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JOINT COMMITTEE ON PUBLIC WORKS

Reference: Proposed Commonwealth Law Courts, Adelaide

FRIDAY, 27 APRIL 2001

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JOINT COMMITTEE ON PUBLIC WORKS

Friday, 27 April 2001

Members: Mrs Moylan (*Chair*), Mrs Crosio (*Vice-Chair*), Senators Calvert, Ferguson and Murphy and Mr Forrest, Mr Hollis, Mr Lindsay and Mr Ripoll

Senators and members in attendance: Senator Ferguson and Mr Hollis, Mr Lindsay, Mrs Moylan and Mr Ripoll

Terms of reference for the inquiry:

Proposed Commonwealth Law Courts, Adelaide

WITNESSES

DOOGAN, Mr Christopher Matthew, Chief Executive and Principal Registrar, High Court of Australia.....	2
DOOGAN, Mr Christopher Matthew, Chief Executive and Principal Registrar, High Court of Australia.....	30
FISH, Mr Michael Francis, Manager, Executive Branch, Attorney-General's Department	2
FISH, Mr Michael Francis, Manager, Executive Branch, Attorney-General's Department	30
FOSTER, Mr Richard, Chief Executive Officer, Family Court of Australia	2
JACKSON, Mr Barry Raymond, Assistant Secretary, Property Group, Department of Finance and Administration	2
JACKSON, Mr Barry Raymond, Assistant Secretary, Property Group, Department of Finance and Administration	30
MAY, Mr Peter, Chief Executive Officer, Federal Magistrates Service	2
MORTIER, Mr Philippe, Chief Project Officer (Architect), Urban Design Unit, Planning South Australia, Department for Transport, Urban Planning and the Arts.....	28
MOSELEY, Mr Stuart, Acting General Manager, City Strategy, Adelaide City Council.....	20
PHELAN, Mr Andrew Michael, General Manager, Organisational Performance, Family Court of Australia	2
PHELAN, Mr Andrew Michael, General Manager, Organisational Performance, Family Court of Australia	30
SHANNON, Mr Timothy, Managing Director, Hassell Pty Ltd.....	2
SHANNON, Mr Timothy, Managing Director, Hassell Pty Ltd.....	30
SODEN, Mr Warwick Graeme, Registrar and Chief Executive, Federal Court of Australia	2
WELLS, Mr Peter, Senior Conservation Architect, Heritage South Australia, Department for Environment, Heritage and Aboriginal Affairs.....	25

Committee met at 10.43 a.m.

CHAIR—Good morning to everyone. I now declare open this public hearing into the proposed Commonwealth Law Courts, Adelaide. This project was referred to the Public Works Committee on 8 February 2001, for consideration and report to the parliament. In accordance with subsection 17(3) of the Public Works Committee Act 1969:

(3) In considering and reporting on a public work, the Committee shall have regard to the following:

- (a) the stated purpose of the work and its suitability for that purpose;
- (b) the necessity for, or the advisability of, carrying out the work;
- (c) the most effective use that can be made, in the carrying out of the work, of the moneys to be expended on the work;
- (d) where the work purports to be of a revenue-producing character, the amount of revenue that it may reasonably be expected to produce; and
- (e) the present and prospective public value of the work.

Earlier this morning the committee, minus me as chair, received a briefing and inspected the site of the proposed work. The committee will now hear evidence from the Department of Finance and Administration, the Adelaide City Council, Heritage South Australia and Planning South Australia. I now call on representatives of the Department of Finance and Administration, who will be sworn in by the assistant secretary.

[10.45 a.m.]

DOOGAN, Mr Christopher Matthew, Chief Executive and Principal Registrar, High Court of Australia

FISH, Mr Michael Francis, Manager, Executive Branch, Attorney-General's Department

FOSTER, Mr Richard, Chief Executive Officer, Family Court of Australia

PHELAN, Mr Andrew Michael, General Manager, Organisational Performance, Family Court of Australia

JACKSON, Mr Barry Raymond, Assistant Secretary, Property Group, Department of Finance and Administration

MAY, Mr Peter, Chief Executive Officer, Federal Magistrates Service

SHANNON, Mr Timothy, Managing Director, Hassell Pty Ltd

SODEN, Mr Warwick Graeme, Registrar and Chief Executive, Federal Court of Australia

CHAIR—I welcome you to this hearing. The committee has received a submission and several supplementary submissions from the department. These submissions will be made available in a volume of submissions for the inquiry and they are also available on the committee's web site. Does the department propose any amendments to any of the submissions it has now made to the committee?

Mr Jackson—Yes, we do, Madam Chair. The amendments are (1) replace the existing drawings with the revised drawings as detailed in the revised drawings schedule; (2) section 29, page 27, an updated schedule of drawings has been issued as a page amendment to match the revised drawings; (3) paragraph 42, line 4, delete '0.09 billion' and insert—

CHAIR—Mr Jackson, you have actually given us those amendments. Unless there are any further amendments to the ones the committee received last night and this morning in a supplementary paper, then we do not need to go through all of those.

Mr Jackson—There are no further amendments, Madam Chair.

CHAIR—Thank you very much. I now invite a representative of the Department of Finance and Administration to make a brief opening statement and we will then proceed to questions. Thank you.

Mr Jackson—In 1987 the then government endorsed a program to provide distinctive and purpose-designed Commonwealth law courts buildings in each capital city to accommodate the courts and their associated staff and facilities. These buildings have a requirement to fulfil the symbolic function of portraying the significance, transparency and accessibility of the Commonwealth court system in Australia.

Adelaide is now the only state capital that does not have a purpose-built Commonwealth law courts building. The proposal before the committee today is for the construction of the purpose-built Commonwealth law courts building in Adelaide to be located in the legal precinct of Victoria Square. The proposed building will provide accommodation for the Commonwealth jurisdictions including the High Court of Australia, the Federal Court of Australia, the Family Court of Australia and the Federal Magistrates Service.

The Commonwealth acquired a vacant site in King William Street, Adelaide, in 1970 to permit the development of a new courts complex. The Commonwealth subsequently entered into an agreement to exchange the King William site with a more appropriate site owned by the government of South Australia on Angas Street. The Angas Street site is approximately 0.4 hectares and currently accommodates the South Australian police building and vacant South Australian Housing Trust premises.

The site is located on the south-eastern corner of Victoria Square which is central to the city of Adelaide and contiguous to the existing courts precinct, which contains the magistrate's court, Supreme Court and the Sir Samuel Way building. Under the terms of the agreement with the government of South Australia, the Commonwealth will be provided with a clear, unencumbered site to allow the new development to proceed.

In Adelaide the Commonwealth jurisdictions, other than the High Court, operate from leased office premises that have been adapted in an expedient manner for court purposes. The High Court does not currently have dedicated premises in Adelaide and uses the state owned facilities of the Supreme Court of South Australia. The Federal Magistrates Service does not have its own facilities in Adelaide. It uses chambers, registry services and courtrooms operated by the Federal Court and the Family Court under arrangements made with the two courts, pursuant to the Federal Magistrates Act.

The existing accommodation does not satisfy the basic security, operational growth and access requirements of the court users, including the judiciary, legal practitioners, court staff and the public. This results in inefficiencies in work and high staff turnover and high levels of stress for the public and staff.

