LEGISLATIVE COUNCIL

Wednesday 11 September 1985

The PRESIDENT (Hon. A.M. Whyte) took the Chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Labour on behalf of the Minister of Health (Hon. J.R. Cornwall):

Pursuant to Statute—

Parliamentary Standing Committee on Public Works—Fifty-eighth General Report.

By the Minister of Tourism (Hon. Barbara Wiese):

Pursuant to Statute—

Children's Services Act 1985—Regulations—Child Care Centres.

QUESTIONS

HEALTH COMMISSION FINANCING

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister of Health a question about Health Commission financing.

Leave granted.

The Hon. M.B. CAMERON: I refer to *Hansard* of 29 August 1985 where the Minister of Health said:

> Whatever my strengths or weaknesses may be in other areas I have prided myself consistently on my administrative skills as a Minister. It is no secret that, during the period I have been Minister, the administration of the commission, in particular, and the administration of the health services generally, has been very much more tightened up.

He went on further to say:

> I have spent almost three years diligently picking up the pieces and fixing up the financial problems and the potential financial problems that had been created by the actions and the philosophy of my predecessors in the Tonkin Government.

The Minister has consistently put forward this rather egotistical view of himself in this place and put down anybody who has dared to bring any item in relation to the Health Commission. His ego certainly has no boundaries and yet we now find, first, that he has not coped with the situation relating to the Lyell McEwin health services (and anyone watching the debates over the past two weeks could not fail to recognise that).

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: Yes, the Ministers might, too. We have a bit more to come on that. Secondly, we now have the Auditor-General's Report which quite clearly calls for an independent and detailed role and financial study to be made of the operations of the central office of the Health Commission, something the Auditor-General says could lead to improvements in efficiency and resource savings. I would have thought that, if it has been picked out for special attention, there must be a fairly serious problem.

The Auditor-General has a number of comments to make about the operations of the Health Commission, and it is time that, in relation to the commission, the Minister stopped feeding his ego through his mouth and started exercising his mental capacities, recognising that he is perhaps not a genious. He has problems in the Health Commission and until he recognises that fact he will not begin to solve them.

So far all that has happened is that he has launched an unprecedented attack and slur on the Auditor-General, the very person to whom yesterday he agreed to refer the problems of the Lyell McEwin Health Service on the grounds that the Auditor-General was an independent and competent person to carry out that task. In fact, in the latter part of 1984-85 the Auditor-General has been the auditor of that organisation. The Minister has actually stated in the *Advertiser* today that the Auditor-General has 'been getting his sums wrong'.

The Hon. J.R. Cornwall: Got his sums wrong.

The Hon. M.B. CAMERON: I see. He said there are areas where some of the figures are quite wrong. The Auditor-General in reply has said that his findings have been based on figures supplied by the Health Commission. The Minister further stated that the Health Commission had no evidence that the Auditor-General or any of his staff had considered the 'complex requirements of operating' in conclusions on the number of committees. The Minister said that on the development of a $1 million stores and inventory system the Auditor-General did not appreciate that the system also included pharmacy needs. This attack by Dr. Cornwall on the Auditor-General—particularly when he says the Auditor-General has got his sums wrong—is quite extraordinary and hypocritical. The Auditor-General is an independent person. His task is to bring to the attention of the Government and the public problems of Government spending and he must do that, as his predecessors have done, fearlessly and without unwarranted attacks from Government Ministers. My questions are:

1. Will the Minister of Health withdraw the criticism he has made of the Auditor-General and apologise for that rather extraordinary attack?

2. Will the Minister give an undertaking to make public the findings of the independent inquiry by the management consultants into the running of the Health Commission's central office, as he has indicated will be carried out?

The Hon. J.R. CORNWALL: I thank the honourable member for that question, and I did not arrange for him to ask it, but it is very timely. First, he referred to events yesterday when I said that I would certainly be asking the Auditor-General to clear up for all time the malicious slander which the members opposite have been trying to perpetrate for more than two weeks against senior respected members of the Health Commission. This morning, acting on the undertaking that I gave yesterday, I forwarded a minute to the Chief Secretary, as is required under the legislation and I quote verbatim from that:

> I refer to matters raised in Parliament concerning the Lyell McEwin Hospital and reported in the media recently. Allegations have been made of serious financial mismanagement and deliberate 'cover up' by both hospital employees and commission officers.
>
> In order to clarify these issues I request that the Auditor-General review all of the matters raised in the Upper House in the course of the past three weeks concerning financial management at the Lyell McEwin Hospital, including those issues dating back to the 1980-81 financial year and provide me with a report on his findings as soon as possible.

That is over my signature. I have promptly done what I have always undertaken to do. In addition, the Parliamentary Public Accounts Committee, at my instigation, in the sense that I have always said that it was available to look into matters at the Lyell McEwin Hospital, wrote to me almost a fortnight ago and this very day will be provided with all papers, books, documents and relevant records concerning the Lyell McEwin Hospital, as it has asked.

I now know the exact position at the Lyell McEwin Hospital but unlike the Opposition I do not intend to use parliamentary privilege to name the two hospital officers, who were not Health Commission officers, who falsified records and tried to cover up their tracks. It would be quite inappropriate to name them under privilege in this place. I

abhor trial by Parliament or trial by the media. Therefore, I will wait until, in the fullness of time, I receive a report from the Auditor-General. I would also say that this morning I spoke personally to the Auditor-General and I have been assured that a full investigation of all the matters raised, including the slanderous allegations of Mr Cameron, Mr Lucas and others, will be fully investigated.

As I said, I am very confident that I know precisely at this point what did happen, and the story, when it comes out, will reflect no credit at all on the behaviour of the Opposition.

The Hon. M.B. Cameron: I wouldn't be too confident about that, if I were you.

The Hon. J.R. CORNWALL: I have all the papers, documents, records and witnesses who have been involved.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Members opposite are not the only ones who can set bear traps so they should watch their feet very closely in the coming weeks, because not only might they shoot themselves in both feet but also they themselves might fall into one of those bear traps. A number of matters raised in the Auditor-General's Report are pertinent to this question and the hyperbolic and rather abrasive and offensive statement made by the Leader of the Opposition.

First, the Auditor-General said that at 30 June 1985 the staff of the central office was 296 compared with 284 as at 30 June 1984. That is simply a statement of fact. The increase of 12 persons was approved and budgeted for. It included two persons in the office of the women's health advisor (and I wonder whether Mr Cameron or his colleagues in government would dismiss or otherwise reduce the number of people in the office of the women's health advisor—perhaps they would like to tell us); one person in the disabled person's project (and perhaps Mr Burdett in his pursuit of small government would make sure that that person was dismissed); three persons in industrial relations (and our industrial relations record is undoubtedly the best in the nation); and a number of persons involved in specific projects particularly in the nursing and mental health areas. Perhaps the Hon. Mr Burdett or his colleagues would like to tell us whether they would see fit to get rid of those people.

The central office salaries and wages budget for 1984-85 was underspent. The Auditor-General also raised the question of expenditure in central office in 1984-85 (and this is the nub; this is where the sums were wrong—or certainly the impression was given that the sums were wrong) and stated that the amount of expenditure was $13.2 million. That figure is shown in the table at page 376 of the Auditor-General's Report (as far as I can recollect) and it represents total gross payments for the commission's central office. In other words, it is an accountant's figure representing total gross payments. In the context of the Auditor-General's comments about the commission's central office, it would perhaps have been much more accurate to use a figure that related more closely to central office operating costs. That would be the understanding of the average reasonable person.

The costs of conducting the office would be the actual operating costs, and these costs are shown in the same statement as amounting to $11.8 million. With great deferential respect to the Auditor-General and anyone else, I point out that there is a significant difference between $13.2 million and $11.8 million in anyone's language.

It should also be noted that the commission's central office expenditure cannot simply be compared with staff numbers or with expenditure in Public Service departments. The reason why it cannot be compared directly with expenditure in Public Service departments as against our operation as a commission is that it includes a number of expenditures that are not normally included in the expenditure of such departments, such as superannuation and payroll tax which, in the case of central office, was $1.064 million. Of course, as I said, that cost is not normally charged to Public Service departments. There is a historical Whyalla Hospital debt of $63 000 and health research grants of $100 000, making a total of $1.227 million.

That is included in the $11.8 million. There are also a number of expenditures which relate to the health system as a whole. These include mental health research, building and equipment services (this is for the operation of the health industry in general) and accounting services totalling over $700 000. Other expenditures shown are wholly offset by receipts. These include such significant expenses as the Eden Park Conference Centre and the ISIS computing project totalling $312 000. The ISIS computing project, of course, is fully federally funded.

