallops on and reigns supreme, the Leader of the Opposition declares, 'We will sell off the forests of this State by tender.' Well, that is fine: let him declare that. Let him sell off the forests—the long-term heritage of South Australia—by tender. We do not agree with that, but if that is the Leader of the Opposition's policy, well and good. I rather suspect that the member for Mount Gambier might have one or two things to say about that policy. At least he is on the record for looking after his constituents' interests and promoting the forests industry in a way in which the member for Victoria has not.

Of course, the member for Victoria needs every vote he can get in his Caucus at the moment to shore up his position. So, *voila*! Out of the heavens comes salvation! He can satisfy the member for Mount Gambier by saying, 'I was going to sell the forests, but I've discovered now there is an arrangement in place that will prevent me from doing so.' I am sorry to have to tell the Leader of the Opposition that, irrespective of the particular structured financing arrangement, it would be possible for a future Government to sell the forests. So, the member for Mount Gambier cannot be fobbed off by the statement, 'Well, I'll stick to

my policy, Harold, but, don't worry, we can't do it, anyway, so you needn't be too concerned.'

Let us get right to the nub of this issue. Members opposite will no doubt have a number of little questions about this. The Deputy Leader will be on his feet shortly with his, they will farm it out to a few others, and a few hapless members on the back bench will read parrot fashion what they have been given. Before we start, let me put a few facts on the record.

First, there is nothing clandestine or secret about this matter. On 22 June 1990—last year—the Minister of Forests announced the completion of the structured financing arrangement. He pointed out the net and tangible benefits it would have and the way in which it had been instituted through SAFA. In the Auditor-General's Report, the Woods and Forests Department's report and in the SAFA report for that year that transaction was recorded and discussed. In other words, it has also been subjected to the Auditor-General's scrutiny—as well it might.

Members of the Opposition had their opportunity at the time the announcement was made, at the time those reports were delivered, and during the Estimates Committee—where a full, free and long-term discussion could take place. Did we hear it? Not a bit of it—not in the way in which it is being presented now, and the Leader knows that very well. We can go on. We had an Estimates Committee as well this year and, again, one would have thought that, if there had been these terrible things, that is the way in which they would have been presented. But, no: it took an ABC report in the past 24 hours and a follow-up on ABC Radio—in which the Leader of the Opposition figured quite prominently—for him to comment, to ask his questions and to try to present this image of confusion around the issue, an issue that had been revealed quite clearly.

It is absolute nonsense to suggest that this was some sort of really long-term, deep, probing investigation into intractable and difficult territory. In fact, the journalist concerned wrote to the South Australian Government Financing Authority on 4 March this year with 32 questions. I admire his industry and enthusiasm for the subject. There they were: 32 questions to which he wanted a reply. He received a very full and detailed reply on 14 March 1991; 10 days later he had in his hand all the information he would have required. It was only last night that we saw some major presentation of this information, again with the connotation that there is something obscure or sinister about it.

The information is clearly there, and let me get right to the nub of it: it is a financing transaction, a structured financing arrangement—carried out within the laws of this country, which this Government and all other Governments in Australia are ensuring that they undertake in order to obtain the best possible financial return for the people they represent. Would the Leader of the Opposition be denying us that in the current climate?

Certainly, his predecessor, the last Liberal Premier (Hon. David Tonkin), did not when, on 1 February 1980, he advised the ANZ Banking Group and managers of ESANDA, care of AMCOR Nominees, that the State Transport Authority leverage lease could be undertaken with the full approval of the Government. That was in 1980, and we have gone through a series of very proper and appropriate transactions since then. Any Government that turns its back on that could be condemned. In this case, Babcock and Brown appear with an appropriately structured financing arrangement that carries no tax indemnities, no financial exposures and is in fact a way of borrowing money and retaining full control of the asset on very favourable terms. We should grab it and, if we did not grab it, we would be condemned.

Mr S.J. BAKER (Deputy Leader of the Opposition): As a follow-up question to the Minister of Forests, how does he explain the disparity between his press statement on the matter and the notes to the 1990-91 AGL annual report? The Minister's news release of 22 June 1990 states that the transaction 'involves no sale of forests or land', but the latest AGL annual report states:

> The joint venture borrowed in order to acquire units in a unit trust which, in turn, acquired the rights to harvest and sell certain forestry assets for a term of 15 years.

This suggests that the State's forests have been sold to a unit trust.

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: I stand by the news release that I issued on 22 June 1990, because it was accurate. I do not know whether or not members of the Opposition misread AGL's subsequent report. I happened to be talking to the Managing Director of AGL at lunchtime today because, wearing a different hat, I attended a lunch at which he was present. During the lunch this issue came up, and he assured me that he believed that both AGL and the Government had had an exceedingly good deal out of this situation.

RARE EARTH EXTRACTION PLANT

Mrs HUTCHISON (Stuart): Will the Minister for Environment and Planning advise the House whether planning approval has yet been given for the development of a proposed rare earth extraction plant at Port Pirie? If so, can the Minister advise whether any conditions apply with respect to the approval to address health, safety and environmental factors?

The Hon. S.M. LENEHAN: I thank the honourable member for her ongoing involvement in this project, and the fact that she has looked at some of these plants in other parts of Australia. Her Excellency the Governor has granted conditional planning consent to SX Holdings for its proposed plant. I point out to the House that this follows a full EIS process on the project, and the consent, with stringent conditions, gives the developer the opportunity to seek the necessary investment finance for the project to proceed.

The $30 million project could result in up to 230 additional permanent jobs in the Port Pirie area and, of course, that takes the multiplier effect into account. It should be clearly appreciated that the conditions of the consent are some of the most stringent conditions ever attached to a development proposal in this State. The Government is acutely aware of the primary importance of protecting the health, safety and well-being of the Port Pirie community.

To ensure this, one of the strictest provisions will allow the conditions to be changed or new conditions to be added to address any concerns associated with health, safety and environmental factors. The conditions also aim to ensure that the project includes the cleaning up of the site. The company will be required to undertake extensive monitoring programs to measure environmental and radiation background levels. Annual reports on the results of this extensive monitoring will be made available to the public.

Members interjecting:

The SPEAKER: Order! The House will come to order.

SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

The Hon. H. ALLISON (Mount Gambier): This is a question which really does interest me. I address my question to the Treasurer. Does the $407 million State forest sell-off deal through SAFA help any third party avoid their Australian tax liabilities?

The Hon. J.C. BANNON: I am sorry that the member for Mount Gambier has been dragged into this matter, although I guess it is fairly predictable, Mr Speaker, from the remarks I was making earlier. I said that members opposite would be passing questions up, but leaving the hapless member sitting on the back bench without his question is going a bit too far. The fact is that the financing transaction entered into meant that through SAFA no taxation indemnities were provided, no taxation exposures were entered into, and we got an upfront benefit of $6 million.

The financial arrangement involved a trust. It was done in accordance with Australian taxation law and, while that law provides for these methods of financing and raising funds, those methods will be used. There is nothing wrong, untoward or out of court, in so doing. That is the simple fact of the matter. As with any of these transactions, no-one loses because the legislation under which they are carried out does not envisage gain in these instances. It is as simple as that. No-one loses. No-one loses because the law provides and, by so providing, permits such transactions to take place on the grounds of either policy or belief that that is an area to which tax arrangements need not apply. That is common in Australia and it is common all over the world. That is the end of the matter. If by his question the honourable member is seeking to undermine the financial arrangements which are assisting the forests in his area, I would be very disappointed in him.

GOODS AND SERVICES TAX

Mr HOLLOWAY (Mitchell): Will the Minister of Transport inform the House of the impact of the Federal Opposition's tax proposals on transport in South Australia?

The Hon. FRANK BLEVINS: I thank the honourable member for his interest in this matter. I have not seen the document but I eagerly await it. I am sure that there will be lots of interesting things in the fine print and I look forward to dissecting it. The reports and statements from Liberal Party spokespersons have given us a very good idea. Of course, they are trying to sell the lolly rather than the pill, so the first thing they announced was a reduction of 19c a litre in the price of petrol. Mr Speaker, if you believe that, you would believe anything. Nevertheless, for the purpose of answering the member for Mitchell's question, I will assume that is correct.

Under the goods and services tax, motor vehicles will be cheaper, although not very much cheaper for the working person—I refer to Holdens and Falcons—but a lot cheaper for Ferrari drivers. Logically it will mean there will be more cars on the road, which will be driven a lot further because of cheaper petrol. What provision has been made for roads in this wonderful document? First of all, there are lower general purpose grants to the States, so that diminishes the States' ability to finance roads. It is proposed that $87 million will be taken out of land transport and that there will be full road user charges, not modified charges as are currently in place. That adds up to one thing, that is, toll roads.

The effect on public transport will be devastating. We are talking about a 15 per cent hike in STA fares and in taxi fares. Taxi drivers are not that thrilled about it, by the way. They run on LPG and they are not too pleased. A 15 per cent hike in STA and taxi fares represents an increase four times the rate of inflation in one hit. At the same time, the Opposition plans a withdrawal of $72 million from the urban public transport program. It is there in black and white. The removal of $72 million would mean that all our urban transport would deteriorate straight away.

I hope that the member for Custance is listening to this and has read this: Australian National will operate on a totally commercial basis. The honourable member need not worry any more about intrastate/country passenger services. Even interstate passenger services cannot operate on a full commercial basis. Everybody here knows that. Let us not have any more hypocrisy from members opposite when they start bleating about rail services because, every time they open their mouths, we are reminded of these policies, which they support. Even on a superficial basis, the policy means more cars, less funding for roads, higher public transport charges but less funding to provide public transport services. That is just one indication of what the document is about. It is about private wealth for some and public squalor for the majority.

SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

The Hon. D.C. WOTTON (Heysen): How can the Treasurer justify using the State's assets for artificial private sector tax minimisation deals and using taxpayers' money through SAFA to indemnify those deals? In Estimates Committee on 17 September this year the Treasurer referred to ongoing disputes between SAFA and the Tax Office over SAFA's 1986 issue of deferred annuities and the Torrens Island power station transaction. He also said that the $100 million addition to SAFA's provsions in 1990-91 was a reflection of the current status of taxation indemnities given to third party investors involved in financing arrangements entered into by statutory authorities.

The Hon. J.C. BANNON: Is this the same member for Heysen who sat in this Parliament from 1979 to 1982 and who throughout that period, not to the great benefit of the State perhaps, was Minister for Environment and Planning in the Tonkin Government Cabinet?

The Hon. Lynn Arnold: He was the member for Murray then.

The Hon. J.C. BANNON: He was the member for Murray then. I see: when an electorate's name changes, that sheds the member of any responsibility or knowledge of anything that happened—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I imagine that a number of members on the other side of the House—not the least the man with no memory, the member for Heysen—are delighted with reports that there may be 12 (or whatever it is) name changes of electorates on Friday. The member for Heysen has now given us a clue: he was the member for Murray at that time and that excuses him. That is not a frivalous opening to my remarks, because this extraordinary question asked by the honourable member, with its perjorative connotations, refers to a practice developed in terms of financing public assets that was started by a Cabinet of which he was a member and, if he was not part of the decision-making, I do not know where he was. If he did not at any

time blow the whistle on his Premier because he did not approve of these deals, such as the leasing of the buses and a number of other transactions, including some set in place when we came to office and which we then proceeded to give effect to in the interests of the State—

Mr D.S. Baker interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Well, I will excuse the honourable member who says he leaves his financial affairs to his accountant. When asked about how he would finance his own business, the Leader of the Opposition, suddenly holier than thou and a cleanskin, says, 'I have a good accountant'. I think that is what he said. What does he mean by that? An accountant who is into tax scams? Is he suggesting that he does this sort of thing? I suggest what he means by that is someone who ensures that undue tax liability is not incurred in accordance with the law, and that is exactly what the Tonkin Cabinet, of which the member for Heysen has forgotten he was a member, did. It is exactly what my Government has done and it is what Premier Greiner's Government in New South Wales has done. That was once the bright star of liberalism, but we do not hear very much about that Government these days. We heard a lot about it before the New South Wales election earlier this year.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I could go through a list of every instrumentality, including Commonwealth Government instrumentalities, that quite appropriately finance themselves in accordance with the law of this land, and will continue to do so. If the honourable member wants to quote me from the Estimates Committee, let him remind the House first that this question was of such grave concern and importance to the Opposition that it was actually asked by my colleague the member for Henley Beach. He was the one who identified the particular area and asked the question. I was delighted, both in his interest and to give him an answer. We did not hear that from the member for Heysen.

What I said is very clearly on the record. It makes great sense that there are indemnities with respect to the taxation position of third parties involved in the financing of assets utilised by the public sector. SAFA is not liable to pay tax to the Commonwealth, but most institutions from which SAFA borrows are liable for such tax: their returns depend on the way in which the legislation is applied. In a limited number of cases, SAFA has provided indemnities to other parties involved in funding major public sector assets, because they have the tax exposure which SAFA does not have. Obviously, this can be done only on the basis of legal advice, favourable rulings by taxation authorities and precedent that is used as a guideline. I went on to explain this in relation to various other Treasury corporations, such as New South Wales, and I mentioned in particular the Torrens Island Power Station transaction. It is all there on the record; it was there back on 17 September, fully explained and developed.

I am not surprised that the member for Heysen asked the question because he could not remember back that far, but I would have thought that some of his other colleagues could. This allegation of impropriety, which the Leader of the Opposition and his colleagues are trying to run, is absolutely disgraceful.

Members interjecting:

The Hon. E.R. Goldsworthy: You are dead meat.

The SPEAKER: Order! The member for Kavel is out of order.

TOXIC ALGAL BLOOM

Mr FERGUSON (Henley Beach): Will the Minister of Water Resources inform the House of action being taken by the South Australian authorities as a result of the toxic algal bloom in the Darling River?

The Hon. S.M. LENEHAN: The State Water Laboratory, through the Engineering and Water Supply Department, is involved directly in identifying organisms and testing for toxicity. As members would know, an extensive bloom of toxic blue-green algae, known as cyanobacteria, is present in the Darling River in New South Wales. Indeed, South Australia was represented at a meeting of interstate water officials at Burke yesterday to decide on appropriate action, and officers from the E&WS Department are working closely with their counterparts in New South Wales to identify and assess the extent of this toxic algal bloom. I have also been advised that the Menindee Lakes system will be operated so as to minimise the risk of contaminated water reaching South Australia.

This is a vitally important issue for South Australians because of our dependence on the Murray. However, because of the pumping regime we have introduced in the past 12 months, the latest reservoir levels are at about 81 per cent of maximum storage capacity, and that means that we have almost 10 per cent in advance of our storage capacity at this time last year. That puts us in a good position if the worst was to happen and there was some kind of toxic algal bloom contamination in the lower reaches of the Murray.

At this point, the toxic algal bloom is a long way from South Australia: it is in the upper reaches of the Darling. That does not mean that we need not take this matter seriously. Certainly, there is no immediate threat to the South Australian water supply. The whole situation is being monitored closely by the E&WS and the State Water Laboratory. I will certainly keep the House informed if any further information is available on this issue.

PAYROLL TAX

Mr D.S. BAKER (Leader of the Opposition): My question is directed to the Premier.

The Hon. T.H. Hemmings: Is your accountant like that?

The SPEAKER: Order! The member for Napier is out of order.

Mr D.S. BAKER: Does the Premier agree with his Labor colleague the Premier of Victoria that a GST deserves 'serious consideration' and, like Mrs Kirner, does he also welcome Dr Hewson's plan to abolish payroll tax?

The Hon. J.C. BANNON: I am delighted that the Leader of the Opposition has asked a supplementary question: this is one that his deputy obviously forgot to hand out to somebody and, rather than risk a second round of embarrassment, they got the Leader of the Opposition to ask it—such is the power and importance he has over there. I do not agree with Mrs Kirner in all respects in relation to the GST: on the contrary, I believe the more we examine the full details of the package that is presented by the Federal Liberal Opposition, the more it becomes apparent that the greatest beneficiaries will be those on higher wages in our community, and those who will be put most at risk are those on middle and lower—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It is in many respects extremely regressive.

Mr D.S. Baker interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It is extremely regressive. The Leader of the Opposition is delighted by this. Apparently, the fact that every person, irrespective—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. Let me inform the House that the Speaker is not delighted with it and, if the Leader carries on in the same manner, even though this is the last week of this Parliament, he might find himself in some bother.

The Hon. J.C. BANNON: He should be forgiven for putting on a show for his troops, because he needs it. I have made the point about payroll tax.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: You ask the questions: you keep asking the questions.

The SPEAKER: Order! I draw the Premier back to the subject of the question.

The Hon. J.C. BANNON: Any scheme that can eliminate payroll tax, provided the cost or impact does not create more adverse effects on the other side of the ledger, would be welcomed. I am not convinced that that is done under the Hewson plan. If the price of the abolition of payroll tax is the imposition of this general 15 per cent increase on all goods and services, including Government services, that is quite unacceptable: we would simply be changing the burden of that taxation. It would not increase employment whatsoever. I draw the attention of the Leader of the Opposition to newspaper articles in the past couple of days that have tried to analyse the employment effect, and it has been realised that the effect is quite nebulous because of the substituted arrangements.

Small businesses that are getting very excited about the abolition of payroll tax ought to look at their structure of employment and remember that in respect of rates below about $430 000 graduated taxes apply. If we are talking about the small business deli and others, which I know the Leader of the Opposition claims will get great benefit, that is no benefit to them at all. Indeed, the big companies will have a competitive advantage if payroll tax is abolished. So, it is a mixed area that needs to be looked at carefully. In principle, yes, let us by all means get rid of it, but let us look at the consequences of doing so and at the impact of the substituted revenue. That is where the deficiencies in the Hewson package are becoming more and more evident.

What has been seen to date in relation to fuel provides a very good example. Analysis has shown that the great drop in price at the pump that has been suggested will be quite illusory, again because of the substituted effects. The impact on the cost of living, the way in which the trade unions and those who represent the workers will attempt to try to get some recompense for the much higher cost of living, will not be effectively handled by the proposed income tax reductions.

I agree with Mrs Kirner that it is appropriate that the Federal Opposition should spell out in such detail a full and complete package—an alternative financing system. That is certainly to be welcomed, but that is where it stops. The package itself is repugnant, and it contains all sorts of tricks and problems which, as time goes by, will increasingly be revealed.

Members interjecting:

The SPEAKER: Order!

SKIN CANCER

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Occupational Health and Safety say what action is being taken to inform workers and employers of the risk of skin cancer through exposure to the sun during this summer?

The Hon. R.J. GREGORY: Yesterday, I helped to launch a seminar and a booklet on skin cancer and the effect it has on people who work out of doors. People in our State, indeed, in the whole of Australia, who work out of doors face a very high risk of developing skin cancer this summer unless they take some very basic precautions. We in Australia have the highest rate of skin cancer in the world.

Two out of three Australians have at least one skin cancer during their lifetime. Outdoor workers or people enjoying sport out of doors between the hours of 11 a.m. and 3 p.m. are most at risk. The booklet I launched and the seminar yesterday were designed to help people become aware of the risk. The Occupational Health and Safety Commission in conjunction with the Anti-Cancer Foundation produced this booklet, which outlines the duties and responsibilities of employers and workers and gives examples of how the risk can be reduced.

It also contains a guide to help workers check their skin for sunspots and skin cancers, and tells them where to obtain more detailed and accurate information. The booklet is available from the Anti-Cancer Foundation and the commission. I think it is very important that we in Australia drop the myth of the bronzed ANZAC at work, and we start to cover up so that we do have a future in this country. Skin cancers can and do kill. In 1990 there were 68 deaths from melanoma in South Australia, and the irony of that is that 99 per cent of those deaths could have been avoided and the cancers cured had they been detected early.

PAYROLL TAX

Mr INGERSON (Bragg): Does the Premier accept, notwithstanding all the statements he made over the past 12 years urging the abolition of payroll tax and promising to lead a national campaign on the issue, that the States are now stuck with this regressive, anti-job tax as long as we have a Federal Labor Government, or has he sought and received an undertaking from the Prime Minister that he will match the Federal Coalition's promise to abolish payroll tax?

The Hon. J.C. BANNON: I have dealt very fully with the question of my attitude to payroll tax. If the member for Bragg is to have some sort of leadership potential, at least he ought to devise a variation on his question, in light of the answer that has been given. It is about time we saw on the part of Opposition members a little flexibility, which they are apparently incapable of demonstrating.

I believe that a serious debate about the abolition of payroll tax, with genuine alternatives to it, would be a very healthy thing. We have attempted to generate that without success over a number of years. The Hewson plan is not an answer, as I have already explained at some length to the Leader of the Opposition. I would be very pleased to see an alternative to payroll tax being devised by the Federal Government, and would welcome any suggestions it might have on the subject.

GOODS AND SERVICES TAX

Mr De LAINE (Price): Will the Minister of Housing and Construction inform the House of the likely effects of the

Coalition's proposed goods and services tax on Housing Trust rents? With the long awaited unveiling of the Opposition's goods and services tax last week, many of the over 4 000 Housing Trust tenants in my electorate are concerned that they will be hit hard by this new tax—in the unlikely event of its being implemented.

The Hon. M.K. MAYES: It is fair to say that the Federal Leader of the Opposition has endeavoured to dress up this issue that rents will not be affected by the GST. In fact, it is a wolf in sheep's clothing, because there will definitely be an impact on Housing Trust rents, as there will be on general rents. It is fine for the Federal Opposition to set out that, under the proposed goods and services tax of 15 per cent for both private and public tenants' rents have been excluded but, in fact, there is an impact that is directly felt not only by the Housing Trust but also by private tenants. I know that the member for Price has picked this up. Anyone who goes through the calculations will realise that there is an increase in the cost of housing, and that has a very direct impact. Unfortunately for the Opposition, the only thing that—

Mr D.S. Baker interjecting:

The Hon. M.K. MAYES: The Leader will have his chance and he can come over and declare where he stands on this. It will be very interesting to see how the Leader positions himself in regard to the impact this will have on people battling in the community. They are the ones who will suffer under this proposal. It is quite clear that as a consequence there will be an impost not only on the price but also through materials, maintenance and all the expenditure the Housing Trust undertakes. The Housing Trust spends approximately $48 million per annum on maintenance. If we add the 15 per cent on materials that goes in as a percentage of the product as value added, there will be a significant increase in the cost of maintenance.

That amount must be met by the taxpayers, and the tenant will obviously incur some part of it. The Opposition cannot agree on the increased costs involved, and the Leader of the National Party has disagreed with the Federal Liberal Leader. The Prime Minister has now pointed out that inflation will not be 4.4 per cent, as the Federal Leader of the Opposition indicated (because they have uncovered the scam concerning petrol excise) but that the real rate will be about 5.5 per cent or 5.6 per cent. If we add the 15 per cent increased cost of materials, the increased maintenance costs, and the increased cost of building trust homes, which could be anything between $4 000 and $5 000 per house, based on our calculation—

Mr Lewis: Bull!

The Hon. M.K. MAYES: I will take the trust's calculations rather than those of the member for Murray-Mallee. On those figures it is quite clear that there will be a direct increase in rents for Housing Trust tenants throughout the State. The policies of the Federal Liberal Party regarding GST are not being explained publicly. One has to go back to the papers, but all one finds is one line talking about public housing, and this will have a direct impact on the supply site as well. That will be devastating for the ordinary people in the community who are battling in the current environment. I warn them to read very carefully between the lines concerning this GST proposal.

METROPOLITAN FIRE SERVICE

Mr BRINDAL (Hayward): What information can the Minister of Emergency Services give the House about reports of a fire brigade unit seen leaving the gutted Mitre 10 premises at Brighton Road, Hove, loaded with goods following a fire on 28 October? What assurances can the Minister give that adequate security is given to properties to prevent the pilfering of premises destroyed by fire? The Minister would be aware that a month ago I informed the Police Internal Investigation Branch of a report that I had received of a fire brigade truck leaving the Hove Mitre 10 premises with a quantity of goods from the store. As it was described to me, one fire officer was heard to say, 'Don't load the truck up too much because we want to get it up over the hill.'

The owner of the store has since comfirmed with me that among the goods missing from the premises are a compressor (belonging to an employee) and a vacuum leaf blower. I believe that he has passed on this information to the police as a theft. I initially passed on this information to the police on a confidential basis, because of the sensitivity of the report, but recent media reports have publicly aired the investigation and have therefore negated the need for confidentiality.

The Hon. J.H.C. KLUNDER: I think that that is a dreadful slur on honest people in both the Police Force and the Metropolitan Fire Service, and I am rather sorry that the honourable member has sought to do this. At the time he provided me with the information I thanked him, and I asked the police to keep him as well as me informed at various times about the results of the investigation. The police have investigated this matter, and I understand there was nothing in it. If the honourable member had used a bit of commonsense, he might have recognised that himself.

To say in this House that somebody had said, 'Don't load the truck up too much because we want to get it up over the hill', when all that was missing, according to the honourable member, was a compressor and a vacuum leaf blower, makes one wonder whether or not an MFS truck with those two pieces of equipment on board would actually be unable to get up a hill. It is a disgraceful slur on honest people, and I am very sorry that the honourable member has sought to use the forum of the Parliament to cast that slur.

COMMISSIONER FOR EQUAL OPPORTUNITY

Mr ATKINSON (Spence): Will the Minister representing the Attorney-General say whether the Government regards it as either good administrative practice or good manners for the Commissioner for Equal Opportunity, Ms Tiddy, to write the same letter to five different officials of the same company about the same complaint without listing at the bottom of the letter the other people to whom she had sent the same letter?

A complaint was made recently to the Equal Opportunity Commission by a person who applied unsuccessfully for a position at the BTR foundry at Bowden. The production manager, who was responsible for recruitment, told the applicant that he did not get the job because there had been a more suitable applicant. Without contacting the production manager, who was named in the complaint, Ms Tiddy wrote to the foundry manager asking for an explanation. Ms Tiddy also wrote the same letter to the company chairman, who lives in the United Kingdom, the managing director, the company secretary and the public relations manager.

The Hon. G.J. CRAFTER: I will be pleased to obtain a report from my colleague in the other place about this matter.

RIVERLAND STORM DAMAGE

The Hon. P.B. ARNOLD (Chaffey): Further to the Minister of Agriculture's statement about damage to the Riverland horticultural and agricultural industries caused by yesterday's devastating storm, can he say what help the Government plans to offer stricken growers who are not covered by insurance and who are already financially crippled by depressed markets and the recession? I have been informed by Riverland growers that the storm, which struck on a 5 km front, has damaged 150 sq km of prime agricultural land and that damage to crops could amount to a conservative $6 million. This has occurred at a time when growers' on-farm incomes have been reduced from $23 000 a year in 1988-89 to a negative $2 000 a year in 1989-90. Carry-on finance will be needed urgently to repair thousands of damaged sprinklers so that growers can resume irrigation and preserve what is left of their crops.

The Hon. LYNN ARNOLD: I thank the honourable member for his question and appreciate the concerns that he is expressing on behalf of those who sustained storm damage yesterday. A few different groups of people are involved in this. For example, those who sustained storm damage for crops for which they could have taken out insurance are clearly in a different group from those who sustained damage to crops for which insurance is not available. As I mentioned in my statement, insurance is not available for citrus growers but it is available for stone fruit and grape growers. There would need to be a good reason why special consideration should be given to those who chose not to insure when their farmer colleagues took up that option. For those for whom insurance was not available, that is clearly a separate issue.

Various schemes under the rural assistance program are run by the Rural Finance and Development Division. I encourage farmers to consider options available through that division under its current programs. In a number of circumstances that might well be possible. For example, with respect to carry-on finance in the coming season, funds are available which are provided partly by the State Government and partly by the Federal Government under Part B of the Rural Finance and Development Division. I encourage farmers to examine the availability of that particular source of finance.

It may be that some people will be cut out of the schemes because the guidelines do not take account of the circumstances. If that turns out to be the case, we will examine it, but I cannot make any commitment until I am aware of the outcome of that examination. I will take the question on notice for further investigation but repeat that the Rural Finance and Development Division offers various programs which may be of help. The real question is whether or not the guidelines will need to be reworked to fit the circumstances and whether or not a special set of events applies to those for whom insurance was not available as opposed to those for whom insurance was available but who made a commercial decision not to access it.

DAIRY INDUSTRY

Mr HAMILTON (Albert Park): Will the Minister of Agriculture respond to correspondence from the South Australian Dairyfarmers Association in which it expressed concern about the possible implications of the industry commission report on the dairy industry in this State? I understand that other members have received correspondence, as have I, from the South Australian Dairyfarmers Association Inc. about the implications for this State of the Australian dairy industry inquiry. A letter dated 12 November states:

> Although it can be held that the assertions of the Industry Commission Report are irresponsible, we must accept the process of these recommendations being reported to the Treasurer in accordance with section 7 of the Industry Commission Act 1989. The Industry Commission, while recognising Australia's status as a low-cost dairy producer by world standards has, nevertheless, made recommendations which would see the demise of the dairy industry, recommendations that would result in a contraction of the industry, loss of jobs, loss of competitiveness in world markets and, quite probably, a cost to Australian consumers in both price and supply of dairy foods.

The Hon. LYNN ARNOLD: I am aware of that correspondence having gone to a number of members. Indeed, it raises alongside of that some other issues which involve a series of overlapping discussions. First, discussions are taking place between State and Federal Ministers of Agriculture via the Agriculture Council. The next meeting of that body will be in February next year. Secondly, discussions are occurring between a smaller number of State Ministers, and I have written to all State Ministers with respect to section 38 provisions and their impact on the dairy industry. Thirdly, there are discussions within the State about the dairy industry in the context of the green paper we issued on the dairy industry and the white paper we are presently in the final stages of drafting. All those discussions overlap each other and have significance.