Security in court facilities is extremely difficult to provide in commercial premises. This was one of the main reasons for the implementation of a Commonwealth courts program. The level of security provided in the existing Adelaide courts is below the standard set in other Commonwealth law courts buildings. The restricted floor plans of commercial premises constrain court processes operationally and functionally.

Issues such as appropriate and discrete waiting areas, unobstructed and column free sight lines, increased ceiling heights in courtrooms, separate circulation spaces and acoustic separation are among the many deficiencies of the existing accommodation. The existing accommodation does not meet the current workload requirements and has limited scope to meet the court's projected growth and workload. Expansion can only be met by leasing further space in the building if vacancies coincide with our requirements. Such a strategy is likely to result in occupancy of noncontiguous floors which would have further detrimental effects on court operations.

The proposed design responds to the fundamental and specific requirements of the court users, including future growth and changes in court procedures. The design complements the surrounding built environment and provides an appropriate landmark building to complete the legal precinct of Victoria Square. Construction is planned to commence in early 2002, by which time the state government will have demolished the existing buildings and transferred a clear site to the Commonwealth. Construction activities will bring significant economic benefit to the region.

Funding for the proposal was originally approved by the government in the context of the 1999-2000 budget at an out-turn cost of \$73.7 million, based on the government of South Australia making the site available by July 2001 and a completion date of December 2002. As the land exchange agreement between the Commonwealth and the state now provides for the site to be available by 31 December 2001 and the estimated construction period and relocation period is now 24 months, rather than 18 months as previously envisaged, the building completion date has extended to December 2003. The Acting Minister for Finance and Administration recently approved additional funding, if required, for the adjusted construction period and the revised limit of cost estimate for the proposal. It is \$76.6 million including indexation to December 2003.

Consultations with the proposed users and with other stakeholders have continued throughout the design phase and have assisted the design process, resulting in a number of changes since the evidence and drawings were first submitted in November 2000. These changes have been incorporated into new drawings which were recently presented to the Adelaide City Council, South Australia Planning, Heritage South Australia and the Australian Heritage Commission. The changes have received support and I believe address most of the concerns raised by these groups in their submissions to the committee. For example, council's concerns regarding the site permeability have been addressed by the provision of pedestrian access from Nelson Street to Angas Street; the western ceremonial court block has been modified to fit more comfortably with the adjacent heritage classified magistrate's court and the facade design has been simplified. Finally, I commend the proposal to the committee.

CHAIR—Thank you very much. There are two or three questions I have. One is in regard to the current premises being leased. I wonder if you could explain for the record, please, why in 1995-96 you sought to renew leases and to undertake a fit-out of the existing premises when it was fairly clear that this development was anticipated? I understand those leases run to 2005 and 2006. I wonder if you would also tell us what the cost was of the fit-out to the current premises?

Mr Jackson—The existing leases with the jurisdictions in the current building are with a private sector party, directly between the individual jurisdictions which occupy that building and the private sector. In that case I would ask Michael Fish, from the Attorney-General's Department, to answer as it may be more appropriate, or individual jurisdictions. Sorry, I correct that, the individual jurisdictions. On behalf of the Family Court I would ask Andrew Phelan, in the first place, to respond.

Mr Phelan—I do not think we did any full fit-out after the lease was renewed.

CHAIR—It says a limited fit-out.

Mr Phelan—Yes. It was, I guess you could call it, palliative care in certain of the court facilities to improve their usability for a period of time. We did that about five years ago.

CHAIR—What was the cost?

Mr Phelan—I do not have that cost, but it would have been less than \$250,000.

Mr Jackson—For the Federal Court perhaps ask Warwick Soden.

Mr Soden—Madam Chair, I do not have the precise fit-out cost that we incurred, but I can inform the committee that we were able to fund that cost from rental incentives which we achieved from the lease. When we first occupied the accommodation we inherited the fit-out as it was. We were able to make those changes, as I said, from the incentives we were able to produce with the lease negotiations. I am sorry, I just do not have the precise costs with me at the moment.

CHAIR—You might let the committee have that information at some stage.

Mr Soden—Certainly we can take that on notice and provide it for the committee.

CHAIR—Also, in regard to the leases that have been entered into until 2005-06, what does the future hold in terms of being able to re-lease those premises?

Mr Jackson—The decision to commence construction now was made as a direct response to addressing the security and other issues that we have already addressed this morning. There is a period of potentially 18 months to two years where it will be necessary for the respective jurisdictions to negotiate with their landlord an early release from the rented premises.

We have undertaken some independent advice that has indicated that the rental market in Adelaide for such property is fairly scarce at the moment. In fact, there was an article in the *Australian Financial Review* as late as Thursday, 26 April, which did highlight this fact. We believe that in entering a commercial negotiation to be released from the existing premises a rental mitigation strategy will be established in conjunction with the jurisdictions to assist them in reducing the ongoing liability for this property.

CHAIR—From your submission this building does not appear to have an awful lot going for it—I mean the current building from a commercial tenancy point of view: no parking and there are a whole lot of other problems with providing the technical requirements for computers and so on. I just wonder what the exposure to the Commonwealth is going to be in terms of rent for the next five to six years.

Mr Jackson—The actual exposure of the Commonwealth will only be probably 18 months to two years, such that the building will not be completed until December 2003. There was a need to have an operating court facility, but I suppose in some regards the building that was chosen was probably the best of the bunch that was available at the time—excuse the expression—and that the problems inherent were just traditionally those problems of a commercial building, as opposed to a building that is purpose designed, hence the proposal in front of the committee at the moment.

CHAIR—Thank you. The second question I had was in relation to the occupancy. It would appear by the briefing that I have had that 122 staff would occupy the building. Is that right? It increases to 122 staff when other courts are visiting. There are 107 predicted to be using the building by 2004.

Mr Jackson—Madam Chair, that is correct. It should be borne in mind that they are the numbers of people who are permanently employed within the building.

CHAIR—That is paragraph 37 of your submission.

Mr Jackson—It is noted, as you have pointed out correctly, that 119 staff, including judges, will occupy the building. It is anticipated that around 500 people will occupy the building every day, including judges, staff, barristers, witnesses, litigants, security staff and other visitors. It is therefore somewhat misleading to view the total building area as available to accommodate 120 or so staff. After the courtrooms, hearing rooms and conference rooms are deducted, the area occupied by staff is equivalent to most other buildings occupied by Commonwealth staff.

CHAIR—It seems like it is a very big building, with 11 levels. I take the point you are making, that there will be other people coming in and out of that building, but it seems like a very big building for 122 permanent staff.

Mr Jackson—Again, I think it is slightly misleading to identify the areas of the building that are available for public use as opposed to those that are permanently dedicated within the building; that the ratios are appropriate for that group.

CHAIR—We might come back to that one. The other point links to this really. At a time when there has been a trend by the Commonwealth to rationalise office accommodation, particularly in the CBD—and I think we can point to the latest hearing we have been involved in, the Reserve Bank in Sydney, where they are rationalising their space and leasing out to other tenants—can you make a comment on the possibility of that with this building, given the dimension of the building?

Mr Jackson—Yes, Madam Chair. There have been detailed discussions with all the jurisdictions with regard to their future needs for this building over the life of the building. Each of the jurisdictions has independently responded, I think, within the evidence as to their future demands. If you would like, Madam Chair, I can ask each individual jurisdiction to respond as to where they see their own future going.