The Auditor-General went on to say, having used that figure of $13.2 million—which, for the reasons I have explained, is grossly inflated—that these office costs represent $45 000 for each staff member or $28 000 per head per annum for salaries. As I have indicated at some length, those figures are totally meaningless when they are explained in the context of gross versus the actual net cost of operating the office. The Auditor-General also went on to say:

> There are a considerable number of committees.

I have discussed this with senior officers of the Health Commission and they refute the Auditor-General's unstated implication that its committee structure is too large. The commission—and I support its contention—has no evidence whatsoever that the Auditor-General or any of his staff has given any consideration at all to the complex requirements of managing the South Australian health system in accordance with its statutory objectives; or that they have any degree of managerial experience or expertise that might qualify them to arrive at such a conclusion.

The Auditor-General went on to make comments about health computing. It is very pleasing to note that the Auditor-General supported the conclusions drawn from the Independent Review of Health Computing by Dr C. Bellamy of Monash University. He was brought to South Australia at my specific instigation to review computing services in the hospital and health areas. He is, beyond doubt, on all the advice I was given, the most senior expert in health and hospital computing in Australia. Dr Bellamy had concluded in his report, which is a public document, that much progress had been made. Matters raised in a previous review of computing (that is, the Alexander report, which I commissioned very early in my period as Health Minister) had been acted upon. That was Dr Bellamy's finding.

Dr Bellamy said that the revised computing policy of the commission was sound and that health computing in South Australia compared favourably to the national scene. Nevertheless, the Auditor-General in his report implied that the Bellamy report supports his recommendation for a review of computing resources of the central office, the implication being for a reduction in staffing levels. On the contrary—and I stress 'on the contrary'—what Dr Bellamy concluded was that major staff increases to the tune of around $1 million per annum were warranted across the health system.

Furthermore, the Auditor-General seems not to have recognised the 25 per cent cut in central office computing staff levels effected primarily in the last year. The point to be made—and I make it very strongly—to the Auditor-General is that with these reductions now in place the commission is running a number of projects with the minimum staff levels possible. Further reductions will only be

feasible by stopping the projects. The Auditor-General recognised the high level of competence of senior management in the major teaching hospitals, and commented specifically on it.

To the detriment of his review, he has failed to recognise the corresponding high level of competence within senior management of the commission. In relation to the two computing systems reviewed by the Auditor-General (stores, pharmacy, inventory and financial control), a committee made up of competent staff from the hospitals and the Health Commission presided over each project from inception to completion. Despite this, costings are presented for both systems; this gives the impression that the commission, as loosely defined, developed one version at huge cost whilst the hospital produced the same thing for a fraction of the cost.

Let me, as an example, take the financial control system originally budgeted for in excess of $1 million but brought in at around $550 000, according to the report. This total cost included definition of requirements, system specification, tender call and evaluation, software package acquisition (which itself cost $30 000), equipment data conversion and implementation. Flinders Medical Centre is then quoted as achieving the same result for an expenditure of $70 000. In fact, the $70 000 expenditure at Flinders Medical Centre was only for the software package. The hospital had previously processed the package on a bureau for some two years at a cost of around $50 000.

A dozen or so computer terminals and associated equipment were acquired, implementation fees paid and appropriate costs incurred for data conversion to support the package. The package was mounted on a new computer which was acquired primarily for financial systems and which is conservatively valued at $500 000. I could go on at considerable length and in a good deal more detail about the actual computing situation, but I think that, for the moment, that suffices to illustrate that Dr Bellamy's report, in which he said that we had our house in order and that hospital and health computing in South Australia was as good as or better than in any other State in the nation, was the correct version.

Regarding the specific matter raised by the Hon. Mr Cameron, the need for an independent and detailed role and function study to be made of the operation of the central office of the commission, while I totally dispute the reasons cited by the Auditor-General (and I have spent some little time of this Council explaining in detail why) the commission and the Minister strongly support the Auditor-General's suggestion for an independent study to be made of the central office of the commission in order to lay to rest once and for all the impression which seems to be given by the Auditor-General that the central agencies and the auditor are somehow unhappy at the *modus operandi* of the commission.

It seems that there are some people who do not believe, and who have never accepted, that the Health Commission itself ought to exist. They put a case very strongly that the sooner we return to a Health Department the better off everyone will be. I am certainly not one who subscribes to that opinion.

The Hon. R.C. DeGaris: Why not?

The Hon. J.R. CORNWALL: Because I believe that the flexibility that we have as a commission results in a very much better, more rapid and more effective control and management of the health services.

The Hon. R.J. Ritson: They did not find that so in New South Wales.

The Hon. J.R. CORNWALL: They did not find that in New South Wales and thank God (and I say that in the most fervently religious sense of the term) that this is not New South Wales. We happen to have the best hospital—

The Hon. R.J. Ritson: Did you say that to Mr Mulock?

The Hon. J.R. CORNWALL: I often say that to Mr Mulock and I am sure he would be very happy to have a health system that is in the same shape as ours. Although I dispute the reasons, I believe that it may well be a good suggestion that we have an independent assessment. I intend to put that in train as soon as possible. However, I say, in the interests of achieving full efficiencies and resource savings, that I strongly recommend, with regard to that consultant's investigation, that the study be carried out by a fully competent and professional firm of management consultants with expertise and knowledge in the field of health services delivery because it is a very specialised area, which members opposite have never quite appreciated and which I think sometimes it is difficult for the central agencies to appreciate fully. I think it would be less than useful to establish a study carried out by officers from other departments or central agencies who by the very nature of their employment lack both experience and expertise in the management of complex and decentralised health systems.

Secondly, I think that the terms of reference for the study should be extended to include the following: first, to review fully the impact of the efficient economic and effective delivery of health services in South Australia and particularly on the functioning of the commission's central office in meeting the requirements in the Government's central agencies, especially the Treasury, the Public Service Board, the Supply and Tender Board, the Data Processing Board, the Auditor-General and the Department of the Premier and Cabinet; secondly, to consider whether further separation from the Government's central agencies might be beneficial; thirdly, to review the terms and conditions of employment of senior managers within the South Australian health system with a view to attracting and retaining top quality managers.

With regard to the last matter, we have extreme difficulty in competing with our interstate counterparts because their salaries are significantly higher than those that we offer for comparable positions. That is becoming a matter of some critical importance to the good conduct of the Health Commission in particular and the health services in general.

I conclude by pointing out—and this is most important—that in the context of the commission's overall management performance, which the Hon. Mr Cameron attempts to belittle, the Auditor-General and everybody else would be aware, and certainly should be aware, that in the financial year 1984-85 total health expenditure was $5 million under budget. If anybody wants to call that a poor management performance, I am prepared to debate the issue with them anywhere at any time.

Allowing for Commonwealth receipts—and this is an even better figure because we have been well treated by our counterparts and colleagues in Canberra—the net cost to the State was favourable by almost $18 million. That is a result that the Government can be proud of and that I as Health Minister am entitled to be proud of, but, most importantly, I pay tribute to those senior and competent officers of the commission who have brought us in so much under the budgeted allocation and in such good shape. I thank the Hon. Mr Cameron for his question.

PATIENT ADVICE SERVICE

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about the Patient Advice Service.

Leave granted.

The Hon. J.C. BURDETT: A letter was sent by the organisation PRONAG, signed by Mrs Laurel Green and

Mrs Beryl DiCicco, to the Minister, dated 31 July 1985, which reads as follows:

It is now nearly 12 months since the Patient Advice Service, headed by Mr Peter Pickering, was set up under the Health Commission and we feel as you will probably be having a review of the service we would like to add a few comments.

Publicity, or the lack of it, seems to be the main problem. Apart from the initial announcement, there has been nothing. The public are just not aware that this service even exists. Could this please be rectified?

Whilst we have no complaint at all with the manner in which Mr Pickering runs the service, we are becoming increasingly aware that it is sadly lacking in that it does not help patients who have complaints against private hospitals. We were under the impression that you were going to take over the work done by PRONAG, and this was one of our biggest areas of complaint. Could this also be rectified?

It has also been rather strange that most of our calls are being referred by other Government departments, such as the Women's Information Switchboard, Consumer Affairs, Citizen's Advice Bureau, among others. Does it not seem rather strange that even your own Government sections are not even aware of the Patient Advice Service? Whilst we have been referring most calls to Mr Pickering, please take note that we are not running a referral service for Government departments and would be obliged if you would remedy this situation as soon as possible.

Will the Minister advise at least the Government departments of the role of the Patient Advice Service?