The changes that we will be making at the State level cannot be made in isolation. I will have to recommend to Cabinet that we take into account the type of agenda set at the national level by such bodies as the Industry Commission and, in the wider context, as a result of international trade negotiations, because the dairy industry is one of those commodity sectors which is a bit differently arranged in terms of its international trade than other agricultural commodities. It is one sector that does receive some income support in its export arrangements. We have to work out exactly what will happen as a result of the Uruguay round and the impact on those issues. It is critical that any changes enhance and promote the viability of an efficient dairy industry and do not pull the rug from under its feet.

I have been involved in discussions at earlier Agriculture Council meetings and will be involved in those at the Agriculture Council meeting next year. My most immediate concern is to precede the negotiations with the different sectors of the dairy industry in South Australia to lead me to a position where I am able to take a draft white paper to Cabinet for ultimate release that would then have an impact on what is happening, for example, to the retail vending of milk, the relationship of farm gate price, minimum pricing, maximum pricing, recommended pricing, and also such things as whether or not there be a minimum price or some form of price mechanism for manufactured milk products such as flavoured milk. I hope we will have that process ready within the next couple of weeks. We had hoped to have a discussion with the industry groups yesterday but, unfortunately, that was not able to take place. I now look forward to that meeting taking place perhaps next week or the week after.

EYRE PENINSULA MUSIC HUB

Mr BLACKER (Flinders): Will the Minister of Education advise the House on the progress of the establishment of a music hub or music cluster on Lower Eyre Peninsula? Many constituents have contacted me expressing concern at the possible loss of music teachers from the Port Lincoln High

School. A meeting of at least nine schools has promoted the music hub concept to fully utilise and fund existing staff positions, and to ensure that the best music curriculum opportunity is available to students on Lower Eyre Peninsula. Port Lincoln High School has established itself as one of the best schools for music in South Australia, having excelled at intrastate and interstate competitions in recent years. My constituents are anxious that this hard-earned reputation is maintained.

The Hon. G.J. CRAFTER: I thank the honourable member for his question and his interest in and support for the Port Lincoln High School. I am aware of the reputation that the school has not only for its music program but a number of other aspects of the curriculum provided at that school and the support that that school gives other schools in the district to which the honourable member refers. I am aware that some work has been done in the school in recent years to provide additional facilities for the teaching of music and for the development of distance education programs which bring music tuition to many students who are geographically isolated and would otherwise be unable to participate in the music curriculum in our schools. I will be pleased to obtain further information for the honourable member with respect to support for that program.

EAST TIMOR

Mr FERGUSON (Henley Beach): Is the Minister of Ethnic Affairs aware that members of the East Timorese community in Adelaide, who formerly kept themselves deliberately low key, having been threatened with retaliation if they spoke publicly (as reported in the *Advertiser* of 15 November 1991), have now, in the shock of the recent Dili massacre, spoken out calling for economic sanctions to be imposed on Indonesia? Is he further aware that members of the community, despite threats of retaliation on relatives in East Timor, have written to the Indonesian Embassy in Canberra in the following terms:

> After 16 years you must know that the East Timorese people do not want to be controlled by Indonesia. We want peaceful relations between our people, but this will not occur until Indonesian troops withdraw from my country . . . My brother and niece were killed by your government's troops. Many East Timorese have lost close relatives . . . The time has finally come for an end to all these killings, so that East Timor can at last be free and at peace again.

Will the Minister be sending any public message of sympathy and support to the East Timorese community in South Australia in their grief and great anxiety? Will the Minister heed the call of our East Timorese community, church, aid and trade union officials, all major Australian newspapers and the public at large, and add his voice in support of those seeking to achieve the full implementation of the United Nations resolution on the act of self-determination for East Timor, and what action is the Minister prepared to take to achieve that end?

The Hon. LYNN ARNOLD: At the outset, I indicate that, along with many other Australians, I am appalled at the events reported to have taken place in Dili, East Timor. There can be no doubt that the events, as reported, indicate a major tragedy in terms of the slaughter of those who were taking the opportunity to express their views on events in that part of the world. They were met with a very repressive response by military authorities. All right-thinking Australians, in opposing the acts of repression that took place against those East Timorese protestors, would join with the Governor of that province who, I understand, has been reasonably outspoken in terms of addressing his own national authorities in Indonesia and demanding that there be a full inquiry into those events. It is quite appropriate that, as the Governor for that region, he should call on his own Government to take that action. It is hoped that that inquiry, which has been promised, does take place, and that it is a rigorous inquiry that fully uncovers the events that led to the slaughter of unarmed people in the streets of Dili.

Of course, there is a broader question which is not really the canvas of this Legislature to be involved in, because it is a foreign affairs matter and, quite rightly, is the province of the Federal Parliament which I know will be debating this matter. However, since I have been asked this question, it seems to me entirely appropriate that I indicate that I believe that the Australian Government should be doing what it can in a pro-active way on the international stage to support the formulation of proposals for an internationally supervised act of self-determination for East Timor as a matter of priority, and to use all diplomatic resources to enlist the support of other United Nations member States to ensure maximum support for such an act. Clearly this should have taken place many years ago, but the events of recent days indicate that the need for such international supervision for an act of self-determination has not in any way abated in the 16 years since Indonesia took control of East Timor.

The other question as to whether or not there should be sanctions is entirely one for the Federal arena. What we ought to do is support Indonesians who themselves are appalled at the events that have taken place in East Timor and want to ensure that any outcome leads to the best possible result for the people of East Timor and for those within Indonesia who naturally want an expression of justice and Government by justice and events that consequentially follow upon that.

RAILWAY STATIONS

Mr SUCH (Fisher): Will the Minister of Transport confirm or deny that the Government intends to close a number of inner suburban railway stations, including Mitchell Park, Clovelly Park, Edwardstown, Keswick, Clarence Park, Goodwood and Mile End? What further plans does the Government have to close other suburban stations?

The Hon. FRANK BLEVINS: The Government has no plans to close any of those stations. The Government has made that perfectly clear on numerous occasions—almost *ad nauseam*—but I will run through it again for the benefit of the member for Fisher. There is no question that some inner suburban stations are no longer viable as stations: there is no doubt about that. However, a long community consultation process is being undertaken to see whether any other options can be provided for those communities. As a result of that process, it will be about two years before any action is taken, if it is deemed that any of them need to be closed. My suspicion is that the overwhelming majority of those stations will still be going in 50 years.

If we could close a few of those stations—with the acceptance of the community—we would do so for the benefit of constituents; for example, I am sure the member for Bright's constituents would be only too pleased to see some of those inner suburban stations closed. However, it is highly unlikely that any of them will be closed and, if so, that will occur only after an extensive period of consultation. I have said that in this place so many times that I cannot understand how the member for Fisher missed my saying it before.

Mr Such: It is in the *Guardian* today.

The SPEAKER: Order!

The Hon. FRANK BLEVINS: What does it have to do with the *Guardian*?

Mr Such: The *Guardian Messenger.*

The SPEAKER: Order!

The Hon. FRANK BLEVINS: So what? I want to give as extensive an answer as possible so that perhaps the member for Fisher and others will not misunderstand my answer.

The Hon. D.J. Hopgood: It's a hard road.

The Hon. FRANK BLEVINS: It is a hard road. I will get members on this side of the House who have those railway stations in their constituency to ask a question from time to time just so that I can give the same answer so that the member for Fisher and others who are clearly forgetful will not have the opportunity in the future.

GRIEVANCE DEBATE

The SPEAKER: I put the question that the House note grievances.

The Hon. T.H. HEMMINGS (Napier): I do not usually give out bouquets to members on either side of the House, but today I would like to give out a bouquet to one member opposite, the member for Custance. He is the baby of the House inasmuch as he has been with us for only about 17 months. However, over that period the honourable member has developed into a forceful advocate for the rural community and those he represents. When the member for Custance first came into the House, he chose to speak from copious written notes—and I say that in a kindly fashion. Because of the embarrassment—and I went through exactly the same experience 14 years ago—the member for Custance chose to write his speeches and deliver them in a rather stilted way.

However, lately he has chosen not only to speak from the heart but also to recount that vast knowledge that he has accumulated over the years, whether it be in relation to sheep, cattle, cereals, roads or rail. That wide area which is of so much interest to the rural community and which is so dear to the heart of the member for Custance still comes through. He can deliver his speeches in a heart warming way, with the appropriate technical data available for the benefit of the House—and the member for Custance knows I am serious.

I ask members to compare the member for Custance with others. Mr Speaker, I ask you not to speak to the Minister for Environment and Planning but to listen to what I say when I compare the member for Custance with other members opposite. Between the member for Custance and the member for Fisher there is a Corinthian pillar. That obstacle, that pillar, represents more than mere plaster, concrete and reinforced iron: it represents a gulf wider than the Red Sea that confronted Moses when he led the 12 tribes of Israel out of Egypt. It represents a gulf and a barrier that is worse than the hated Berlin wall, which I am sure we are all thankful has gone forever.

I know that the member for Custance will not mind my saying that, like most of us here who come from common, ordinary stock, he had a fairly basic education. He learnt through hard knocks, his family and experience. I ask the House to compare him with the member for Fisher. As I understand, the member for Fisher has a Ph.D. and for some time was a corporal in the psychology section of the Army Reserve. Let us consider the difference: the member for Fisher, despite being in this House for two years, bumbles his way through, seeking cheap publicity only to further his ends, and we have seen several instances of this over the past few weeks. He followed my advice—and he rarely does this—and abandoned written speeches. We all know the result of that: sheer incompetency.

I am glad to be able to report to the House that the member for Fisher took seriously the same advice I gave to the member for Custance, who has developed into an outstanding contributor on the other side. Whilst he is in this House, the only thing the member for Custance wants to do—and I sincerely hope he does go into the Ministry if the other side wins an election—is to further the hopes, aspirations and dreams of the country folk he loves. I give him credit for that. He is a genuine son of the soil, and I take my hat off to him. He is an honest toiler of the mother earth. He is of genuine yoeman stock. I salute the member for Custance; long may he be here.

The SPEAKER: Order! The honourable member's time has expired.

Mr D.S. BAKER (Leader of the Opposition): I compliment the member for Napier on his speech. I had the privilege to read his thoughts and vision for the State in his book which has now been distributed. His speech today certainly identified his greater vision for South Australia. In response to questions earlier today on the forest deal, the Premier, as usual, wafted on at length and did not answer any of the questions. I took exception to some of the comments he made, especially those attributed to me over the years that I have been in this Parliament. Since entering Parliament I have made it very clear that I am a great supporter of the Woods and Forests Department, especially to grow trees—not only *pinus radiata* and the other softwood species that it grows but also hardwood and Australian native species. The department's role in afforestation and reafforestation in South Australia is right and proper. However, the minute the Woods and Forests Department comes to harvest those trees, and it enters into the commercial area, that is where it has some problems and where it has consistently lost taxpayers' money.

SATCO is a financial disaster. If the forest increment for each year is not included in its cash flow the Woods and Forests Department runs at an annual loss. That is why SAFA has been forced to contribute extra dollars and equity. Scrimber is a $60 million mistake. The Minister of Forests said that it was not his fault, and he blamed management. Quite clearly, the Woods and Forests Department is one of this State's great assets, but the Liberal Party has said that it would sell that asset when it came to power, and we do not resile from that. It is not that we want to sell it, but we would be forced into doing so by the economic mismanagement of South Australia by the Treasurer who has squandered $2 200 million of taxpayers' funds.

These sleazy deals that have taken place have put in jeopardy our ability to recoup some of the taxpayers' dollars by selling off the State's assets that have to be sold off in order to get this State back onto some sort of financial base. At present, all the Treasurer has done, by borrowing that $2 200 million, is to pass the problems onto our children, the future generations of this State. Let us look at these sleazy tax scams that the Treasurer has entered into over the 'past few years'. One of those deals is the Torrens Island Power Station deal, which was described by a person who gave evidence before the Royal Commission, and reported in the *Advertiser*, as a tax scam. The bank did not want to become involved at all.

We have seen the Beneficial Finance leasing of cars arrangement that led to a tax raid by Federal taxation officers. The Premier okayed both those deals. We have

seen the 1986 SAFA deferred annuity scheme that has been introduced—another deal with a great question mark over it. The latest one is the $407 million forest deal, which the Premier claims is quite usual and would normally be entered into by a Government. I can tell members that the Premier might be prepared to get down to that level but that sort of deal would not be entered into by my Government.

Let us look at the misconceptions and irregularities in this deal. The Woods and Forests annual report values the forests at $524 million. The SAFA deal is for $407 million. Where is the rest? The Minister claims that only $6 million will come back to the taxpayers of South Australia; however, according to the 1990 SAFA annual report $100 million is provided against future tax liabilities of a third party. The Treasurer has, through SAFA, entered into deals with a third party on three separate occasions that we know of, and the taxpayers of South Australia have inherited the liability. In SAFA's annual report, that liability is estimated at $100 million. The Treasurer needs to explain these deals a little better, not just with the huff and the puff that has gone on today. When each question was asked, he started off by criticising the honourable member for asking the question.

The SPEAKER: Order! The honourable Leader's time has expired. The member for Henley Beach.

Mr FERGUSON (Henley Beach): I have been approached by members of the Timorese community in my electorate regarding the recent massacre that took place in that country. I have been provided with correspondence which was sent to the Indonesian Consulate and which I wish to cite. For obvious reasons, I do not wish to reveal the name of the person concerned. The letter states:

Dear Sir.

I am very angry and upset over the massacre of my people in Dili on 12 November. How could the Indonesians commit such atrocities? No excuses can justify the killing of so many people.

After 16 years you must know that the East Timorese people do not want to be controlled by Indonesia. We want peaceful relations between our people, but this will not occur until Indonesian troops withdraw from my country.

Also, the transmigrasi program should cease immediately. There are many areas within Indonesia where these people could settle without displacing East Timorese from their traditional lands.

I hope that the international outcry over the massacre in Dili will convince the Indonesian Government that they must leave East Timor once and for all and stop the senseless killings that have been going on since 1975. The military commander who ordered the massacre must be brought to justice and the United Nations observers allowed to enter East Timor to ensure this does not happen again.

My brother and niece were killed by your Government's troops. Many East Timorese have lost close relatives and loved ones since the invasion. The time has finally come to end all these killings so that East Timor can be free at last and at peace again.

Please pass on this appeal to your Government urgently.

The Australian people have a lot to thank the Timorese people for. Members would recall that, at the time of our greatest peril when the Japanese were knocking at our door and when, for the first time it seemed that this country would be invaded, we received great assistance from the people of that land. Australian troops were trapped in that country—

The Hon. Jennifer Cashmore: Young airmen.

Mr FERGUSON: They were not only airmen but members of all the services, including Australian commandos, who were assisted and who survived with the help of the indigenous population. Therefore, we should not forget the great debt that we owe these people. It is a shame that, at the time of their greatest need, we did not offer help to the Timorese. It is probably to our shame that, when the Indonesian invasion of East Timor and the subsequent murder of over 200 000 Timorese by the Indonesian military took place, we gave *de jure* recognition of Indonesia's sovereignty, and the continued arming and training of Indonesian troops to crush the East Timorese resistance is something that we should not forget.

I believe that the trade union movement is correct in calling for the ending of military assistance to Indonesia while the problems that are occurring in Timor continue, but that is not to say that we should cease other forms of assistance. The *de jure* recognition has been rejected by every friend in the world that Australia has: by the United Nations, the United States, Britain, Japan, the whole of the European community and hundreds of others. Why is it that Australia alone is continuing in this issue? I believe that the editorials that have been written by the press throughout Australia condemning the massacre in that country—

The SPEAKER: Order! The honourable member's time has expired. The Deputy Leader of the Opposition.

Mr S.J. BAKER (Deputy Leader of the Opposition): Six days ago, the Leader of the Opposition in Canberra laid down the GST package, which is part of a 20-point plan and which, of course, is of interest to most Australians and to Federal and State Governments. The State Government has had six days at its disposal to analyse the package and to find its perceived faults. Today, we heard three pathetic responses to the package that has been presented by the Liberal Opposition. Leading the band was the Premier. The best he could say was, 'I think it's all right, but I will have to look at it'; however, at the end of the day, he says that it is repugnant.

We then heard from the Minister of Transport and from the Minister of Housing and Construction. I would like to consider their contributions, because they were absolutely untruthful. The GST package provides for a very intricate well developed and well documented process of change in this country. I can understand why the Government cannot respond to it: it does not have the wit, will, intelligence or intellect to be able to offer a vision for this country. I expect that over the next month or so, in particular, we will see a negative campaign that will continue through the next 12 to 18 months before the next Federal election, because that is the only way the Government believes it has a hope of defeating the Federal Government.

The Hon. T.H. HEMMINGS: On a point of order, Mr Speaker, we have already on the Notice Paper a notice of motion that deals with—

The SPEAKER: Which number?

The Hon. T.H. HEMMINGS: Orders of the Day: Other Motions No. 6 for Thursday 28 November.

The SPEAKER: The Chair recognises that that order of the day provides that the House condemn the Liberal Party at both Federal and State levels for proposing a broad-based consumption tax. A direct reference to the tax itself that would be dealt with in the other debate may not be referred to. However, as long as the honourable member does not refer specifically to the clauses of the proposal, reactions will be acceptable to the House.

Mr S.J. BAKER: Thank you, Sir. I am pleased by that ruling because, if the honourable member's point had been upheld, members would not be able to ask any questions in this House on the matter, either. I know that the Government wishes to ask questions and to probe, because it is not doing particularly well with the citizens of this State and of this country.

Two issues particularly were raised in the House today, the first being the fare hike. That is totally untrue. The Minister of Transport well knows that State Governments

are exempt from the taxation, and we know that the GST will feed its way through the system. Ultimately, if a person exports, he will be GST free and, if the goods are sold, the Government will be GST free also, as there is a discount mechanism.

We also know that the GST will not be imposed on fares, because that involves a Government so-called venture. However, let me consider the way in which the State Transport Authority operates. Even if 15 per cent were imposed in that regard, there would be more than 15 per cent of savings to be taken up by the Government. The Minister made some inane comments such as that Australian National will have to be run on a totally commercial basis. What the Minister failed to tell the House—quite dishonestly—is that cars and fuel will be cheaper and that we can become more competitive in the process.

The Minister of Housing and Construction talked about the maintenance costs. If 40 per cent of the maintenance cost was for equipment, and if we fed through the 15 per cent, we would end up with $3 million, that is, 1 per cent of the total cost of operating the rental accommodation in this State. That is an infinitesimal amount and, in comparison with the rents that have not been collected in the past year, it pales into insignificance. Of course, I will have an opportunity later to talk about family packages and, if the Premier feels that the family packages are repugnant, he is doomed to failure before he even starts.

Mr ATKINSON (Spence): Next January, residents of Ovingham and Renown Park will mark the twenty-third anniversary of the first promise to build the Ovingham railway overpass. The overpass has been promised many times since 1969, but those of us who travel north-west from the city along Torrens Road know that all that has happened in the past 23 years is the demolition of shops and homes on the northern side of Torrens Road.

Several families living on Churchill Road and Devonport Terrace have lost their neighbours, their local shops and their property values. For almost a generation, they have been left in a wasteland—a wasteland that was, until late 1989, often covered in refuse and home to vermin. For almost a generation, the Overpass Tavern on Torrens Road at Ovingham has looked out on this wasteland, waiting for the fly-over that would give its name meaning. The Ovingham overpass plan was designed to replace a busy level crossing over an arterial road with a fly-over that would eliminate delays and dangers to motorists. The fly-over would rise from the corner of Park Terrace and Torrens Road, soar over the main northern railway and return to the current level and alignment at Mais Street, Brompton. Side access to and from the fly-over would be provided at Chief Street and Churchill Road. Underpasses would connect Exeter Terrace in the north with Drayton and East Streets in the south.

The level crossing on the main northern railway at Ovingham carries 146 trains daily between 6.30 a.m. and 6.30 p.m. These trains cause delays to 11 000 vehicles. During the morning and evening rush hours, the crossing is barred to road traffic for a total of 46 minutes. These delays are so long because some of the longest freight trains marshalled in South Australia travel across Torrens Road at Ovingham. While these trains are crossing, traffic from the city can be backed up through the Churchill Road lights.

The angle of the current Churchill Road intersection is awkward for trucks and semi-trailers, with the result that traffic lights and related equipment are often knocked over by heavy vehicles mounting the kerb as they turn left into Churchill Road. This is a recurring cost to the Department of Road Transport. The Ovingham railway overpass has strong support from residents of Ovingham and Renown Park as well as the long-suffering motorists of the north-western suburbs.

Let me now recite some of the sad history of postponements and unfulfilled promises. In 1968, the first plans for the overpass were drawn up as part of the Hall Government's Metropolitan Adelaide Transport Scheme. In January 1969, the Hall Government announced that the overpass would be started in three years. In April 1970, minor alterations to the plans were made and final approval was expected within two or three weeks. In August 1971, under the Dunstan Labor Government, construction was tentatively scheduled for 1974-75.

On 3 November 1971, formal approval was granted at an estimated cost of $1.7 million. In January 1974, work was scheduled to start in January 1976 and to be completed within two years. In February 1978, it was decided to start the overpass in four years. The Tonkin Liberal Government established a coordinating group for the Ovingham overpass project, the outcome being that the north-west ring route was given a priority that placed it ahead of the overpass. By this time, the cost of the Ovingham overpass had increased to $3.2 million.

In August 1981, the Tonkin Liberal Government announced the results of an Ovingham access study; this concluded that the savings to through traffic at the railway crossing would be small and that the loss of accessibility to local streets in Ovingham and Bowden would outweigh the savings. The Tonkin Government argued that there was no economic justification for constructing the Ovingham overpass. The cost of the overpass had, meanwhile, accelerated to $4.5 million.

The Ovingham overpass was restored to the political agenda by the election of the Bannon Labor Government in 1982, when the local member (Hon. Roy Abbott) became Minister of Transport. The Minister ordered another report on the overpass, and further work was undertaken—

The SPEAKER: Order! The honourable member's time has expired. The honourable member for Chaffey.

The Hon. P.B. ARNOLD (Chaffey): Earlier this afternoon, I presented to this Chamber a petition that stated:

> We the residents of and visitors to the Riverland object in the strongest terms to the construction by the Government of a bridge from Goolwa to Hindmarsh Island in lieu of the promised bridge at Berri on the grounds that:
>
> *(a)* it cannot be financially justified and is an inequitable and inappropriate use of taxpayers' funds,
>
> *(b)* a bridge at Berri would provide far greater economic benefits to South Australia, and
>
> *(c)* such action dishonours the promise made by the Premier, on coming to government, that the next bridge to be built over the River Murray would be at Berri.

The petition, which was signed by 5 043 residents of the Riverland, was a spontaneous reaction to the Premier's statement that appeared in the *Advertiser* of Friday 25 October 1991 under the heading 'Government to pay full cost of $6 million bridge', referring to the bridge from Goolwa to Hindmarsh Island.

A petition from 459 residents of Hindmarsh Island and Goolwa was presented to the House on Wednesday 13 November opposing the construction of that bridge. The cost of constructing a bridge at Berri was clearly indicated by the Highways Department in the 1981 report. Using the existing causeway that is presently used by ferry traffic, the report stated that earthworks for the bridge at Berri would cost $2.3 million and the actual river bridge $5.2 million, making a total of $7.5 million. That amount has not been

pulled out of the air; it was determined by the Highways Department in 1981.

If the member for Napier wants to add the inflation cost incurred over the past 10 years under the South Australian Labor Government and suggest that, with the existing causeway, it would cost $20 million, that is quite ludicrous. We have no knowledge of what the real cost of a bridge at Hindmarsh Island would be, although we know that the bridge would be built on what is known as Hindmarsh clays, which are really a bottomless silt. Until an intensive engineering investigation has been undertaken, there will be no real indication of the true cost, because the footings for such a bridge could themselves cost at least $6 million.

How can the Premier say that the taxpayers of South Australia will fund a bridge purely to support a development on Hindmarsh Island, when the residents of Hindmarsh Island and Goolwa have signed a petition opposing such a structure and when it can be clearly identified that a bridge at Berri would be worth countless millions in convenience and productivity to the State? I do not have to remind the House again—but I seem to have to do so on numerous occasions—that the productivity which comes from the rural areas represents at least 50 per cent of the economy of South Australia. In the very near future I will be presenting to the Premier and the Parliament a detailed study which clearly identifies the cost benefits of a bridge at Berri compared with the proposal to build a bridge between Goolwa and Hindmarsh Island.

SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 1, line 14 (clause 2)—Leave out '1 July 1988' and insert '17 January 1991'.

The Hon. FRANK BLEVINS (Minister of Finance): I move:

That the Legislative Council's amendment be agreed to.

Mr S.J. BAKER: Obviously, the Opposition supports the Minister's motion. The Opposition previously drew attention to this anomaly, and we concur with the amendment.

Motion carried.

WINE GRAPES INDUSTRY BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 2131.)

Mr MEIER (Goyder): The Opposition supports this legislation. Members would be aware that wine grape prices legislation has existed in South Australia since 1966, that minimum prices have been set continuously in South Australia from 1966 to 1985, and that terms of payment have been determined each vintage since 1977. This Bill seeks to establish something new—the concept of indicative pricing for wine grapes in Area 1, which is the area irrigated along the Murray River. For many years this State has experienced a minimum pricing scheme. The Minister would be aware that in the 1980s the Opposition had grave reservations, about removing that scheme because it gave some stability to wine grape growers. Since 1985 that scheme has not operated, and wine grape growers have been at the mercy of market forces. On occasions they have experienced some good times, but particularly in the past two years they have experienced some harsh times in relation to wine grape prices.

The Government and the industry recognise that it is important for some mechanism to be put in place to give stability to the operations of both wine grape growers and wine makers. The second reading explanation outlines various details of the legislation. It is interesting to note that representatives of the national wine making and grape growing industry bodies, the Departments of Agriculture and Fisheries (New South Wales), Agriculture and Rural Affairs (Victoria) and Agriculture (South Australia) attended a meeting in Renmark on 19 October 1990 to finalise the development of an indicative pricing system.

The 19 October meeting agreed unanimously that the following three broad principles should apply for wine grape pricing in the Murrumbidgee irrigation area, the Sunraysia area of Victoria and New South Wales and the Riverland area of South Australia for the 1991 season and beyond: first, the industry should set up price negotiating machinery between growers and wine makers for the MIA, Sunraysia and Riverland, with a view to establishing indicative prices for all relevant varieties of wine grapes; secondly, negotiations should be held jointly between representatives of the three areas to arrive at indicative prices; and, thirdly, the purpose of the indicative prices should be to assist in the negotiations between buyers and sellers.

I have had discussions with a variety of people on this issue, and the information I have received is not in agreement in all cases. The UF&S has indicated support for the proposal, and has been part of the discussions for some time. In a letter to me dated 15 November the UF&S points out that it is aware of a group of Riverland growers who have reservations about indicative pricing but, nevertheless, it believes that this will be in the best interests of South Australian growers. The UF&S provided me with an analysis of independent wine grape production in South Australia. Mr Speaker, I seek leave to have this table inserted in *Hansard* without my reading it.

The SPEAKER: Does the honourable member assure me that it is purely statistical?

Mr MEIER: I give that assurance, Mr Speaker.

Leave granted.

Region	Production (Tonnes)	UF&S Members	UF&S Production (Tonnes)
Riverland	110 000	200	60 000
Barossa	32 000	170	26 000
McLaren Vale	18 000	55	12 500
Langhorne Creek	5 500	27	5 250
Clare	4 400	29	2 600

N.B. Wine grapes grown by wineries are excluded from this analysis.

Mr MEIER: This table indicates that the Riverland has far and above the largest production of wine grapes in Australia, some 110 000 tonnes, compared to the Barossa, 32 000 tonnes; McLaren Vale, 18 000 tonnes; Langhorne Creek, 5 500 tonnes; and Clare, 4 400 tonnes. It is acknowledged, therefore, that if indicative pricing can be established for the Riverland it is highly likely that that will be taken into account by wineries regarding payment to growers in other areas. I acknowledge the logic of that argument. I have also had discussions with the Wine and Brandy Producers' Association.

On questions involving indicative pricing, one always wonders whether the processors are in agreement with the

producers. From those discussions, it became clear to me that the wineries are quite prepared to give the indicative pricing mechanism every chance of success because they believe it will help the industry overall. We need to acknowledge that wine production has seen enormous growth in export value over the past year or two. At a time when South Australia and Australia generally have been struggling with exports, that has been heartening. In order to maintain that growth, some stability is necessary. I hope that indicative pricing will be of assistance to winemakers to help them look ahead and advise their overseas markets of the cost at which they will be able to provide the goods.

The argument as it relates to growers is quite clear. They hope this new mechanism will ensure that they can get a price that will make it a profitable enterprise for them. I recognise, as I am sure all members do, that this is not a guaranteed minimum price. This new mechanism cannot guarantee growers that they will even meet the cost of production. However, if it is given a proper chance to operate, it will provide an indication to growers of the variety of grapes that are in demand and the variety of grapes for which demand is increasing as time progresses. In addition, it will indicate to growers that, if they are growing varieties that are bringing very low prices, they may have to reconsider that line of production and plant different varieties, for example.

I have had representations from the Riverland Growers Unity Association (RGUA) indicating its opposition to an indicative pricing mechanism. In a letter dated 23 October, the association stated that it had previously discussed its blueprint for increased stability and improved viability in the industry. That blueprint included the introduction of, first, a negotiated or, if necessary, an arbitrated then legislated minimum price per variety. Secondly, the association seeks a system of long-term contracts, at annually fixed prices, negotiated between individual growers and wineries as to required quantities of individual varieties. Thirdly, the association would like a vine pull scheme for those growers wishing to get out of the industry and, fourthly, a moratorium on further permanent plantings for a decade or more. Fifthly, the association's blueprint seeks the use of water licence transfer restrictions as a means of contributing to the management of wine grape supply. The letter goes on to state:

> In RGUA's opinion, none of the above issues have been addressed, nothing has been done to redress the imbalance of power currently existing between winemakers and growers, and all that has been produced from this slick juxtaposition of UF&S ideology and TPC [Trade Practices Commission] statutory obligation, is a scheme which will do little to improve stability or independent grapegrower viability in the industry.