Mr Phelan—As we briefed, Madam Chair, we see moderate growth in the family law jurisdiction over the next 20 or so years. In terms of our current functions, which may well change over time, you will note that what we are doing is introducing a more open planning style of layout which means that, in the event that there should be any change in function, there should be minimal disruption and the ability to change those functions.

CHAIR—Thank you.

Mr LINDSAY—Gentlemen, back to fundamentals. On the decision not to proceed on the site that was identified, your statement of evidence gives about three paragraphs. Really, it gives no

meaty reason why you do not want to use the existing site. It just dismisses it and says, 'Report by Jones Lang Wootton said that we should go to the other site.' Can you explain that? Where is the value for the Commonwealth of Australia in not proceeding with the original intention?

Mr Fish—Mr Lindsay, the suggestion for a different site, other than the one purchased by the Commonwealth back in 1970, was actually as a result of an approach by the South Australian government, the Premier's Department, to see if they could assist in progressing the building of a purpose-built Commonwealth court building in Adelaide. The proposal that we consider the police headquarters—the selected site in Angas Street—was put forward and was discussed with the jurisdictions and also within the Commonwealth. The value, I think, is reflected, firstly, in terms of the prominence of the position, which Mr Shannon explained earlier on, it holds on Victoria Square. In terms of actual value, valuations have been done on both sites and the valuation of the Angas Street site is \$1 million in excess of the Commonwealth's existing site on King William Street. The state has also undertaken to deliver a clear site to the Commonwealth ready for building. I think these are factors which go to indicate that the offer made by the South Australian government is extremely generous and certainly, from the point of view of the Commonwealth, the selection of the site on Angas Street is viewed as a much more prominent and better site than was available in King William Street.

Mr LINDSAY—What if I put to you the view that I think you are putting the court down a side street? That conflicts with what you have just told the committee. When you look at the bulk of the building it is down a side street. Is there any legal reason, planning reason, as to why the other site could not be used?

Mr Jackson—Mr Lindsay, there is no reason why the other site could not be used.

Mr LINDSAY—That is all I need to know. Part of the evidence here talks about the prestige of the court and where to locate it—and that is why you are saying Angas Street—but King William Street is also a prestigious location, located right next to an existing court, over the road from the existing court. If King William Street were to be the site it is still in the legal precinct. Is that right?

Mr Jackson—Yes.

Mr LINDSAY—So your only argument is that the value of the land that the Commonwealth would acquire would be \$1 million in excess of its current property.

Mr Jackson—No, I disagree with that, Mr Lindsay.

Mr LINDSAY—That is what you said to me, though.

Mr Jackson—No. That was one of the reasons. You asked a question as to what one of the advantages would be. There is that advantage. In a moment I will ask Mr Shannon to perhaps comment on the urban design advantages of this particular site that has been considered, as opposed to the previous site. Also, I think the request from the South Australian government—they believed it was a more appropriate site—should be given some consideration. The site area is substantially different and therefore the build form of what we would end up with on the existing site—current site, as opposed to the previous—would be substantially different. I think

Mr Shannon perhaps could comment on the various benefits to this site, as opposed to the previous one.

Mr Shannon—Madam Chair, I make two comments: firstly, the building in its location will be part of the family of buildings in Victoria Square. If it was on the previous site it would be in King William Street and it would not be in the family of buildings in Victoria Square. The family of buildings in Victoria Square are all of those which deal with its perimeter. The question of the legal precinct, the other aspect of its location, is now that its frontage enjoys the magistrate's court as a neighbour, Supreme Court as a neighbour and Sir Samuel Way as a neighbour. All of the important and symbolic court buildings have a presence into Victoria Square so it becomes, again, part of that family.

There is another advantage with respect to the working environment which this site enables its occupants to enjoy and that is the ability to have a significant access to a northern aspect, the view across Victoria Square, unencumbered by buildings in the foreground and so on. Also the building is able to be oriented largely north-south, which has some energy advantages in that exposure to the east and west can be minimised. If we were to be located on the King William Street address we would have some compromises with respect to windows facing east and west.

Mr LINDSAY—The real advantage is that South Australia gets rid of that terrible police building. Is that right?

Mr Shannon—That is a good advantage.

Mr LINDSAY—It is a significant advantage. The Jones Lang Wootton material indicating the value of the proposed site is \$1 million more than the Commonwealth's site: is there any evidence indicating that is, in fact, the case? Are we able to get a copy of that?

Mr Fish—I do not have them with me, but I would be able to provide you with the AVO valuations that were obtained which gave those figures.

Mr LINDSAY—Chair, could we have them?

CHAIR—Yes, could we have those, thank you.

Mr Jackson—We are happy to provide those as confidential information to the committee.

CHAIR—I was going to ask for them myself.

Mr RIPOLL—Mr Jackson, the department has already detailed some reason why the budget has changed significantly. Can you give some more detail in terms of the original evidence we received dated 6 April for the budget item at \$73.7 million and then on 20 April it changed to 76.6 million?

Mr Jackson—Certainly. As was mentioned in the confidential briefing the primary reason for the change was to bring the current budgeted figure—previously set back in April 1999 and anticipating a completion date of the project being December 2002—that has now been

extended to December 2003 for two reasons, one of which was the land not being available from the South Australian government until six months later, which was previously envisaged and, secondly, the anticipated construction time has been increased from 18 months to two years. That has resulted in additional costs which escalated through to the 12 months later period.

Mr RIPOLL—Yes, I understand what took place in terms of the budgetary change. What I am trying to clarify is why we got one set of evidence dated 6 April—which is obviously very recent—and then one only really a matter of days later when we got the updated version. I am wondering at what point the department knew of the budgetary change and the increase given they already knew quite some time prior about the different time frames.

Mr Jackson—The department's intention there was to maintain the original integrity of the budget wherever possible. There was a situation whereby the design team had been working within those parameters and had been doing an excellent job. It was considered appropriate later in the period, bearing in mind that every day the workers have been working and the design has been refined, the cost planner has been refining his plan. The information that was provided to the committee was the best available information at the time and subsequent work by our design team and cost planners has recommended that it would be more appropriate to have a budget at a slightly higher level.

Mr RIPOLL—Was the budget then reviewed or revised in the recent month or two months? When was the revision done? I am trying to get a time frame of the point at which the original budget was changed; when they said, 'Different time frames, so let's do some new costings.'

Mr Jackson—The original budget and revisions of that have been ongoing on a daily basis. As we have indicated, the costs provided from the budget were as indicated in the original cabinet decision and the need to increase it was finally taken at the time when the additional information was provided to the committee.

Mr RIPOLL—Regarding the design itself, we have received correspondence from the Australian Heritage Commission, advising us that more detailed requirements for plans for the proposed design of the building are required and that there is a requirement on you to give them some more information, I think within the next month. I was wondering where that is at and whether that time frame is going to be met.

Mr Shannon—Madam Chair, we have had meetings with the Australian Heritage Commission and have explained to them the ways in which the design has been modified and our intentions with respect to those modifications. They have not as yet had the opportunity to view the model, which is here this morning, but the model and the drawings on the wall are a representation of the discussions which we have had with the commission. We will be continuing to ensure that process of consultation and the design will develop along those lines.

Mr RIPOLL—There won't be any problems with the revised plan for the design? That is pretty well what we have here.