The Hon. J.R. CORNWALL: There is no doubt about it: members opposite form the greatest team of knockers that I have ever come across in my life. Yesterday the Hon. Mr Griffin won the award as 'knocker of the year'. He criticised us publicly for allocating an additional $700 000 to adolescent health in South Australia. That was pretty hard to top. I think I described it in the art of knocking as having reached the pinnacle.

The Hon. Frank Blevins: Did he say it was a Marxist plot?

The Hon. J.R. CORNWALL: No, he did not say that: that was said by one of his friends who telephoned the ABC yesterday morning. Incidentally, there is no truth in the rumour that I am now popularly known around the traps as 'Karl'. I make that clear. The Second Storey is certainly not part of an international communist conspiracy, as some of the Hon. Mr Griffin's friends might say. Of course, the competition is on in earnest.

The Hon. Mr Griffin has done a great job and, tentatively at least, he has been awarded the prize as knocker of the year. However, the Hon. Mr Burdett now gets to his feet and tries to outdo him. It was our initiative. I did not notice the previous Liberal Government setting up any mechanism whatsoever to handle patient complaints. The then Minister of Health would simply send out a non-committal bureaucratic reply (and I have many of these letters myself) to any patient complaint that was made to the ministerial office (to cover it at law).

To draw an extreme example, I refer to the case of an elderly woman who was taken to the accident and emergency department of one of our hospitals (and I am going back in history, I am happy to say). She was examined after a considerable wait because, of course, the previous Government waged war on the public hospital system, which was grossly understaffed. After a considerable wait, the elderly woman was examined, having suffered a fall at home. She was given a bottle of Panadol tablets, sent home and told to take two tablets as required. Subsequently, in great pain, the old lady was seen by a doctor in private practice; her hip was X-rayed and it proved to be fractured.

The letter that was prepared (this is in the bad old days) stated that in the circumstances conservative treatment was an accepted procedure. That is nonsense. That is the sort of situation that I inherited. Ultimately, I refused to sign 'non letters' to patients, their relatives or friends who wrote to me on occasion with what were obviously *bona fide* complaints. It was because of that—and at my initiative—that the Patient Information and Advice Service (PIAS) was established at about the time that the new telephone directory came out last year.

There are now five separate entries under five different headings in the telephone directory so that any average reasonable person could certainly find the telephone number for PIAS in the directory. So, there would be no trouble at all for most people to find that telephone number. We had to learn by experience. One of the first things to happen was that our insurance underwriters were very concerned about the setting up of PIAS. They made it clear that we would have to take into account a number of complex legal difficulties that that created or that they might have to consider withdrawing our insurance cover, or at least increase the premiums by a factor of 1 000 per cent. They are the sort of difficulties that we have had to face in our trail blazing with PIAS.

There have been some discussions with the Ombudsman's office as to the legitimate interface that should take place between PIAS and the Ombudsman's office; and there has been a constant review of the operation of PIAS ever since it was established in May last year. At this very moment we are moving the PIAS office to conspicuous premises on the ground floor of the Westpac building so that anyone who visits the Health Commission office will immediately, as their very first point of contact with the commission, find the shopfront office on the ground floor where they can receive information and advice or lodge their complaints.

In addition to the five entries in the telephone directory, there is, as I have said, an office at 52 Pirie Street on the ground floor (so that it is easily accessible to everyone, including the disabled). As I have said, we are also reviewing the operation of PIAS, and it is continually upgraded as we learn from our experience. In the first instance it was never intended that it should replace the Medical Board.

Most of the complaints that come in about private hospitals are, not unexpectedly, about doctors who treat patients in those private hospitals. Those complaints, appropriately and properly, are referred, where it is warranted, to the Medical Board of South Australia; or the people making the complaints are referred directly to the Medical Board. Therefore, complaints are referred in the appropriate direction.

PIAS is not and never will be a replacement for the Medical Board of South Australia. At this moment, it is not intended that it should cover complaints against private hospitals. However, it does cover complaints against all of the recognised public hospitals, not only in metropolitan Adelaide but around the State. Arrangements are being made for telephone calls from country areas to PIAS to be toll free. I think we have come a very long way since March 1984, and I am quite pleased with the progress that has been made. I am not yet satisfied by any means that we have reached the ideal position, but the service is being continually upgraded.

I am pleased to say that I will conduct a simple but moving ceremony in the very near future when we open the new premises at 52 Pirie Street. As to Mrs Green and Mrs Di Cicco: I have had quite a lot of contact with Mrs Di Cicco in particular over many years and, certainly when I was in Opposition, I saw quite a bit of her. I think that the Professional Negligence Action Group has done a splendid job over the years mostly, I might say, under great difficulty. Only quite recently it wrote to me and made it clear that ultimately it saw an expanded patient information and advice service taking over much of the role which it had performed on a voluntary basis over the years. If there is any difficulty with the Women's Information Switch-

board, the Citizens Advice Bureau, the Department of Lands or any other department, I would be very pleased to send out a general circular to them.

PRISON ASSAULTS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Correctional Services a question about prison assaults.

Leave granted.

The Hon. K.T. GRIFFIN: In a weekend newspaper report, the Minister of Correctional Services is reported to have said:

> . . . relative calm had returned to the prison system after new parole legislation in December 1983 . . . This [that is, release on a certain date] and the construction of a new security fence and 'sterile' area around Yatala, making it a maximum security prison, were the reasons for no escapes.

He is referring to the fact that there have been no escapes since June last year. However, the Minister's statements are hollow. Within a day or two, prisoners had threatened to walk off the job, been locked in the workshop area during their lunchbreak, and held a meeting that had threatened to become violent. The atmosphere was said to have been 'tense and ugly'. Several days before, a prison officer had been bashed—the seventh assault of a prison officer in three months, the twelfth in 12 months.

At the time of the most recent assault the prison officer had been left alone with 30 prisoners. When he pressed his duress alarm button, it did not work. The alarm was faulty. Subsequently, it was found that the three other duress alarms were also faulty. This particular assault was the second assault on this prison officer. On the first occasion the prisoner was taken to court without the knowledge of the victim—that is, the prison officer—and no penalty was imposed by the court for that assault.

These events put the lie to the Minister's statements about order in the gaols and adequate security. My questions are:

1. Why was the prison officer left alone with 30 prisoners?

2. What steps are being taken to ensure the protection of prison officers?

The Hon. FRANK BLEVINS: It obviously really hurts the Hon. Mr Griffin, with his somewhat peculiar personality, to have a situation of relative calm in our gaols in South Australia over the past two years. I think I am perfectly entitled to respond to the explanation the Hon. Mr Griffin made before asking his question. I did not interject when he gave his explanation, and I hope that he will find sufficient manners to give me the same courtesy over the next few minutes. That may be very difficult. However, I trust he will try.

The position is that there is no doubt, as any impartial observer or student of the prison system in this State would have to agree, that over the past couple of years there has been a degree of calm in our prisons that we have not experienced for many years. That obviously hurts the Hon. Mr Griffin, because he likes to pick away at a news report such as the one to which he has referred.

I would state quite clearly that we still have a prison system; it is not a system of holiday camps, with people there voluntarily to enjoy themselves for a period of time. It is a prison system with some very—but not all— difficult people within it. A prison system will never run as though it were a string of holiday camps. Notwithstanding that, I am proud, and this Government is also proud, of the advances that have been made in the prison system in the State over the past couple of years.

Cases of prisoners assaulting prison officers occur from time to time, and will always occur. We will never be able to stop it. If there is an assault, we call in the police. The law is the same inside the prison as it is outside. If there is sufficient evidence for the police to prosecute, they do, and the courts then determine what is an appropriate penalty, if the person is found guilty.

If the Hon. Mr Griffin wants to criticise the court in the case to which he referred that is up to him. I may have my own views on what ought or ought not to have happened but nevertheless the court heard all the evidence. I would like to think that the Hon. Mr Griffin would agree that rather than criticise the court or imply some criticism of the court, as he did in his explanation, he would uphold the court as the appropriate place to make that determination.

That is precisely what happens. If there is not sufficient evidence of a deliberate assault, if there is the position of one person's word against another's, then we have the situation of visiting justices, who also deal with offences of this nature. Again, a perfectly open, perfectly proper way of handling these incidents. I cannot quite see what the Hon. Mr Griffin can find to criticise in that.

From time to time prisoners will make some claims on the Department of Correctional Services and on the Government that they want the prisons to operate in a certain way at a particular time. On occasions their claims have merit, and on other occasions they do not. When the claims have merit we see what we can do to accommodate that claim; when there is no merit, obviously, we say no. Like a lot of other people in the community, from time to time prisoners find it difficult to take no for an answer, but that is not confined to prisoners. In my 2½ years as a Minister I have found that most people in the community find it extraordinarily difficult to take no for an answer. It seems to enrage them. Perhaps that is something to do with the 1980s, but this is certainly not peculiar to prisoners.