I do not want to analyse these factors in their entirety. That will be discussed further in the coming years when the system is in place. A minimum price has been tried in various areas, including the wine grape industry. It had disastrous consequences for the wool industry because it artificially kept up a price that the rest of the world had given away long before and poor old Australia was left holding the sheep, fully clothed, so to speak. That problem is still with us. We had to get rid of a huge stockpile of wool worth billions of dollars.

A minimum price for wine grape growers certainly sounds attractive, and the call is made usually for a minimum price that gives a proper return to growers. However, in the modern, hard-hitting marketing world, with supply and demand determined very much by quality and price, we in South Australia have to be assured that it will be in the best interests of our producers. I am sure that that debate will continue, but whether it can be implemented some time down the track only time will tell. However, let us consider first what is before the House.

This pricing mechanism has been determined by three States—New South Wales, Victoria and South Australia. Because New South Wales and Victoria are happy to go ahead with it, it would be grossly irresponsible of South Australia to decline to be part of it. It is another reason that the Opposition supports the Bill. We believe that this new arrangement must be given every opportunity to work and there is no doubt that it will need several seasons before we can analyse how effective it is. We have to recognise that the indicative pricing mechanism is not a compulsory price. There is no doubt that wineries will not have to adhere to it, but it is to be hoped that it will be an indicator that producers can use when faced with a winery that suggests a price way below the indicative price. That may have something to do with the quality of the grapes or that the winery does not want so many grapes that season, but a reason should be given.

A committee will be established in South Australia by the winemaking and wine grape growing industries to advise the Minister on the indicative prices and the terms and conditions of payment to apply for the ensuing vintage. That committee will consist of seven members, including the chairperson, who will be appointed by the Minister. Of that committee, three members will be persons involved in producing wine grapes or in the wine grape producing industry organisation selected by the UF&S and three members will be persons involved in the purchasing of grapes for processing for wine or in the wine and brandy producers organisation selected by the Wine and Brandy Producers Association. I may ask some questions during Committee on that subject. I know that the member for Chaffey, who represents most of the people who will be affected by this Bill, has considerable knowledge in this matter and has a valuable contribution to make to this debate. Given that this is the last sitting week, I trust that it will be possible for this Bill to pass both Houses so that there can be a trial run for the 1992 vintage.

The Hon. P.B. ARNOLD (Chaffey): It would be fair to say that the wine and wine grape growing industries in Australia have had what could best be described as a chequered career, inasmuch as confrontations have gone on for a long time between the grape growers and wine makers in relation to the supply and prices of grapes. Basically, it is one total wine industry. It is fair to say also that for the past 10 years many of us have been trying to get the industry onto a national basis, to get the wine makers and wine grape growers to talk together and to develop a stable, long-term industry. However, different growers and different organisations have different points of view. I presented a petition to the House this afternoon, sponsored by the Riverland Growers Unity Association, that stated:

> Too few Riverland wine grape growers have been consulted for growers to gain an understanding of and to express an opinion on the proposed changes to the South Australian wine grape pricing legislation, and calls on the Government to retain the existing legislation until an acceptable alternative has been enacted.

A percentage of growers in the Riverland support that point of view, and many others have varying points of view on this subject. However, it is true to say that many have been trying for a long time to gain the cooperation of the three States so they can work together and achieve a national wine industry.

I firmly believe that the potential for the wine industry in this country is enormous. We have the ability to produce very high quality grapes. I can well remember a visit to Australia by Professor Becker approximately 20 years ago.

At that time, Professor Becker was the head of wine research at Geisenheim in Germany; he was the head of the wine industry in that country. When visiting the Riverland, he stated that, as far as he was concerned, some of the best wine grapes in the world were produced in the Riverland under irrigation, but he added, 'You are trying to make high quality wines in a very hot climate but, without highly sophisticated refrigeration, centrifuge, and so on, you are not able to make the ultimate product'. It was not long after Professor Becker's visit that the industry did develop in that direction and much of the world renowned technology was introduced, particularly into the hot climate of the Riverland, with quite outstanding results.

It is well known that some of the top wine awards in Australia have been won by companies producing in the Riverland. As I said, we have the ability in this country to produce large volumes of high quality premium grapes. We have the ability to develop the industry by way of machine pruning and machine harvesting and, with highly sophisticated large wineries, we have the ability to provide a high quality product to the export market at a very competitive price.

That was borne out just recently when a representative of the Swedish Government was in Australia buying wines on behalf of his Government. All wines imported by Sweden are imported by the Government and then distributed. He made the point on radio a week or so ago that, because of the high quality and consistent standard and competitive price at which we can produce wines in this country—particularly in South Australia—it has become recognised, particularly in the Scandinavian countries and in Great Britain, that we really do have a consistent product on which they can rely. They are looking very favourably towards us in the long term. We are looking at an industry that has the potential to come out of this recession probably ahead of most horticultural and agricultural industries in Australia. It is a very lucrative export market, and we have the product that will enable us to maintain and look after that market.

I have always held the view that, if we are ever to have a stable wine grape and wine making industry in this country, it has to be on a national basis. Also, export must be always a very large component of our production. We cannot have a stable industry based on 80 per cent of the production being marketed internally in Australia, because every hiccup in the economy will be reflected in what one could describe as a luxury industry. Every time there is a downturn in the economy, one of the first things people will cut back on is wine, particularly quality wine. It is absolutely essential that we have a stable industry that can be developed, in my view, to the extent of three or four times the size it is today.

If I remember correctly, we make up approximately only 1 per cent of the world's wine market, so there is plenty of room for us to increase our production of quality wine by three or four fold and still not have a great impact on the world scene. With the nature of our climate, terrain, soils and water, we can effectively go into a very highly mechanised industry. That means we can be more than competitive with countries such as Germany and France where, in many instances, it is still a very highly labour intensive industry. On that basis, we have enormous potential.

It revolves very much around trying to get stability into the actual production in this country. As I said, many of us have been endeavouring for the past 10 years to achieve some form of stability. At the time the Government proposed repealing the existing pricing legislation in South Australia, I indicated that there was no way I would support the repeal of that legislation until I believed there was something in its place that would be at least equal to or better than what is currently on the books. One of my main reasons for retaining the existing legislation was that it contains a provision which enables the Minister to set terms and conditions of payment. The Minister has transferred that provision into the new legislation. I believe that that is absolutely critical, because much of the wine grape production in Australia comes from small growers. Unless there is some provision for the terms and conditions of payment, most small growers are not in a position to take any of the major companies to court in the event of their not paying. This has been accepted by the wine making industry, which I do not believe looks very favourably on some of its fellow wine makers who fail to pay the grape growers within a reasonable time.

In discussion with members of the Wine and Brandy Producers Association, they have accepted that the terms and conditions set down are certainly not draconian when one considers that most of the trading in this day and age occurs if not within seven days certainly within 30 days. The conditions for payment set down over the years by the Minister in no way could be described as draconian. Whilst there is some diversity of opinion as to what is the best legislation to introduce, the reality is that we will not be able to achieve the ultimate legislation. It is a matter of what is achievable and what is possible. At this point, we have achieved probably as much as we can. Certainly, it has been clearly indicated by the Governments of Victoria and New South Wales that they are not prepared to introduce legislation that fixes prices. In that case, we can hang out as long as we like for statutory pricing. In fact, one of the main concerns of the Growers Unity Group was that it wanted to retain the statutory wine grape pricing capacity.

The reality is that if Victoria and New South Wales will not legislate in that way—and they have clearly stated that they have no intention of doing so—we will be burying our heads in the sand if we continue to hold out for that. I suppose one could draw an analogy between that and the old argument between the three States and the Commonwealth in relation to Chowilla Dam. Unless there was a watertight agreement between the three States and the Commonwealth, that project could not go ahead. This is a similar situation. The important thing is that the wine makers and the grape growers of the three States are all sitting around the one table and are prepared to talk to one another. As I said, the real value in that is that, if we are ever to develop a significant export industry, it must be on a national basis. I believe this is the only way that can be achieved.

While we might have liked to retain the statutory ability to set wine grape prices, during that period we exported the South Australian wine industry to Victoria and New South Wales, because every year Victoria and New South Wales would wait until the Government of the day set the prices in South Australia and then they would immediately come in between $15 and $20 below. Consequently, the industry moved steadily into Victoria and New South Wales, which was a great tragedy for South Australia. In the early stages, it certainly did assist some of the grape growers, but towards the end all that happened was that the industry left South Australia at an ever increasing rate.

While the Bill is not the ultimate, at this point it is the best we can hope to achieve. I recognise the different points of view expressed by various growers and organisations throughout the State, but I intend to support fully the Bill. I have seen many ups and downs in the industry during the three generations that my family has been involved in the wine grape area of the wine industry, so naturally I have a

vested interest in seeing a long-term, stable industry in relation to grape growing and the wine industry as a whole. Therefore, I support the Bill.

The Hon. B.C. EASTICK (Light): In rising to speak to the Bill after my colleague the member for Chaffey, I make the observation that he rather hid his light under a bushel in that he was one of the pioneers of mechanical harvesting quite some years ago. The further advances the honourable member sees for mechanical harvesting and other approaches to the wine industry is, in great measure, as a result of his own endeavours, and I believe that ought to be recognised. I support the Bill but, like my colleague, I believe it is only a step along the way—and I suspect that the Minister feels the same. It has taken a long time to get to this point, and one could postulate as to what will be the next move. Certainly, from the industry's and the State's point of view, other developments are essential so that we can maximise not only our overseas but also our local markets.

This Bill impacts not only immediately on my constituents but also on the wine industry totally, so it will affect the activities of wine makers and vineyard operators in the whole of the Barossa Valley. My constituents have expressed the concern that currently the decisions as to how much product will be required and what the prices eventually will be—about 70 per cent of the total take of the product—are in the hands of three people. Given that the great impact—and it is not necessarily an impossible or wrong impact—of 40 per cent of the total product going to the South Australian Brewing Company's interests and that Orlando and the Wolf Blass Mildara combinations take up probably another 30 per cent, the destiny and the price of some 70 per cent of the product are being determined by a fairly small group of people.

There are a lot of boutique wineries and wineries of many years' experience, and I would like to believe that the decisions made around the table with the independent chairperson will be for the whole of the industry—and I have no doubt that the other 30 per cent will scream and make sure that their point of view is heard. However, there is a danger that we ought recognise, and I do so on behalf of my constituents. The Bill is a step along the way, and one wonders how long it will be before the payment for product will be based on quality, as is the case with the milk and other industries.

Today, there is an element of quality payments. However, regrettably, the assessment of what is quality in the wine industry is not always determined by people who are knowledgeable in respect of particular grapes. There is the possibility of grapes being affected by a disease that will affect the quality; therefore, a grower could put up a fine-looking, diseased grape which may bring the same price as a grape from a grower who has kept his vineyard disease-free and who has a better quality product as a result, even though it might not look quite as shiny. I have used those general rather than specific examples because, if we are to advance the cause and give true value back to the growers, it needs to be based on the quality of the product and what can be done with that product.

An element of independence must be involved in the determination of that quality—not the quality assessment as undertaken, in most cases, by the purchasing power. I do not want to denigrate the purchasing power of the wine makers but I just say—and I am sure members will appreciate the point—that a one-sided argument can be made out for what is quality, depending on whether one is the purchaser or the supplier. If the assessment were undertaken by an independent source, there could be no argument and the feeling of cooperation and acceptance between the two parties could be that much better.

I wholeheartedly endorse the section of the Bill which seeks to retain the protection of payment. Although I have represented the wine industry from an electoral point of view for only 21 years, I have lived in the Barossa Valley with the wine industry for 40 years, and I am well aware of the problems so many of the grape growers have had through the years with lack of payment or deferred payment, and the great difficulty it has cast upon individuals and their families. So, like the member for Chaffey, on earlier occasions, I have had no hesitation in refusing to accept a Bill put forward by Government to eliminate prices legislation and with it provision to guarantee the form of payment.

Cooperatives are given particular recognition in the Bill. On behalf of the people whom I represent, I believe that cooperatives retain something of an advantageous position if they do not have to sell under their own label. If cooperatives were to produce, process and sell any product under their own label, I suspect that a number of the practices with which they become involved would be rather different from the circumstances that now prevail. There are good cooperatives, some of which have been brought together for convenience, and some which are questionable as to their true place in the original cooperative legislation. Whilst I do not resist at all the retention of this provision in the Bill, I point out that in the longer term, on the path we are seeking to go down, we may well have to look at the benefit that accrues to a cooperative *vis-a-vis* other producers so that the industry is better represented overall.

The final point I make is that questions have been raised with me in relation to clause 9 (1), which provides:

> A processor must not accept delivery of wine grapes for processing unless—
>
> *(a)* all amounts that have previously fallen due for payment by the processor for wine grapes received by the processor, or any person acting on the processor's behalf, in a previous season have been paid in full—

and then there is an escape provision—

> *(b)* the processor has been granted an exemption under this section.

Regardless of paragraph *(b)*, the point has been made to me that, if a grower still has grapes on the vine or in the cart and if the processor has not paid because of a previous arrangement that has been entered into, one will find that the vineyard owner, in order to get the maximum benefit from his crop, may well make materials available to that processor notwithstanding this clause. We could get into an argument as to whether it is legal or illegal or whether there is a bit of fur on the side but, in discussing this matter with a winemaker, he made the point that there are other aspects of commercial law that may well put clause 9 (1) onto a collision course with normal commercial law. Whilst I have no particular response to make to the Minister as to the adequacy or otherwise of the Bill, I believe that it might be necessary between here and another place for the impact of normal commercial law to be looked at in relation to clause 9 (1) *(a)*, in particular. I support the Bill.

Mr LEWIS (Murray-Mallee): This legislation takes us away from the old practice of having the Commissioner of Prices determine what shall be paid to growers by processors and other purchasers of grapes for wine production. It is interesting that the prices, so determined were observed more in breach than in compliance. There were several ways in which growers got around the fixed price if they felt they were unable to maintain a strong enough bargaining position to sell their grapes for the prices published by the

Commissioner. During the day, they would take an extra truckload, dump it in the crusher and give it to the processor, and simply not go over the weighbridge. If that represented one load in five, it would amount to a 20 per cent discount on the price. Alternatively, they would agree to become, in part, a banker to the processor by providing the grapes and not expecting to obtain payment for many months—and that may extend over many years. Of course, the producer of the wine would have those funds available for the purpose of defraying the cost of borrowing funds from other places or, alternatively, could invest those funds at an interest rate beneficial to the producer of the wine.

So, the attempt to achieve compliance with the edicts of the Prices Commissioner were futile. I have described the means by which the legislation was abused; let me now define the reasons for that abuse. People planted vines to produce dual purpose grapes. They could use them for drying, for bulk wine production or to produce grape juice. However, mostly they were planted for the dried fruit market or to produce wine. They thought this was wise. This was at a time when, many years ago, most crops were so planted, because if the dried fruit market was depressed they could sell the grapes for wine or spirit production. Of course, the rather foolish decision taken by the Federal Government about 10 years ago destroyed the brandy spirit industry in this country. That did not help the Federal Government, because it did not increase its revenue by increasing the excise on brandy spirit, and it did not depress imports. It simply destroyed an industry on which this State's grape growers depended in large measure to provide stability in their industry, especially those growers of grapes in bulk quantities in the Riverland.

The other background point that needs to be made about the futility of attempting to fix prices for grapes is that prices were defined in respect of specific and different varieties and, in more recent years, varieties grown without irrigation, those grown with irrigation and, more recently still, with the opportunity in mind to take a premium for grapes which were of demonstrably higher quality regardless of whether they had total irrigation, supplementary irrigation or no irrigation. So, to say that doradillo, riesling or any other grape variety that could be used for wine production shall be worth so much a tonne was piffle because there was no homogeneity in the quality of the fruit. It did not depend only on where the crops were grown, or on whether they were irrigated or whether there was total dependence on irrigation for the moisture that the vine required or on supplementary irrigation in conjunction with the moisture that was held in the soil as a result of natural rainfall.

In addition, there were other causes of variation in quality and, therefore, in the value of the product, that is, the grapes on the bunch. Other causes were soil type and, most important of all, the care taken to harvest those grapes at the appropriate time. Having been harvested, care had to be taken not to allow too much damage to occur from the point at which they were removed from the vine to the time they were crushed and then commencing innoculated fermentation in the winery. That process is more significant in relation to any variety than any other single factor because, if grapes are harvested manually and carelessly in extremely hot weather, and if they are not delivered to the winery for several days after being harvested, wild yeast begins to ferment, bacterial innoculation takes over, temperatures are high and destruction of many of the essential features that can result in high quality of must, and thus high quality of the ultimate product in the form of wine, occurs at the outset before the grapes even begin to be processed at the winery.

It is, therefore—as I have illustrated quite adequately by referring to the major factors involved—quite futile to say that, because this grape is a Rhine riesling, it is worth so much a tonne. That is ridiculous. There is no better way to determine the real value of a commodity, a product, than to offer it on the open market where total information is available to the buyers and where no buyers have any greater coercive power than any others and no greater power collectively than the sellers in what the economists would then see as an ideal world of free market.

However, that does not exist. This legislation, therefore, I must say, goes some distance towards rectifying that point, especially where growers are most vulnerable, that is, in the so-called irrigated areas. It is for that reason that I support the legislation. I endorse the remarks that have been made by the Minister in his second reading explanation and by my colleagues the members for Goyder, Chaffey and Light, and will endorse the remarks yet to come from the member for Custance, with whom I have had numerous and extended discussions on this topic. I endorse in general the sentiments that they express.

Nonetheless, I wish to qualify my reasons for so doing by referring to the points already made and to some others yet to be made. Before I refer to them, I seek to justify my interested participation in this debate by virtue not only of my previous experience and involvement with the industry but also of the fact that a substantial part of clause 3 covers the growers in the district of Murray-Mallee. I would be less than responsible if I were not to participate, given that background of involvement and current responsibility in representative terms.

I believe that this legislation provides for the growers in this industry the indicative means by which they can begin to bargain. They are not going into the bargaining process with the buyers totally blind in the sense that they have not seen and do not know what price is to be paid or could be paid for their grapes, given that factors of supply and demand (not just for the grapes but, more importantly, for the end product—the wine) will determine what the processor can afford to pay. I like the legislation also because of the way in which it attempts to set down the basis upon which processors can participate in the purchase of grapes from growers. If they have not complied with the provisions contained in clause 9 already alluded to by the member for Light, they are likely to be given a flea in their ear. However, I do not know whether or not clause 9, if challenged in court, will be found to be valid.

One presumes that if a processor does not comply with that, he will not have the funds to go to court, but such a presumption is not valid in that there may be processors who choose simply to refuse to pay on the ground that what they thought they were buying is not what they got and that they thought they were buying a particular quality of grape in that specific variety by virtue of verbal or verbal and written undertakings given them by the grower, only to find, after the stuff has gone through the crushers, that it was not of that quality. The reasons for that are immaterial.

Notwithstanding that, the legislation provides this means by which growers will get an indicative price, which will enable them more effectively to enter into negotiations with those few buyers to whom the member for Light has already referred. At least some 60 to 70 per cent of the crop at present is bought by two wine processing interests—the South Australian Brewing Company and about 30 per cent by the Orlando-Wolf Blass-Mildara group. Of course, the ideal in the circumstances that currently confront the indus-

try would be to have a futures market set up, a trading floor to which no grapes were ever delivered but through which a commitment was given and taken by the seller and the buyer for a specified quality of fruit at a particular time, give or take a few weeks in the matter of less than four weeks, on a certain date, and with variation in price according to the variation about that date.

That is the kind of thing that ultimately will be most beneficial to the industry at large. The growers do not need to see specific processors, and the processors do not need to have a buyer examine particular growers' fruit and negotiate with them for the purchase of that fruit. They both simply indicate on the futures market that they wish to buy at the price at which the grapes are being offered, or they wish to sell at prices that are being offered by buyers: and that can fluctuate. That is the same as is presently the case in which we as a society—suppliers and producers—seek to stabilise the price of any product, particularly primary products, across the world. We have wheat futures, beef futures and, indeed, people can trade futures in almost any commodity. That is easily the best way to go.

Early in the piece, perhaps even two or three years out, growers can sell a proportion of their crop at a given price, knowing that someone will be willing to buy at a price, whatever it is. If the grower does not like the price, he or she does not sell. If the buyer does not want to pay that much at that time, he or she does not need to buy. As the time draws near for the harvest, one could expect the volume in terms of tonnes being traded on the futures market to increase.

People will close out their futures on the day of delivery, knowing that they can trade on those contracts, or they can simply have them established by a broker with a specific processor, given that they have agreed to supply that futures market with a description of fruit that not only goes to the variety but also defines the specific fruity acids which will be present and the proportions in which they will be present, and that there shall be a certain amount of sugar in that fruit above a given minimum and below a given maximum. With the technology at our disposal, whether you, Mr Speaker, or other members know it or not, it is possible to obtain a representative sample of that fruit and, within a matter of eight to 10 minutes, to determine all the detail that describes that fruit in the fashion to which I have just referred.

The technology is there, and it is not expensive. It would be used not only by the grower to determine the time of harvest but also by the purchaser of the grapes for private crushing to ensure that the product is as described in the contract in which they have made a commitment. It is not appropriate for us to contemplate auctions for grapes as it might be for livestock and other commodities that are not as perishable—for the very reason that the product is far too perishable.

The last thing I wish to do is to acknowledge the letter I have received from the Riverland Growers Unity Association and, in so doing, also acknowledge the helpful advice I have had from other members of the industry who are representatives elected from the ranks of the growers through, in particular, the United Farmers and Stockowners. I wish to acknowledge the contributions that have been made for my benefit and for the benefit of our deliberations here today by specific growers outside even those two groups.

The UF&S is a responsible organisation in this industry which has grown in stature and strength over the past decade. It is part of a wider agro-political lobby, and I believe that in no small measure that is the reason for its growth. Those people who for many years have been involved with the UF&S as grape growers are people of great vision who understand the necessity for them to be aligned with other agro-political-industry lobby groups to give them greater strength and muscle. They are to be commended for their far-sighted understanding of the relevance of that principle.

The 10 November letter addressed to me from the Riverland Growers Unity Association is extremely well written. It contains very useful and relevant information to us in this debate, in the process ensuring that we understand the industry, its problems and that body's opinion of how best to deal with those problems. I respect Mr Phil Lorimer for all that, nonetheless commend to him my comments about the people who have been involved in the United Farmers and Stockowners and other grower groups over recent years as being not irrelevant and inappropriate in their advocacy but quite sincere and factual in the way in which they have set about doing their job. Whilst I think it would be nice to read several items of correspondence into the record, time does not allow that, so I will not even attempt to read any one item into the record. I think I have said all that I must say to have done my duty in this debate.

Mr VENNING (Custance): I am delighted to participate in this debate. As the member for Custance, it is my opinion that I represent the pearl of this industry, that is, the Clare Valley. However, come next Friday, I might have to review that statement depending on how the boundaries are redrawn, because it is an odds on bet that the rest of the winegrowing area will come into Custance. At the moment I represent the Clare Valley, which is a magnificent part of South Australia containing a most important part of this magnificent industry. At the very least I have to stand in this place and make my views known on this very important Bill.

The wine industry is a top industry in this State: it is one of the glamour industries of Australia. As my colleague the member for Chaffey said to me, it is an industry in which we can take great confidence. As the member for Light said, I also think that the member for Chaffey has been hiding his abilities under a bushel. I, more than anyone else, have learned that to be quite an understatement because the area of expertise of the member for Chaffey is widespread. I congratulate him for his input today in relation to automated grape vine pruning. Also, I congratulate the member for Light; the input of that long-time member of this Parliament is well recognised. He has represented the Barossa Valley for the lion's share of his time in this place and he has done that industry and his electorate proud. I also recognise the speeches that have been made by the members for Goyder and Murray-Mallee.

The Bill does two things: it establishes indicative prices for wine grapes and determines the terms and conditions for payment to growers for their grapes. It is long overdue. I wonder why South Australia did not follow New South Wales and Victoria towards indicative pricing some years ago. The Bill will enable growers and marketers to legally get together to share information on the state of the market, the state of the crop and so on, and determine and/or recommend indicative prices for coming vintages. This will give growers an idea of what prices should be before they start negotiating with winemakers.

Previously, the Trade Practices Commission said that that practice was collusion, and so it was, whether collusion between the growers or the wineries, and it was illegal. However, the Trade Practices Commission has now accepted that growers and marketers can and should discuss markets and recommend indicative prices for the Minister to publish, but not actually to set the prices. This Bill is applicable to three irrigated areas: the Riverland, the Murrumbidgee

in New South Wales, and Sunraysia in Victoria. The bulk and lower end of the market prices from these areas will flow through to affect prices in non-irrigated, cool climate areas, such as Clare and the Barossa Valley, where higher priced wines are produced. The initial price setting will affect the end price for the whole industry. Previously, unrealistically low prices in bulk irrigated areas flowed through to the whole industry, growers could not recover the costs and prices were way below the cost of production, and I cite as an example last season's 1991 vintage.

This legislation will make a start towards stabilising the industry. Prices have fluctuated ridiculously from year to year, and that is difficult for the growers. In 1989 the prices were very high; in 1990 the prices dropped by 30 per cent; and in 1991 the prices dropped by a further 30 per cent—a 60 per cent variation in the three vintages from 1989-91. This industry has a disastrous record with respect to pricing. Stability is badly needed for the continuation and viability of the industry. We have heard much about this. Why such a growth industry as this has taken so long to establish regulated selling, I do not know.

Winemakers should not be disadvantaged. In the longer term, if prices are too low, they will lose growers and supplies for wineries will dry up, and therefore winemakers will not be able to produce as much. Winemakers more than anyone else need a regular and consistent supply of grapes. If prices are all over the place they will not have that consistent supply. Part of the original legislative process involved terms and conditions of payments to growers from wineries. This is retained in this legislation. Growers particularly need these terms and provisions protected and retained. This will provide protection from rogue wineries and/or sellers withholding payment. This does not happen very often, but it can and has happened. This procedure will give a guarantee that in future there will be orderly marketing.

Tri-State indicative pricing will keep up the bottom end of the market for irrigated, bulk filler wine grapes, and will keep up the upper end as well, keeping the growers growing. It will put South Australia on the same footing as New South Wales and Victoria. It will give growers an idea of prices so that they can negotiate reasonable deals with wineries. This will enable growers to decide what to do with their grapes—whether to sell them early, mid-term or keep them longer for different types of wines, or indeed whether they dry them. Growers have hundreds of options in relation to what they can do with their grapes. Without knowing the prices it is so much more difficult. This will be a very effective tool.

It is important to retain the terms and conditions of payment for the growers and to have this legislation in place before 15 December 1991 because New South Wales and Victoria on that day will publish their indicative prices for the 1992 vintage. A lot of work has been done by the UF&S wine grape section, and the Wine and Brandy Producers Association, towards stabilising the industry. It is a big earner for South Australia domestically and in export terms. I have appreciated working with those people and the assistance given my office.

The wine grape industry is vital in the Clare Valley and, as I have said, also in the Barossa, and on Friday the District of Custance could include that area. I keep that option well and truly open, and I can see myself getting a very rapid appreciation for Barossa Valley wines. But, we will wait and see what Friday brings.

There are huge fluctuations in price impact on all people and businesses in the area, not just growers and wineries. We need a sensible approach. Tony Crawford of the Australian Wine and Brandy Producers Association has been very helpful, as has Mr Graham Pulford, who is a Clare grower and Chairman of the Clare branch of the UF&S. He is also a member of the UF&S wine grape executive. They are currently meeting at Mildura. John Cornish rang me a few moments ago to say that they are having a very good tri-State meeting between growers and wine makers and that the conference is progressing very well. His comment was, 'So far so good. No fights yet.' It is an opportune time to be debating this legislation.

We can do much more to assist South Australia's premier industry, particularly in relation to taxation. I hope to play a prominent part in those actions. In the meantime, I have much pleasure in supporting this Bill which will give stability to the South Australian wine grape growing industry.

The Hon. T.H. HEMMINGS (Napier): It is always a pleasure to follow the member for Custance. I said earlier that the honourable member is a credit to the rural community but I must apologise to him because I forgot to include grape growing in my list of things on which he is an expert. He is perfectly correct that the Clare Valley is not only a picturesque spot for travellers but also renowned for producing fine wines. However, I take the member for Custance to task for saying that the Clare Valley is the pearl of the wine growing areas. That may be so for white wine, but the real pearl as far as red wine is concerned is the Coonawarra. It may well be that, in the redistribution of the boundaries, Coonawarra comes under the auspices of the member for Custance. If it does, I am sure that the people from the Coonawarra will be well pleased with the representation they will get from the honourable member.

I am often critical of members opposite because they are reluctant to support legislation relating to agricultural matters. That is not a criticism of the member for Goyder, although I believe that sometimes he goes on too long when debating matters agricultural. However, with respect to grape growing, members on the other side of the House have a pretty impressive record. I understand that mention has already been made of the contribution of the family of the member for Chaffey, who were the first to introduce mechanical harvesting.

The Hon. B.C. Eastick: Pruning—it was an error on my part.

The Hon. T.H. HEMMINGS: I thank the member for Light. Whilst there is a winery and a grape growing area in my electorate, I made the same mistake as the member for Light. The member for Chaffey's family were years ahead of their time in providing a more efficient way of pruning and harvesting grapes. Everyone on this side of the House realises, as I am sure you do, Mr Speaker, that this has been a vexed problem for many years and it is a credit to the Minister, his departmental officers, the United Farmers and Stockowners and the Wine and Brandy Producers Association that they have been able to come up with a package after many months of negotiation which, I am sure, judging from the contributions from members opposite, will be to everyone's satisfaction in the industry.