Mr Shannon—Yes. At the last meeting we had with them the basis of this design was discussed and they were very pleased that the design had taken note of their concerns.

Senator FERGUSON—I want to first go back to Mr Lindsay's opening question where he referred to the building not facing Victoria Square but facing a side street. My brother had law offices in Angas Street for a long time and I do not think he ever considered Angas Street to be a side street. In fact, it is a major thoroughfare. I want to take you to paragraph 39 where you say:

Given the steady workload growth from year to year, it is inevitable that the High Court will need to occupy its own facilities in Adelaide during the life of the building. There is a high probability of a South Australian appointment to the High Court within the next decade.

If my memory serves me correctly, we have been waiting 100 years for a High Court appointment. I am wondering whether you have some information that we are not aware of.

Mr Jackson—Madam Chair, I think the High Court is probably the best place to answer that question.

Mr Doogan—Senator, there is no knowledge that you are not party to in that respect. Probably the best way to deal with it is to consider, for example, Brisbane as the last project before Melbourne. There were no High Court facilities there. Following the appointment of a judge from Queensland, the end result of that has been that we are now, in conjunction with the Federal Court of Australia, constructing chambers in that building, because the result of not having planned in that building for any High Court resident occupant has meant that following the appointment of a Queensland to the High Court that person now occupies chambers which would otherwise be available for use by the Federal Court. In fact, it is smack bang in the middle of the Federal Court chambers. For a variety of reasons, that is not considered a desirable situation and, with the benefit of that experience, we are seeking to avoid a similar situation arising here in Adelaide.

Senator FERGUSON—In effect, if the speculation about a High Court judge being appointed from South Australia does not come to fruition, is there a specific use for that space which has been set aside for the High Court?

Mr Doogan—Yes. In the planning of the building, it has been envisaged that, when not required for the High Court, it would be available for use as visiting chambers for the Federal Court.

Senator FERGUSON—It has been suggested that perhaps the accommodation layout is generous and yet you suggest there could be up to 500 people working in the building at any one time. How does the accommodation and availability of accommodation and, if you like, the amount of accommodation for people working there compare with other similar buildings throughout Australia?

Mr Shannon—Senator, our experience in the design of law courts goes back to here in South Australia with the Sir Samuel Way project. We have also been responsible for the design and delivery of the Melbourne Commonwealth courts project. In the process of refining the brief for Adelaide, we have had the opportunity to again review space data from Melbourne, Brisbane, Perth and Sydney. The efficiency of the allocation and everything about the schedule of the accommodation for the Adelaide project, I would say, is entirely consistent with what we would expect. The other point to bear in mind is that, for those of us who are aware that the gestation

period for this project has been quite long, the building will have a long future, and it is important also that the accommodation which is provided in it has the capacity to cope with a long future.

Senator FERGUSON—I do not have a problem personally with making sure that they are big enough when they start, because it is easier than trying to add something later. But in paragraph 36 you note:

The building design will provide for flexibility—

and you indicate that some facilities and levels will be shared. If a building starts off with what might be perceived to be a generous layout, why should there be a need to share levels in the initial stages?

Mr Shannon—Senator, if we go back to our experience with the Melbourne project, which had the legacy of what happened with Perth and Brisbane before it, I would say there has been a great deal of pressure being brought to bear on the jurisdictions to operate as efficiently as they can and to ensure that, where possible, the accommodation might be put to joint use. Therefore, within the Adelaide project, the ground floor is a place which is shared by all jurisdictions and lends some efficiency. If we were to go back to the Perth project, that building has two entrances because there was a sense of the need for separate identity at that point in time. There has been a consistent drive towards trying to ensure that the jurisdictions can achieve efficiencies in space use, where possible.

CHAIR—I want to add to that, because on page 10 of your submission, in paragraph 39, under ‘Factors Impacting on Jurisdictions Requirements’ you say:

39. Given the steady workload growth from year to year, it is inevitable that the High Court will need to occupy its own facilities in Adelaide during the life of the building. There is a high probability of a South Australian appointment to the High Court within the next decade.

Mr Doogan—Madam Chair, if I could respond. I think the reference to occupying its own facilities merely means occupying its own facilities in this building.

CHAIR—Within this building? That is the point I wanted clarified. It was not clear in that paragraph whether it meant in this building or in some other facility.

Mr Doogan—No, it means in this building that we are considering.

Mr Jackson—Madam Chair, if I could elaborate: I think we did mention that the High Court does impose upon the Supreme Court at the moment. Therefore, it is just a drafting error within the document that required clarification.

CHAIR—I will just comment that reading through the submission I was pleased to see that attention has been paid to making sure this building was designed with energy efficiency in mind. I think that is a very good trend in the development of our buildings.

Mr HOLLIS—Why was Adelaide the last cab off the rank to get one of these facilities—if ‘facility’ is the right word for this legal complex?

Mr Jackson—The answer to that is that the government of the day has various priorities and they make the decision as to which project should proceed.

Mr HOLLIS—I do not want to go into the confidential area now, but would you be able to give us some form of briefing on the security aspects. I take it that there will be secure parking, separate entrances for judges, et cetera.

Mr Jackson—I am happy to provide that, Madam Chair, with regard to an overview and words describing what they are. Obviously, security is a very sensitive issue and we have to be careful how we handle it. Regarding specific costs associated with the individual things, if the committee would like that I am happy to provide that under confidential separate documentation. In the interim, Mr Shannon can talk generally on how this building addresses the key issues of security.

Mr Shannon—Certainly. Mr Hollis, on the principles employed with respect to vehicle access and egress, there is only one vehicle access point to the site and that is because it minimises the risk associated with vehicle entry. It is located off Angas Street, in public view, and therefore is not secreted away where it could be a security risk. In terms of access to the building by the public, all of the public, litigants, members of the profession, et cetera, must pass through the main entry where there will be provision for X-ray screening. There will be provision for separate secure access for judges and there is also the provision of separate secure access for staff. Within the building, security for the judiciary is achieved by the separation of judicial circulation from public circulation.

Mr HOLLIS—Is somebody able to tell me the role of the ceremonial court? Ceremonial I suppose is the answer.

Mr Soden—Through you, Madam Chair, my answer to that question is, the use of the term ‘ceremonial court’ is probably not the most accurate description of the way in which that courtroom will be used most often. It is a court that will be used on a day-to-day basis for usual court purposes, particularly for matters where there are lots of people who need to be in the court, because it is a little bit larger. It is also a courtroom that can be used on special occasions when there needs to be a sitting of all the members of the court for the swearing in of a new judge or the retirement of a judge, or some other special occasion. It is not only used for ceremonial purposes. It is used every day for the usual court purposes, but it is designed so that it can accommodate as many judges as we can on the one table for those special occasions.

Mr HOLLIS—It will be used, but for special occasions it has facilities there to accommodate that?

Mr Soden—It is a regular courtroom but it is designed with some extra facilities to be used for those special occasions.

Mr Doogan—Mr Hollis, I can add to that by saying that, when the High Court is sitting here, the physical size of the bench needs to be larger than it otherwise would be, to accommodate the judges, because there will be five or seven judges sitting who are dealing with appeals from other full courts which will comprise usually three, in the case of the Supreme Court, and possibly up to five in the case of the Federal Court.

Mr HOLLIS—Rightly, much emphasis has been placed on the architectural significance of Victoria Square. On our trip around this morning, that was pointed out. I wonder, though, how an 11-storey building enhances the architectural significance of the square, where in my view most of the other buildings are quite low. Even the magistrate's court is quite low.