With regard to the incident referred to, it is being investigated by the police and I do not think that I should preempt that investigation or interfere in it. Again, I would hope that the Hon. Mr Griffin—with some kind of legal background—would support me in that. The Police Force is the appropriate authority. I have every confidence in its ability and I will be interested to see the outcome.

As to why the prison officer was alone with 30 prisoners, I am not sure that is the position, but I will certainly find out for the Hon. Mr Griffin. A procedure is established for prison officers who are dealing with a difficult prisoner in a certain set of circumstances, and I would suggest that the Hon. Mr Griffin, as he is perfectly free to do, make his own inquiries about that incident. I will certainly be doing so myself but, if he wishes to contact a few people, I am sure he can find out for himself. That may mean I do not have to respond in the Parliament. That is entirely up to him.

With regard to the question of the alarm, the alarm did not work; it did not work because it was damaged in the melee that occurred.

The Hon. K.T. Griffin: That's not what I was told.

The Hon. FRANK BLEVINS: I am only telling the honourable member what was reported to me. If he is contesting it, I will have it looked at again and I will report it back to Parliament, but my information is that the alarm was damaged in the melee. The alarms are tested constantly. There is a set procedure. I am quite happy to read it all in the Chamber but, if the honourable member does not want me to read it now, I can give him, outside the House, the procedures that occur regularly for the checking of personal alarms. Again, if that did not occur, then somebody is falling down on the job and I would be very surprised if that is

so. The facts, as reported to me, are that the alarm was damaged and the prison officer concerned did not attempt to use the alarm until after the incident.

I believe I have answered the specific questions of the Hon. Mr Griffin, but I want to repeat that any member of Parliament is free to go into the prisons at any time they wish. That situation also applies to the press, with one or two minor restrictions, because of security. Prisoners are free to speak to the press; prison officers, through their union, are free to speak to the press.

The Hon. J.C. Burdett: Directly, as well as through the union?

The Hon. FRANK BLEVINS: The honourable member knows the Public Service Act as well as I do. I would recommend that prison officers check with their union before they speak directly with the media. I am not saying they can or cannot. However, I would have them check on that, because of the Public Service Act. The honourable member knows some of the problems in that connection. By the way, the union does not hesitate to fire a broadside from time to time such as the extraordinary one that was in the *Advertiser* yesterday morning. It was quite an extraordinary press release that was put out by that union official and it was treated with a degree of amusement and scepticism by prison officers at Yatala.

There had been no stop work meeting in connection with those resolutions, and some of the statements that the Hon. Mr Griffin cited were taken from the press release, although the honourable member did not say that. The Hon. Mr Griffin or the media are free to go into the prisons to investigate these matters. There are no secrets in our prisons these days, and I think that that is one of the many reasons why there is not the degree of unrest involving prison officers or prisoners that occurred a few years ago.

BUILDING REGULATIONS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about building regulations.

Leave granted.

The Hon. I. GILFILLAN: I have been approached by constituents Mr and Mrs Tuckey of Glenelg North who, I believe, have suffered quite unreasonable injustice and neglect in their pursuit of the resolution of a problem they have experienced in regard to building regulation infringement by a neighbour. Clause 10 (3) of the Building Act provides:

> A person in performing any building work shall comply with the provisions of this Act and shall ensure that the building work complies with the requirements of this Act.

The requirements of this Act are:

> No part of any external wall of any building shall be constructed nearer than 600 millimetres to a side or rear boundary of a site. A window facing the boundary of the site shall be separated from that boundary by a horizontal distance of not less than 900 millimetres.

The building on a block adjoining the Tuckey's property contravenes those requirements by nearly 270 millimetres or 11 inches in the first instance and 570 millimetres or 1 foot 11 inches in the case of the window. The Tuckeys, quite rightly, regarded this with some concern and, in the first instance, took the matter to the Corporation of the City of West Torrens. An appeal was heard on 4 July before referees whereby the Tuckeys sought a determination concerning alleged contravention of the regulations. The argument was presented to the referees, points being made in relation to the disputed distances. The council's submission stated:

> Council checked the measurements and determined that a variation to the approved plan had occurred and issued a stop work notice. This notice was complied with.

However, the defendant argued before the referees that the Tuckeys were not parties interested according to the interpretation of the Act and, therefore, were not entitled to have the matter heard. The report stated:

> The referees took no further evidence and advised both parties that they had taken legal advice and as a consequence were of the view that they had no jurisdiction to hear the appeal as Mr and Mrs Tuckey had no right under the Building Act to take any action as they are not parties interested.

The Tuckeys rightly felt that that was not a fair deal and they went to the Ombudsman, who consulted with the council and received a letter from the council confirming all the details outlined in this explanation, the point being made that the council took the view that the complaint was of a minor nature and, therefore, as it was determined that (in accordance with section 10 of the Act) the building work was of a minor nature, a legal determination would be required if the matter was to be challenged. If work is described as of a minor nature, the case is of no significance and no further action can be taken.

I point out that the only resolution available to the Tuckeys was to take the issue to the Supreme Court at considerable expense (some thousands of dollars would be involved) to determine whether variations of 11 inches and 1 foot 11 inches in the placement of walls and windows in a house are of a minor nature. The question would then arise: how many people could take such issues to the Supreme Court and make that sort of expenditure to have a matter settled? This would lead to a spate of infringements and builders would have no obligation to comply with the Act. Therefore I ask the following questions:

1. Does the Minister consider the infringement of 270 millimetres or 11 inches in the case of the wall and 570 millimetres or 1 foot 11 inches in the case of the window to be 'of a minor nature'?
2. Does the Minister believe that the distances prescribed in the building regulations should be complied with?
3. Does the Minister consider that the next door neighbour to a resident who builds walls and windows significantly closer to the mutual boundary fence should be described as an interested party?
4. Will the Minister undertake to review the case and ensure that the conditions of the Building Act are enforced both now and in the future?

The Hon. BARBARA WIESE: This matter is obviously very complex and some legal interpretation of the Act and regulations will be required. I am sure that the honourable member does not expect me to be able to respond immediately to the points he has made but, if he will make the relevant correspondence and documentation available to me, I will have great pleasure in referring this matter to my department to seek a full report. I will bring back a reply as soon as possible.

GRAND PRIX

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism a question about promotion of the Grand Prix.

Leave granted.

The Hon. DIANA LAIDLAW: On 20 August I indicated in a question to the Minister that the Grand Prix in November presented a unique opportunity to bring many overseas visitors to Adelaide. I expressed concern at that time, however, that too little effort was being devoted to the marketing and promotion of the event interstate, especially through our tourist offices in other States. In response, the Minister

provided me with a long explanation that did not have much to do with the question. It would appear from an article on the front page of the *Advertiser* yesterday that my concern that the Department of Tourism and the Grand Prix board were failing to capitalise on a potentially huge interstate market was far from misplaced. The article stated:

Some South Australian and interstate tour operators are worried they may lose thousands of dollars on package tours for the Australian Grand Prix in Adelaide on 3 November. Sales for the tours have been so disappointing some operators have been forced to restructure the packages they are offering while others say they will be left holding thousands of dollars worth of Grand Prix tickets. Some have blamed the lack of advertising in the other States for the poor response.

I believe that the Minister would agree that, if the forthcoming Grand Prix does not attract capacity crowds or if interstate and local tour operators lose thousands of dollars on package tours, as is predicted, the ramifications for subsequent Grand Prix will be disastrous. As there are, at best, only four weeks of prime selling time remaining, will the Minister consider asking the Department of Tourism to saturate the interstate media with advertisements to help promote and ensure the success of the November Grand Prix? If she agrees with this suggestion, will she also consider the idea that this advertising campaign give prominence to a map of the course, because I am aware that few people interstate appreciate that the course is centrally located within our city and is not in a remote location, like Bathurst, Sandown or courses overseas?

The Hon. BARBARA WIESE: I am getting rather tired of the constant questioning, carping and criticism coming not only from members opposite but also from members of the press and other people in the community who seem to be looking constantly for things that might go wrong with the Grand Prix instead of being supportive and helping to promote the Grand Prix as one of the most important events that has ever happened in this State.

The Hon. C.J. SUMNER: I move:

That Standing Orders be so far suspended as to enable the Hon. Barbara Wiese to finish her reply.

Members interjecting:

The PRESIDENT: Order!

Motion carried.