Too often the UF&S and the Wine and Brandy Producers Association do not see eye to eye with the Government. Some of their criticism of the Government is quite unfair but, in this respect, they are of one accord. At the 19 October meeting, which was the catalyst of this piece of legislation, there was unanimous agreement that three broad principles should apply for wine grape pricing in the Murrumbidgee irrigation area, the Sunraysia area of Victoria and New South Wales and the Riverland of South Australia for the 1991 season and beyond; so, we are talking not about cur-

rent circumstances but about forever and a day that this will be enshrined in legislation. I understand that some groups were unkind in their criticism of what the industry and the Minister were trying to achieve, but hopefully that criticism will go away when they see the benefits and resultant stability this season and in future seasons.

I will bring those three broad principles to the attention of the House. First, the industry should set up price negotiating machinery between growers and wine makers for the Murrumbidgee, Sunraysia and Riverland areas with a view to establishing indicative prices for all relevant varieties of wine grapes. For years, that is what the wine industry in my electorate has been crying out for, and, if there were a wine growing area in the constituency of my colleague the member for Henley Beach, the same thing would take place there. We now have an agreement so market forces will no longer dictate to the consumer what variety is the right one for growers to plant.

Mr Ferguson: It is orderly marketing.

The Hon. T.H. HEMMINGS: Yes, it is. It will bring stability. Negotiations are to be held jointly between representatives of the three areas to arrive at indicative prices. In effect, that crosses State borders. No longer will one State play off against another State at the expense of growers in, say, South Australia. The purpose of indicative pricing will be to assist in the negotiations between buyers and sellers. That is a very sensible attitude to adopt. If there are no negotiations between buyers and sellers, it will be back to the bad old days when the multinational companies got out of cigarettes and other products and concentrated their assets in wineries and wine-producing areas. They played the small growers off against some of their offshoots interstate.

I have seen such instances occur in the Barossa Valley and, although I do not represent small growers in the Barossa Valley, I know that the member for Light could speak chapter and verse about some of the small growers who have been squeezed out of the industry or forced to accept low returns for their grapes. I have seen the desperation in those people when, after a good crop, they find that they have produced a variety that was not required. These three broad principles will ensure that that does not happen again.

I will finish by referring to the committee to be established by the winemaking and wine grape growing industries to advise the Minister on indicative prices and terms and conditions of payment to apply to the ensuing vintage. The membership is small but very viable. There are only seven members, including the chairperson and, quite rightly, the chairperson shall be appointed by the Minister of Agriculture. Of the six remaining members, three will be persons involved in producing wine grapes or in the wine grape producing industry, selected by the United Farmers and Stockowners of South Australia. There is no hint that the Minister will select someone that he wants on that committee. The United Farmers and Stockowners organisation is free to select any three members that it wishes, and the Minister will accept them.

Mr Ferguson: We trust them implicitly.

The Hon. T.H. HEMMINGS: In an aside, my colleague the member for Henley Beach said—and I know I should not respond but it encapsulates the view of the Minister—that they are free to decide. There is no hint whatsoever that the Minister will put his people on the committee.

The other three members will be persons involved in either the purchasing of grapes for processing into wine or the wine and brandy producers organisation, selected by the Wine and Brandy Producers Association of South Australia. So, those on the other side of the equation are actually being asked to supply three members of their choice, and their choice only, for appointment to that committee. That augurs well for not only the ongoing stability of the industry but the ongoing good advice that the Minister will receive. I understand there is no opposition to this Bill by members opposite, and nor should there be because, in the closing stages of this Parliament, I find that it is one of the most responsible pieces of legislation that I have had the pleasure of considering. I urge all members to support the Bill.

The Hon. LYNN ARNOLD (Minister of Agriculture): I thank all members for their contributions, or the contributions that might have been. I certainly appreciate the indication of support for the Bill currently before the House. I also want to thank my officers who have been involved in discussions over many months, not only in South Australia but also with officers in New South Wales and Victoria. The member for Chaffey will recall that the series of meetings which led to this Bill really took place in a tri-State meeting that he attended. I had requests from my officers to indicate what our views would be. At that stage a lot of people were still talking about minimum pricing, but we have moved quite substantially from that position in this very good Bill.

The member for Light made a reference to cooperatives and the important role they play. I certainly agree with that. However, I am not sure that I fully agreed with his reference to the fact that they would be at risk or would be worse off if they were to sell under their own label. The experience of some of them has been that it has been better for them if they got at least a margin of their production under their own label as opposed to being entirely dependent upon others who market, under their own labels, the product that they as a cooperative supply in bulk. That process has certainly been a plus for the Berri Cooperative. They are able to have up to—I am not sure what the figure is exactly—

The Hon. P.B. Arnold interjecting:

The Hon. LYNN ARNOLD: Under their own label, but that was from an original situation where they supplied others entirely, and they were therefore totally dependent on others. They have actually benefited by selling under their own label.

The Hon. B.C. Eastick: My comments were more particularly related to artificial cooperatives.

The Hon. LYNN ARNOLD: Yes, I certainly accept that point. Comments were made by a number of other members about the various wine growing areas in their electorate, or the electorate of others, depending on what happens on Friday. Also there were references to pearls: I suspect that we have a diadem of many splendored pearls from all over the State, because we do have a number of very impressive wine growing areas in South Australia. The reality is that, if one were to treat this State in the way that France treats itself, we would have a number of quite distinct regions, each worthy of world recognition for particular types of wines. It has been somewhat of a failure in the past that we have not recognised the capacity of different regions to produce quite distinct varieties. It was the South Australian industry that started to push this emphasis that we were not an homogenous producer of wines or a producer of wines homogenous, regardless of area of origin.

Finally, I will refer to points raised under clause 9. First, the member for Light referred to a continuation of a contract where the processor illegally accepts grapes in contravention of clause 9 (1). Clause 9 (2) provides that a breach of subclause (1) is to be treated as a breach of a fundamental condition of the contract. That was specifically to address the point raised by the member for Light. Under the general law relating to fundamental breach of contract, the grape

grower can choose to rescind the contract and seek damages or continue with the contract as if the breach had not occurred. Therefore, it is up to the grape grower. The processor could not successfully sue the grower if the grower chose to take the grapes to some other processor. That is giving the power of control quite firmly into the hands of the grower. Whether the contract is continued or refuted, the processor could be prosecuted under clause 9 (1).

Also with respect to clause 9, the member for Murray-Mallee asked: if payment is properly withheld, is there nevertheless a breach of clause 9 (1)? This comes with the question of whether the amount has previously fallen due. The processor will argue that the amount was never due because the grapes were not of a type or quality referred to in the contract. The very point made by the honourable member about the deterioration in quality is still able to be taken into account in the financial arrangements made because, even though the grape variety may be the same, the quality clearly may not be the same, if some of the hazards to which the member for Murray-Mallee referred were to occur.

I certainly note the concerns expressed to a number of members by the Riverland Growers Unity Action Group. I appreciate many of their points of view and acknowledge that they are eager to see the maintenance of the industry in South Australia. However, the question I raise with them is: have they really considered the full implications of the sorts of things they want to have happen? I have said to them that I do not believe that a minimum price will be good for the industry in South Australia, and I believe that their fears about an indicative price not being a correctly reported price will not be warranted.

We have a mechanism whereby the indicative price can be determined for publishing, and clearly, if that indicative price is way out of line with the actual practice in the marketplace, there are enough mechanisms to draw attention to that fact. So, the danger they say may occur is that the indicative price may be published, but it bears no relationship to the actual contract prices agreed to by individual processors and growers. If that were to be the case, the indicative price is clearly a nonsense. It is clearly not indicating anything, but their fears are quite unrealistic in terms of the mechanism which I indicated in my second reading explanation would be put in place. That brings them back to a minimum price argument, and in this State, as well as in Victoria and New South Wales, that is a dead issue with respect to wine grapes.

I note the comments with respect to terms of payment. It is important to maintain that in legislation, provided that the provision will be used judiciously and not in an unreasonable way. Some processors have identified that they have actually been able, provided the terms of payment are reasonable enough, to forward take wine grapes ahead of the expectation of a commitment to use, just so they can get them off the growers' hands and perhaps, if things work out okay, put them into a crush.

If the winemakers were constrained by terms of payment that were too rigorous, for example, seven days payment, clearly they would be inclined to leave the grapes with the growers until they were certain they actually had a demand for grapes for a crush, and they would then take them from the growers. If the terms of payment are applied too rigorously in terms of the conditions being too tight, such as seven days payment, it will not be a benefit for the growers: it will be a disadvantage. As the member for Chaffey quite rightly identified, the practice has been that the terms of payment have been set sensibly under the legislation, and it would naturally be appropriate that they continue to be so sensibly set in the future. I thank all members for their contributions, and I look forward to this Bill's speedy passage. I understand that people might be waiting in another place to receive this good piece of legislation.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr MEIER: Does the Minister see the time coming when the out of production areas, such as the Barossa, McLaren Vale, Langhorne Creek and Clare, could be included, or is the Riverland so much larger than the other areas that that is where the indicative price is set anyway?

The Hon. LYNN ARNOLD: This year the whole debate really has been about the Riverland areas because of the volume and nature of its production. When these discussions took place with both the processing and grape growing industries, they focused on these areas. If representatives from other areas came to me with the viewpoint that they wanted to be included, I would not be closed to that proposition. The reality is that they have not been the ones who have identified these sorts of problems that we faced in the Riverland area, particularly because the Riverland is the meeting of three jurisdictions. That has been part of the problem in the past, and this Bill seeks to bring some commonality in those three jurisdictions, those three States, that make up the irrigated areas of the Murray River. That is the real significance of this legislation. If, philosophically, I can accept this, then I could not object to other parts of the State having mechanisms for indicative price publishing as well. However, the problems have not come from those areas: they have come from this one.

Clause passed.

Clause 4—'Application.'

Mr MEIER: Have cooperatives been excluded from this legislation principally because they negotiate between the members and the co-op and have done so traditionally?

The Hon. LYNN ARNOLD: The reality is that cooperatives are difficult organisations to work out in the context of legislation such as this, because the very people who sell the wine grapes are the people who buy the wine grapes in one sense: they are the owners of the cooperative, so they receive the ultimate benefits from that. To an extent, there is the capacity for an arbitrariness in the setting of prices that may have a negative effect on what is happening in the real, free marketplace if one group of people are publishing prices that really are nothing other than the price they themselves are paying; that then may distort the true reflection of a true marketplace that the indicative price seeks to represent.

As the member for Chaffey quite rightly identifies, in the case of wineries that have their own vineyards, the same applies: we do not expect them to say, 'What are you paying to yourself to take your own grapes from your own vineyards to put into your own wine processing plant?' It is a bit of a nonsense, and it would not really benefit the indicative price-setting mechanism; in fact, it could have the potential to undermine its effectiveness.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—'Consultation.'

Mr MEIER: Will the committee of seven be determined through regulations? Would clause 7, which provides that a person may make a submission to the Minister on the exercise of powers under this Act, give powers to the Riverland Growers Unity Association or representatives from that group to make submissions as it would to any other person who wanted to?

The Hon. LYNN ARNOLD: On the latter point, members of the RGUA can make submissions to whomever they want. They have made many to me, and I have taken due account of them. On a number of occasions, I have taken on board the points they have made, and on some occasions I have not. So, they are not stopped by anything this Bill does in terms of making submissions. However, I have not proposed to include that association in the membership of the committee, because I believe that it is better to have a peak organisation represented. I have always supported unity, not disunity, among producing groups. If the industry is to find a proliferation of individual groups representing its interests, it becomes more vulnerable than ever to others who buy its products. In any event, only one group in South Australia is a member of the Wine Grape Producers Association, that is, the UF&S. On that ground alone, I was not prepared to consider another group which is not an affiliate of that national organisation.

As to whether the association will come under regulation, the answer is 'No'. At one stage, a suggestion was made that maybe it should, but I have rejected that, because I am aware of the great sensitivity in the community to the establishment of more statutory authorities and committees. When the member for Bright was waxing eloquent in the media just a couple of weeks ago about all these statutory committees, groups and so on—and it was about the time that we were thinking about this matter—I thought, 'He will get up in this House and slam this as another statutory committee.' The reality is that there is often a place for a statutory organisation, committee or group—

Mr Gunn: For orderly marketing.

The Hon. LYNN ARNOLD: —for orderly marketing—but in terms of looking at this issue (and sensitive to his ill-considered remarks which, nevertheless, gained a hearing around the place) we can achieve the very self-same purpose by means of this Bill and by my giving the commitments to the House, through my second reading speech, as to how the committee would be structured, without its having to be a statutory body, because its statutory nature does not mean anything. The statutory powers have been given to me as Minister, which is really the substance of what is wanted, provided that I agree to make the decisions, to advise the indicative prices upon advice. Of course, I gave that commitment in my second reading speech, and I repeat that commitment now—that I am not able to say that the price shall be X when I have no idea what it will be, unless I have considered advice, for which this legislation provides. It does not have to be a committee by regulation to give me sound advice.

Clause passed.

Remaining clauses (8 to 10), schedule and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN HEALTH COMMISSION (PRIVATE HOSPITAL BEDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 1953.)

Dr ARMITAGE (Adelaide): The Opposition supports this Bill in the present context, that is, a recent court case in which the whole concept of so-called bed licences was called into question. Without this legislation, we could see precipitate deregulation of the bed licence market with dire consequences for the whole system—something that I do not think we would like to see at the moment. Legislation was introduced in 1984 to amend the South Australian Health Commission Act 1976. It provided, amongst other things:

> No health service shall be provided by a private hospital except at premises in respect of which a licence is enforced under this part.

Later, it provided:

> Where application is made under this part for a licence in respect of premises or premises as proposed . . .

No mention is made in this legislation of bed licences, as such—but it deems a licence for a hospital or for premises. It is in this respect that the dilemma has arisen. The 1984 amendments grant the South Australian Health Commission the right to impose various conditions in respect of a licence, one of which is as follows:

> Limiting the number of patients to whom health services may be provided on a live-in basis at any one time pursuant to the licence.

From this condition the concept of bed licences has grown, but it is clear that the legislation, as proposed, does not provide for a specific bed licence. In the recent court case *Gawler Private Community Hospital Inc. v The South Australian Health Commission*, Justice Millhouse found that one of the conditions to which the Health Commission must have regard in imposing a licence is economy and efficiency in the provision of health services in the State. Justice Millhouse found this condition to be too broad to prevent the Health Commission from allowing the Gawler Private Community Hospital Inc. to set up private beds in Gawler without ensuring a decrease of equal number in the existing number of private beds in other areas. Accordingly, this Bill has been introduced.

As I indicated, the Liberal Party supports the general thrust of the Bill, although we note that it does not define a bed licence. Unfortunately, the amendments provide conditions in respect of a single licence that will be granted to hospitals rather than allowing any divisibility of the licence into bed licences. That is a pity as it could have been another way of looking at the concept. I think the commission has a difficulty with defining the appropriate number of existing beds in a region. I understand the economic arguments for that. As members would know, South Australia, at the latest count, had a bed ratio of 5.6 per 1 000 persons, which is the second highest in Australia. However, there is still a difficulty in defining the appropriate number of beds within a region, particularly when one looks at the margins of regions. Indeed, that is the whole reason for this case having arisen.

If by some quirk of history Gawler had been situated 1½ kilometres further north, this problem would not have arisen as the hospital would have been situated in a different region; hence, there would not have been the same necessity to apply for private beds or for the equivalent number of existing private beds to be curtailed and so on. So, there is a great difficulty, and I have some degree of anxiety about the actual definition of the appropriate number of beds in a particular region. In the current climate where hospitals, particularly in country areas, are having their role changed, shall we say—which is perhaps another way of looking at the closure of acute beds in those areas—I am particularly anxious in relation to the tendency to have the number of beds defined.

As I said, ostensibly the Bill clarifies the present practice. If there were to be sudden so-called deregulation of the situation, which it is believed would be the effect of the Millhouse judgment, this may well lead to unhealthy competition between private hospitals which have very high fixed costs, and that may well lead to a difficulty in itself. Perhaps more importantly in the immediate context where

private health insurance is decreasing and a number of private hospitals have, in some cases, 30 per cent to 40 per cent of their beds unused, this decision to suddenly deregulate may well impact negatively on the asset backing of the present 'owners' of beds, particularly in smaller hospitals, a number of which have borrowed against the security of a supposed bed licence.

Having said that the Liberal Party supports the legislation, I draw the attention of the House to what may happen under a Federal Liberal Government, which clearly supports private health insurance for pensioners and tax credits for low-income people. No question has been asked of the Minister by his back bench colleagues in relation to the recessivity or progressivity of the Federal Liberal position on health.

The Hon. D.J. Hopgood: You haven't asked me one, either.

Dr ARMITAGE: I am waiting for a question to be asked by one of the Government backbenchers, and we can then ask other more relevant questions. It may also be that the Federal Liberal health policy is biased towards lower income levels with no breaks at all for people in the higher income bracket. There would be a tendency under a Federal Liberal Government towards an increase in private health insurance numbers which, at the moment, are decreasing. However, on speaking with people from the private health insurance market, those numbers seem to have reached a plateau, particularly in health insurance companies other than SGIC since 1 October when SGIC brought its rate up to what could be regarded as a common market fee. Having said that there may be a greater tendency for people to take out private health insurance, it may well be that there will be a need for further private beds in the future, in which case I think this legislation will have to be looked at at that stage, and certainly, if there were to be any potential for deregulation, it ought not to occur in this fashion.

The other question to which I will seek an answer during the Minister's reply or in Committee, concerns the effect of the passage of this Bill on the review that has been set up by the Minister into private hospital licensing arrangements. I understand that that review is due to report in March 1992, and I want to make sure that this Bill will not impact in any way on the deliberations of that review committee. As I indicated previously, the Liberal Party supports the thrust of the legislation because we do not believe it would be a healthy state of affairs if deregulation of private hospital beds occurred in an unordered manner because of the judgment. Accordingly, we support the legislation.

Mr GUNN (Eyre): This Bill gives me the opportunity to raise one or two matters that cause me considerable concern. Many rural communities in South Australia have expressed their concern that an attempt will be made to reduce the number of hospital beds and facilities available at those hospitals and, in fact, to rationalise or, in other words, to close a number of hospitals.

The Hon. D.J. Hopgood interjecting:

Mr GUNN: If the Minister looks at clause 4, he will see that paragraph *(g)* provides:

> Whether the prescribed limit of hospital beds for the State, or for the particular region in which the premises or proposed premises are or will be situated, has already been reached or exceeded;

We are, therefore, clearly talking about the number of hospital beds available in South Australia, so it would be wrong of me not to take this opportunity briefly to draw the attention of this House to the concern of my constituents. I anticipated that the Minister would object, so I carefully read the Bill to ensure that I am in order. A green paper has been distributed throughout South Australia which, if the Government accepts its recommendations, will decimate small rural hospitals that have played such an important role in providing excellent facilities to the community. Not only have they provided excellent facilities but they have had the total support of members of the community, who have worked for years to maintain them. We now have the situation about to be foisted on us of this large bureaucracy, the Health Commission, attempting to do away with them.

The green paper is only an excuse to make another attack on rural services. I have been waiting for weeks to have the opportunity in this House, and here it is: an amendment to the Health Commission, a bureaucracy of large proportions that was, unfortunately, set up years ago and, since being set up, has attacked rural communities. I, for one, am far from satisfied. I have quietly gone about my duties as a member and listened to what my community and many others have had to say. Wherever I go, there has been absolute outrage and amazement at the recommendations. I am not one to speak at length, but these feelings can best be summed up by a brief reference to an article that appeared in *The Flinders News* of 5 November under the headline 'Health plan: opposition swells', and under the further subheading 'There's every possibility small hospitals will be downgraded: Kuerschner.' Mr Kuerschner is the Chairman of the District Council of Orroroo. The article states:

> Small northern hospitals have joined a vast ground swell of opposition to a Government move to further regionalise health administration in South Australia.
>
> They join 98 per cent of the State's city and country public hospitals which, according to a Hospitals and Health Services Association survey, oppose further regionalisation of health care.

This Bill gives me the opportunity to raise these matters briefly. The article continues:

> Mid North Health Services Association Chairman Mr Gerald Kuerschner, of Black Rock, yesterday said the Booleroo Centre meeting—of more than 200 people—had rejected the proposal.
>
> He said the smaller Mid North Health Services Association should be retained. The association, comprising health units at Crystal Brook, Port Broughton, Peterborough, Orroroo, Booleroo Centre, Laura, Jamestown, Gladstone and the Port Pirie Regional Health Service had been formed in June . . . 'We know our area,' Mr Kuerschner said. 'Small regions like we have here . . .'

As further support, I received the following letter from the Secretary of the Great Northern War Memorial Hospital at Hawker, which states:

> Our inability to support the plan is due to:
> 1. Lack of detail on proposed structure.
> 2. Loss of local boards of management.
> 3. Suggestion of loss of Chief Executive Officers at a local level.
> 4. Proposal to have two regional hospitals within our area.

The letter proposes that the existing 14 regions should remain and that any change should be towards regionalisation. The letter goes on to explain in great detail that these proposals will decimate rural areas. Already they receive little in Government services. Hospitals such as those in Booleroo Centre, Hawker and others have given very good service to the community. I anticipate that pressure will be put on the Elliston Hospital and others on Eyre Peninsula. If democracy means anything, it means that local people should have the opportunity to be involved in making the decisions that affect them.

I know that that does not suit large, insulated bureaucracies such as the Health Commission. Organisations such as the Health Commission can insulate themselves in the prime real estate of the metropolitan area—out of sight, out of mind. They have no regard for the feelings of local communities. Since the Health Commission has taken over the Isolated Patients Scheme, we have been inundated with complaints about it. If that is a measure of what will take

place, I am particularly concerned about what will happen to small rural hospitals in my electorate.

They have functioned well, have provided good facilities and services, and people do not want to see them turned into nursing homes. People do not want to have to go to the large regional centres away from their friends and family; they are quite satisfied. If these services are downgraded, it is most likely that they will lose the doctors, and then the chemist shops. As a result, another important facility will be taken from these small communities that are battling to survive.

These communities have worked for years to maintain their hospitals, and should be permitted to continue to do so. This proposal gives me the opportunity to place on record not only my concern and my opposition to the proposal but to call upon the Minister to advise the House clearly on what the Health Commission intends. I plead with him to reject this proposal. It is unworkable, unwise, unnecessary and contrary to the best interests of people in rural South Australia and, therefore, should be rejected.

I put it to this House that the Government would not be involved in removing hospitals from some of the marginal seats it currently holds in the city but, because of the current financial situation, the Government has difficulties. I understand that, but it is not the fault of rural communities. They are not the ones to blame and should not be the ones who are punished. I therefore urge the Minister, when he responds to this Bill, to give an undertaking that these communities will not lose the ability to manage their own hospitals. They do not want boards consisting either of full-time or public servants running them: they are quite capable of making their own decisions and running their own affairs. I support the Bill.

The Hon. B.C. EASTICK (Light): This could be called 'close the Gawler gap' legislation, as the Minister will appreciate. Indeed, reference has been made to the court case heard before Mr Justice Millhouse in the not-so-distant past. I am not opposed to the passage of the Bill, but I draw attention to the problems that the court case had to resolve; problems that could have been resolved long before that case if there had been dialogue of a proper nature once the deficiency was identified. The fact that someone was forced to take the matter to court is a real tragedy. It was quite obvious from the evidence that the people who took the case to court were going to win, because the methods that the Health Commission had been applying over a long period—albeit with the sanction directly or indirectly of the Ministers of Health of the day—were a problem. In introducing the Bill the Deputy Premier said:

> It is essential therefore that the Health Commission's powers in relation to private hospital licensing be clear and unambiguous.

I am not opposed to that final point, but I am and have been concerned for a long time about the artificiality of the cost of a bed licence which has quite illegally been built into the system. There is no argument that the Health Commission had the right to determine whether or not there would be a private hospital but, having made that decision, it forced private hospitals into the position of having to buy bed licences.

Therefore, bed licences took on a value which was artificial and which rose to up to $60 000. That was an additional cost to our health system in that a bed licence could be transferred from point A to point B for an amount of up to $60 000. I know that we can find bed licences that have been sold for $48 000 and $54 000, and offers for less or greater than those amounts but, because of the manner in which the commission has functioned, albeit that it wanted to create some balance in the community and not allow too many beds in one place and none in another, it has led to a trade in bed licences that has been to the detriment of the health system.

This circumstance might not have come to the fore on this occasion if there had not been an argument as to whether or not Gawler was country or city. To all intents and purposes, Gawler is country, and the service it provides is mainly to country people and a number of people who live in the community of Gawler itself. However, the watershed is much greater than Gawler and includes Roseworthy, Mallala, Hamley Bridge, Riverton and so on.

The argument started as to whether the hospital at Gawler could be considered a country hospital, and therefore come under a slightly different arrangement, or a city hospital. Having been forced into the position of having to make an application based on the hospital being a city hospital, these other difficulties arose. I will not crow over it any further; I believe I have said enough to point out that it is necessary for bureaucracies, whether they relate to health, planning or whatever, to take heed of the commonsense approach of a number of people to vital issues that are directly associated with the subject at hand.

Had there been an acceptance of the realities of a number of aspects of this case, neither side would have had to foot bills, which have resulted in a loss to the community in the health area; and neither side would have had to wait around for as long as they have had to. Also, there is a possibility that we would have had or be well on the way to having a new hospital at Gawler, comprising both private and public facilities. Whether it will be a public and private facility from this point on, time again will determine. But there is a move in that direction.

I also point out (because I believe it is essential to put the case on the record) that, as a result of all the toing-and-froing directly associated with this and other aspects of the redevelopment of the Gawler hospital, more than $500 000 directly associated with architectural design and planned preparation has been lost to the community and is a charge against both the Gawler Hutchison Hospital Board and the Government. Further, that is only for direct costs; it does not take heed of the hours and hours of staff time that should be factored into that to find the real situation.

As the Minister said, if we can come to an unambiguous conclusion that will be beneficial to the hospital system in the longer run, so be it, and I applaud it. However, I point out that we need to look at the way we let bureaucracies build up and money go down the gurgler, with no funds being delivered at the coalface to the people whom we say the hospital system is supposed to assist. If that is taken as a slight against those who have been involved, unfortunately it has to be worn. There are ways and means of achieving results that have not necessarily been applied in the set of circumstances which led to this matter being brought before the House.

I am fully appreciative that, if we did not close the loophole, the SGIC would be millions of dollars more in debt, because it has paid big money for large numbers of beds. However, it would be not only the SGIC but the various private hospitals around the metropolitan area of Adelaide, such as St Andrews, Burnside, Central Districts and so on. We have an artificially created sum in the middle of our hospital system which ought never to have been there, and I say that without any equivocation.

Mr VENNING (Custance): I support the Bill. As a country member, and like the member for Eyre, I want to refer to other areas, particularly the green paper on licensing. I

will use this brief opportunity: to register my very strong opposition: I am absolutely outraged. Small hospitals are currently feeling very vulnerable. Yesterday I visited the Crystal Brook hospital, and it is circulating a newsletter in its communities getting them upset about what is happening. I spoke to the CEO, Mr Paul Beviss, and the Chairman of the hospital board, Mr John Slattery. This board is made up of young and very progressive members, and they think they are under threat because of what the Health Commission wants to do. I told them that it was not so much the Health Commission but the Government: the Government's direction was making the Health Commission do this.

[*Sitting suspended from 6 to 7.30 p.m.*]

Mr VENNING: People involved with the Crystal Brook hospital are very concerned about the green paper. The doctors are also concerned and I pay tribute to Dr Richard McKinnon and Dr Paul Sandery. I also pay tribute to Mrs Norma Taylor, the Director of Nursing. I hope that the Minister and other members are aware of what hospitals mean to the community and the flow-on effect the proposals will have on the community, and I refer to the standard of health care, the chemist shops and the whole infrastructure, which will suffer. I hope that the Minister will not go through with the suggestions in the green paper and I know that there will be a lot of resistance to it.

People associated with the hospital at Crystal Brook are enraged, as are other communities. I have mentioned those hospitals—Laura (which is in the electorate of Eyre but very close to my area), Blyth, Hamley Bridge, Riverton, Snowtown and Kapunda. Dr Shepherd from Jamestown has taken a stance on this issue and I commend him and offer him my support. Country people are incensed, to say the least. Hospital boards need to be preserved at all cost. I served on one for five years and I know of their value.

I am totally committed to opposing any measure to disband local hospital boards or fee for service withdrawals. Indeed, it will be over my dead body. I will fight it with every effort. It is the single most important issue that I have faced since becoming a member of Parliament: it is the single most important threat to rural communities, and I am sure that they will fight these moves *en masse*. All members know what happens with centralised management. It results in a loss of local input, local knowledge and local volunteer assistance to maintain the facility. These proposals will kill all that off, and I hope that is not the Minister's design.

I give a commitment to the communities in my electorate that I will support local hospitals, local hospital boards, local hospital doctors and local hospital patients. I support the Bill, which is about guaranteeing private beds—private beds where they are required, and that is my point.

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition supports the Bill because it is a practical solution to the dilemma that faces the public and private hospital systems in South Australia, but particularly the private hospital system. Opposition members have fundamental reservations about controlling the marketplace to the extent at which restrictions are placed on the beds that are available. That is an artificial means to do what the community desires, namely, to ration our resources to appropriate levels.

The reason for the restrictions on hospital beds was tested in the courts and the legislation was found wanting, and that is the motivation for this Bill. However, I reflect that the major organisation operating in the marketplace and dictating the price of beds is SGIC. It is no secret among the private hospital providers in this State that SGIC's involvement has been to the detriment of the private hospital system. It has paid very high prices for its hospital beds and it has set market prices that are far too high. Because of the introduction of Medicare and the shift away from private beds to public beds, excess capacity has meant that the price of beds has fallen dramatically in the other States. That situation does not apply in South Australia, and one of the reasons for that is the ill conceived intervention by SGIC. This Bill protects its interests as well as those of a number of other private hospital bed providers.