Mr Jackson—Madam Chair, again I will direct that to our architect, Tim Shannon.

Mr Shannon—The entire character of Victoria Square is a collection of, in some instances, open space, and the garden or the landscape area adjacent to the cathedral is indeed an open place. There are buildings of two and three-storey height, which are the older historic buildings. Then we have the Hilton Hotel, the Reserve Bank, the state government office and the insurance building, which again are irregularly disposed around the square, so the square has an inconsistent character in terms of its visual form. It is a mixture of tall and smaller buildings. With respect to the design of this project, we have endeavoured to ensure that the relationship between the magistrate's court—which is indeed a lower-scale building—with our new building is a polite one. Therefore we have ensured that the component of our building which sits adjacent to the magistrate's court and also addresses itself into the square, was indeed low scale. There has been some significant discussion with Adelaide City Council, Planning SA and the Australian Heritage Commission about this issue. One of the revisions to the design which we have incorporated over the last six-week period is to reduce the height of that building component for that very reason.

Mr HOLLIS—I guess it would be hard to find any heritage significance in the police headquarters building, but are there any heritage aspects in the other couple of buildings to be demolished?

Mr Shannon—No.

Mr HOLLIS—So the heritage people are quite relaxed about their fate?

Mr Shannon—Yes.

Mr HOLLIS—Again, this is confidential and I do not want to go into it or mention it, but, as always in these projects, there is continued costing. Are you relaxed about that amount? It does not seem a lot. It is low, although there are two components, I noticed. It seemed to me a little low.

Mr Jackson—We are confident, with advice from our cost planners and design team, that it does represent an appropriate level of contingency for a building of this nature that is being built from scratch.

Mr HOLLIS—What if it does not?

Mr Jackson—The method of delivery of this project is such that we will be taking full documented drawings to the tender market and we will then be given a lump sum price from a builder. Should it, at that point in time, exceed our current level of funding then it would be necessary to review the design proposals put forward.

Mr HOLLIS—Take a few of the furnishings and fittings out.

Mr Jackson—It will be done in consultation with all the jurisdictions, Mr Hollis.

Senator FERGUSON—In the past we have often had contingency plans of up to 10 per cent. This is well below that figure.

Mr Jackson—You are quite correct. Different projects have higher levels. Obviously our refurbishment of an existing building would have a higher level of contingency. In this particular case the advice given to us by our consultants is that it does reflect the risk we are taking with the delivery method that has been adopted.

Senator FERGUSON—Do you know how much it saves by having the state government actually demolish the building so that you can start with a flat site?

Mr Jackson—No, we are not aware of that particular figure; I am sorry.

Senator FERGUSON—But it would be considerable, would it not?

Mr Jackson—I have heard numbers quoted of about \$5 to \$6 million, but that is a figure which would have to be confirmed by the South Australian government.

Mr HOLLIS—You are very fortunate, in one way, that the South Australian government is taking it over because legal advice we took once is that demolition of an existing building on a site to put another building there is part of the public works consideration. In this case, as it is being taken over by the South Australian government, you have escaped that.

Mr Jackson—Yes, you are quite correct. We are very fortunate in that the parcel of land that will be provided is clear, uncontaminated and free of all encumbrances. We are very fortunate with the parcel of land that we are being provided with.

CHAIR—Just talking about the South Australian government and, indeed, the Adelaide City Council, there have been some concerns expressed about the closure of Nelson Street and access arrangements there. I know there have been discussions taking place and there have been other proposals put forward, but for the record could you outline briefly how that issue is being resolved.

Mr Jackson—Certainly, Madam Chair. From the Commonwealth's point of view the closure of Nelson Street is really outside our concern in that the land swap arrangement provided us with a clear and unencumbered site that did not have a former road going through it. Our advice is that that road has now formally been closed and therefore, for all intents and purposes, it does not exist within our site. Any issues arising out of that road closure are more appropriately dealt with, in our view, between the Adelaide City Council and the South Australian government.

CHAIR—So there has been no actual resolution. Is that what you are telling us?

Mr Jackson—If there are any ongoing concerns between the Adelaide City Council and the South Australian government we are not aware of them.

CHAIR—We will hear from the Adelaide City Council in a little while. Also, the Adelaide City Council have noted, as I have when I read through the brief—and I commend you for it—that public artwork will be provided as an integral part of the boundary wall. They have asked to be consulted about the final location and form of the artwork. Is there something in process to make sure that those consultations will take place with Adelaide City Council?

Mr Jackson—Madam Chair, as the design process proceeds, again, obviously, subject to approval from this committee, we will be continuing ongoing negotiations and discussions with the Adelaide City Council on that and a number of other matters.

CHAIR—Thank you.

Mr LINDSAY—I would first of all like to publicly apologise to Senator Ferguson for calling Angas Street a side street. I come from a regional city, but I do observe that even my regional city has an aerobridge at its airport.

Gentlemen, this project was approved by cabinet in April 1999. Was it approved on the site we are considering today?

Mr Jackson—Yes, it was.

Mr LINDSAY—Do you agree then that the delays which have occurred—and you have given evidence that there has been a cost escalation of \$2.9 million over this long period—taking into account the extra value that the Commonwealth will get out of this new site, have actually cost the Commonwealth \$2.9 million?

Mr Jackson—The costs have increased by \$2.9 million as a result of the delayed time. That is acknowledged. At the time the original submission was put forward it was based on the best information as to when the South Australian government could provide the site. There have been protracted negotiations in agreeing to that site, more particularly the complex nature of having to relocate the South Australian police from the existing building. To answer the question specifically, it was one of those things which was unforeseen and we had to then address the information that we had.

Mr LINDSAY—In Grenfell Place how many floors are used at the moment? Is it three?

Mr Jackson—My understanding is that the family and federal courts occupy floors three to 10.

Mr LINDSAY—We did not see all of the floors this morning?

Mr Jackson—No, you certainly did not. There are other floors that were occupied.

Mr LINDSAY—Three to 10?

Mr Jackson—That is correct.

Mr LINDSAY—So that is eight floors. You are proposing now to move into 11 floors of accommodation. Is that right?

Mr Jackson—That is correct, yes.

Mr LINDSAY—What increase, in percentage terms, is that in floor area, approximately? Is it a 50 per cent increase?

Mr Jackson—We will just quickly do the mathematics on a percentage basis. It is approximately a 50 per cent increase in space overall.

Mr LINDSAY—Of that 50 per cent increase you are preproviding what you see a need for in the future. How much of that space is preprovision for identified future need?

Mr Shannon—In terms of trying to be specific about it, firstly, that 50 per cent increase also takes into account provision of car parking. Some of the extra space is now the provision of appropriate car parking which does not exist at present. As a very broad estimate, I would suggest that there would be in the order of 30 per cent.

Mr Jackson—If I may elaborate on that, it also includes the addition of the High Court.

Mr LINDSAY—Yes, I understand. In my notes, which you do not have—I do not think—it says in one place that the 73.7, the old figure, excludes GST which is considered to be cost neutral over the life of the project; then in another place it says the cost does include GST. Is GST in the cost?

Mr Jackson—GST is excluded from those figures and would be cost neutral on the input credit basis the Commonwealth would operate under.