The Hon. BARBARA WIESE: As I said in this place previously, the responsibility for marketing the Grand Prix rests with the Grand Prix Board. The Department of Tourism is using the event as a vehicle for promoting tourism in this State. Since Grand Prix tickets went on sale in June the Grand Prix Board has been responsible for a very extensive marketing campaign both in South Australia and in other States of Australia. During the last financial year the State Government has allocated some $500 000 to the Grand Prix Board for that purpose, and a further $500 000 is being allocated for that purpose during this coming financial year.

I do not think that anyone could accuse the Government of not committing sufficient finance to the marketing of the Grand Prix. The criticisms contained in a newspaper report yesterday I think, to some extent, overstate the situation that is currently occurring with Grand Prix package sales. A small number of interstate tour operators have contacted the Department of Tourism to let us know that they are having problems in selling their packages. One of the reasons for that is that the packages they have put together are inappropriate; they are packages that people do not want to buy.

The packages that are acceptable, or desirable as far as prospective visitors to South Australia are concerned, are selling. However, there is no reason for us to be unduly worried about that situation at this stage, because the Department of Tourism has indicated to these tour operators that it will assist them in either restructuring their packages, if they are not suitable and are not finding a reasonable market, and/or the department will take some of their accommodation off their hands and sell it separately. The expressions of fear about the possibility of losing thousands of dollars on these packages can be overcome. There is still time to restructure these packages and do something about it. The Department of Tourism is playing a very constructive role in assisting private tour operators to do that.

On the question of publicity, including maps of the course, I am not certain whether or not the travel centres in Sydney and Melbourne have these maps displayed. There certainly is a map on display in the travel centre in Adelaide, and I would be surprised if the same thing is not happening interstate. In relation to publicity going to newspapers in this State, maps of the course have been published on occasion. I expect that the same thing will be happening in other States of Australia. However, I will take up that suggestion with the Grand Prix Board and see what steps can be taken to ensure that a map of the course is made publicly available at least in newspapers in other States of Australia.

LEAVE OF ABSENCE: Hon C.W. CREEDON

The Hon. G.L. BRUCE: I move:

That two weeks leave of absence be granted to the Hon. C.W. Creedon on account of ill-health.

Motion carried.

NATURAL GAS PRICES

Adjourned debate on motion of the Hon. K.L. Milne:

1. That a select committee be appointed to inquire into and report upon—
   - *(a)* the current contractual agreements for the pricing of Cooper Basin gas sold to South Australia and New South Wales;
   - *(b)* the desirability of establishing a single price formula giving rise to the same well-head price for gas sold ex Moomba to South Australia and New South Wales;
   - *(c)* the role for Government action in the event of large price increases which are relevant to economic stability and growth in the State;
   - *(d)* the determination of a price formula that adequately protects the Electricity Trust of South Australia, the South Australian Gas Company and other major gas consuming industries, present and future;
   - *(e)* the Cooper Basin (Ratification) Act 1975 which covers the endorsement of the rights of the producers to enter into sales contracts and to report on the continuing obligations of the Government to preserve the agreements for the sale of natural gas endorsed by the Act;
   - *(f)* the impact of Commonwealth powers over gas supplies and sales, natural gas being a petroleum product;
   - *(g)* alternative sources of energy and methods of conserving energy; and
   - *(h)* any other related matters.
2. That in the event of a select committee being appointed, it consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order 389 be so far suspended as to enable the Chairman of the select committee to have a deliberative vote only.
3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

(Continued from 28 August. Page 572.)

The Hon. ANNE LEVY: On 28 August when I began addressing this motion I referred to the infamous Goldsworthy agreement that was signed on 12 October 1982, less than a month before the last State election, in a frantic bid by the previous Liberal Government to postpone any increase in the price of gas or electricity as a result of the 1982 gas price arbitration until after the election.

That deferment of tariff increases was extremely brief as the Electricity Trust of South Australia was forced to raise tariffs by 12 per cent immediately after the last election. It made it quite clear at the time that that increase was due entirely to the increases in the field gate price of gas which had arisen out of the arbitration and the subsequent Goldsworthy agreement. It should be noted that that short deferment in the increases was not achieved entirely at the expense of the Cooper Basin producers who were the beneficiaries of the Goldsworthy agreement. The Tonkin Government remitted the 5 per cent turnover levy on ETSA and SAGASCO for a period until the end of the 1982-83 financial year. The Cooper Basin producers had obviously carefully calculated just how far they could push the Government of that day, and clearly, short of actually directly subsidising energy supplies for a period, the Government had nothing else it could give.

The Cooper Basin producers concession at that time was to take only half of the 80 per cent increase in arbitrated price from the time that it retrospectively applied, 1 January 1982, until the date the arbitration was handed down, 9 September 1982. The full arbitrated price of $1.10 then applied from 10 September 1982 until the end of 1983, avoiding any arbitration in the 1983 calendar year. The Goldsworthy concession to the Cooper Basin producers for this phasing in of the price increase was to grant to the producers increases in excess of 20 per cent for the two subsequent calendar years. The price for 1984 was $1.33 a gigajoule. The price for 1985 was $1.62, which is the price still applying today.

It seems very strange that the previous Minister in another place thought it prudent to grant so substantial a set of increases, extending as they have done over a four-year period, when he was well aware that in the second year of those four another arbitration would be handed down in respect of the price of gas to the Sydney market under the AGL letter of agreement. That arbitration would be for a three-year period and might have a significant bearing on the prices obtainable by the Pipelines Authority of South Australia for the Adelaide market in subsequent years. It is certainly a testament to both his lack of foresight and his lack of judgment that in September 1983 the AGL arbitration was handed down giving Sydney a price of only $1.01 a gigajoule for the subsequent three-year period.

The former Minister of Mines and Energy probably also made a miscalculation in the prices which he was prepared to offer in respect of the inflation rate then applying and probably assumed that it could be extrapolated over the full four-year period of the contract. However, as we know, within six months of the contract being signed there were changes of Government both in this State and federally and the drop in inflation rates since that time is now a matter of record. Well, Governments and with them the quality of economic management do, fortunately, change, and in this case it has clearly been for the better, but in respect of that contract, the Goldsworthy agreement, it is the Cooper Basin producers who have enjoyed a windfall from that agreement and it is the energy consumer in South Australia and South Australian industry who have paid for that windfall.

The former Minister of Mines and Energy may be moved by what I have said to claim that he has been misrepresented and perhaps attempt to put the record straight, as he sees it. If he does so, I look forward to hearing his justification for the arrangements which he entered into. I am presently at a loss to put any construction on his actions other than that which I have put before this Council today. What is obvious is that the prices that he was prepared to agree to can certainly not have enhanced the position of the present Government in the current gas negotiations, nor would it have enhanced the position of PASA in any subsequent price arbitration. One is left to wonder why he did not challenge the 1982 arbitration decision when he had the opportunity. Instead, he must accept the responsibility for the single most important component of increased energy costs in this State over the past four years.

The Stewart committee gave some attention to the question of gas prices and it is worth reviewing its findings on that matter. The Cooper Basin producers took the position before the committee that their philosophy on the pricing of natural gas required that it be set at a level related to the price of the next alternative fuel to ETSA and SAGASCO, having regard to all costs including capital and fuel. That approach led the producers to argue that they should expect in 1988 a price of gas under the PASA Future Requirements Agreement of up to $3 a gigajoule in 1984 terms. The Pipelines Authority argued that, in the circumstances prevailing in the South Australian market, future pricing should take account of other factors, including the cost of production, the price which gas would obtain (if used in other applications), and the special consideration which the State of South Australia could rightfully expect for use of its own resources.

The Stewart committee noted that the producers showed considerable reluctance in accepting PASA's views, and in understanding that a major portion of the ETSA gas market is at risk. That latter point must have been brought home to them this year (1985) in a very clear way when ETSA proceeded with environmental studies and detailed engineering design for a partial conversion of 400 MW of generating capacity at Torrens Island to black coal, and in August ETSA called for registrations of interest for the supply of 800 000 tonnes a year of black coal. That conversion at Torrens Island will proceed if satisfactory arrangements for the supply and pricing of natural gas are not completed.

The Stewart committee received advice on the cost of gas ex field including future discovery: that figure was approximately $1.30 a gigajoule in 1984 terms. The committee also received advice on the ex field value of gas at Moomba, if the gas were used in alternative applications. These studies showed that the ex field netback value of gas in the production of liquefied natural gas for export, methanol, mixed alcohols, gasoline from methanol, urea, and as an octane enhancer, would be approximately in the range of $1.00 to $1.30 a gigajoule. It was also pointed out that the markets for these commodities were weak and were likely to remain so. The Stewart committee concluded that:

> The prices nominated by the producers appear to indicate extremely high expectations and are such as to inhibit considerably the future use and consequent advantage to South Australia of a major local resource. Such prices would not allow gas to be used as a base-load fuel and would result in a significantly reduced demand for use in intermediate and peak load duties over the longer term.