For the reasons that have already been enunciated, I, too, support the Bill, but I have extreme reservations about the way to grapple with this problem. I have reservations also about using short-term fixes to provide long-term solutions. The price of beds, the price of eggs and the price of taxi licences have been dictated by artificial markets, created by stopping entry to those markets. It is for those reasons that I express my reservations, but I am sure that in the next five years the situation will change dramatically.

The Hon. D.J. HOPGOOD (Minister of Health): I do not think there is very much I need say by way of summary at the end of the second reading debate. What the members for Eyre and Custance said, I suppose, might be good stuff for the folks at home: however, it had absolutely nothing to do with the legislation before us, which is about the licensing of private hospital beds. I thought at one stage of getting up and making the point, but what was the use: it had nothing to do with the legislation.

The member for Light really answered for me in some ways a point that was just made by the Deputy Leader about SGIC. The member for Light pointed out that SGIC was one of the investors in private hospital beds obviously affected by this legislation. He then went on to say that, of course, there were many other interests in the equation. That is the response that I would want to give the Deputy Leader, except that I can quantify it and say that SGIC has 12 per cent of the beds, which is a fairly modest share of the market. There is one larger interest in the private market and there are many, many smaller interests. As I say, collectively they far outnumber SGIC's investments in the field.

I also remind the member for Light, who did not go so far as to say that he had basic ideological objections to the system, and the Deputy Leader, who went very close to saying that he did, that they voted for the legislation in 1984. We must accept that, whatever we might think of the decision taken in 1984, when one takes those sorts of decisions, one is then locked in by the logic of the situation. We could go back to the time when the member for Alexandra was Minister of Fisheries and he provided the wherewithal that licences in the closed fisheries should be tradeable commodities. Once you get into that, you develop for that commodity that vested interest, that market value, in this case the licence. As soon as that is taken away, you devalue an asset which people have purchased. You think thrice or more before you do that. In this case, we are merely rectifying a situation which has developed in the courts rather than as a result of a legislative amendment.

I am advised that I may have misrepresented the member for Alexandra and that it may have been the former member for Victoria who was Minister of Fisheries at that time. Whoever it was, it was clearly during the time of that Government that that new market for the buying and selling of licences in the closed fisheries was created, and it is

somewhat analogous to the situation that we are examining right now.

The member for Adelaide explained in some detail and with clarity the objects of the legislation, but in his passage through his speech he raised a couple of matters to which I should refer before I sit down. One was the review of the regulations. I am happy to announce to the honourable member and to the House that the green paper will go out shortly. It will look at simplifying the existing regulations. For example, it is argued that where there are physical requirements in relation to the design of health units or parts thereof, maybe they are either already adequately covered in the regulations under the Building Act or indeed can be made to be readily covered under the regulations under the Building Act, rather than cluttering up our own regulations. They are some of the sorts of things that will be addressed in the green paper, but it will not touch on the matter which we are discussing here and now.

The other point raised by the member for Adelaide was how in effect we would activate clause 6. Clause 6 inserts the following paragraph:

(gca) prescribe a limit on the number of hospital beds that may be provided by recognised hospitals or private hospitals in the State or in a particular region;

As I recall, the honourable member went on to say that, while he was not quarrelling with what we were trying to do here, might we not run into some difficulty when defining 'regions' or trying to get the quantum of licences in particular regions? I agree with him; that could well happen. What we propose to do in the initial regulations is simply to declare one region, and that is the metropolitan area, and the quantum will be that which currently applies. That will be the way in which we will ensure that we will not get into trouble. It will also ensure that what the Government is saying about this Bill is carried out, that it is not some sort of means to another sort of agenda but it ensures that all we are merely doing is restoring the status quo prior to the decision which was brought down and which has led to this legislation. I hope that meets with the approval of the honourable member and the House, and I commend the second reading to members.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Interpretation.'

Dr ARMITAGE: Why has this path of legislative direction been taken, given that the problem is about bed licences as such? There is no definition of what is a bed licence. I understand what has been done, but I am not sure why a definition of 'bed licence' was not included with a hospital licence for a number of beds rather than an indivisible single licence.

The Hon. D.J. HOPGOOD: The notion of licence is well understood in legislation. Along with the parent Act, the Bill makes clear how this is to be done. All that really was at issue was to ensure that what we were doing was licensing beds, as the honourable member and I understand in debate and as the health system understands, as opposed to those physical things that may be stuck out in a storeroom somewhere. That is why it was done in this way. I have taken it on advice that it was really not necessary to define a licence as such because we are giving a prescription for such a licence.

Clause passed.

Clauses 3 to 5 passed.

Clause 6—'Regulations.'

Dr ARMITAGE: I accept what the Minister indicated about the limit of beds in regions being prescribed. If we are to define one region as the metropolitan region, I raise again the difficulty of extremes. That is what *Gawler Private Community Hospital Inc v. South Australian Health Commission* was all about: they were right at the extremes. If it had been just further out, it would have been easy to get the beds. Is there not some mechanism to make the procedure easier at the extremes where it may be a problem?

The Hon. D.J. HOPGOOD: I guess that, given that we are merely trying at this stage to restore the situation that occurred prior to the decision, we would have to say, to use the idiom, that from then on we use a tried and trusted 'suck it and see' procedure. That is to say, this clause provides for that to be done by prescription so, if we want to change regions, if we want to change the quantum of licences for particular regions, that has to be gone through carefully. It goes into the *Gazette* and is then subject to review by the committee which will replace the Joint Committee on Subordinate Legislation early next year, so there will be some legislative review of that process. That gives some sort of control for the Parliament over the possibility that, if boundaries or the quanta are not what was seen as being appropriate, there is the opportunity of further review.

I understand the problem. On the one hand, it would seem that there are distortions at the boundary where you have specific regions within the State: on the other hand, to have no regions in the State but to simply have a State quota would seem to be too broad brush an approach and one that may get us into rather more trouble. What we are doing here is simply to maintain where we are at present or where we were prior to the decision. I simply have to give the undertaking that we will, of course, as required by law carry through the mechanism set down in clause 6 and hope that that brings a reasonable result.

Dr ARMITAGE: I now wish to address the limit on the number of beds and how that will be arrived at. I know there are various Sax reports and that there are numbers of beds—5.6 per 1 000 now and theoretically 4.5 at the end of 1991. Is there a formula which the Health Commission is using or which the Minister can publish so there is some known quantum for further down the track?

The Hon. D.J. HOPGOOD: At present we are operating on the basis of 4.5 per 1 000 for the State, which translates into 5.1 for the metropolitan area. From the beginning it was seen as appropriate to keep it at that level until at least 1991. As things stand at present, we would not honestly feel that it was necessary to deviate from it, at least in the short term. That is the closest I can give to a formula at this stage.

Dr ARMITAGE: I take it that that would be malleable if there were an increase in the number of people privately insured and there was that need? Also, I presume from the wording of this clause that beds in recognised hospitals as such are regarded as private beds. If that assumption is not correct, the clause could well have not included 'by recognised hospitals' and just read 'the number of hospital beds that may be provided by private hospitals in the State'.

The Hon. D.J. HOPGOOD: It is the total number of beds, public and private, to which the 4.5 refers. Does that satisfy the honourable member?

Dr Armitage: So a recognised hospital contains a private bed?

The Hon. D.J. HOPGOOD: Yes.

Clause passed.

Clause 7 and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (STATE HERITAGE CONSERVATION ORDERS) BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 1954.)

The Hon. D.C. WOTTON (Heysen): Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. D.C. WOTTON: This legislation is an attempt to amend the City of Adelaide Development Control Act, the Planning Act and the South Australian Heritage Act. It is the latter Act to which I want to refer in my remarks this evening. The South Australian Heritage Act was introduced in 1978. In its earlier time, that legislation was seen by many to be of particular importance. I recall that inquiries were made by other States that were interested in looking more closely at that piece of legislation. In fact, I am aware that at least two of the other States have mirrored the South Australian legislation. However, both of those States in more recent times have recognised the problems in that legislation and have significantly amended the legislation that we recognise as the South Australian Heritage Act.

Certainly, in its early days, the legislation was seen to be good legislation, and it was hoped that it would be effective. Having said that, the present Government—and in particular the present Minister's handling of the State's heritage under this legislation—has been abysmal, especially in more recent times. This legislation has become a nightmare, both for conservationists and for developers alike. We find, from questions asked in the Estimates Committee and from looking closely at the budget papers, that the funding for the department and its responsibilities for looking after the State's heritage is grossly inadequate. We find that the staffing of the unit is grossly inadequate, certainly to be able to do the work and to keep an eye on this State's heritage. It is of particular concern to many people in this State that both the staffing and the funding are inadequate.

Vast areas of the State, and of this city particularly, have not been considered for heritage potential. It is appalling that, 13 years after the introduction of the Act, we are still trying to determine which buildings, for example, on North Terrace (which I would imagine would be recognised as the cultural centre of the State, certainly of the city) should be entered on the register of the State heritage.

Mr Groom: What's your policy?

The Hon. D.C. WOTTON: Sleepy in the corner has asked what our policy is.

An honourable member interjecting.

The Hon. D.C. WOTTON: In cobweb corner over there. If he will be a little patient, we will tell him what our policy is. As a matter of fact, we may have some changes to this legislation and we will see whether you are prepared to accept them.

Mr Ferguson interjecting:

The Hon. D.C. WOTTON: The member for Henley Beach might just be a little bit patient as well. Concern has been expressed for about a decade regarding the criteria used in our legislation to determine which buildings or areas are appropriate to be considered for the heritage register. I say a decade because I am aware that, during my time as Minister and during the term of the Tonkin Government, legislation was being drawn up to consider such matters of improved criteria and, when we came out of office, it would appear that that legislation was lost, because I asked a number of questions about it after that period and no-one seemed to know where it had gone. Now, 10 years later, we find that we are no further ahead and that we are very much bogged down with such matters as criteria.

This is a complex area. The legislation is complex, and the legislation before the House is complex. I find it incredible that we are here with instructions to push this legislation through both Houses in two weeks. If the Minister had her way, recognising that the legislation was introduced the Thursday before last, she would have wanted the legislation debated last week. However, it was only after representation with the Leader of the House that it was determined more appropriate to debate the legislation this week. Up until about two hours ago, I was still receiving strong representation from a number of organisations—and I will refer to them a little later—which were requesting that debate on the legislation not proceed at this time. That representation has come today from the Conservation Council, from the UDIA, from the REI, from the Chamber of Commerce and Industry and from BOMA. I refer only to those at present, and I will refer to other representation that I have received later. It is very complex legislation, and that is obvious from representation I have received.

If we look at the legislation—as it relates just to interim listing in conservation orders—and at normal listing, the Minister has to do either one or two things before an item can be registered: she can either inform the advisory committee and then consider its representation or move to ensure public notice of intention to register and invite objections with a minimum of one month for objections to be made. Then, of course, we realise that, when the public notice is issued, the item must be entered on the interim list. When we are talking about immediate protection with interim listing, where the Minister considers that *(a)* an item should be registered and *(b)* it is necessary or desirable to provide immediate protection by making a conservation order, the Minister can put an item on the interim list and must then immediately inform the committee and give the public notice inviting objections, and so on, as I have already described.

In either case, for example, in the case of normal interim listing or immediate protection with interim listing, the item must be struck off the interim list, first, when the item is registered or when the Minister determines that it should not be registered, as the case may be; or, secondly, when 12 months has elapsed from the time when the item was interim listed. Looking further at this legislation, we recognise that an item can be interim listed only for a maximum of 12 months, assuming that the Minister does not repeat the whole process.

A conservation order ceases to operate when the item to which it relates is removed from the register or is struck off the interim list. The latest point at which a conservation order may cease is when the interim listing ceases, assuming that the item is not registered; that is, when the period of 12 months has elapsed. Under the Planning Act and the City of Adelaide Development Control Act, any application for planning approval for a development affecting an item—that is, an item that is registered or that is just on the interim list—must be referred to the Minister for approval. Any decision to grant approval must be concurred with by the commission. As there cannot be a conservation order without interim listing or registration, conservation orders will now reinforce interim listing by making it an offence to damage or destroy the item to which the order relates.

Under this Bill, the conservation order will, in effect, require applications for planning approval that have been lodged but not granted to be postponed until the determination is made as to whether the item should or should not be registered or until the 12 month period elapses. In prac-

tice, therefore, as I understand it, conservation orders are only used to give immediate protection to a building pending determination of whether or not the building should be registered. In other words, they are not used in relation to registered items and, after being imposed, are allowed to lapse under section 23 *(c)* (i) or are revoked when the item is registered.

I understand why there is a considerable amount of confusion in the electorate about this particular piece of legislation. A few moments ago, the Minister scoffed when I said this was complex legislation. If she asked the majority of people the difference between interim listing, conservation orders and full listing, I suggest that they would not have a clue. There is still considerable confusion about why a conservation order is required when a particular item is placed on the interim list. However, I believe that I understand the intent of the Minister and of the Government in respect of this legislation. I also realise that in 1985 the legislation was amended to include conservation orders. At that time, the Opposition gave its support and, as far as the concept of conservation orders is concerned, we maintain that support.

However, today, for the purpose of this debate, I want to divide the legislation into two parts. The first section refers to that part of the legislation that puts into effect conservation orders, providing the opportunity for breathing space for the Minister to consider the matter or to seek further information or whatever the case might be. I understand that, and the Opposition supports the need for such a move. The second section of the legislation relates to the retrospective elements; in other words, the effect that this legislation will have on applications made prior to its introduction.

In her second reading explanation, the Minister said that all she really wants to do by way of this legislation is to firm up the amendments that were made in 1985. As I said earlier, the Opposition maintains its support for the concept of enabling the Minister to have power to put in place conservation orders. That is particularly important during a period of real uncertainty that we are experiencing now and have been experiencing for some time. I mentioned earlier the problems that the majority of people perceive in regard to matters such as criteria. I also recognise the change in people's values regarding what is or should be a heritage item or area.

Mr S.G. Evans: Some people's values.

The Hon. D.C. WOTTON: The member for Davenport would prefer 'some people'. I think that a considerable number of people in the community, if asked, would say that there has been a change in the values that they place on items that might be considered to be heritage items.

Mr S.G. Evans interjecting:

The Hon. D.C. WOTTON: Well, I suggest that that statement is backed up when one looks at the support that was shown by the community recently when the House of Chow was under threat. If someone had said five or 10 years ago that that situation was likely to happen, I do not think many people would have believed that that could be the case. We have certainly seen in more recent times some pretty ugly scenes around this town when it comes to heritage. I refer particularly to the House of Chow, the Somerset Hotel, St Paul's Church, which was on again, off again and all over the place—and the Aurora Hotel. I could list many buildings that have been under threat which illustrates the amount of confusion in the community about whether or not those buildings should be protected.

I say again that, if the criteria had been clearer, a lot of those problems would have been solved. In fact—and I will refer to this matter again later—I think one of the saddest things about this debate is that we have had a situation for some time where the heritage review has been conducted concurrently with the planning review. Those reviews are taking up considerable resources and a considerable number of people are giving up time to make a contribution. I think it is a great pity that the Minister, while recognising the problems that we have had in this State and, more recently, in this city, has not been able to expedite that review, so that many of the improvements that we hope will come out of the review as far as recommended changes to the legislation are concerned could have been put into effect at this time. If that had happened, I suggest that we would not be in the situation we are in now where once again we are making policy on the run and having to amend legislation in this way, as I said earlier, without the required opportunity to consult and to study the legislation properly.

In relation to another area, that of local government's responsibility as far as heritage is concerned, I tried to find out this afternoon how long it has been since the Minister or the Government—I am not even sure whether it was this Minister: I think that it was the previous Minister—first sent out a discussion paper to local government, seeking its opinion as to how local councils could be more involved in the protection of heritage in their own areas. It was a considerable time ago, yet that matter has still not been resolved. Again, I hope that it is something the review will be able to consider.

That is an area in which there is a desperate need for some decisions to be made. Debate has been taking place for years on the need for incentives. I would not mind $5 for every seminar I have attended in this city, which recognises the need for incentives to consider compensation or to consider the need for some sort of appeal system.

Time and again we have gone over these same subjects, and there has been a lack of decision as far as many of them are concerned. There has been a considerable amount of public debate over a long time, particularly more recently, in which we have seen a number of examples of people being disadvantaged by owning heritage listed properties. Quite obviously, some of those people should be compensated in some way. I appreciate that that is a very complex matter, and I also recognise that, on the other side of the equation, some people have been advantaged as a result of owning heritage listed properties.

All in all, I suggest that much of the debate to which I have just referred has been pretty damaging with respect to what we would all want to attempt to achieve in regard to the protection of our heritage in this State. I do not think that there is any doubt that all of us recognise that much of the quality of life we recognise in Adelaide and of which we are all so proud comes from the retention of many of our older buildings. As I said earlier, we maintain our support for the concept of the Minister having the oppotunity to bring down conservation orders.

However, we must admit that there is much confusion about criteria; about the legislation itself; about the overlapping of responsibilities and purpose between conservation orders of interim listing and so on. As I said earlier, it is a very complex and very messy piece of legislation that is in desperate need of upgrading. There is also concern in the community as to what might replace old buildings. Many of the buildings may not have heritage significance but, obviously, there is concern on the part of many people that they may be dissatisfied with the building that replaces an older building. To some extent, I can understand that.

Before the Minister races off to attack private developers, I might say that the Government developments in this town

also leave a fair bit to be desired. We would all be aware that the present State Bank building is very different from the original building plans. In relation to the ASER development, I find it interesting to go into the Hyatt Hotel and look at the difference between the plans of what the Hyatt was going to look like and the final development. We all know about the Riverside Building: that was going to tone in magnificently with the rest of the development, yet it is an absolute disaster in its present form. The Government must accept a fair bit of responsibility as far as that is concerned.

Hopefully, with this legislation having to be debated at this time, we will not be far off a total overhaul of the Heritage Act. It has been recognised for some considerable time that we need a mechanism to provide for a review process. Much representation has been made on this matter. A mechanism needs to be established to provide for an applicant to appeal against a decision to place a conservation order, to put a building or a structure on the interim list or on the list of State heritage items. From what I have been told, I understand that this matter is being considered by those involved in the review, and I hope that when the results of the review come out we will see some positive move to provide such a process.

At this stage, I presume that for such a mechanism to be introduced the best system would be to take the matter before the Planning Appeal Tribunal. I recognise there has been talk about the need to set up an environment and planning court similar to that in New South Wales, for example. That has been under consideration for some time, but at this stage, for such a mechanism to be established, it would be totally appropriate for the Planning Appeal Tribunal to be the avenue of appeal. At the proper time, I will have more to say about that. It may also be appropriate to provide that, where the tribunal so determines for the convenience of the parties before the tribunal, issues relating to a proposed development that would be treated as separate actions may also be heard together. There is considerable need for that. The Opposition maintains its support for the Minister to have power to place conservation orders, and at the appropriate time we will seek to amend that part of the legislation.

I want now to move to the second part, to which I referred earlier, that is, to take into consideration applications that were placed prior to the introduction of this legislation; in other words, to look at the retrospective elements of the legislation. Earlier this year, a court challenge was made regarding the power of the Minister to make a conservation order on a building after a planning application had been lodged for its development. The case in question involved the proposed demolition of the building known as Gawler Chambers, on the corner of Gawler Place and North Terrace, and the proposed erection of a modern hotel on the site.

Mr Holloway interjecting:

The Hon. D.C. WOTTON: If you listen, we'll tell you. Are you talking about the proposal that was put forward by the company in regard to the new hotel?

Mr Holloway interjecting:

The SPEAKER: Order! Interjections are out of order. The honourable member will address the Chair.

The Hon. D.C. WOTTON: I realised that, Mr Speaker, but it does provide the opportunity to inform the House that the Opposition has seen the plans of the proposed building that will replace Gawler Chambers. Personally, I believe the building to be quite a magnificent structure. As far as its streetscape is concerned, I would suggest that it would fit in with the streetscape of North Terrace as well as the present Gawler Chambers. However, I will leave that matter to a more appropriate time.

After the development application was lodged with the Adelaide City Council—in fact, some 10 months after—the Minister placed Gawler Chambers on the interim heritage list and issued a conservation order on the building to protect it from destruction. According to the Minister, this was done in the belief that the building was an important part of the State's heritage and was of significant aesthetic, historic and cultural interest. The Adelaide Development Company, which was the applicant for the development, took Supreme Court action to have the council consider the planning application without considering the heritage listing or conservation order. The Supreme Court held that the council must have regard to the law at the time the application was made but, as it considered the interim listing and conservation order introduced new law, council could not have regard to them in deciding the application.

The amendments proposed in the Bill will, first, as far as the City of Adelaide Control Act and the Planning Act are concerned, enable the Minister to interim list a heritage item and place a conservation order on it after the planning application is lodged. In cases where this occurs, the planning authority will be required to process the application and make its planning decision as though the interim listing and conservation order were in place at the time the application was lodged. Secondly, as far as the South Australian Heritage Act is concerned, the amendments will ensure that, where a valid planning approval is in existence, it cannot be overridden by a conservation order.

It is important to note that in a special *Government Gazette* of 4 November the Minister advised of the listing of Gawler Chambers on the register of State heritage items. I suggest that the main purpose of this legislation's being introduced at this time was because the Adelaide Development Company was successful in the Supreme Court action concerning Gawler Chambers. The Supreme Court held that, because the Adelaide Development Company's application was lodged before the Government heritage listed Gawler Chambers, the listing could not be taken into account in deciding whether to give consent to the proposal to build a hotel on the site. The Government says it was generally accepted—and this is in the second reading explanation—that a heritage listing and conservation order could be taken into account after a planning application had been lodged. However, I would doubt that that was generally accepted. Certainly, members of the legal and planning professions have held the view, for some time, that the Heritage Act meant exactly what the Supreme Court said it meant.

This Bill seeks to make the amendments retrospective. If passed, it will mean that the Adelaide Development Company's application will be subject to the heritage listing made after its application, and in considering the Adelaide Development Company's planning appeal the tribunal will take into account the heritage listing. I am aware that in recent times the Adelaide Development Company has made representation to the Government about this matter. In fact, I understand that representation was made to the Deputy Premier because the Minister for Environment and Planning was not in Adelaide at that time. I also am aware that the representation that was made to the Deputy Premier was not answered appropriately—in fact, I do not think it was answered at all.

That representation, which was made on 6 November—just over a fortnight ago—was as follows.

Are you aware that the Minister for Environment and Planning agreed with us not to participate in the Supreme Court action and to abide by the court's decision and advised the court accordingly? Are you aware that the Crown advised the Supreme Court

of the agreement, and that the Government then withdrew from the hearing before Justice Debelle? Notwithstanding this, are you aware that the Minister wrote to the Adelaide City Council inciting it to appeal when you were a party that had withdrawn and had agreed to abide by the court's decision? Further, there is now the mention of proposed legislation with the inference that this will save Gawler Chambers. The proposed amendments are not available for public scrutiny—

and this is a fortnight ago—

and we have been refused access to a copy. As a result, we will be writing to Crown Law seeking assurances that the proposed amendments will not in any way have an effect on Gawler Chambers.

That the proposed legislation should affect the Adelaide Development Company in the way it will I believe is grossly unfair. If we look at the history of the building we will see that Gawler Chambers was rejected for heritage listing on three occasions—1982, 1985 and 1987.

Mr S.G. Evans: Who was the Minister in 1987?

The Hon. D.C. WOTTON: I think the Deputy Premier had that responsibility at that time. Of those three rejections, on two occasions the City of Adelaide and on one occasion the State took that initiative. We need to recognise that only last year the council asked the Minister for Environment and Planning to put Gawler Chambers on the heritage list, and she did not. There was ample opportunity at that stage for the Minister to take some action. The Adelaide Development Company commenced the Supreme Court proceedings against the council and the Minister for Environment and Planning. Before the hearing in the Supreme Court the Minister, first, withdrew from the hearing, secondly, paid the Adelaide Development Company's legal costs and, thirdly, agreed to accept the court's decision. Following the court's ruling, the council refused to consent to the application. The Adelaide Development Company has now appealed to the Appeals Tribunal against that decision, but the fact is that that company has suffered major delays in this matter and has incurred very high costs.

Gawler Chambers has been considered for listing on three previous occasions. The Supreme Court held that, because the Adelaide Development Company application was lodged before the Government heritage listed Gawler Chambers, that listing could not be taken into account in deciding whether to give consent to the proposal to build a hotel on the site. For those reasons, the Opposition is of the opinion that any application made prior to the introduction of the Bill should be exempted from the operation of the legislation. The Opposition also recognises that such exemption could result in the demolition of Gawler Chambers.

In the few days that have been available for consultation with interested groups, I have spoken with the Adelaide City Council, the National Trust, the Law Society of South Australia, the Conservation Council of South Australia, the Building Owners and Managers Association, the Urban Development Institute, the Real Estate Institute and the Chamber of Commerce and Industry. The Opposition has received considerable representation from those organisations. Only late today I received a representation from the Conservation Council, and consideration will be given to taking into account some of its recommendations between now and when this Bill is debated in another place, although at most there will be only two days before that debate occurs.

As I said earlier, the Opposition has received representations from a number of other organisations and I will refer particularly to that of the Law Society, whose letter reads:

It has come to the attention of the society that on 15 November 1991 the Minister for Environment and Planning introduced into Parliament a Bill to amend the City of Adelaide Development Control Act 1976, the Planning Act 1982 and the South Australian Heritage Act 1978. The purpose of this letter is to inform you that the society objects to the Bill in its present from for a number of reasons. First, the society objects to the proposed amendments to the City of Adelaide Development Control Act and the Planning Act insofar as they are expressed to operate retrospectively. Retrospective legislation is usually reserved for extreme cases, and I suggest the perceived evil in this case is not in that category. It is a grave step indeed to retrospectively change people's rights, particularly when commercial decisions have been made on the basis of those rights.

There are two aspects of the retrospectivity. The Bill will operate from the time of its enactment, to retrospectively affect the rights of applicants, where they have filed their applications after the commencement of the Act. The fact that the merits of heritage listing have not been considered for all buildings, perhaps warrants this aspect of the retrospectivity. However, the Bill goes further and also operates to affect the rights of applicants as they existed prior to the introduction of the Bill. The Law Society opposes that aspect of the retrospectivity.

Secondly, the proposed amendment to section 24 of the South Australian Heritage Act has the potential to be exceptionally unfair. Its operation would rewrite the long standing procedures for town planning, and is not the sort of amendment one would expect to be rushed through the Parliament without allowing time for proper consultation. To understand our concerns in this regard it is necessary to understand the existing planning and heritage legislation (and consider its operation in concert with the amendments to the Planning Act and the City of Adelaide Development Control Act proposed in the Bill). Both the Planning Act and the City of Adelaide Development Control Act contemplate that planning approval can be granted for a development that affects (even by demolishing) an item of the State Heritage. That is, the heritage listing does not protect the building from redevelopment. It simply means that before it can be affected its heritage value must be considered and, of course, approval to affect the building must be obtained.

For example, under the Planning Act as a general rule the demolition of a building does not require planning consent. However, under that Act, if a building is an item of the State Heritage, planning consent is required from the planning authority for the demolition of the building. If the proposed amendments to the Planning Act and the City of Adelaide Development Control Act become law it will require an applicant to obtain the separate consents of two authorities, i.e. the planning authority and the Minister. The time and money required to obtain consent to develop a heritage listed property is already considerable. The current proposal will compound the existing problems.

There is more to the letter but I hope that the Law Society has written to members opposite, as well. If so, I hope that they take the opportunity to read the correspondence.

I suggest that it is most inappropriate to debate this Bill under these circumstances, having to rush it through. Members are aware that the heritage review is being undertaken with the planning review and we all hope that, as a result of that review, substantial improvements will be made to the heritage legislation in this State. It is of concern to me that, recognising the desperate need for significant change, legislation effecting that change may not be introduced until late next year. As I understand it, and I invite the Minister to inform the House accordingly, it is not intended that the review will be completed until early next year.

By the time the Minister and the Government bring in legislation, we will not see any significant changes until very late next year at the earliest. I believe that to be of great concern. That is why it is important that an attempt is made to place in the legislation before the House a mechanism that will provide for applicants to have the right of appeal. I believe that the Minister's handling of the State's heritage has been deplorable. It certainly leaves a lot to be desired. The Opposition supports the second reading but only to provide the opportunity for further debate and for amendments to be moved at the appropriate time.

Mr HOLLOWAY (Mitchell): I support the Bill and congratulate the Minister for Environment and Planning on her considerable achievements in protecting the heritage of this State. She deserves our support. This evening I had the

pleasure of walking along North Terrace and it reminded me how lucky we are to have this unique precinct within our city. Few cities around the world, let alone in Australia, have such a range of cultural, historic and aesthetically pleasing buildings in one area. At one end we have the historic buildings of the Royal Adelaide Hospital, Ayers House and the Botanic Hotel and, at the other end, there is the university, the Museum and the Art Gallery. All the city's key, cultural and historic buildings are in the one area and we are fortunate to have such major assets.

One of the reasons that we are so lucky is Gawler Chambers, which is a significant part of the North Terrace heritage. It is part of the streetscape which is spoken of nowadays and it is one of the aesthetically pleasing buildings that fits in with the other historic and cultural buildings along North Terrace. That is the bottom line of this legislation. Are we to protect Gawler Chambers, this important historic building, or are we to let it go for some technical reason?

The Opposition's spokesman, the member for Heysen, debated this Bill at great length. He quoted from the Law Society and a number of other sources but it seems that it is very difficult for him to decide whether or not he is in favour of saving Gawler Chambers. He said that the new building that has been proposed is a magnificent structure. He said that we should pay due attention to what the Law Society was saying. It seems to me that members opposite are really saying that legal technical arguments come before preserving an essential feature of our city. I would have thought it was far more important for us to consider the sort of place we want to live in. I would have thought that the need to have taken into account the heritage value of buildings on our major precinct would be more important than some legal technicality, but apparently it seems not so for members opposite. I am sure that, at other times when it suits them, members of the Opposition like to squeal and demand that the Minister should act and take all sorts of actions, whether or not the Minister has the prerogative, to achieve what they wish. However, on this occasion it seems that it suits them to be legalistic and take technical arguments.