Mr LINDSAY—You say that there is a high probability of a South Australian appointment to the High Court within the next decade. What does ‘high probability’ mean?

Mr Doogan—It is simply a projection that in the almost 100 years that the High Court has existed there has not been an appointment from South Australia. In the next decade there will be five of the seven High Court judges retiring and the pattern of appointments would suggest it is reasonable to think there will be someone from this part of Australia. There is no commitment to it.

Mr LINDSAY—Does that mean there will be vacant space somewhere else in Australia?

Mr Doogan—Yes, it would.

Mr LINDSAY—Is that good value for the Commonwealth?

Mr Doogan—For example, if you take the current position, five of the seven High Court judges appointed are from New South Wales, one from Victoria and one from Queensland. If, for example, taking a hypothetical position, one of the five in Sydney were replaced by one from South Australia, you are talking about a fairly small set of chambers. The consequences would be, in that example of any one of the current five from Sydney, you would have a spare set of chambers for visiting judges.

Mr LINDSAY—What is the downside in not providing space for a possible new High Court judge? What would happen if you did not provide it?

Mr Doogan—It is not just the judge, Mr Lindsay; it is a question also of looking at the workload growth. In approximate figures the workload coming from South Australia has doubled in the last 10 years and, if we go to the last five years, there has been a 20 per cent growth. You are talking about growth of approximately four per cent a year. At the present time we are using the facilities of the Supreme Court to provide registry services, for which we pay the Supreme Court and, in the case of the court coming to sit in Adelaide on circuit, the consequence is that the judges of the Supreme Court vacate their premises for the duration of the High Court sittings.

Mr LINDSAY—In relation to the Federal Magistrates Service it says that the workload projections are difficult to determine because it is in its infancy. I do not know whether I believe that, I have to say to you. I do not say that in a provocative way. The Federal Magistrates Service has been operating now for six or eight months. Is that right?

Mr May—The Federal Magistrates Service commenced work in July of 2000. Its workload essentially comes from the Family Court and the Federal Court. In Adelaide the greater part of that is from the Family Court.

Mr LINDSAY—Is it a question to determine now?

Mr May—The question really is how much of that existing workload comes to the Federal Magistrates Service. On the nine-month figures to the end of March, we are running at just on 20 per cent of the family law workload.

Mr LINDSAY—You have good experience now, so it is not difficult to determine?

Mr May—At the time of preparation it was certainly far more difficult. We have a couple of months more figures available now, but even those do not tell the full story.

Mr LINDSAY—Why would you want a visiting chambers for the chief federal magistrate?

Mr May—The chief federal magistrate will sit here. She will come here. We do not have our own office space, so other officers of the court will come and sit here. We will have visiting federal magistrates from time to time. For example, next week we have the resident federal magistrate and another federal magistrate who is coming from Sydney sitting in Adelaide. That will happen quite frequently.

Mr LINDSAY—In design principles we talk about ‘the creation of an appropriate public symbol’. Where does that fit in with the Commonwealth’s concern about value for money? How do you reconcile the design principle with the Commonwealth imperative?

Mr Jackson—I will ask the architect to respond to that from a design point of view.

Mr Shannon—Mr Lindsay, the best way for subjective matters of design to be illustrated is to say, ‘Please look at my work.’ I would ask you to look at the result of the Melbourne Commonwealth court. In terms of design and what it has done for the position of the Commonwealth court within Australia, there is a piece of architecture which has won many design awards and accolades from members of the judiciary from around the world. Regarding value, the project was delivered below the original cost estimate and represents, I think, a fine asset for the Commonwealth.

Mr LINDSAY—I have not seen Melbourne but I have seen Brisbane. Looking at Brisbane and looking at what is over there, I see a great disparity in an appropriate public symbol. Is that being unkind to the architect? Would you prefer not to answer that?

Mr Shannon—No, not at all. I am very proud of what we have been able to achieve. The model is a demonstration of mass form and relationship. It is not an illustration of the final architecture.

Mr LINDSAY—Okay. The Heritage Commission says:

The commission considers that alternative designs for the site could be developed to provide a building that is much more sympathetic with the National Estate values.

What is your response to that?

Mr Shannon—In the process of arriving at the design which is here this morning, we went through a very vigorous process of testing a variety of options. Indeed, we had a particular workshop where all of the stakeholders were involved, and where we canvassed the attributes of the three specific ways of treating the site and specific strategies for bringing the building to bear on the site. We have been through a very rigorous process of evaluating the best way of fulfilling the users’ needs and all of the issues about security, et cetera, and also trying to treat as best we can with the urban design and symbolic aspects of the project as well.

Mr RIPOLL—Do you believe that 40 car parks will be sufficient to cater for up to 500 people who will be using the building every day?

Mr Jackson—We believe it is, Mr Ripoll. The 40 car parks on site are secure parking for the people who occupy the building. Investigations have indicated that there is more than adequate public car parking in the near vicinity.

Senator FERGUSON—How far away is this adequate car parking in the vicinity? Which ones are you talking about?

Mr Jackson—Primarily at the market. That has very substantial car parking.

Senator FERGUSON—The market is used extensively now, isn't it? There are times when it is difficult to get in there. There are days when Grote Street is full.

Mr Jackson—The site is also very fortunate in being well serviced by public transport, which does assist.

Senator FERGUSON—That is very good for people who are not driving cars.

Mr Ripoll—Better for the environment, too, Senator.

Senator FERGUSON—Yes, I understand that.

CHAIR—We have no other questions. Thank you, gentlemen.

[11.49 a.m.]

MOSELEY, Mr Stuart, Acting General Manager, City Strategy, Adelaide City Council

CHAIR—Mr Moseley, on behalf of the committee I welcome you to this inquiry. The committee has received a submission and a supplementary submission from the council. These submissions will be made available in a volume of submissions for the inquiry and are also available on the committee's web site. Do you wish to propose any amendment to the submissions you have made to the committee?

Mr Moseley—No, but I have further supplementary material that I am willing to table, if that would assist the committee.

CHAIR—Does the committee agree to the tabling of the supplementary material? Thank you. I now invite you to make a brief statement in support of your submission before we go to questions. Thank you.

Mr Moseley—Thank you, Madam Chair, and thank you to the committee for the opportunity to be heard. I understand I have five minutes in which to reiterate the key points. The key points that I would like to stress with the committee in that time relate to two issues regarding the design of this very significant and important building. They are, firstly, the need for direct and effective pedestrian access through the site at ground level, between the terminated Nelson Street and the Victoria Square frontage of Angus Street and, secondly, the need for continued and meaningful engagement between the Commonwealth, us and the state on an ongoing basis, in order to maximise the benefit of this building, for its tenants but more importantly, from the council's point of view, for the precinct as a whole, the city as a whole and the community of the city.

Going to some background, the committee would be well aware that this is a very important building from the city's perspective, in a very important location. The council has been working for some time to make sure the building meets the requirements of the building owner and occupier and also the character, quality and vitality of the city as a whole, and that precinct of Victoria Square in particular. To achieve that, we were involved from early 1999 in the preparation of a set of urban design guidelines, which were appended to our submission and which were intended to be a collaborative effort between us, the state government and the Commonwealth government to portray a set of desired design outcomes as a basis for developing that site and the area around it.