When one looks at the Goldsworthy agreement, with its massive gas price hike of 165 per cent over four years, one is left wondering whether the former Minister in another place did not share these high expectations about the ultimate direction of natural gas prices, estimated by the Stewart committee. The question of gas prices has received some considerable airing over the past three years, and the South Australian community has experienced the full effect of those price arrangements over that period, to the detriment of consumers.

I am confident that this Government will not replicate in the present gas negotiations any of the follies of the former Minister, and it is apparent from the very clear assessments of the underlying contractual problems set out in the report of the Stewart committee that the Government is addressing the supply questions in a very thorough manner. As there are a number of further aspects of this matter that I would like to discuss at another time, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

BUDGET PAPERS

The Hon. C.J. SUMNER (Attorney-General): I move:

That the Council take note of the papers relating to the Estimates of Payments and Receipts, 1985-86.

These papers have been tabled, and the motion is moved to provide members with the opportunity to debate aspects of the budget prior to the formal introduction of the Appropriation Bills into this Council. This has become common practice in recent years, providing members with the opportunity to give their second reading speeches, in effect, on the budget in anticipation of its introduction.

The Hon. M.B. CAMERON secured the adjournment of the debate.

ASSOCIATIONS INCORPORATION ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) sought leave and introduced a Bill for an Act to amend the Associations Incorporation Act 1985. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

The principal Act passed earlier this year regulates some 7 000 incorporated associations on the register at the Corporate Affairs Commission. In conformity with Government policy to have effective legislation in this area, regulations were prepared as a matter of priority and the Act was brought into force on 28 June 1985.

The Act provides for the lodgment with the Corporate Affairs Commission of annual and triennial returns by incorporated associations. The intent of these provisions is that they should first apply to associations which balance on 30 June, in the financial year ending on 30 June 1986. This provision was seen as giving incorporated associations adequate lead time to become familiar with the new requirements and to arrange their affairs accordingly. It has been put to the Corporate Affairs Commission that the provision relating to triennial returns could be interpreted as requiring the first of such returns to be lodged by 1 September 1985. The purpose of one of the amendments proposed in this Bill is to put beyond doubt that the first of such returns is not required until at the earliest 1 September 1986.

This opportunity is being taken to propose another three minor amendments, which correct minor inconsistencies and make for greater clarity in the principal Act. All four amendments are of an administrative nature. They do not have the effect of imposing any additional obligations, or expense of any kind, on incorporated associations. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure shall be deemed to have come into operation on 28 June 1985, the date of the commencement of the principal Act. Clause 3 alters the definition of 'special resolution' to cater for the situation where the rules of an association do not provide for its membership.

Clause 4 proposes an amendment to section 24 of the principal Act to provide that an alteration to the name of an association does not come into operation until it is registered by the commission (other alterations will generally come into effect upon their passing). The amendment accords with the powers of the commission under subsection (5) in relation to names.

Clause 5 subsitutes 'Commission' for 'Treasurer' in section 46 (3). This subsection allows for commission to be charged by the Commission when it is exercising its powers under the section in relation to the disposal of outstanding property. It is proposed that the commission initially be credited to the Commission instead of the Treasurer.

Clause 6 amends section 51 (6) to ensure that the first return period of an association that was incorporated under the repealed Act is determined from 1 July 1985 (the Act having come into operation on 28 June 1985).

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 10 September. Page 753.)

The Hon. R.J. RITSON: The Opposition supports this Bill. It does, as the Minister said in introducing it, do two quite different things: the Bill provides for a more streamlined method of approval for the erection of stop signs. Previously, the requirement was that there be approval in writing from the Road Traffic Board.

Under this Bill the local authority or the police will now be able to perform their duties in relation to stop signs with approval from the Road Traffic Board. I assume that this simply means that matters can be dealt with by telephone. I have no objection to this move, which represents a very small reduction in the amount of bureaucracy in Government, and to that extent I applaud it. Likewise, it is fairly obvious that, whereas the Road Traffic Act currently exempts ambulances from certain requirements because of the urgency of their duties, other emergency vehicles deserve the same degree of protection. This Bill corrects that anomaly. I support the second reading.

The Hon. FRANK BLEVINS (Minister of Labour): I thank the Hon. Dr Ritson for his response on behalf of the Opposition. As the Hon. Dr Ritson said, it is a very small Bill, but it achieves a couple of important and necessary things. I again thank the Hon. Dr Ritson for the assistance he has given the Government in the speedy passage of the Bill.

Bill read a second time and taken through its remaining stages.

VALUATION OF LAND ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 September. Page 753.)

The Hon. DIANA LAIDLAW: The Opposition welcomes this amendment to the Valuation of Land Act to enable properties included on the State Register of Heritage Items to be valued on the basis of their actual use rather than

their potential use. As the Minister noted in his second reading explanation, at present the Valuer-General is required to value heritage listed properties on the basis of sales of similar land which may be influenced by potential for more intensive development or higher use, regardless of the fact that the State heritage classification prohibits more intensive development or higher use on a particular site.

Therefore, owners of heritage property are at present unreasonably discriminated against in calculations for water and sewerage rates and charges, council rates and land tax. Since the introduction of the Australian Heritage Commission Act in 1975 and the South Australian Heritage Act in 1978, pressure has been mounting for the introduction of fiscal measures that can be applied to privately owned heritage property. To date, responsibility for the substantial costs associated with the conservation and restoration of heritage properties is shouldered entirely by the landowner.

This responsibility, in the view of the Opposition, is neither fair nor equitable considering that such buildings are a valuable asset to the whole community now and in the future. For some years Governments have provided financial assistance to owners and developers of heritage properties by way of grants and low interest loans. The need to extend this assistance and a range of options by which to do so were assessed by Mr Peter Edwards and Mr Norman Thompson in a report they presented to the Government in June 1985 entitled 'Fiscal incentives for heritage conservation'. The report found that there is a case on the grounds of equity for public intervention in the maintenance of private heritage assets, and supported the adoption of fiscal incentives by all three tiers of government—local, State and federal.

With respect to the State level of government the report proposed in part, and I quote:

> A change in the basis of valuation of heritage properties from the highest and best potential use to actual use.

As I said at the outset, the Opposition welcomes the fact that the Government has not only endorsed this proposal but also introduced legislation to rectify the situation. I understand similar provisions already exist in New South Wales and Victoria, which are the only two States other than South Australia that maintain registers of heritage properties. It is also important to recognise that the principle of valuing land on the basis of actual use rather than potential use already applies in South Australia for the valuation of farmland which is adjacent to urban fringe or in close proximity to a town.

With respect to this Bill, I understand that the main beneficiaries will be the owners of heritage property in the city of Adelaide area, as land taxes do not apply to suburban residential buildings. The owners of Rymill House, for instance—which for taxation purposes has a land value of $560 000—will save about $3 800 in a year under the new plan. As property values increase in the future the passage of this legislation will furnish owners of heritage property with increasingly substantial savings. This is a positive incentive which will help to encourage the ongoing maintenance and restoration of heritage properties. On behalf of the Opposition, I support the second reading.

The Hon. FRANK BLEVINS (Minister of Labour): I thank the Hon. Miss Laidlaw for her contribution on behalf of the Opposition and also for the assistance that she has afforded the Government in getting this measure through the Council so quickly.

Bill read a second time and taken through its remaining stages.

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 September. Page 755.)

The Hon. DIANA LAIDLAW: The Opposition supports this Bill, as amended in the other place, and we acknowledge the strong community support in favour of the measures proposed and the urgent need for legislative change in order to provide a more effective means to protect heritage items in situations where planning controls do not provide a sufficient level of protection at present. Prior to addressing the substantive amendments in relation to the application of conservation orders and also the powers of inspectors, I plan to refer to a number of the so-called machinery amendments which aim to make the operation of the existing law more effective. The Government has expanded the functions of the South Australian Heritage Committee which hitherto were confined to advising the Minister on any matter relating to the entry or removal of an item on the register, on the provision of financial assistance for the preservation and enhancement of registered items and State heritage areas, and on any matter or thing relating to the physical, social or cultural heritage of the State that may be referred to by the Minister.

The amendments to section 8 of the principal Act will enable the committee to give unsolicited advice to the Minister. I believe that this change signals that we in this State have come of age, in terms of our concern for heritage and heritage conservation, and that we now respect the value of conserving our heritage in this State. When the Act was first passed in 1978 it was clear that the Government and the legislators of the day were tentative as they moved into this uncharted area, and as a consequence were keen to maintain a tight and close ministerial rein or check on the committee and its deliberations. Since that time the committee has worked conscientiously and sensitively and I believe it has won the general respect of the community. It is therefore time that the committee was entrusted with the responsibility to provide advice to the Minister on matters which the committee believes the Minister should receive advice on—not simply matters on which the Minister wishes to receive advice.