I believe that my duty to my electors is not to be intimidated by some judicial decision which was based on technical legalistic arguments and which was quite against the stated intention of the Act when it was introduced in 1985. One thing that we have as members of this Parliament is the ability to correct defects in the law. If there is a judicial decision which is against the interests of our electors, we have the right to correct it, and that is exactly what we are doing with this legislation, and that is what I support. I believe that the electors of this State will judge the Government on the results, not on whether it pleases the Law Society by adhering to some legal values that it might have.

I will say a little about the Gawler Chambers because that is central to the whole argument. Gawler Chambers was built in 1914 and it is one of the few examples of Edwardian architecture in the city. Some of the other buildings of a similar vintage are along North Terrace, such as Masonic Hall, built in 1925; the buildings of the Royal Adelaide Hospital, constructed in the 1920s and 1930s; the magnificent Brookman Hall of the University of South Australia, built at the turn of the century; and the early buildings of the Adelaide University and the museum. So, Gawler Chambers is a very important part of that precinct.

The member for Heysen also mentioned that it had been rejected for listing three times in the past. There are several things we should note about that. First, there has been a changing awareness in our community of the value of our heritage buildings. Old Parliament House would have been demolished when this building was finished if it had not been for the intervention of the war. Edmund Wright House, which is probably the first major case in the preservation of heritage buildings in the State, was almost demolished. It would be quite inconceivable that such a thing would happen in this day and age.

The Hon. D.C. Wotton interjecting:

The SPEAKER: Order!

Mr HOLLOWAY: I will quote the views of some of the groups that have an interest and expertise in this matter, as they were listed in a recent edition of the *City Messenger*. First, the National Trust Director of South Australia, Philippa Menses, said:

> The ruling [the court ruling in relation to Gawler Chambers] was out of touch with community attitudes. The judge's decision was based on law rather than reality.

State Historian, Susan Marsden, said that the ruling had set the heritage movement back to the 19th century. She said:

> It means that everything not formally listed, which is probably about 90 per cent of heritage buildings, is under threat. This is an obvious building to keep when you're talking about the founding organisations of the State.

The article continues:

> She said the ruling had undermined the Minister's powers to protect heritage buildings with urgent conservation orders.

Finally, Ms Winnie Pelz, of the North Terrace Action Group, stated that it would be a 'great loss' if Gawler Chambers was razed. There is no doubt in those groups that are concerned about and aware of the history and importance of heritage buildings within our community that there is an awareness that Gawler Chambers is one of those buildings that should be protected. It is not just the building itself: we have to consider it in terms of the streetscape or the townscape. I notice that the recent '2020 Vision' report has much to say about the question of streetscape, and I guess it is an area that is not all that easy to define.

If one travels through the eastern suburbs, one sees rows of houses of a similar vintage. In themselves, the buildings may not have particular features, but the total effect of those streets is one where inappropriate development would totally destroy the character of those suburbs. That is the whole issue of streetscape, and it is very difficult to define. It is important that we do not allow developments which are totally inappropriate and which destroy the character of the environment. If we are looking at development questions, there is a danger of over development, where it would destroy the very features which make an environment appealling. That is an issue we often see in tourism development. We have to be very careful that we do not destroy those features which attract people. As I said earlier, North Terrace is a very important part of this city. It is a precinct which people in other cities would envy greatly. I am sure it is a feature which is greatly admired by many visitors to our city. We cannot afford to destroy it.

The use of urgent conservation orders by this Government has been very moderate. As the Minister pointed out in her second reading explanation, over the past year, only six urgent conservation orders have been issued. In four of these cases, the order was placed after careful assessment of requests from local councils for the Minister to use her powers to protect items of heritage value to the local community. It is also worth pointing out that these orders have a limited life of 60 days, and this period can be extended up to six months by the Planning Appeal Tribunal to allow time for a complete assessment of the heritage significance of a building or structure. This small time delay is reasonable to ensure that items of irreplacable heritage significance are not lost because of hasty planning decisions. It could

not in any way be argued that this Government had been capricious in the use of those orders.

The real bottom line of this whole issue in this Bill before us is whether we are to protect an important part of our heritage—an important feature in the streetscape of the most important street in our major city. That is what I stand to defend this evening. If the amendments being touted by members opposite were to be approved, there is no doubt that the chances of saving Gawler Chambers would be very limited indeed. What we are really asking for in this legislation is that the heritage value of this important building be taken into account in the consideration of its future. It is really nothing more than that. Whatever technical arguments members opposite might care to raise, however they might like to talk about what the Law Society says or what happened in court, surely the most important thing we have to consider is the protection of this most significant part of our city.

It is for that reason that I am very pleased to support the legislation that is before the House tonight. This Government has a proud record in what it has done in the past in saving the heritage of the State. If this legislation is passed, the Government will be able to continue to build upon that important record. However, if the Opposition has its way, I am afraid that Adelaide will face the same fate as other cities. I believe that we should pass this Bill and congratulate the Minister on the attention she has paid to this matter.

The Hon. JENNIFER CASHMORE (Coles): This Bill is listed on the Notice Paper as the Statutes Amendment (State Heritage Conservation Orders) Bill. In reality, one could call it the Gawler Chambers Bill, because that is what it is. One could equally well describe it as the 'shutting the stable door after the horse has bolted Bill'. Instead of commending the Minister, as the member for Mitchell has just done, I believe that the Minister should be condemned for failing to take action when action was called for and now, when it is too late as a result of a court judgment, attempting to use the Parliament retrospectively to achieve a goal, that should have been achieved some long time ago. I see no reason whatever for commendation of the Minister in the unhappy saga of events that has brought this Bill to the Parliament.

Before going into the details of the Bill itself, which seeks retrospectively to enable the Minister to impose conservation orders at any stage and to enable the development procedures to take account of those orders as though they had been made before any development application was considered, I would like to consider Gawler Chambers, because this really is the Gawler Chambers Bill. As the member for Mitchell and the Minister herself have said, Gawler Chambers represents a very important building on North Terrace. It is a building for which most South Australians feel considerable affection. It has a pleasant solidity about it—not an elegance really or a beauty, but a pleasant solidity—which derives from its red brick structure, from its turreted roof and from the bow-fronted balconies which look most appealing on North Terrace. However, the importance of Gawler Chambers is not to be found in its architecture: the real importance of that building is to be found in the historical context of its construction. It was constructed not in 1914, as has been mentioned, but in 1913 by the South Australian Company.

An honourable member interjecting:

The Hon. JENNIFER CASHMORE: It may well have been finished in 1914 and it may well have been commenced in 1912. We have been given three dates so far, and a building of such Edwardian splendor, very likely took three years to construct in the early part of this century. As I said, the building was constructed for the South Australian Company. It is an interesting commentary on the lack of historical knowledge of South Australians that I suspect that only a relatively few members in this Chamber could actually identify the importance of the South Australian Company to this State.

Mr Ferguson interjecting:

The Hon. JENNIFER CASHMORE: The member for Henley Beach may well be one of those members. The South Australian Company was established by George Fife Angas, which was the chief instrument of development in the establishment of the province of South Australia. It was the South Australian Company that owned the ships on which the first migrants came to this State. It was the South Australian Company that constructed wharves and roads which enabled the development of a capital city. It was the South Australian Company which embarked upon whaling, mining and pastoral activities, and which I understand planted the first vines in this State, and undertook thereafter viticulture and winemaking.

So, the South Australian Company is central to the development of this State. Its existence and contribution to South Australia has been largely forgotten by all except historians. It is a terrible shame to think that a building, which once housed that company, faces the prospect of demolition. Obviously, it was not the company's first office, and that first office has probably gone long since as ultimately in the long term all buildings are likely to go. Nevertheless, it is a very important building. For that reason, I believe it should be preserved.

I fail to understand how that building could have been rejected three times for heritage listing—twice by the City of Adelaide and once by the Minister who declined to place the building on the interim list. The Minister's declining occurred not much more than 12 months ago. She now rushes to this Parliament and asks us to pass legislation which will get her out of a hole because a judge has decided that an urgent conservation order cannot be placed on a building after a development application has been instituted.

The Hon. E.R. Goldsworthy: It is a bit reminiscent of the water rates court case.

The Hon. JENNIFER CASHMORE: The member for Kavel mentions the water rates: I would like to mention another piece of legislation, because I believe that I am one member in this House who can speak consistently on the matter of retrospectivity. It was this Government that sought to pre-empt a decision by the High Court of this country by introducing legislation to validate retrospectively its planning approval for the development of a resort at Wilpena. This same Government now seeks to validate retrospectively a law which a court has ruled does not apply to a development application once that application has been proceeded with. The principle is the same in both cases. The member for Mitchell lightly dismissed the Law Society's objections to this Bill. He said that the Opposition was complaining about the legal technicalities; he said further that, just because of what he described as 'some legal values of the Law Society', we should not be hung up on just giving swift passage to a piece of legislation that totally upsets the property rights of the owner of Gawler Chambers.

As I believe I have made clear, I am fond of that building, which is on the corner of Gawler Place and North Terrace, and I would hate to see it demolished. What I hate even more is a Government that uses the Parliament to validate restrospectively laws that were inexpertly or inadequately drafted in the first place. The Opposition is defending not

so much the merits of Gawler Chambers, which are demonstrable, but the integrity of the law as it applied at the time it was passed. If we in this House do not defend the integrity of the law, we do not deserve the name of legislators. When the integrity of the law is damaged in the way the Government proposes, it is not only the law that is damaged but legislators and Parliament itself. The law falls into disrepute, and people believe that they can ignore it with impunity or manipulate it, as this Government has done so many times. Within the past 12 months, oddly enough it has been the Minister for Environment and Planning who has been instrumental in three Bills: the Wilpena Bill, the water rates Bill and now this Gawler Chambers Bill or, as it is called, the Statutes Amendment (State Heritage Conservation Orders) Bill.

We cannot be party to that. Great principles are at stake. I freely admit that, if the Adelaide development company was proposing to demolish that building and put in its place, let us say for argument's sake, the Magic Mountain, my commitment to the integrity of the law would be strained to the utmost limits. I can say only that the City of Adelaide plan, fortunately, would not permit that to happen. I have seen the plans for the proposed All Suites Hotel, and I find, much to my surprise and pleasure, that the proposed building is a very pleasant one of proportions that are appropriate to the location, and I believe that building would be an ornament to North Terrace. However, I stress that that is incidental to the principle we are discussing. I am tired of seeing beautiful Adelaide just turned into a tart, because that is what is happening to this city.

I hold this Government substantially responsible. It has been dilatory in attending to heritage legislation and in ensuring that the proper resources are provided to ensure that the heritage list is up to date and reflects community values. Quite clearly, had this been the case this Bill would not be before us now—it simply would not, had the Minister done her job properly. We have seen street after street in this city despoiled. The interesting thing is that much of the despoliation has actually been undertaken by Government authorities: for example (and the member for Heysen referred to this), the State Bank Centre, a building which, in my opinion, is no ornament to this city; the SGIC-owned building at 119 Gawler Place, which has just been refurbished; the Natwest Centre in Pirie Street, which is owned by SASFIT and which is no ornament to Adelaide, I assure members; and to a range of other buildings, notably in Grenfell and Pirie Streets, which look like, as I have said once before, nothing more than scattered licorice all sorts. They really are hideous.

Not all of the buildings that were replaced by the ones to which I have referred were worthy of heritage listing, but I ask why, when we knock down a building in this city of whatever quality or value, we have to replace it with a monstrosity. That is what has happened and it has happened far too often. The way to fix that is not to introduce legislation that will have retrospective effect but to give the Heritage Unit of the Department of Environment and Planning the resources to enable it to do its job and to ensure that the law and resources are sufficient to protect those buildings that South Australians value.

I make the point when we are talking about development, as we are in the case of the development application in respect of Gawler Chambers, that too many people see development as new buildings, new construction, steel girders and concrete. Development is, in fact, anything that involves construction, creates employment and requires capital. The restoration of old buildings fulfils all of those criteria. I only have to look at one that is being restored that I see with delight on my way to Parliament House from my electorate office to see that that is the case. I refer to the extraordinarily shabby but nevertheless familiar and, I think, well loved building at the junction of Magill, Payneham and Fullarton Roads. It has fallen into a state of truly awful disrepair. Instead of knocking it down, the owners are now restoring it. It will be an ornament to that interesting intersection. The building is situated right opposite the Maid and Magpie Hotel and next to it is a building, which I believe has considerable historical significance, a small cottage, which was the premises of a plumber, whose name I cannot think of for the moment.

Mr S.G. Evans: Will it be economically viable?

The Hon. JENNIFER CASHMORE: I believe it will be economically viable. The simple test of that is that the owners would not be restoring it in the manner they are doing if it were not economically viable. The test is in the willingness of the developer to proceed. Whilst condemning what the Minister is doing in regard to the retrospectivity of this Bill and commending the principle of conservation orders, I can only put forward a general plea for huge public pressure to be brought to bear to ensure that architects and owners, builders and developers, who are involved in future building in this State, take account of the natural finishes of the historic buildings we value. Tile, glass, glitter and plastic are in no way in keeping with the character of Adelaide. Yet, almost all of the new buildings that have been erected in recent years—

An honourable member interjecting:

The Hon. JENNIFER CASHMORE: —exactly—have used those finishes. They have used colours that are in no way compatible with the bluestone and sandstone finishes which are natural to the Adelaide Plains and which form the beauty of the buildings we love. They are at screaming odds in terms of shape, proportion and finish with the Victorian buildings of this city.

An honourable member: Kitsch.

The Hon. JENNIFER CASHMORE: Kitsch is a kind word to describe them. They are simply unbelievably ugly and they have no affinity whatever with the buildings adjacent to them, to the streetscapes or precincts or to the nature of the city itself, which is basically a human scale city with a friendly and dignified charm. These buildings are neither friendly nor dignified and they certainly have no charm.

I conclude by saying that the principle at stake is much greater than any individual building. I say that as one who is committed to the heritage of the whole State, not only the city, and to the natural countryside as well. Nevertheless, if we fail to uphold the law and if we change the law after the event to suit the political whims of Ministers, we bring the whole law into disrepute and our whole legal system, our whole social system and our whole political system suffers. I am not prepared to abandon a great principle such as that for the sake of getting this Minister off the hook.

Mr FERGUSON (Henley Beach): I support the Bill before us. I would like to say a few words about the remarks the member for Coles has just made. I find myself in agreement with the majority of what she has said. I thoroughly agree with everything she has said about the refurbishing of new buildings which would provide investment for this city. There is no problem with the philosophy she espouses as far as this side of the House is concerned. In fact, that is the very point we make.

I do not condemn the judgment brought down by Justice Debelle in which he referred to the sentences, phrases and words that were expressed in the Act. He expressed his interpretation of the words put forward by counsel. He did

not make a judgment on heritage. The people who should make a judgment on heritage are the members in this Chamber. Members of the Opposition, who represent constituents as do members on this side of the Chamber, should be thinking about their constituents, not necessarily the business people whom they feel they ought to represent.

I am extremely pleased to see the member for Adelaide taking a deep interest in this particular debate. I hope that he enters the debate, because I have heard him waxing lyrical from time to time, both inside and outside this Chamber, about the value of heritage. I understand that the Opposition intends by way of amendment to make sure that a part of Adelaide's heritage is destroyed. I agree with the member for Coles when she spoke about Gawler Chambers and its association with the South Australian Company. The South Australian Company was founded by legislation in 1834 and 1835 in the House of Commons, and it is our proud boast in South Australia that this colony was started by free men without the assistance of convicts, by private enterprise—

The Hon. Jennifer Cashmore: And free women!

Mr FERGUSON: I know the history, and I do not need the assistance of the member for Coles. The fact is that this building relates back to George Fife Angas, one of our pioneers and one of the people who assisted German migrants to come to the Barossa Valley and other parts of South Australia, including Hahndorf. Without looking at the facade and at the architectural merits of this building, for historical purposes alone South Australians should be standing up and saying that we should make sure this building is not destroyed.

I find it hard to understand the debate I have heard so far from members of the Liberal Party, who tell us with mock sincerity that they believe that Gawler Chambers ought to be saved, but as a matter of principle—and those are the words that have been used—they want to see it torn down. They have the wrong principles. The principles we are talking about are those of heritage, and members have the opportunity with this legislation to make sure that we maintain the North Terrace facade.

The Hon. D.C. Wotton interjecting:

Mr FERGUSON: I know that this hurts the shadow Minister.

The Hon. D.C. Wotton interjecting:

The ACTING SPEAKER (Mr Gunn): Order!

Mr FERGUSON: Thank you for your protection, Mr Acting Speaker. I know that it is difficult for the shadow Minister, but what he is advocating is part of Adelaide's heritage and history, and part of the whole facade of North Terrace, being destroyed. There was a court decision on a technicality, which did not discuss the matter of heritage, and that we on both sides of this Chamber are here to make decisions on the heritage of our city and to support the destruction of this gem of architecture, so far as Adelaide is concerned, is something that ought to worry the constituents of all members of this House.

Parliament has been very kind to me and, from time to time, has sent me on overseas study tours. I have had the opportunity to look at cities both inside and outside Australia that have had the courage to ensure that they maintain their heritage. The centre of Paris is probably one of the most elegant cities in the world. It is a city that takes your breath away. The reason why Parisians have been able to maintain the architectural quality of the centre of the city is that they have had the courage to maintain the architecture of their city. They have said to developers, to those people who want to make money and to make profits, 'What you do is maintain the buildings as they are and refurbish them.' Notwithstanding that, the developers have been able to make a profit and to survive, and we have some very beautiful cities such as Vienna, Venice, Florence and many others.

Within Australia there are examples of this far-sighted decision-making from the other Parliaments of Australia, and I refer to Battery Point in Hobart. Anyone who has had the opportunity to walk around Battery Point and to see how it has been maintained has seen a shining example of what ought to happen in other cities in Australia. Battery Point has been of economic benefit to the city of Hobart, because tourists have come from all over Australia and from other parts of the world to walk around Battery Point and to look at the architecture that has been preserved. What differentiates us as civilised people from those who want to destroy their cities is the way in which we look after our heritage. Each person in this Parliament will be judged eventually on the heritage we leave behind for our children and grandchildren—and some of us have more grandchildren than others.

Mr S.G. Evans: What about jobs?

Mr FERGUSON: The member for Davenport interjects 'What about jobs?' He has not been listening to this debate. Jobs are included in our proposition. There is just as much money to be made and as many jobs to be had by refurbishing the buildings we have. Why should we pull them down? I agree with the remarks of the member for Coles and with the proposition she put to the Parliament a few minutes ago. The wisdom of what she was saying is evident. It is true: you do not need to pull down your heritage and build huge multi-storey monstrosities in order to ensure that you maintain jobs and increase profits. I was very disappointed by the shadow Minister's contribution to this debate: he ranged all over the place and was not speaking very much to the Bill. He did mention that funding and staffing were not enough so far as the Minister's department was concerned. Everyone in this Parliament would agree that there is not enough funding and not enough staff to do the work necessary in connection with heritage.

I heard the Leader of the Opposition make a budget speech in which he suggested that the number of public servants in South Australia be reduced by thousands. He was not talking about hundreds. Perhaps he would have left the heritage unit alone. Perhaps he would have taken all the public servants from other areas of Government and left the heritage unit alone. Perhaps we would have fewer teachers, fewer nurses, fewer police and fewer services, but the heritage unit would have been increased. The arguments put forward by the shadow Minister were a sham. He mentioned the changing values of heritage, in a rather disparaging way.

The Hon. D.C. Wotton: I did not. You read it.

Mr FERGUSON: I will read it. Because of changing values, the importance we place on our heritage will change from time to time. Is the shadow Minister suggesting that there ought not to be any change whatever in the way we value our heritage? This is absolute nonsense, because some buildings are only 20 or 25 years old but ought to be kept for heritage purposes. To say that they should all be knocked down and rebuilt is absolute nonsense.

The honourable member made great play of compensation appeals and incentives. I was very interested in what he said, because during the time I have been in Parliament, now into the tenth year, I have been waiting for members of the Opposition to put up their policy on conservation and to tell us what they would do about compensation, appeals and incentives. Do you know, Sir, that I am still

waiting after all these years? It is quite easy to sit there and criticise, but one needs to come up with a policy.

The Hon. D.C. Wotton interjecting:

The ACTING SPEAKER (Mr Gunn): Order! The member for Heysen has made his second reading contribution. The honourable member for Henley Beach.

Mr FERGUSON: The shadow Minister was in charge of conservation from 1979 to 1983, and during that time—

Members interjecting:

The ACTING SPEAKER: Order! The member for Albert Park and the member for Heysen will not conduct a conversation across the Chamber. The honourable member for Henley Beach has the floor, and I do not think he needs any assistance.

Mr FERGUSON: From 1979 to 1983 the shadow Minister did not move one amendment to the Heritage Act, and all we have now is the usual whinging, moaning, complaining and sitting on the fence. We are still awaiting a policy, and I am not sure that he is prepared to outline it because he is content to sit on the fence and criticise when the opportunity arises. We are not only talking about Gawler Chambers, although members opposite have said that the proposition is to save Gawler Chambers. Sir, do you know that 1 600 other buildings are under threat so far as this legislation is concerned? No wonder the member for Adelaide does not know what to do. It will be very interesting when it is time for him to vote, because we are dealing with his own electorate. I understand that Liberal Party members are free agents and are able to vote in any way they so desire. I hope to see the member for Adelaide cross the floor so that he can save a part of the city that he represents. I am glad to see that he is now in the Chamber intently following this debate.

It is not unusual for members opposite to take the side of developers, because that is their philosophy. However, on this occasion I ask members opposite to look at heritage and not at the principles they usually follow. I did not follow all the debate with respect to local government, and this Bill is not about local government, but I know that all heritage legislation is under review. The opportunity will come at a later stage for all those people who wish to make representations to the Minister to do so to enable appropriate legislation to be introduced. However, if we back off from this legislation at this time we know that Gawler Chambers will not be saved, this will be the end of Gawler Chambers. Therefore, we must make sure that this legislation passes.

Quite apart from all the arguments that have been put in this Chamber tonight about principles, legal decisions, what ought to happen so far as development companies are concerned, and so on, I can guarantee that the ordinary man and woman in the street want to save Gawler Chambers. Any poll at all, even a Liberal Party poll—and I have always had my suspicions about Liberal Party polls and their results—would show that the ordinary person in the street wants Gawler Chambers saved. This is the Chamber in which this matter should be debated. We have the responsibility, as representatives of the people, to make sure that the proper decisions so far as heritage are taken, and that is why I believe that every member of this place should support the Bill that is before us.

Dr ARMITAGE (Adelaide): I rise to speak with a heavy heart, and I do so as the member for the State seat of Adelaide which contains most of the heritage stock of South Australia merely because of the fact that it was the central area of development when this State was first established. Accordingly, I represent electors who perhaps have a greater interest in this matter than most other people. We all know of the beauty of Adelaide and its buildings, and its enormous economic benefit. Indeed, we all know that the rotunda which sits in Elder Park and which was donated by Sir Thomas Elder was used as the symbol for the most recent tourism promotion of South Australia. I understand that this has been a very successful campaign not only outside but also within the State, and that is because the rotunda encapsulates most of the things that are beautiful about Adelaide and its lifestyle.

The member for Henley Beach spoke about Battery Point's economic benefit to Hobart. Similarly, we all know that tourism—this holy grail—has the potential to be of enormous economic benefit to Adelaide. Given those facts, what did the present Minister and the Deputy Premier (when he was Minister in 1985) do when they had the opportunity to put Gawler Chambers on the heritage list—nothing. As the House has been told previously, the Adelaide City Council sought from the Minister her agreement in August 1990 to put a large number of buildings on the interim list, and the Minister did not oblige. If she had done so, the need for this legislation would not exist. When the Deputy Premier was Minister for Environment and Planning in 1985 he was faced with exactly the same decision, and what did he do—nothing. It is disturbing that a building that twice has had the opportunity to be placed on the State heritage list and twice has had the opportunity to be placed on the City of Adelaide heritage list may now be sacrificed on the basis of votes in a finely balanced Parliament.

It is an indictment of two Ministers that this element of uncertainty exists. It is absolutely appalling that we in a civilised society are not better organised about knowing what ought and what ought not to be on heritage lists. There are many examples around Australia of devastated heritage buildings, and that was because they were not on appropriate lists. Australia is a young country and we can ill afford to sacrifice our heritage because of the inaction of Ministers. I encourage the Minister to take urgent action and bring further forward the legislative review process which, I understand, we will hear about in March 1992. That is exactly the sort of certainty that we as members of the civilised society of South Australia are seeking. I applaud moves to bring these measures under one administrative umbrella. I just think that March 1992 is too far away.

When the legislative review is completed, it will give certainty to the developers, and that is very appropriate. It is an oft-heard cry in my office from developers that there is no certainty with development in Adelaide. I usually tell them that there is absolute certainty within the city of Adelaide, and that is adherence to a document known as the City of Adelaide Plan. The uncertainty usually comes about because developers tend to put in applications for five-storey buildings, but the City of Adelaide Plan permits only three-storey buildings. It is legitimate for developers to seek certainty in these matters. It is appropriate they should know that, if they are to spend large amounts of money and provide jobs, their money will be well spent.

That leads to the question of what should be done when developers are stymied by heritage legislation, conservation orders and so on. This is probably the most vital question, but it is not addressed in this legislation. I refer to compensation for owners of heritage listed buildings and for incentives to maintain heritage buildings in a condition of which all South Australians can be proud. Many incentives can be granted easily. If the State wants buildings preserved and placed on a register, it is appropriate that land tax compensation be built into the measure.

The Labor Party has been in Government for 25 out of the last 28 years, yet it has not provided any incentives. There is also potential for water rate reductions. Many heritage buildings have gardens that are an integral part of the property, so water rate reductions would be an appropriate incentive. In addition, approved maintenance work on heritage listed buildings ought to be tax deductible. That is a Federal matter but it is one that I have argued many times with my Federal colleagues.

Local government is not free in this respect, either. It has an opportunity through rate holidays and other means to grant incentives to make sure that buildings are maintained. In that way, Adelaide could benefit from the subsequent economic flow-ons. That does not answer the question of compensation. I believe it is appropriate for developers to expect this Government, which has held the legislative reigns for 10 years—a period which has seen heritage matters become a vital concern for the community—to have addressed the issue. As yet, no mention has been made of compensation. It is dreadful that Parliament is being asked to contemplate retrospective legislation, given that the Minister and her predecessor had the opportunity to take action, but they have not done so. It is an indictment of those Ministers that they have spurned those opportunities. South Australia's heritage deserves better.

The Hon. T.H. HEMMINGS (Napier): I have never heard a smoother, more condescending and more gratuitous speech than that from the member for Adelaide. In his constituency can be found some of the finest examples of colonial architecture, yet he is making excuses for the Opposition's attitude to this piece of legislation. I came to this country to make a home for myself and to bring up my children. I have always found it very hard to understand the attitude of members opposite who, on travelling overseas, mainly Europe, marvel at the historic buildings, commenting on the tourist impact of heritage architecture on those countries; yet at every opportunity they want to get into bed with the developers. I find that hard to believe.

The member for Adelaide spoke about the rotunda. Indeed, the rotunda has been restored and is part of the landscape alongside the Torrens River. As far as the member for Adelaide is concerned (and I am sure he speaks for most members opposite, although hopefully not for you, Mr Acting Speaker), the Liberal Party supported the restoration of the rotunda, and that is as far as it needs to go. As you will remember, Sir, I ran foul of my own Government when I was a Minister and tried to save the Aurora Hotel. In fact, I was castigated by the Premier.

Mr Hamilton interjecting:

The Hon. T.H. HEMMINGS: The member for Albert Park asked whether I got a smack on the fingers. I did not, but I was castigated by the Premier, and I rated a mention in a book which described in detail the efforts of the people of Adelaide in trying to save the Aurora Hotel. That hotel was not saved. The developers got in and bulldozed it and they did not even think about what else they could do with it. The Adelaide City Council was hand in glove with the developers and the Opposition was quite happy to see the Aurora Hotel bulldozed. I advise you, Sir, to go down there now and see what has been built in its place—an ugly building. It was the pride of Baulderstone's, but it remains an ugly building. That is what this legislation is all about.

It gives the Minister a chance to actually ensure that those items are considered by the people of this State—not by individual members of Parliament—as being valuable to the history and heritage of this State. I am sure that no-one has any argument with that whatsoever. In their wisdom the courts decided that, because it was a new law, the council was not bound by it. I would say that that is taking the law to the finite end. I have a problem with that, but I do not necessarily disagree.

The Minister then brought in this legislation to ensure that everyone was clear about the role that the Minister should have. There is nothing wrong with that—nothing whatsoever. Returning to the Aurora Hotel, historians proved that there were more heritage buildings per square mile in the city of Adelaide to cover that particular period than anywhere else in the world. That was a fantastic record but, since the Aurora Hotel was bulldozed to the ground, the number of those buildings has been significantly reduced. Some have been tarted up by hotel owners in an attempt to attract the trendy born-again yuppie trade, the eastern suburbs carpetbaggers, and that seems to be okay as far as members opposite are concerned. But ask anyone who is concerned and vitally interested in what heritage is all about in this State, and they will tell you that changing a facade does not retain a particular building.

The Hon. Jennifer Cashmore: We quite agree.