The access issue is viewed as critically important from the council's perspective, and has been from the start. Nelson Street and other minor north-south streets have great importance in the city's plan because of its historical significance and access, patterns of movement, permeability and use of the city. They are very important elements in the city's structure and the council has consistently put the position that, if Nelson Street is to be lost—and that would not be our preference—there should be alternative means provided to ensure north-south access at ground level.

The Commonwealth have made it very clear that for security and other reasons they do not anticipate providing that access through their site. The council's response to that would be that further work should be done on developing a design solution. We think it must be possible somehow to find a solution that will allow people to move through the site at ground level while also preserving the security and symbolic values that the Commonwealth needs to maintain. That is the guts of the access issue. I will table some further information—diagrammatic and written—about why that is important to the council, which may help the committee in its deliberations.

The second issue relates to ongoing collaboration. The council is very concerned with what happens on individual sites and with the way the precinct as a whole works; how the linkages operate, both in terms of movement and design, how that area of the city hangs together as a whole in terms of the public realm. We understand that individual building owners and managers are primarily focused on their buildings, but we think this area of the city is too important for anybody to draw a line around a site and say, 'Within this boundary is our concern. Outside of it is not.' We would like to continue to foster a meaningful dialogue where all stakeholders active in this precinct can ensure that progress is understood on the various projects, identify the linkages between them, coordinate actions and develop solutions to design issues that arise through the process of development.

We would like the Commonwealth to be an active and meaningful participant in that process. We have had positive indications to that effect from officers of the Commonwealth. We appreciate that. We have convened a meeting of stakeholders next week to pursue discussion about the detailed resolution of the design of this building—we hope—and also about the precinct as a whole and how the various parts fit together in terms of the public realm.

In conclusion, committee members, our concerns broadly are two: one is the access issue and a resolution; the second one is an ongoing collaboration between the parties who are active in that area, to make sure that the whole hangs together and that the very good investment going into individual buildings, such as the courts building, is not undermined by what happens around the building. We would be most concerned if this very high-quality piece of architecture were not to be supported by what happens around it. I am more than happy to answer any questions the committee might have.

CHAIR—Are you telling us that you are not confident that that is taking place? You do not feel confident that there will be some scope for agreement on the issues that you raise which are of concern to Adelaide City Council?

Mr Moseley—We are very hopeful that agreement will be reached. We have had positive indications from the Commonwealth and the state that they are willing to put the solutions on the table and work it forward. We intend to actively pursue that process.

CHAIR—You believe that consultation process is actually working?

Mr Moseley—I have only been with the council for two months, so from my perspective it has yet to commence in a meaningful way. But the indications are positive so far.

Senator FERGUSON—Mr Moseley, you said ‘if’ Nelson Street is to be lost. Looking at these plans, Nelson Street is to be lost.

Mr Moseley—Yes.

Senator FERGUSON—Does that mean, if Nelson Street is to be lost and your proposals in relation to Penny Place do not take place, that the city council does not agree with the proposals that have been put before us?

Mr Moseley—The position I was referring to was the council’s position at the outset which was, firstly, keep Nelson Street. If that is not possible, and it has not been possible, then we would like alternatives. The alternatives are at the moment, as I understand them, ground level access through the Commonwealth courts building in a north-westerly direction and/or an alternative north-south access extending from Penny Place. That matter, I accept, is not an issue for the Commonwealth and we are pursuing that separately with the state.

Senator FERGUSON—You would be happy with either access for pedestrians through the courts or Penny Place vehicle and pedestrian access?

Mr Moseley—We would be happy with either/or. Our preference would be both but we would be happy with either.

Senator FERGUSON—I understand that currently—and I may need to be corrected by the architects, if I am wrong—there is not provision for pedestrian access through the courts. There is around the outside, I take it. There was a nod, so that is right.

Mr Moseley—My understanding, based on last advice from the Commonwealth, was that there was an option along the south and east of the building that they were willing to canvass with us, and we intend to do that. However, we have reservations about the workability of that arrangement because of its antidiagonal nature and because of the relatively narrow movement path up against a very substantial vertical element, which we think raises major issues of safety—in terms of lighting and activity—in making that usable. But we are wanting to continue that discussion with the Commonwealth. At the same time, we have commenced discussions with the state about Penny Place.

Senator FERGUSON—Do you know how much traffic or pedestrian use there is of Nelson Street? Has the city council monitored it to find out how much difference it is going to make if it is closed?

Mr Moseley—At the moment there is clearly none because it is closed.

Senator FERGUSON—I know it is closed now.

Mr Moseley—Before its closure?

Senator FERGUSON—Before its closure.

Mr Moseley—No, we did not have counts. Indeed, the purpose of the council's policy on north-south streets is not related solely to their current pedestrian amenity but to their potential future role and to their role in the structure and plan of the city. Light's plan has been nominated for the register of the National Estate and we regard the minor north-south streets as an intrinsic part, a less formal part, of Light's grid. They provide choice, interest and diversity, and they are important in and of themselves, even if their current movement role is not as great as it may be in the future.

Senator FERGUSON—Nelson Street has been closed for some time now.

Mr Moseley—Some months, I believe.

Senator FERGUSON—I would presume that, if it were a very much required vehicle access and pedestrian access thoroughfare, the city council would have received some complaints about it being closed. Has the city council had complaints from ratepayers or anybody else to the effect that they need access through that place?

Mr Moseley—Not so far as I am aware. That gets back to the point I made earlier. The reason for the council's policy is not solely to do with current pedestrian movement. It is a matter of principle, future use and their role in the grain and fabric of the city.

Senator FERGUSON—It would appear that, if you could get the state government to provide vehicle and pedestrian access through Penny Place, it would provide better access than you could ever get through just pedestrian access through the law courts anyway.

Mr Moseley—We intend to actively pursue with the state government options that will give that access from an extension of Penny Place and we hope we will be successful in that.

Senator FERGUSON—For the purpose of this building, if you are not going to be happy with the access that exists around the new Commonwealth courts, the issue of Penny Place needs to be resolved fairly quickly, doesn't it?

Mr Moseley—I believe so. That underlines the point that the council wishes to make about all parties having a part to play in developing a solution. Everything is linked to everything else and we would like to have a discussion in that context rather than pursuing individual discussions that are not coming together.

Senator FERGUSON—Apart from these two issues, the city council is very happy with the proposals that are being proposed for the law courts?

Mr Moseley—The council is supportive of this building in this location. It welcomes the investment. Some of the more recent design modifications that I can see illustrated up there are very strongly welcomed. We are very comfortable with the design, the detailing, the ground floor activity, the horizontal shelter element along Angas Street. There are many aspects of this building that we are very positive about.

Senator FERGUSON—This is the first time I have heard of tram barn redevelopment. It may impact on the whole view that has been put to us of Victoria Square. Are there any concrete proposals for redevelopment?

Mr Moseley—I am not aware that there are any concrete proposals at the moment, but that site directly north of the subject site is clearly a development opportunity that we imagine, at some stage in the future, will be developed. We would like that, as well, to be considered in the context of everything around it.

Senator FERGUSON—I hope it is better than a couple of the developments on the opposite corner, on the north-western corner, that took place some years ago.

Mr Moseley—I believe that prominent green building was actually heritage listed.

Senator FERGUSON—Some people have funny ideas!

Mr LINDSAY—Mr Moseley, your council's evidence indicates that the height of this proposed development does not conform with the council's development plan. Is that a threat to this project proceeding?