In addition, it is interesting to note that the present functions of the committee in terms of the provision of advice to the Minister on financial assistance for the preservation or enhancement of registered items and State heritage areas have been extended to include the environmental, social and cultural heritage of the State. It is important that these factors are seen as central to the question of heritage conservation and that they are equally deserving of recognition for any fiscal incentives that may be available to encourage the ongoing maintenance and restoration of these assets.

The Government also seeks to expand the description of the components from which heritage significance is derived for registration purposes. The present considerations are that an item is of significant aesthetic, architectural, historical or cultural interest. It is proposed to extend these considerations to include archeological, technological or scientific interest. This is an important amendment which reflects a more mature attitude to heritage and heritage conservation.

Certainly I, the Hon. Murray Hill and the Hon. Legh Davis, among others in this Chamber, have highlighted a concern that the focus of heritage value has tended to concentrate on the area of architectural merit to the exclusion of other factors. This concern does not dismiss the importance of external architectural or aesthetic qualities but suggests that these components alone should not dom-

inate, for example, over questions such as social heritage or the relationship of the building to people.

The amendment acknowledges that heritage significance can be derived from a variety of different characteristics of an item or area and, as such, goes a long way towards developing a broader perspective on heritage. I hope, in turn, that community attitudes to heritage will respond and that we will witness in this State an interest and concern for heritage that is not generally confined to architectural qualities alone. The Government has also provided for the use of the term 'environmental' rather than 'physical' throughout the Act, for it is found—I believe with justification—that the term 'physical' has not been readily understood as including the natural features of the land. These features are a significant part of our heritage and it is appropriate that confusion in this area is eliminated and that Parliament's intention is placed beyond doubt. I also wish to refer to clause 6, which inserts a provision binding the Crown.

This amendment was moved by the Opposition in the other place, and I am heartened that the Government, albeit somewhat reluctantly, recognised its importance. I have argued on at least two occasions in the past—when moving the motion in April last year registering this Council's strong objection to the manner in which the Government used section 6 of the Planning Act to achieve the demolition of A block at Yatala Labour Prison, and a fortnight ago when speaking to a motion moved by the Hon. Mr Davis condemning the Government's decision to secretly destroy the historic stables at Yatala Labour Prison—that the Government by its action was setting double standards in relation to heritage conservation. These two cases amplify the fact that the Government's approach to heritage smacks of a 'do as I say' and not 'do as I do' attitude.

If we are to be successful in the preservation and conservation of our scarce and dwindling stock of historically important buildings and in educating the community to respect the integrity and value of our built heritage items, the Government must be seen to be setting a positive example and, at the very least, to be upholding and not exempting itself from the high standards it requires others in the community to follow. The Government's decision to accept the Opposition's amendment to bind the Crown will not bring back A block or the historic stables, but the measure will help to ensure that such shoddy and underhand practices are unlikely to be repeated.

By far the most significant amendment to the legislation provides for the declaration of conservation orders. The Opposition respects the need for these orders. As the Minister noted in his second reading explanation, at present the only protection available for places on the Register of State Heritage Items or Areas is that which operates under the Planning Act 1982, where development of an item is proposed. This source of protection depends solely on an owner wanting to undertake a development. However, there is a variety of other threats to heritage items in areas beyond the potential actions of owners. Heritage items which are ruins, archeological sites and historic monuments, for instance, are subject to fossicking, deliberate excavation, destruction and vandalism which cannot be effectively managed through the present development control procedures.

Only last week at Martindale Hall the lessee, Mr Philip Adams, showed the Hon. Legh Davis, myself and others evidence where fossickers had removed a large amount of stone from the exterior wall of the stable yard. These fossickers (indeed, they are vandals) are slowly but surely destroying the stables. However, Mr Adams and others are powerless to stop their actions. The amendments to introduce conservation orders will help to provide some measure of protection in the case of the Martindale Hall stables. In general, the Minister will apply the conservation order to a heritage item or area only after consultation with the South Australian Heritage Committee and the owner or any other interested person. However, the Bill also provides for the urgent declaration of a conservation order to apply on the discovery of an important heritage site or the emergence of new threats to a registered heritage item or area.

Initially, it was the Government's intention that an urgent declaration of a conservation order would apply for a maximum period of six months unless confirmed or revoked sooner. The Opposition objected to this proposition, recognising that there should be no need for the necessary investigations to be dragged on for six months. The urgent application of a conservation order requires an urgent investigation.

The Opposition welcomes the Government's acceptance of this argument. The Bill now provides that an urgent declaration of a conservation order will apply for a maximum period of 60 days unless confirmed or revoked sooner. Provision has also been made to seek from the Planning Appeals Tribunal an extension of an urgent conservation order for a period not exceeding six months. I acknowledge that the proposed conservation orders and inspectorial powers may seem somewhat authoritarian to some interests in the community, but I believe that in practice it is unlikely that such orders will be declared on many occasions. Nevertheless, such orders are necessary and are important measures to counter actions of ill will and ill intent.

The Urban Development Institute of Australia, for instance, has criticised the Bill, particularly the Government's original Bill, stating that it negates the need for the heritage committee, local councils and others to plan ahead and compile a thorough and well researched register of heritage items. It is argued that the Bill will encourage a piecemeal approach to heritage items and, consequently, will cause continued uncertainty for both property owners and developers. While I believe, as I stated earlier, that the measures outlined in this Bill are important, I do have some sympathy for the arguments outlined by the institute which, incidentally, have also been supported by the Builders, Owners and Managers Association.

The Opposition has argued strongly in the past that there is an urgent need to expand the capacity of the heritage committee and the heritage branch to identify and register buildings of heritage value. At present the incomplete nature of the list and the backlog in processing applications is frustrating those who are interested in heritage conservation, owners and developers alike. Equally, there is a need to encourage all councils to undertake a survey of their area to identify heritage items. Unless more action is taken to complete the register substantially as soon as possible, the Government will be undermining other constructive measures which it has taken and which have been taken by previous Governments to promote the restoration and rehabilitation of places of historical, cultural, scientific and architectural significance.

In addition to completing the register as soon as possible, we must recognise the urgent need to provide incentives so that owners of heritage items restore and rehabilitate their properties. We saw one example of such a fiscal incentive in the amendments to the Valuation of Land Act Amendment Bill. I would hope that, in addition to measures such as this to extend the powers of the South Australian Heritage Act and the powers of the Minister under this Act, the Government will introduce fiscal incentives to help owners of heritage property. I support the second reading.

The Hon. M.B. CAMERON (Leader of the Opposition): I support this Bill. It will certainly assist in many areas, for example in relation to built heritage, but there is another

area that has caused me concern over quite a period, and I have raised this matter in the Council from time to time. On one occasion the Hon. Ms Levy helped me find out the answer to a question in relation to damage to what I considered a heritage area, and I was grateful to her for that assistance.

There is a lot of living history in the north of the State—I do not mean living history in the sense of its being alive but in the fact that it is still there and has remained relatively untouched. Unfortunately, the increased mobility of people, especially those with four-wheel drive vehicles, and considering that people have more time on their hands, has meant that there is growing concern in some areas that areas and items that are still identifiable could be damaged irreparably. I refer first to the area around Innamincka, an area commonly known as Burke and Wills country, where already very serious damage has been caused by people who obviously do not have legs or, if they have legs, they do not like to use them: they get into their vehicles and drive as close as possible to every single tree and area of interest. I believe that at times they do not even get out of their vehicle to look: they peer through the windows and on they go, but in the process they do enormous damage to the area. It seems to me and to people living in the area that, inevitably, if those people stop they take out their chain saws and down come the trees and anything that looks like firewood is taken. They have no real interest in what the area will look like when they leave.

The Hon. J.C. Burdett: That is disgraceful.

The Hon. M.B. CAMERON: It is. It concerns the people who live in that area and who, in some cases, rely on tourists. A group led by a Mr Roger Collier went on what was called the Lake Massacre expedition. I understand that a lot of material is available in the National Parks and Wildlife Service about the damage that this group caused to the Lake Massacre area. I suppose that one can never prove that the damage was done by those people, unless they admit it, but there were examples of camp sites at which plenty of rather large trees had been cut down with chain saws and made into camp stools. The mess that was left was quite horrific. This gentleman put out a document describing his trip in fairly glowing terms and I guess it is nice that people take the trouble to search through a bit of our history.