The Hon. T.H. HEMMINGS: The member for Coles says, 'We quite agree'. It is not often that the member for Coles and I agree. In fact, I agree with the member for Coles more than she agrees with me, and that is why I am so disappointed that she is not coming to my book launch tomorrow. What I find rather strange is that the minute we talk about heritage, the Opposition is always prone to, in effect, lean towards the developer. The member for Adelaide started talking about compensation for the developer. My argument against that is, if a developer goes into a particular job which will result in the demolition of a fine example of our State's heritage and history, and that developer then finds that he or she cannot proceed, that is the risk that is taken. That is the price paid by those in the business of knocking down old buildings and putting up ghastly glass monuments in their place. So, less of the compensation.

All I can say to members opposite is that, as my colleague the member for Henley Beach says, they are free agents. Members opposite pride themselves in being able to make up their own mind and not being bound by the Party Whip or the Caucus vote. We all know that this week the member for Bragg is in his wet mood, so let the member for Bragg, the member for Adelaide and, perhaps, dare I suggest, the member for Heysen put their money where their mouth is. I dismiss the member for Kavel—he is too long in the tooth. He is a developer's man through and through. The member for Kavel would actually raze Wilpena to the ground if he could get a mine over there, but we all know and accept that. Thankfully he will be gone at the next election. I ask those three members whom I have named to stand up for the ordinary people of this State, those who do worry about heritage and are concerned that our city is not developed into a ghastly scene of glass office buildings, with old mansions being changed into trendy town houses, which only Liberal members of Parliament could afford to live in. We do not want to see that. I ask those three members to show a bit of conscience and, when the final vote comes, to cross over and be with the side of justice.

The Hon. E.R. GOLDSWORTHY (Kavel): Again I am pleased to follow the member for Napier. It always gives me a great deal of pleasure to follow him because he tends to make the most extreme speeches that we get in this place, although he was a bit more moderate tonight than he was when I spotted him a day or two ago. It is very easy to be against everything. It is a very easy stance politically to oppose any development, any change or any mine—you

name it. It is the simplest political stance to take. Obviously the member for Napier has a lot of trouble with his own Party. He was a member of the Aurora heritage group, which opposed every bit of demolition in this city.

That is a very easy stance to take. You will always have some friends but, unfortunately, you do not want to rely on those friends for your bread and butter. I am not talking about the developer but those who depend on some activity in this State for the health of its economy. Where was the member for Napier when his Government was hell-bent on getting something new on the skyline of Adelaide to give the public the impression that something in this State was happening?

The only monument that I can think of to the life of the Bannon Government—which has been a bit longer than it should have been—will be the debacle of the State Bank which increased our State debt by one-third, and the fact that it wanted a few edifices on the Adelaide skyline. We have the monstrosity of the ASER development. What does it do for the streetscape of North Terrace? We hear that the member for Napier has been overseas and has visited all these old buildings. I have been to these ancient cities and many are lovely if they are clean; if they are dirty they are not. I have been to modern cities with modern buildings. Many of them are attractive, but people might thumb their nose at them if they saw them on the skyline of Adelaide.

Nobody is arguing about the beauty of antiquity, but it so happens that we are not an ancient city. We are a relatively modern city and to make those sorts of comparisons tends to be fruitless. The member for Napier tells us that we must preserve everything. He is one of the Aurora heritage group. He suggests that I would even open up a mine on North Terrace because I was once a Minister of Mines. I worked my butt off to get Roxby Downs up and running, when every member opposite voted against it. Now they claim it as a jewel in their crown. The only edifice to mark the years of the Bannon Government will be ASER and REMM. If anybody thinks that—

The Hon. D.C. Wotton: And the State Bank.

The Hon. E.R. GOLDSWORTHY: Of course. That building is not a monstrosity but it is a monument to the entrepreneurial activities of this Government which the next couple of generations will pay for. They are the monuments. We were going to have another monument on East Terrace. I was down there this morning. 'The earth is the Lord's and the fullness thereof' I read. If we look at that, the Government has a fair way to go down there. I do not take terribly seriously the views of those who have a totally unbalanced idea as to what progress is all about in this State and the sort of sensible judgment and sense of balance we have to bring to these thorny questions. I repeat: it is the easiest stance under the sun to be politically opposed to something. You will always have someone behind you. That is the totally negative attitude of the member for Napier.

As I observed last week when following him, the politics of envy loom very largely in his thinking. What about this legislation? Again, this is a monument to the Minister and the way she has managed to muck up things and has tried half way through the game to change the rules. She made a mess of the water rates legislation, which includes a land tax now administered by the Engineering and Water Supply Department. As I observed, we do not pay for water now: we pay for social justice via a property tax.

This is the last fling of the Left Wing of the Labor Party in this State. We had retrospective legislation last week to fix up the Minister's water rates debacle. What do we have this week? We have legislation to change retrospectively the rules half way through the game because the likes of the member for Napier think that Gawler Chambers ought to be preserved. We all forget that the Government has had three goes in the past to list it, and it has been turned down each time. The Government has had 13 years to get it on the heritage list; for 13 years it has been mucking about. The Government has had three goes at listing the site and it has been turned down twice by the City of Adelaide and, just because someone kicks up a fuss, we now must change the rules half way through the game.

I go along with most of what the member for Coles had to say. I do not like changing the rules half way through the game, particularly if we are trying to attract people to this State to do something for this State's ailing economy—and if anyone thinks it is not ailing, they should talk to the one-third of young people who cannot get a job. It is an absolute disgrace. It is a reflection on the failure of this Government. Over one-third of our young people cannot find a job.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: I am saying that this group, who is totally opposed to any development, is doing this State an enormous disservice. We have heard an eloquent speech from the member for Henley Beach about the building, which he says has great historical significance. I am a member of the National Trust and have been for many years. I agree with many of the things its members say, but I also disagree with many of them because, as someone observed, beauty is in the eye of the beholder. I, like the member for Coles, do not think much of many of the new buildings that have gone up on the Adelaide streetscape.

I do not like the black stump that has been erected in Grenfell Street, nor do I like that blue monstrosity built by the SGIC. I do not like the Satisfac Teachers Union building on South Terrace. Maybe in 30 years these buildings may be fashionable. I also do not think much of the Remm building behind the facade. It reminds me of some of the public toilets I have been to in some places in the world. I just do not like it. That happens to be my perception of these new buildings. Someone else might think that they are great. The Premier thinks they are great, because he thinks they are a monument to the fact that his Government has done something.

When the bill comes in for the Remm development, I think the smile will be wiped off the Government's face, too. ASER has tied up the superannuation funds, and that development had returned 5 per cent last time I checked three years ago and would be returning even less now with that awful-looking office building to which tenants are not attracted because the air-conditioning system sucks in the diesel fumes. It is an awful building. That is the Government's contribution to the beauty of this city. I agree largely with what the member for Coles had to say. I remember when the Government built the Napier building next to the Bonython Hall. At that stage, I was a university student and, even as a young Philistine, I thought it was ugly. However, since then, something has been done to improve that precinct a bit. I have a view about what is attractive and what is glaringly unattractive when I look at these surrounds.

Last week, some of us took a walk down North Terrace, and we had a look at Gawler Chambers. My wife sold charity cards in the basement, which I understand leaks water because of springs and so on, so they cannot even sell charity cards out of the basement now. From the northern side of North Terrace, we see a red brick building which is in a state of disrepair, and there are air-conditioners stuck out here and there. A hole has just been dug in the wall

and an air-conditioner put in. The woodwork is unpainted and tatty. Even the National Trust, of which I am a member, says that is has no architectural significance. I could not agree more.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

The Hon. E.R. GOLDSWORTHY: I had a look at the building, and I could not agree more: the National Trust suggested that it has no architectural significance, and it certainly has not. It looks quite ugly in its present state. We get this great history lesson from the member for Henley Beach about its historic use. It was built in 1913 and, at one stage in the career of the South Australian Company, it was their headquarters. However, it obviously was not the original headquarters. We heard all about the German settlers and how they were a great monument to our history. Lord knows, this is probably about the fifteenth headquarters. Does anybody know? I do not. It certainly would not be the original headquarters of the South Australian Company. Will we preserve every building in Adelaide because it was someone's headquarters at some time in the history of this State.

The Hon. Jennifer Cashmore: No, but that was a very important, unique building.

The Hon. E.R. GOLDSWORTHY: Where my grandfather lived was important to me, too, but they knocked down his house, which was one of the last remaining freestone houses on Greenhill Road, and put some sort of office block on it not that long ago. So, Gawler Chambers was not the original headquarters of the South Australian Company, and I believe the historical significance is insignificant.

The only detail of the member for Coles' speech with which I disagree is that I think that building should be knocked down. I have seen the plans for the new hotel, and I am not sure what cladding is proposed, but I know that it is a darn sight better than most of the monstrosities that the Government has had a hand in erecting on the Adelaide skyline in recent years. Does anyone believe that, if they were to walk in front of this building and look at the new STA building, the new office buildings, the new flash hotel, if the member for Napier—

The Hon. D.C. Wotton: The Riverside building.

The Hon. E.R. GOLDSWORTHY: Is that what they call it? The panels are grey instead of pink.

Mr Ferguson: Nobody's had more trips overseas than you have.

The Hon. E.R. GOLDSWORTHY: I know, so I can speak with some authority. The member for Napier was bragging about it. Does he, after coming back from Europe and seeing what this Government has done here, sigh and ask, 'Gee, we've done well, haven't we?' I think that is a pretty mediocre effort, and we have put much public, State Bank and other money the Government could drum up into them. They are monstrosities. To suggest that that tatty, red brick building where the air-conditioners are stuck out, of no architectural value—

The Hon. Jennifer Cashmore: You're going too far.

The Hon. E.R. GOLDSWORTHY: Is that right?

The Hon. Jennifer Cashmore: Far too far.

The Hon. E.R. GOLDSWORTHY: Okay, I'll tone down.

The DEPUTY SPEAKER: Order!

Members interjecting:

The Hon. E.R. GOLDSWORTHY: It's red brick: I think I've got the right building. The only point made by the member for Coles with which I disagree is that the building ought to be knocked down so that the attractive new hotel can proceed; I think that will improve the streetscape enormously. However, beauty is in the mind of the viewer, and people have an idea of what they do and do not like. The main point of the debate is this: the Government has had several goes at listing the building, but it has not done it. It has had 13 years to get the rules of the game into place, and it has not done it. It has lost another court case, and it wants to change the rules of the game: that is the major point in this debate.

How on earth can anyone have any confidence in South Australia if this is the way a Government behaves. So, I am opposed to this Bill on several counts. I, for one, do not think that that building is worth keeping—and I do not mind saying so. I think some buildings are worth keeping. When Premier Dunstan's Government kept Edmund Wright House it did something sensible; however, when it knocked down the old South Australian Hotel and put up the Gateway, that was a retrograde step. So, members should not think that because I happened to get the Roxby Downs mine up and running that that means I want to mine North Terrace, as has been suggested by the member for Henley Beach. I oppose this Bill.

Mr S.G. EVANS (Davenport): I oppose the Bill. I am amazed at what I call the impractical attitude of so many people. Some people believe that 1 600 buildings in Adelaide that are not on the conservation list should be on the heritage list. I have heard others say that we should preserve our sandstone buildings. We have not even preserved the quarries that would give us the sandstone to maintain those buildings in the future. The only ones that are left are at Basket Range; some of them are not of the best quality and the amount of material is limited. There is another at Murray Bridge, but it is hardly a proposition to match the stone. When a new building was to be erected at the Centennial Park Cemetery, the sandstone was brought from Perth, and it did not match any of our sandstone.

Any member of this Chamber who believes that in the long term we will be able to maintain all the sandstone buildings in the City of Adelaide will need to change their attitude towards quarries. Sandstone could be brought from the Hawkesbury River, but it would not be of the same quality or character. Even the sandstone that we have used in many cases is not of top quality by world standards.

Our State is a little over 150 years old. Many of the buildings that were built of sandstone in the early days are feeling the effects of salt damp and erosion. Repairs have been attempted on some buildings, such as the old court building alongside police headquarters. Work has been carried out recently on that building. I have some knowledge of the area because Frank Walsh and others tried to teach me. The plinth under the whale on North Terrace was cut by me and two other people. The stonework to be seen on the third floor of the Memorial Hospital will never be done again except on special match-up jobs. We punched that effect on the building after it was built to try to match it with the two floors below.

When we look at some of the buildings in the City of Adelaide that we are trying to preserve, I am amazed. I agree with the member for Kavel that the building at which this Bill is directed is not worth preserving. We have to look also at the economic position. It is all right for any one of us, whether it be one of my colleagues or someone else, to say that the preservation of a building at a cost to

an individual or to a group of individuals for the benefit of the majority is unjust, unfair and unprincipled. Regarding some of the other countries in the world. I remember when I was in Zurich that a bank wanted to knock down a four-storey, 15th century building, not just a 150-year old building. The bank said, 'If you want it, have it', and the community saved it. It raised the money, braced the construction inside and out—it was a rubble construction made only of limestone mortar, not cement—put a concrete foundation under it, jacked it up on wheels, pushed it across the street on rails into a park with hydraulic ramps moving it about six inches every half an hour, and replanted it in the park for the community to have forever. The bank gave the community 12 months to raise the money to save the building, and it did that. In this State, we heritage list or put conservation orders on buildings or treasures and we put the burden on the individual.

I raise the matter of trees for the Parliament to think about. The department argues that the whole of the tree is heritage listed. Are the roots heritage listed? If a tree is in the corner of a property, the Government applies the burden on the owners of the property where the tree stands, but no burden is applied to the owner of the property adjoining that tree. The Government does not interfere with that person.

I speak with some interest in this matter because one of my family has been caught up in this aspect, having made inquiries and done all the right things, only to have someone come along and say that they were wrong and place a financial burden on that person for all time. I will fight for this principle, whether inside or outside of my Party, because the insurance risk should be carried by the State and not by the owner of the property. Already a limb has fallen off the tree and others could fall. If children in that home, some other adult or neighbour, or even people on the road, were killed, or if property or vehicles on the road were damaged, the State and not the individual, should carry the insurance policy.

Such a situation is unprincipled, and the same applies in respect of the buildings about which we are talking. In the case of the building to which this Bill is directed, we all know the reason for the haste that is involved and the need to keep the building as it is and try to use it as an economic proposition to preserve its facade or character. It may not be a financial proposition. However, we already have some 77 000 unemployed and we expect another 6 000 to join them by the end of June next year. I raise that point because the member for Henley Beach referred to employment. However, we then say to someone who wants to create work, 'We want you to do it our way.' That is without finding any money and without any consideration of whether or not it is an economic proposition. Members then wonder why we are in this position.

We may have a lovely city if we have all the buildings preserved, but it will not be an economic proposition and it will not be a city in which it will be worth trying to get a living. If people cannot get a job, is there much benefit for people to walk down the street to see something which others think is beautiful but about which they might not be concerned at all? I will give an example for those people who want to try to preserve something that is 150 years old. This Chamber is an imitation of what was built in Europe 300 or 400 years ago. If the building was built then, it would have had marble, granite or stone columns, but these columns are all plaster. All the ceiling ornamentation is plaster. I know that it looks beautiful but, if members went back 300 years, people then would describe this Chamber as being artificial.

If members look at the Legislative Council, they will see it was built 50 years later but without the ornamentation that we see here. That Chamber is still pleasant; it is not ugly but, because it was built 50 years later, they could not afford the labour to provide such ornamentation. Similarly, we could go to my grandfather's home, the first stone home built in Upper Sturt with a slate roof. No-one has bothered about heritage listing it (and I hope that they do not, because it will most probably upset my cousin), but that house still sits there on a few slabs under the foundation. If someone went to knock it down, people would say, 'We want to heritage list it and stop them.' Similarly, if I wanted to build a replica today they would stop me and say that it did not conform to the law. What hypocrisy! That is the sort of society in which we are living today and to modernise many of the old buildings and bring them up to the standard required today is just not an economic proposition.

I do not believe that 10 of the 69 members of this Parliament know that the building regulations that we recently approved to conform to the Commonwealth standard will add $1 200 to $1 400 to the cost of an average home because we suddenly raised the standards. Will we expect developers in commercial buildings to implement the same standards in upgrading old buildings so that they conform with modern building regulations?

We do not think about it: we just let it pass through the Parliament and do not think of the end cost, how it will affect the economy of the State and whether our people have jobs. We bring in a Bill such as we have tonight, which is retrospective legislation, and the Minister in charge of the House says, 'I have done nothing since I have been in office to make sure I cover this', as did the Minister before her. Someone who owns a property and has conformed to the law suddenly finds that the Government of the day, through a lacklustre or lazy Minister—or Ministers—is passing a law retrospectively to the detriment of that person.

Is that justice? Does anyone in this Chamber or anywhere believe that that is justice? Does any departmental officer believe that it is justice? Of course it is not, and we know it is not. We know that it is unprincipled. Even if Parliament threw out this legislation, I know, if no-one else is prepared to accept it, that if 200 or 300 people out of the 1.7 million people in South Australia protest about knocking down a particular building, in all probability the union movement will say, 'We will not let you touch it.' So, a person no longer owns the freehold title to his land or the right to do what the law says he can do, because another group of people will say, 'We will not allow anyone to work on it.'

They then complain because there are no jobs in the industrial and commercial field in this State. Why are there no jobs? Because we have been humbugged quite often by the attitude of certain union members, usually only the ringleaders. We have an over-supply of office accommodation and retail outlets in Adelaide at the moment, but the project under consideration in this legislation, by which the Minister is attempting to stop it going ahead, is a type of project people will use and for which there is a market.

Is that not what we want to do, or do we want to encourage people to build more office accommodation and more retail outlets which cannot be leased to anyone and for which there is no demand? Is that the path we want to take? It appears that with this legislation the Bannon Government is saying, 'We will listen to a minority. We are not concerned about the majority, particularly those who are unemployed.' I challenge anyone to run a Statewide petition. I guarantee that you would not get 83 000 signatures to save this particular building, but I believe that you would get 83 000 or 100 000 signatures from people wanting to create more jobs

for the people, particularly the young people, of this State and in the building trade, in particular.

I offer that challenge because each and everyone of us knows that that is true. Minorities—and you, Sir, would understand this—are starting to control the Parliament and to dictate within the State and elsewhere. That is disastrous. I honestly believe that this is a disastrous piece of legislation, introduced out of petty spite, in my opinion, and nothing else. It says to anyone who wants to create jobs in this State, 'You should look before you leap. Don't invest your money, because you may not be able to use it.' I oppose the Bill.

Mr BRINDAL (Hayward): I shall not detain the House overlong this evening. I oppose the Bill principally because of some of the ill informed contributions that I have heard by members opposite this evening. This Bill is about the physical heritage of our culture. Whether we like it or not, this is a young country in a very old land. For members opposite, like the member for Napier, to speak about our very precious heritage shows very little understanding either of the nature of this land or of the heritage that we inherit. There is some value in any of the buildings in Adelaide from a heritage point of view, but to compare cities like Adelaide with cities which date from medieval times and have a continuity of history which spans thousands of years is nonsense and an insult to the intelligence of this place, especially when the Aboriginal heritage of a nation that was here for 20 000 years before we came here has been willingly and wantonly trampled underfoot not necessarily by this Government, but by all of our collective predecessors. When we talk about heritage, we must put it in perspective.

The member for Henley Beach talked about Battery Point. I have been to Battery Point. It is a lovely example of a unique collection of buildings of a particular style and period in history. It bears no resemblance to the cultural precinct which is North Terrace, because North Terrace is an amalgam of styles and a reflection of the continuing history of South Australia. There is no comparison with a development like Battery Point and the major cultural precinct of this city which is North Terrace.

The Hon. Ted Chapman: It is the cultural boulevard.

Mr BRINDAL: I am sorry. I should have referred to it as the cultural boulevard. The honourable member will get cross with me if I go on for too long, and if he keeps interjecting I will go on longer.

The SPEAKER: And if the honourable member keeps interjecting the Chair will get cross, and if the member for Hayward does not address his remarks through the Chair the Chair will get even more cross.

Mr BRINDAL: I am sorry, Sir. I would hate to make you cross. Any Government must be judged not by what it says but by what it does or does not do. There are three aspects to heritage: natural, cultural and building. The Bill addresses just the building heritage, but I ask members to consider this Government's record in that area. We had the finest example of a colonial prison building in the southern hemisphere, and it existed at Yatala. We also have a person who sits in the Premier's seat today and who said, when it was demolished in the wee hours of the morning, very furtively and very quickly, 'Oh, yes, it was a heritage building. It was a major heritage building when it was on the list, but when it was demolished it no longer existed.'

That is the record of this Government. Members on this side of the Chamber have clearly said that in the years that the Government has had to get its cultural listings right—and I believe there were 13—this building could have been listed. It was not listed. I take the point made by the member for Henley Beach, I think rather pompously, that it is for this Parliament to decide the cultural heritage of South Australia. I took the Minister's advice and went and looked. In my opinion, it is not a very good, attractive or necessary building to be saved. It is only my opinion—

The Hon. S.M. Lenehan interjecting:

Mr BRINDAL: I am sorry that the Minister is disappointed in me.

The Hon. Ted Chapman: Get to the nub of the issue and tell us exactly what it is about.

Mr BRINDAL: That is my opinion. I do not think that it is a very good building. However, I accept that the Minister is trying to preserve a streetscape and streetscapes are important. I urge the Minister—and she has shown this House that she is capable of being creative—to introduce legislation which addresses the notion of streetscape. I am sure that streetscape does not necessarily mean the preservation of every building in a street; what it means to me is the preservation of those buildings which are essential for the streetscape, and the absolute assurance that any new building that is built within that streetscape will conform to the characteristics of the other buildings.

I do not think that we can, as a city that hopefully will last for many centuries, afford to preserve every building because somebody once lived in it or somebody once went past it and waved to somebody else out of a window. What we must do is have a rational plan for the preservation of those parts of our city which are important to us and which we all love. That should mean that some buildings can be demolished but must be replaced with something that is sympathetic to and in character with other buildings.

I believe that the building in question falls into that category. I do not believe that it has any intrinsic worth in itself. I have looked at the concept designs for its replacement, and I believe that the replacement building will fulfil the aims that I have tried to set out for members opposite. As did the lead speaker in this debate, the member for Heysen, I oppose a concept where the law can be changed and where there is this element of retrospectivity. I look forward that the Minister introducing her heritage legislation, and I know that she will seriously address the matters that have been raised by members on this side of the Chamber. While some of her backbenchers can be flippant and carry on, like the silver tongue from Napier that they bring in to trill like a canary and the member for Henley Beach who does much the same sort of vaudeville act on the second bench, I know that the Minister actually listens—

The Hon. D.C. Wotton: You're talking about bubble and squeak.

Mr BRINDAL: Yes, or perhaps Jeckyl and Hyde. However, I know the Minister genuinely does listen and tries to make intelligent decisions for all South Australians. In this instance I am afraid that the Opposition does not believe that this is the best decision or the best way to go about it. I know that that will make the Minister cross, and that she will not be very happy with us, but I also know that tomorrow or the next day when she does something that we agree with she will enjoy the compliment of our agreement with her as much as she does not like (and none of us does), criticism when disagreed with. I must oppose the Bill. The member for Davenport made a very good point. The Minister will know that the quarries which are essential to the long-term preservation of this building and the areas from which the stone came—

Mr Venning: In Custance.

Mr BRINDAL: One of them is, and the other is in the member for Alexandra's electorate. In fact, they have been preserved because they are essential to the long-term main-

tenance of this building. The member for Davenport made a good point when he said that, if we are to preserve some of our very finest buildings, we should make sure that we know where the stone came from and reserve suitable deposits of compatible stone. It will be no good if in 200 or 300 years time buildings like the Edmund Wright building need significant masonry reconstruction and there is no suitable stone available to do that. I commend this task to the Minister's department and hope it will look at it.

Mr LEWIS (Murray-Mallee): Without wanting to delay the House in any way, let me put on the record a few thoughts I have about the legislation before us. Most of what I believe about it has been said by my colleagues but I want my own name on the record relating to those points which I consider to be relevant. It is not fair or reasonable to remove from someone a right which they have by changing the law and taking that right from them when, in the process of doing so, it destroys a substantial value of their assets. That is what is happening in this case.

It is typical of this Minister to do such things. She did it very early in her career as Minister in the portfolio she holds presently and she has done it on this occasion. The first time it occurred was in relation to native vegetation and she gave no reasonable thought to the way in which she destroyed people's lives, their savings and their purpose. She has given about as much consideration to people in this instance, and there have been numerous instances in between. It does not matter whether or not there has been sufficient time to have done something properly. She does it at the eleventh hour and then fixes it later.

Mr Such: She is the Minister for retrospectivity.

Mr LEWIS: More than the Minister for retrospectivity, she is more destructive of confidence in this State than any other Minister in the Government, and we have some real dingbats in that respect in this Parliament. On more careful research, I have discovered that this building was the second and last home of the South Australian Company and was built by that company. It was built early this century well after the company's heyday and the materials and fittings were a compromise on the original plans. However, in consequence, it reflects the ailing health of the oldest company associated with this State and province, as it had been.

We were never a penal settlement; we were not a colony. We were not established by military fiat; we were established by an Act of law in Westminster. The company which accepted the commercial responsibility as well as the lawful obligation to put the province in place was given that responsibility by that Act of Westminster and Parliament was formed in a jurisdiction other than this one. It was formed in Great Britain. The company had a chequered history and, as I said, its last home was this building. It does not have architectural merit in any other context than that it reflected the ailing fortunes of the businesses of the State at that time. Already, substantial part of the boom in the economy, stimulated by the mining of copper, had passed. There had not been particularly good returns from our agricultural produce just prior to the decision to proceed with the construction, so this and other buildings erected at that time show some greater measure of frugality in their structure, their facade and their fittings.

Finally I understand that it fits as part of the full spectrum of architectural styles in the construction of solid edifices in the province and the State almost contiguous in that section of the streetscape from Gawler Place, where it stands, along the North Terrace facade opposite Government House through to the Westpac building on the corner of King William Street, that being the most recent and probably the most elegant of all the buildings in that streetscape. The Adelaide Club is the oldest building and the Westpac building is the youngest and is post Second World War. Of course, the Westpac building was not built by Westpac but by its predecessor, the Bank of New South Wales.

We have this goddam mess of facadism in between. That is the only way it is described by thinking people. It is not a blessed estate of architectural or structural integrity. It is like a Hollywood movie set in the front of the Remm-Myer Centre. It is the retention of a streetscape for no other purpose than to retain the appearance of the buildings that span that time frame of 110 years.

With those remarks, I place on the record my opposition, in principle, to what the Minister is seeking to do through this Bill and the way in which she has set about doing it. It is not necessary to do this. It is about time this Government and its Ministers, being so exhausted and tired, got out of the way and let someone with fresh ideas and competence take over and do the job in a way that will send clear, easily understood signals to the community at large so that that community will know what we as their lawmakers regard as relevant, important and moral. Then we can see the State advance again at a pace that it should be entitled to expect, given the natural resources at our disposal and the ability of the population at large to develop and use those resources for the sake of their life quality enhancement and prosperity, as well as for the benefit of humanity at large.

Mr MATTHEW (Bright): I will be relatively brief in addressing this Bill because the debate has been going on for some time tonight and, regrettably, it has not in all cases been as relevant as we might like. How many times does this Parliament have to sit to bail out the Minister through legislation? Only recently we saw another Bill debated in this Parliament to bail the Minister out of a different situation pertaining to water. Now, tonight, the Minister is turning to water yet again as we bail her out of yet another situation, albeit under a different portfolio—this time relating to heritage.

In 1978—13 years ago—the Heritage Act was proclaimed. Over that 13-year period, successive Governments have had an opportunity to determine which buildings they wish to retain in this city of ours. We all know that Gawler Chambers has been there for a lot longer than those 13 years but, during that time, it has not been deemed as relevant by this particular Government to do anything about retaining that building. In 1985 the present South Australian Heritage Act was amended to give the Minister responsible for administering the Act the power to place conservation orders on buildings or structures which were considered to have a significant heritage quality but were threatened with damage or destruction. At that time the Liberal Party supported that legislation, and quite rightly so.

Over the past year we have seen six conservation orders issued following the lodgment of planning applications. Earlier this year we saw a court challenge regarding the power of the Minister to make a conservation order on a building after the planning application had been lodged for its development. We all know that the case in question involved the proposed demolition of the building known as Gawler Chambers on the corner of Gawler Place and North Terrace, and the proposed erection of a modern hotel on that site. After the development application was lodged with the Adelaide City Council, the Minister saw fit to place Gawler Chambers on the interim heritage list and issued a conservation order on the building to protect it from destruction. This was done at the time in the belief that the building

was an important part of the State's heritage and was part of significant aesthetic, historic and cultural interest.

It is interesting to dwell for a short time on the power and the ability of the Minister to do something prior to what has now happened. In fact, Gawler Chambers was rejected for heritage listing on three previous occasions before the 1991 listing, namely, in 1982, 1985 and 1987—three occasions when something could have been done. I also note that the council asked the Minister for Environment and Planning to place Gawler Chambers on the heritage list before the Adelaide Development Company's application, but she did not act on that request before the application was lodged. The Minister failed to act on it; as usual, nothing was done. The Adelaide Development Company actually lodged its application in December last year. Some 10 months later it was refused.

In the interim period, the company was forced to go to the Supreme Court to convince the Government and the council that their interpretation of the South Australian Heritage Act was wrong. The Supreme Court decided that the Adelaide Development Company was in fact right, so it had to commence Supreme Court proceedings against the council and the Minister for Environment and Planning. Parliament should be aware that, before the Supreme Court hearing, the Minister withdrew from the proceedings. The Minister paid the Adelaide Development Company's legal costs and agreed to accept the court's decision. However, following the court's ruling, the council refused to consent to the application and the Adelaide Development Company appealed to the Planning Appeal Tribunal against that decision.

It is absolutely ludicrous that we are faced with this situation. Three opportunities have existed in the past for something to be done. I repeat: the Minister had an opportunity after the council requested her to put Gawler Chambers on the heritage list before the application for the building. That did not happen, so this debate does not need to centre on the justification or otherwise of retaining Gawler Chambers. It is broader than that. We are dealing with an issue relating to the inability of a Minister to act when appropriate and to act in time. Now, to fix up the mess that has been created by that Minister yet again, this Parliament is being asked to consider retrospective legislation—something that I and members of my Party (and, indeed, most South Australians) find repugnant. This Government cannot do its job properly and now asks the Parliament to fix it up so it can be made to look right at the end of the day. That is not an efficient or effective way to govern, and that is not what the people of this State deserve.

How on earth can this Government expect development to occur if it changes the rules after the event? We only need to talk to building developers in the eastern States who, in the past, have put money into this State. They look upon South Australia as a joke under the present Government in this State. This lacklustre Administration has no direction, and it cannot get its act together. The Opposition is fed up with having to try to fix the problems created by the Government in this State. Developers are fed up with the lack of opportunity and with the rules being changed. They are sick and tired of wasting money and getting nowhere. If we are going to develop, let us do it properly: let us have the rules in place and let us not change them retrospectively.

The Opposition has some constructive amendments that will be debated later tonight. The amendments will still enable the Minister to interim list a heritage item—and place a conservation order on it. Members opposite should take note: we agree with the Minister having the ability to interim list a heritage item. Placing a conservation order on a building after the planning application has been lodged would make sense to most members of reason in this Chamber, provided it does not override valid planning approval. If our amendments are not accepted, naturally the Opposition will have no choice but to oppose the Bill. We hope that the Government will see good sense, support the amendments and not continue to seek to change the rules after the event. I repeat: members on this side of the House are sick and tired of having to bail out this particular Minister in all her portfolios.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I would like to take the House back to the actual Bill that I introduced. I would hate the facts to get in the way of a good story, but I remind the Parliament that this amending Bill seeks to clarify the legislation to reflect its clear intention and practice. This Bill amends a heritage legislation. It is first and last a heritage Bill. Indeed, as a heritage Bill it is aimed at protecting any further items that could have heritage significance.

Having said that, I think it is important to refer members to one section of my second reading explanation. We had an analysis by the Opposition of what happened with the 1991 court challenge, etc, and we had a great discourse about Gawler Chambers. However, the important thing that we have to recognise as members of this Parliament, charged with the very onerous responsibility of protecting the built heritage of this whole State, not just of Adelaide, is that, as a result of the decision in the Gawler Chambers case, much of this State's heritage which has not been assessed and documented could be lost.

Tonight, we heard that there are at least 1 600 such properties in the city of Adelaide alone—and that does not include the rest of Adelaide or, indeed, the rest of South Australia. Planning applications that would result in the destruction or damage of a building or structure of heritage significance to this State could indeed be made and, whoever the Minister of the day may be, that person would be powerless to intervene to provide protection. I put to the House that, clearly, this was not the intent of the 1985 amendment. The Government considers that such a situation would be untenable given its commitment to protecting the State's heritage for the benefit of this and future generations of South Australians.

There have been many speakers in the debate tonight and it has been very wide ranging. I note that one speaker from the Opposition questioned the relevance of some members' contributions. I am sure that he was referring to his own colleagues. However, there have been some relevant contributions, and I would like to pay those members who have taken this piece of legislation seriously and chosen to contribute at that level the courtesy of addressing some of the points that they raised.

I have to say that I found the contribution of the member for Heysen quite contradictory in its nature. He started out castigating me for not having a totally comprehensive and definitive list so that all developers in South Australia and elsewhere clearly know which buildings are heritage listed and cannot be considered and which are available for demolition and further development. In other words, he said, 'Why have you not got this definitive list almost set in concrete so that we can all go about our business?' Certainly, I disagree with my colleague who suggested that the member for Heysen was in some way making these remarks in a disparaging way. I must say that I did not get that from his comments. The member for Heysen said he recognised the change in people's values and attitudes.

I accept that second statement, that heritage is not something inflexible and set in concrete forever and that at some point in our history we can draw up a definitive list and say to future generations of South Australians that that is our heritage list. The second point of the member for Heysen is the more correct community position, I believe, that it is something that changes with community values and attitudes and the effluxion of time. Much of the criticism that has been levelled at me as Minister could pertain to future and, indeed, past Ministers, including the member for Heysen, who had the opportunity to put many buildings on heritage lists and, if one wanted to be pedantic, one could refer to St Paul's and the House of Chow, but we have not put them on the lists because we have taken account of the community's view at that time in our history.

Turning to the question of the heritage review, the member for Heysen has been critical of me for not rushing into Parliament with the review's recommendations and implementing a new heritage Act. Based on the comments that the member for Heysen has made this evening and on other occasions, I know that when I do bring in such a Bill I can look forward to the absolute and total support of the honourable member and of his Party in another place. The reason we have not done that—and the reason is obvious to most members and it makes sense—is that it is important that we reflect the findings of the Planning Review.

One of the most significant findings to date, and it has been alluded to by a member on this side, is the 2020 report, the vision for Adelaide, which highlights the fact that the community believes that one of the most valuable and significant assets in South Australia is the heritage of the city of Adelaide—not in terms of the Adelaide City Council but the broad city in terms of the capital of South Australia. Therefore, it would make sense for me to ensure that what we have in terms of a new heritage Bill not only closely reflects the directions and findings of the Planning Review but also that it be totally at one with that review.

The other reason we have not come rushing in here with a Bill is that we have gone to great pains to ensure that we have extensive community consultation. It is not a Bill that has been thought up and devised by the Heritage Branch of the department nor is it a Bill that has been devised by the National Trust: this legislation is the end product of much consultation in the community. I am sorry that the member for Heysen does not support that. But that is the reality. We have gone out and talked to the community. We have received submissions, and we have received from the community a response to a number of surveys.

We believe that it is important that the heritage legislation reflect the community's view of heritage, and I ask the honourable member at least to hold his criticism until he sees the result of the review and the proposed Act. I believe that many of the aspects the honourable member raised will be addressed by this legislation. Obviously, it is vitally important to the future of this State that that legislation is totally at one with what has been proposed by the Planning Review and by the results of that review.

I took great exception to the member for Heysen's suggesting that I had raced off to attack private developers. I would say that probably no other Minister for built heritage in this State has done as much as I have to discuss the whole concept of development and heritage with a wide cross-section of the community. I have met with a number of developers and with organisations representing developers. I have sat around the table with developers and conservationists and probably, whilst not casting aspersions on any previous Ministers for heritage in this State, no member has gone to such lengths to ensure that developers are given a very clear understanding of the rules.

People have questioned my record: did I rush into the St Paul's situation with urgent conservation orders and interim heritage listings? No, I did not, notwithstanding my personal view of the heritage merit of St Paul's, because the developer had legal approval to proceed. The same applied to Gawler Chambers. Members opposite ought to examine their own conscience. Much criticism was levelled at me at the time, but I was not prepared to tear up the legal approval that those developers had, whatever my personal views about the buildings.

The record speaks for itself. My colleague the member for Unley would also attest to this, in respect of the way I handled the matter of the house in Arthur Street, and there have been a number of other examples. I have tried to be scrupulously fair in terms of the way in which I have administered the Heritage Act and the way in which I have been asked at times by the Adelaide City Council to pick up the decisions it has made which it has regretted with hindsight. Members know that for a fact. The honourable member talked about appeals and how we might deal with them. To pre-empt some of the debate during the Committee stage, I can inform the member for Heysen—

The Hon. Ted Chapman interjecting:

The Hon. S.M. LENEHAN: I do not think that will happen, but one can only hope. I should like to be able to bring a revised Act into this Parliament either in the middle of or getting near the end of the autumn session, so that the new Heritage Act can pass both Houses of this Parliament. Given the commitment of members of the Opposition to the preservation of heritage in this State, I look forward to the cooperation I am sure they will provide when that legislation comes before the Parliament.

At this early stage, I intend to look at streamlining the appeals process. This needs very closely to mirror some of the thoughts and ideas of the Planning Review, so that we might look at one appeals system and not at a plethora, and the New South Wales model is certainly worth looking at. I know that my departmental officers are already doing that, and that might well ease the concerns of the honourable member about streamlining our appeals process.

Much has been made about the concept of abiding by the decision of the court. The fact that we are in this Parliament with this amending legislation indicates that I certainly did abide by the decision of the court. Had I not done so, we might have been in the High Court or somewhere else rather than here at this late hour debating this legislation. That is a red herring, and the honourable member knows it. It is a red herring to get some Opposition members off the hook.

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: You raised it, and I thought it important that I should refer to it. I do not believe that my record has been deplorable at all. The facts speak for themselves. If anyone with any degree of reasonableness looks at my record, they will see that I have behaved extremely reasonably. I have tried very hard to ensure, and I think I have succeeded in ensuring, that where developers had legal approval to proceed with a development I did not step in and use either an urgent conservation order or an interim heritage listing. Indeed, where an application has been put in, which is very different from having complete planning approval, that is a separate matter.

The member for Mitchell was the second speaker in the debate. His contribution was incredibly significant, because he put into context why we are here tonight. We are here tonight to preserve the cultural and historic heritage of Adelaide in particular and of South Australia in general.

The honourable member talked about the historic and cultural heritage of this vitally important boulevard to Adelaide, and I use that term notwithstanding the member for Alexandra's fairly disparaging remarks about it. What other city in this country can boast a boulevard such as ours? Like other members, I took the opportunity this evening of getting out of the Parliament, walking down that boulevard and again having a very close look at Gawler Chambers, because I suspected that the Opposition might raise this again. It is not the first time that I have taken the opportunity, as a citizen of this State, to marvel at the beauty, the cultural heritage and the significance of North Terrace. I acknowledge that some mistakes have been made on North Terrace. Let us not fall into the trap of making yet another one.

The member for Mitchell talked about a number of prominent South Australians who have applauded the decision on a legal point that has been brought down by Justice Debelle. It is important to note that it is not just historians of the calibre of Susan Marsden and others who are involved; if we speak to any of the radio commentators, we hear about the number of ordinary citizens who have never picked up a telephone to ring a talk-back radio station and who have rung to ask, 'Where are we going to stop this absolute destruction of the heritage of our city and State?' If the Opposition does not believe me, let us wait and see what happens in terms of the community response and reaction.

The member for Coles put forward one of the most impeccable arguments I have heard for making a case to retain Gawler Chambers. She also tried very much, to use a cliche, to have two bob each way. The honourable member gave an excellent in-depth historical analysis of the significance of the South Australian Company. Of course, I think that in this case we would have to say that the member for Coles is extremely embarrassed by the position that her Party is taking on this matter and could be accused of turning fence sitting into an art form. It is interesting that the member for Coles said that she is tired of seeing beautiful Adelaide turned into a tart. I put to the member for Coles that the way in which she votes on this legislation will determine whether she is part of turning Adelaide into a tart or of enhancing Adelaide as a fine, fine lady.

I turn to the point that was made about why the building was not put on the heritage list when the Adelaide City Council came to me as Minister with 100 items. If I had moved to put the whole 100 items on in one fell swoop without taking some time to have those items assessed, I would have been criticised throughout the length and breadth of this city. The Government and the department had those items assessed, and 88 of those 100 items that the Adelaide City Council asked me to list as a blanket group have now been listed.

It is important to note that Gawler Chambers is now listed on the heritage list, so it is on the heritage register—nobody on the Opposition side bothered to make that point—and that was done after proper assessment and recommendation to me from the Heritage Committee. The member for Coles called upon architects, owners, builders and developers to be more individual in the design and building of houses and commercial properties in Adelaide. When I first became Minister, I threw down the challenge to that very same group the honourable member talked about to in fact pick up the special, unique characteristics of this city and translate the characteristics of Adelaide's existing heritage into modern buildings. I was not suggesting that we should have duplicate and copy buildings, but we should pick up the use of materials and types of architecture and use that in modern buildings.

I totally agree with the member for Coles when she said that we do not need the bent pipe and plastic of North America and some parts of Europe. Surely we have enough talent and ability in our architects, builders and developers for them to be able to come up with special, unique designs for architecture in this city that enhance its heritage qualities and characteristics rather than destroy its beautiful, unique and special characteristics.

I was asked why I do not make this much more certain, and why I do not have more people working in the department. We could have a whole plethora of people working in the department. The member for Henley Beach said that the Leader of the Opposition is totally contradictory: on the one hand he says, 'Let's slash the number of public servants by thousands', and on the other hand his shadow Ministers and others say, 'Let's increases resources at every turn.' To me there seems to be a small contradiction in those most amazing statements.

I put to the House that, if I did take notice of members opposite and listed in one fell swoop the 1 600 items that are being looked at by the Adelaide City Council, that would be grossly unfair to the developers in this State and country. Is the Opposition seriously suggesting that I rush out and place on an interim heritage list 1 600 items in one fell swoop? If that is what it is suggesting, let it tell the developers of this State that that is one of the solutions it sees to this situation.

The Hon. D.C. Wotton: You have had 13 years to put that building on the heritage list.

The SPEAKER: Order!

The Hon. S.M. LENEHAN: I have not even been the Minister for three years. What an interesting admission. He was the Minister for three years, Mr Speaker, and he did not put the building on the heritage list. I have been the Minister for less than three years, and it is now on the heritage list. It is amazing. He did not move an amendment or raise a finger to do anything. But, he sits in this House and criticises—

The SPEAKER: Order! The Minister will not refer to another member as 'he', 'she' or 'it' but by the electorate they represent or the office they hold.

The Hon. S.M. LENEHAN: Mr Speaker, I apologise. The member for Heysen, the shadow Minister, is the person to whom I refer. Every time the member for Henley Beach makes a contribution in this House, it is well worth listening to because, of all members, he does his homework on the issues. He contributes in an intelligent, meaningful and sincere way, and his contribution tonight reflected that. Quite rightly, the member for Henley Beach pointed out that it is the job of Parliament to make a judgment on heritage. The court did not attempt to make any judgment about the heritage merits or otherwise of the building in question. The honourable member—

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN:—brought back to the debate the essence of the legislation, and I thank him for his contribution. With respect to the member for Adelaide, I have never seen such an uncomfortable contribution in my nine years in Parliament. He cast around for an excuse not to support the Bill. He was clutching at straws. On the one hand he supported the wonderful heritage characteristics of the city of Adelaide, which he represents. On the other hand, he cast around to find an excuse not to support the Bill. He called on me for urgent action to progress legislation to provide certainty for developers. That is what is happen-

ing and that is what I have attempted to do at all stages while I have been responsible for built heritage. I look forward to the support of the member for Adelaide when I bring in the new heritage legislation in the new year.

The member for Napier is a vitally important contributor to debate in this Parliament. His contribution tonight was succinct. The member for Kavel made an interesting contribution, totally contradicting everything that the member for Coles said, but there are tensions in their Party room. I do not want to delay proceedings by alluding to them in this House, but it became apparent to us on this side of the Parliament how deep and divisive those tensions are. The most interesting thing about the member for Davenport's contribution was his dress, or lack of it.

The member for Hayward was most uncomfortable with the position that the Opposition has taken on this legislation. I say that because I believe the honourable member supports the retention of built heritage in this State. He spoke about the need for streetscape or townscape, as it is called. I assure the honourable member that we will be addressing that in our dealings with the Adelaide City Council and with the committee that is being chaired by David Ellis to look at ways in which we can develop these two levels of heritage and heritage protection. It will also be addressed in the legislation that will be introduced next year. I make clear to the member for Hayward that no-one on this side of the House suggests that we should preserve every building. I have never suggested that. The concept of townscape does not relate totally to preserving every building. I have made that clear in public statements on a number of occasions and I will not take the time of the House to do it again.

In closing, I will refer to Gawler Chambers and the Adelaide Development Company. The member for Coles and the member for Henley Beach articulated clearly the enormous historic significance of the South Australian Company with respect to that building. The sad irony is that it will be the Adelaide Development Company that will be the instrument of its demolition. I leave that to the judgment of this House and of posterity.

I want to clarify a point that the member for Heysen made in his early remarks in relation to the fact that I am not prepared to meet with the Adelaide Development Company. In fact, I received correspondence from the company today, and I have instructed my appointments secretary to ensure that an appointment is made. I look forward to meeting with the Adelaide Development Company, and I will certainly raise a number of issues, because it seems to me that there is an opportunity for common sense and compromise.

A number of heritage buildings in this city could certainly provide the type of boutique hotel accommodation that is being proposed for the Gawler Chambers site. There are a number of other sites around the city of Adelaide, and I would be looking to work with the company to see whether some of those sites could not be explored in some depth and to provide the support of my various departments in looking at resolving that situation in terms of the company's idea of developing a boutique hotel in Adelaide's central business district.

In conclusion, in the points that the Opposition has made in this very long and drawn-out debate, is it suggesting that the Parliament of the people cannot clarify the heritage legislation to reflect the clear intention of both the original Heritage Act of 1978 and the 1985 amending Act and so that it reflects intention, and indeed the practice, of that legislation since 1978 and, again, since 1985? Is it saying that a heritage Bill should not be about the protection of our built heritage in South Australia? It seems to me that in this legislation we must emphasise the conservation order which gives a breathing space to have this independent committee undertake an assessment.

An honourable member interjecting:

The Hon. S.M. LENEHAN: I have taken the advice of the Heritage Committee in listing Gawler Chambers, as I have done in a number of other areas. I would like to put on the record that I have used the urgent conservation order only six times in the past year. Of those orders, four were at the request of various local government authorities. I do not think that anyone looking at that record could accuse me of using that mechanism in any kind of whimsical way in terms of rushing out in response to any request to put an urgent conservation order on a building. I have not done that, notwithstanding the enormous community pressure that has been put on me at times. So, I think my record speaks for itself. I thank all members for their contributions to this debate, and I urge the House to support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Law governing proceedings under this Act.'

The Hon. D.C. WOTTON: Before I move my amendment, I would like the Minister to clarify when it is intended that the review will be completed; when a report will be provided to the Minister as a result of that review; and when legislation will be introduced into this place for debate. The Minister indicated at one stage that she hoped to have amending legislation early in the new year, and later she said it was hoped that legislation would be introduced and debated towards the middle of or late in the autumn session. If that is the case, I presume that the Minister is saying it is unlikely that we will be debating major changes, which are very necessary, to the Heritage Act within 12 months.

The Hon. S.M. LENEHAN: I am not quite sure that I understand the logic of the honourable member's argument, but let me explain.

An honourable member: What's it got to do with the clause?

The CHAIRMAN: Order! The member for Henley Beach is out of order.

The Hon. S.M. LENEHAN: As I said to the honourable member (and I will start with the first part of the question), it is my intention to have the heritage review completed by the end of January. If it is early February, then so be it, but I have certainly asked the Heritage Branch to have it completed by the end of January. I would certainly wish to have a Bill into the Parliament no later than the budget session, so that we would in my view be talking about major changes to the Heritage Act in this State well under a 12-month period. I am a little hesitant because, as I said in my second reading response to honourable members' contributions to the debate, I really think it is vitally important that the new Heritage Act totally reflects the findings of the planning review. Otherwise, why have we gone to such enormous community consultation regarding the planning review if we are then to say, 'Bad luck; we will not take any notice of the planning review; we will charge ahead with this Heritage Act', and we find at the end of the day that things come out of the planning review that do not quite sit comfortably with the Heritage Act?

I would have thought that that is what good planning and good legislation are about. I understand what the honourable member is saying, namely, that it is important to move ahead fairly quickly. Whilst I am driven by the same imperative to do that, I also recognise that to preempt a planning review as comprehensive and as consultative as this has

been, or in some way to try to second guess its findings would be quite a tragedy in terms of really good planning, good legislation and, ultimately, a very good outcome for the people of South Australia.

I will give the honourable member an undertaking that my officers and I will be working very closely with the planning review over the next couple of months to see if we cannot get the level of comprehensive legislation into the Parliament towards the end of the autumn session. I do not want to make that commitment when I am actually dependent on the findings of the planning review. I can say that that is my aim, but I will give the Committee a commitment that we would be looking at introducing that major legislation into the Parliament no later than the beginning of the budget session next year.

The Hon. D.C. WOTTON: I move:

Page 1, lines 25 and 26—Leave out 'has been made (whether before or after the commencement of this subsection)' and insert 'is made after the commencement of this subsection'.

Despite the Minister's flippant remarks earlier, there is a principle at stake in regard to the matter that is before us in this legislation. I will not go through the points raised by many of my colleagues on this side expressing concern about the retrospective elements associated with this legislation. There has been full discussion tonight in regard to the findings of the Supreme Court. It is of concern to me that yet again the Government and this Minister are turning their back on the rulings of the Supreme Court. I believe that the owners of Gawler Chambers have been treated most unfairly, and I have referred to that case in much detail. I believe it is totally inappropriate that legislation such as this should be retrospective. I am sure from what has been said on the other side of the Committee that the real purpose of bringing down this legislation is for no other reason than to trap the Adelaide Development Company as far as any further development is concerned on that particular site.

The Minister can carry on and say what she wants, but that has virtually been proven to be the case with this legislation. It is mainly because of the principle and the retrospectivity associated with this legislation that the amendment is moved in this way to ensure that any applications current prior to the introduction of this legislation cannot be dealt with as a result of its operation.

The Hon. S.M. LENEHAN: It is a nonsense to talk about trapping people. Surely, we are past the use of this kind of emotive language.

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: It is a nonsense. The honourable member well knows—and I have already stated this tonight in my second reading speech—that there is a very broad body of opinion in this State that clearly suggests that as a result of the decision by Justice Debelle in the Supreme Court we as a community have put the State's heritage under great threat. Many buildings could now face destruction and demolition if we do not move these amendments to the Heritage Act.

As I said in the introduction to my reply, we are seeking by way of these amendments to clarify the spirit, intent and practice of the legislation as it has existed in principle since 1978 and the particular practice of the use of conservation orders since 1985. I reject the amendment. I reject the assertion that this Act is intended only to look at the Gawler Chambers situation, because if the honourable member is seriously saying that, he is therefore saying to the community, 'We are prepared to put at risk and under threat every heritage building in this State that is not already listed on the heritage list'. He is saying to the Minister of the day, 'You can tear up the urgent conservation orders and interim listings because they mean absolutely nothing.' That is the reality of the decision of Justice Debelle. I am sorry, but that was not the intention in 1985 when my colleague the Deputy Premier amended the Heritage Act to bring into effect the use of urgent conservation orders. Therefore, I oppose the amendment.

The Hon. D.C. WOTTON: We have already made very clear that the Opposition maintains its support for the provision that the Minister would have to place conservation orders on items of heritage significance. We have made that blatantly clear. I have expressed on a number of occasions this evening the view of the Opposition that we will continue to maintain that support. We recognise the need that the Minister would have for breathing space to be provided on numerous occasions.

We support that, and for the Minister to indicate otherwise is just not on so far as the Opposition is concerned. But that is different to what this amendment is all about. This amendment is the result of a principle and it comes as a result of the concern that the Opposition has yet again about the Government and this Minister introducing retrospective legislation.

I cannot make it any clearer than that. If the Minister does not want to accept it, that is not our fault. It is clear. A principle is at stake and, because of our real concern about the retrospective elements of this Bill, I seek the support of the Committee for the amendment.

Amendment negatived; clause passed.

Clause 5 passed.

New clause 5a—'Review of decisions of Minister.'

The Hon. D.C. WOTTON: I move:

Page 2, after line 30—Insert new clause as follows:

Insertion of Part VI

5a. The following Part is inserted after section 25e of the principal Act:

PART VI

REVIEW OF DECISIONS OF MINISTER

25f. (1) Application may be made to the Planning Appeal Tribunal for a review of a decision of the Minister—

(a) to enter an item in, or remove an item from, the register;

(b) to enter an item on the interim list;

(c) to designate, or revoke the designation of, an area as a State Heritage Area;

or

(d) to make or revoke an order under Division I of Part V.

(2) Any of the following persons may apply for a review, or be joined as a party to the proceedings on a review, under this section:

(a) a person who owns the item or part of the item, or who owns land in the area, to which the review relates;

(b) the municipal or district council (if any) within whose municipality or district the item or area is situated;

(c) any other person who has to the satisfaction of the tribunal a sufficient interest in the matter.

(3) An application for review under this section must be made within three months of the taking of the decision to be reviewed.

(4) The tribunal may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that an application for review be made, within the period fixed by this section.

(5) The tribunal may, on a review under this section, do one or more of the following, according to the nature of the case:

(a) confirm or reverse the decision subject to review;

(b) remit the subject matter of the review to the Minister for further consideration;

(c) make any further or other order as to costs or any other matter that the case requires.

The Minister indicated tonight that it is most unlikely that we will see legislation in this place for six to nine months. If we are to be serious, we will probably be looking at the required changes to the Act at this time next year. There is

no doubt about that. With the possibility of the review finishing early in the New Year, the Government will not be in a position to introduce legislation before that, recognising that we will be sitting only for a few days in the early part of the year.

It is unlikely that the legislation will be introduced until after the budget has been dealt with. Members know that that is likely to mean that the legislation will still be on the table towards the end of next year. That is not acceptable to the Opposition in a number of areas, particularly in regard to the important right of applicants to be able to appeal and to have a review process introduced into the legislation.

As I said earlier, we believe it is vitally important that a mechanism be established to provide for an applicant to appeal against a conservation order, or to put a building or structure on the interim list or on the list of State heritage items. As the Opposition would like to consider other provisions, it will mean that, because of the lack of time, we will have to act between now and when the debate ensues in another place. Because of the representations that the Opposition has received calling for such a mechanism to be introduced to give applicants an opportunity to appeal, we are not willing to wait for possibly another 12 months for that to happen. This is an ideal opportunity to introduce this provision and I urge the Minister, if she is sincere about the need for such a provision, to support the amendment which I ask the Committee to support.

The Hon. S.M. LENEHAN: I find the amendment rather amazing. The honourable member suggests that there should be an appeal mechanism against the placing of a conservation order. It is quite clear that the use of a conservation order and the use of an interim listing is to give a breathing space. With the conservation order, it is a breathing space of up to 60 days for assessment. Why would anyone want to provide for an appeal mechanism against a conservation order? I can well understand why the honourable member—

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: I let you explain your point and did not interrupt you. You can't help yourself, can you? I quite understand and have made clear that with the new Act we will be looking at a comprehensive appeal mechanism that will deal not just with heritage items but with all planning issues. I have made that commitment publicly, and it will happen. I am sure that the honourable member will be delighted to support it. But to support this amendment, which talks about having an appeal process against a conservation order and an interim listing, strikes at the very heart of the legislation.

When I talked publicly in this State about the introduction of this legislation, I stated that I was seeking to clarify the spirit and intention of the legislation as it had been practised since 1978 and then from 1985. This introduces a totally new dimension. Not only does it strike at the heart of the legislation but it is taking the legislation in an opposite direction to the use of a conservation order and an interim heritage listing. I therefore oppose the amendment.

The Hon. D.C. WOTTON: The Minister has said that a conservation order can last for only 60 days. She knows full well that the opportunity exists to extend that conservation order to six months. I believe that it is totally appropriate that an appeal mechanism be introduced in the way we have suggested, and I cannot accept the Minister's response.

The Minister referred to all the consultation she had had over this legislation. I should love to know whom she has been consulting, because none of the people and organisations that has contacted me has heard of this legislation or known anything whatever about it. Obviously, she has not been listening to the people out there. If she had, she would recognise the demand for such an appeal mechanism to be introduced. That is why we are asking the Minister and the Committee to support this amendment.

The Hon. S.M. LENEHAN: I remind the honourable member that, if an extension beyond the 60 days is sought, it must be granted by the Planning Appeal Tribunal. Why would you want now to introduce a whole new appeal mechanism when there are obvious safeguards anyway? I refer the honourable member to his own amendment. Proposed new section 25f(3) provides:

> An application for review under this section must be made within three months . . .

This just does not make any sense. It has been cobbled together at the last minute. Having accused me of doing this, the honourable member is now doing it himself. It does not make sense. Obviously, he did not know that after 60 days the conservation order cannot be extended except through an application to the Planning Appeal Tribunal. I believe that this is quite irrelevant and does not deal with the spirit and intent of the legislation, and I oppose it.

The Hon. D.C. WOTTON: Of course I understand that is the case, because it was in the Minister's second reading speech. The Minister has already indicated that was the case. That is no reason why this amendment should not be supported. The Minister said that we had to rush and put in an amendment. What do the Minister and the Government expect? We have had this legislation for a week. I have already explained that there has been a total lack of consultation in the community. We have had no opportunity to check the legislation. Obviously we have had to put together an amendment very quickly. For the Minister to accuse us of not doing our homework, or whatever she might like to say, is totally unacceptable.

The Hon. H. Allison interjecting:

The Hon. D.C. WOTTON: Exactly. As my colleague the member for Mount Gambier says, the school ma'am talks again. Nothing that the Minister has said with regard to the responsibility of the Planning Appeal Tribunal means that this amendment should not be supported. It is important that the amendment be supported, and I urge the Committee to do so.

Mr BRINDAL: I take objection to a Minister berating one of my colleagues for cobbling anything together. If ever there was a Government that cobbled together legislation, it is this Government. It cobbles together bits and pieces and brings them before this Chamber. It cannot even get it right. Indeed, the Minister is one of the worst offenders. She cobbles together bits of legislation and rushes in and amends them five and six times before they pass. I support the amendment.

The Committee divided on the new clauses:

Ayes (22)—Messrs Allison, Armitage, P.B. Arnold, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton (teller).

Noes (22)—Messrs Lynn Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan (teller), Messrs McKee, Mayes, Peterson, Rann and Trainer.

Pair—Aye—Mr D.S. Baker. No—Mr Quirke.

The CHAIRMAN: There are 22 Ayes and 22 Noes. While I agree that the matters before the Chair in relation to this amendment raise serious issues of concern, I believe that to determine this matter now prior to the release of two

major reports into the issue in the near future would be premature, and so I give my vote for the Noes.

New clauses thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 11.43 p.m. the House adjourned until Wednesday 27 November at 2 p.m.