The Hon. Diana Laidlaw: Is that a compliment to you?

The Hon. M.B. CAMERON: No, but it is nice that interstate people do that. I have had some interest in this matter because, as the Hon. Miss Laidlaw said, I took an interest in the explorer, particularly the explorer who went to Lake Massacre, and I was disturbed at what I found. Mr Collier was searching for a tree below which a memo from Mr McKinlay, a very wellknown explorer in the 1860s, was buried. The document states:

> We searched, individually and as a group, for any tree which showed signs of a blaze. We stood on the western sand ridge and tried to find in the dried lake bed contours which matched those represented in Hodgkinson's map. We excavated around one tree in a likely site . . .

They were searching for a tin with a memo inside it. If it was still in one piece, that was the worst possible thing that would have been done. If the tin or the airtight jar had still existed, and if the spade had gone through it, that would have been the finish of it.

It is worrying that some people with an obvious interest in the first place have no concept of how to go about rediscovering what obviously would be an extremely historic relic. Individuals with no knowledge of these matters should not be left to do that. These people then examined every tree on the western side, some injured trees were examined and the regrowth cut back, all without result. Who authorised this person to cut back the regrowth on trees when looking for old explorers' marks? How did they do it? Did they obtain any advice about it? I know that the answers are 'No'. They concluded that the tree that marked McKinlay's camp site had been destroyed. They went on to say that they found:

> . . . a large square blaze on one tree, exactly like those contained in contemporary drawings of McKinlay's camps. The blaze had almost completely regrown before the tree died, leaving only a small, triangular area of the original face visible, on which we could see steel axe marks. The regrowth was gently dished, like a dinner plate on a table . . . it was about 10 centimetres thick, thinning to only a few millimetres near the centre.

In relation to finding that, the article states:

> John and I could not contain ourselves and began to remove the thinner part of the regrowth from the blaze. We were disappointed to find that termites had been active beneath the regrowth, and had totally destroyed the face of the blaze. Not one letter could be seen.

After they photographed it, they carefully removed the remaining regrowth and coated the blaze with preservative. I know a person who has been there and has seen what was done to this tree. The tree was dead and there was to be no further regrowth on it. It did not need to be touched. Yet, these people took to it with chisels and straightened it out to the point where they thought it was a bit better. If ever there was a need for a heritage Act with an ability to declare certain areas as heritage areas, this example epitomises that need.

It is a matter of great concern that we have not in the past had the ability to take action in these areas. Many of these areas need to be identified and declared. I know that people living in the north would only be too happy to assist. A number of very historic markers and cairns of stones were left by people over 100 years ago around Lake Eyre. Other markers also need to be identified and kept aside. Until this day even the local people do not know the history of them. People I have spoken to are interested in assisting to identify and preserve these items. One of the problems is that the moment one declares a heritage item in a fragile area and it is identified, one gets irresponsible tourists doing things with them because they are very difficult to supervise constantly.

I know that fines will cause people to think again, but it is very difficult to decide whether or not to identify an area physically in some way, and whether that can cause additional problems. On balance, I believe that it is better to have legislation in place and have the items identified. This legislation will not be of any use unless funds are available to assist in policing these areas. There has to be a greater commitment in this regard—if not a greater commitment, then a diversion of resources from other areas.

It is becoming very difficult for local people to keep an eye on these things. They need some assistance. The National Parks and Wildlife Service has officers at Leigh Creek who cover almost the whole of the north of the State. For instance, last year I think they received a call about someone shooting ducks on lakes out of Innamincka. It is one heck of a trip for a wildlife officer to get from Leigh Creek to Innamincka—a good six or seven hours—and by the time he gets there the ducks have literally flown off in the back of vehicles. Locals have a heavy role to play and we should consider what resources can be made available to assist in this matter.

I trust that this Bill will assist the heritage group in the department in its worthwhile work. I believe we should take more interest in the history of our State. Many people in the State are prepared to assist, but become frustrated about the inability to stop this damage. I hope that this Bill will stop interstate people who come over here perhaps with the best of intentions, but who do not understand what they

are doing and that they are causing damage. I support the Bill.

The Hon. L.H. DAVIS secured the adjournment of the debate.

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 29 August. Page 647.)

The Hon. K.L. MILNE: As I indicated in relation to the Native Vegetation Management Bill, I am pleased to support this Bill because it results in the financial burden of vegetation management being shared by others living in the area whose land has been substantially cleared. I wished to amend the Native Vegetation Management Bill, but I was informed, and agreed, that my amendment should apply to this Bill. This idea was promoted by the Legislative Council Select Committee on Native Vegetation Clearance, which I initiated and of which I was a member. It seemed fair to members of the committee that the cost of conserving native vegetation should be shared by all levels of the community as far as possible.

Individual landholders are contributing significantly as the State Government's financial assistance does not apply to the first 12½ per cent of a person's holding. The State Government is making a significant contribution with financial assistance, as well as management assistance in the form of fencing and weed and pest control. The State Government is further seeking support from the Federal Government to apply personal income tax concessions in relation to the management of native vegetation. The committee considered this matter and found that it would be extremely difficult to give concessions of this kind, particularly to farmers who may not be paying income tax. However, it is worth while proceeding with the request to the Commonwealth, and I am glad that that is being done.

This Bill ensures that the contribution towards native vegetation clearance management is made at the local government level by releasing the landholder from paying council rates as well as State rates and taxes on the land covered by the heritage agreement. It is not considered necessary for councils to be reimbursed for the rates waived, and I will refer to this shortly. However, the provision will not take effect until the passing of one full year after the heritage agreement is signed, allowing the council to restrike its rate on the remaining council area.

Members interjecting:

The Hon. K.L. MILNE: I knew that members opposite would be interested in my remarks.

The ACTING PRESIDENT (Hon. G.L. Bruce): Order! There is too much audible conversation.

The Hon. K.L. MILNE: A council can collect the same rate revenue as before because it will have time to make that adjustment. In reality, the cost of this scheme to other ratepayers will be very low. I have prepared some estimates of the costs worked out for three district councils which have large scrub areas in three different but significant areas of the State. For example, if the total area of scrub now standing in the Kingscote District Council area became the subject of heritage agreements (and that is very unlikely) the total amount of rates waived would be in the vicinity of $8 700 per annum or about 1.3 per cent of that district council's rate revenue. As a result, the council would have to increase its rates by .005 cents in the dollar. If that happened, the owner of a $100 000 property who presently pays $390 a year rates to that council would pay $395 a year, an increase of only $5 a year. The figures for the District Council of Lincoln would be: rate revenue forgone $11 000; rates collected, $681 000; 1.4 per cent forgone. The annual rate paid on a $100 000 property in that council district is $528, so the rate payable after adjustment would be $537, an increase of $9 per annum to the ratepayer.

In the District Council of Tatiara the result would be much the same in that the extra payment for each ratepayer would be $9 per annum. This would mean that people living in the country, and in the towns, would be required to pay a little more, but so they should. I believe that these adjustments and this method of helping people with a heritage agreement should be spread as widely as possible, probably extending eventually into the metropolitan council areas, particularly if some of those areas saved are to be made into public parks with access for picnickers and so on.

I am disappointed about one aspect of the Bill and I will seek an amendment during the Committee stages in relation to the extent to which this provision can apply. This Bill was amended in another place to exclude the provision applying to heritage buildings. That is sensible for the present and I agree with it. The concept of applying such measures to heritage buildings has not been costed, to my knowledge, although perhaps the idea is worth examining in future (I think that it probably is, but not just now).

In my view, the amendment went too far. As the Bill presently stands, the local council rating exemption will only apply to vegetation heritage agreements entered into following restrictions being placed on clearances under the Native Vegetation Management Act, 1985: that is, it will only apply to virtually compulsory heritage agreements. This discriminates between the heritage agreements and those sought out voluntarily some years ago by landholders who wanted to conserve their scrub. I think that there are about 100 in the pipeline. It would be ironic indeed, and counterproductive, if a farmer could only get rate relief by threatening to clear his land: that is, if a farmer had already entered into a heritage agreement voluntarily (having the State's interest in mind) and if the only way he could get relief (as distinct from those coming under the new Act) was to threaten to clear his land and then perhaps be given the right to clear some, which he might then do; that would be a foolish situation, indeed.

I will be dealing with this matter at greater length during the Committee stages of the Bill. I will move an amendment which I think will set this matter straight. That amendment has been circulated and is in the hands of members of this Council. I support the Bill in principle.

The Hon. M.B. CAMERON secured the adjournment of the debate.

ADJOURNMENT

At 4.32 p.m. the Council adjourned until Thursday 12 September at 2.15 p.m.