Mr Moseley—I believe that was raised early on in the process when the detail of the design was not clear. It has subsequently been resolved to our satisfaction that the height is consistent with the maximum allowed under our plan.

CHAIR—Thank you very much, Mr Moseley.

[12.02 p.m.]

WELLS, Mr Peter, Senior Conservation Architect, Heritage South Australia, Department for Environment and Heritage

CHAIR—Mr Wells, may I take this opportunity to welcome you on behalf of the committee. The committee has received a submission from Heritage South Australia which will be made available in a volume of submissions for the inquiry and also on the committee's web site. Do you wish to propose any amendment to your submission?

Mr Wells—No, Madam Chair; there are no amendments.

CHAIR—Thank you. I would now invite you to make a short statement in support of your submission and then we will see if there are any questions.

Mr Wells—Thank you. I will start by clarifying the terms of reference on which our submission was based. The parallel situation within the state development system on development assessment for developments having a potential effect on a state heritage place is for a referral to the minister responsible for the Heritage Act. The terms of reference that are adopted for that are to assess how the proposed development may affect the heritage value of a state heritage place or places. It is a fairly specialised point of view and there is no clear definition between where heritage issues might stop and where wider urban planning and urban amenity issues may take up. The heritage places which are in the close vicinity of the proposed site are the Convent of Mercy slightly to the east, on the opposite side of Angas Street; the Magistrate's Court directly to the west of the site; the Supreme Court on the opposite corner of King William Street; and the Local and District Court building to the south of the Supreme Court.

Heritage SA was not involved in any earlier consultations with the Commonwealth or through the Adelaide City Council or Planning SA. The first knowledge we had of this proposal was the report which was referred to us by the Public Works Committee. Our response was based not on looking at possible alternatives—alternative sites, alternative designs—but commenting on the proposal before us. Our feeling was that the general form and design and massing of the building were not in conflict with the heritage qualities of the Magistrate's Court in particular and that, setting aside any urban planning streetscape considerations, it had no effect directly on heritage value of any of the other heritage places that I have mentioned.

The relationship of the proposed building with the Magistrate's Court in terms of the sorts of issues that we have looked at is, obviously, largely a subjective and visual assessment. We were pleased to see the approach that had been taken by the architects in improving the status quo that is presented by the current police building, which has an 11-storey building hard on the western boundary against the Magistrate's Court. The design, as proposed within this report, showed a welcome departure from that in moving the bulk of the building to the east and setting against it a smaller-scale element which was angled back so that its access faced Victoria Square. We felt that this provided a suitable recognition of the very important architectural qualities of the Magistrate's Court building.

Since the receipt of that report, we have been given a presentation by the architects of changes to the design which have developed since that time and which are largely represented by the drawings and the model on my right. Our feedback to the architects at that meeting was that we thought that the changes were moving in very positive directions, particularly in the design of the entry and courts module directly to the east.

Our recommendations in our submission were ones which we thought were realistic and achievable. I will present those briefly. One of the aspects of the original design was a 10-metre-high boundary wall along the southern and western boundaries of the site, which came forward to a point roughly lining up with the front face of the Magistrate's Court building. We thought that this was probably unnecessary in terms of security and that a way of providing adequate security and screening and quality of space within the open courtyard that is enclosed without masking the eastern side of the Magistrate's Court building, the original 1851 building, was a side elevation to the subject site of roughly 10 metres deep, which contains a couple of windows with shutters. It is a very attractive elevation, very much obscured at the moment by the police building, and so our first recommendation was to look at taking that boundary wall back to at least the junction between the southern face of the 1851 building and its junction with the recent redevelopment to the rear. I have not had a chance to study the model in detail but certainly, at our meeting with the architects, that was being looked at as a very real and probable option.

The other two comments relate to the information processes during the development of the scheme. The information presented in the original report, because of its very preliminary nature, was moderately successful in presenting the overall form and massing of the proposal. It was not so successful in presenting it within its context but more as a lone entity, so I am pleased to see the model and to expand on some of those issues. What preliminary sketches like this really are unable to show is the final architectural quality of the building in terms of its detailing, its finishes, its materials, its landscaping design and so on. For that reason, Heritage South Australia has expressed a very strong desire to be involved in the ongoing discussions on materials and finishes and the final appearance of the building.

CHAIR—We have noted that your submission was very clear in what you have recommended should be done in relation to that, and we are running out of time. Is there anything in particular you need to address in relation to that; that finishes it?

Mr Wells—No, Madam Chair, unless there are points that the members would like clarified.

CHAIR—I note that the Department of Finance and Administration have indicated their willingness to consult with you on that issue and there has been a resolution, as I think you have outlined, on the wall that you were not happy about, which was part of your recommendations as well.

Mr Wells—Yes, I believe so.

CHAIR—Are you satisfied now that the issues you have raised have either been addressed or will be addressed as more detail becomes available?

Mr Wells—Yes, I am confident, Madam Chair, that they are being addressed and that we can expect to see them satisfactorily resolved.

CHAIR—Thank you very much for your submission, Mr Wells.

Mr Wells—Thank you.

[12.14 p.m.]

MORTIER, Mr Philippe, Chief Project Officer (Architect), Urban Design Unit, Planning South Australia, Department for Transport, Urban Planning and the Arts

CHAIR—I extend a welcome to you on behalf of the committee. The committee has received a submission from Planning South Australia and the submission will be made available in a volume of submissions for the inquiry. It is also available on the committee's web site. Do you wish to propose any amendment to your submission?

Mr Mortier—No, I do not. I will say I am conscious of the time pressure here. Also, there are certain conversions, as the committee will have noticed, between the Planning SA submission and the city council submission with respect to the public grounds and issues of access.

CHAIR—We will come to that in a moment. If there is no actual amendment to your submission then we will ask you to make a brief statement, bearing in mind that the committee has had your submission and has read it in detail, so we do not need you to go back over the actual details.

Mr Mortier—No, I understand.

CHAIR—Then we will perhaps go to some questions.

Mr Mortier—Certainly. What I would like to amplify is that there was an allusion to changes in the written submission and this has been delivered through negotiations between the ACC and Planning SA and the architects of the court. As a result of that, Planning SA welcomes the Commonwealth's response to adding the pedestrian walkway. It is further involved and actively engaged in resolving those access and amenity issues which are outside the immediate site.

CHAIR—I think this issue has been pretty well discussed in these hearings today. I certainly do not have any further questions, but members of the committee have further questions.

Mr LINDSAY—What statutory powers do you have over this development proceeding?

Mr Mortier—Planning SA is an interested party, in that it helped develop the urban design guidelines which were used by the Commonwealth court architects.

Mr LINDSAY—But you have no direct—

Mr Mortier—No, there is no direct—

Mr LINDSAY—The authority is the Adelaide City Council.

Mr Mortier—Yes, that is correct. There is a joint committee between the city and the state which has also endorsed those urban design guidelines.

Mr LINDSAY—You have said you would like ongoing involvement in this planning project.

Mr Mortier—Certainly.

Mr LINDSAY—Do you expect to receive that?

Mr Mortier—Yes, we expect that.

Senator FERGUSON—What we really need to know as a committee is if Planning SA is totally supportive of the proposal as it is currently put before us.

Mr Mortier—With respect to the architecture and most of the project as it is presented, certainly. We share the same concerns about access through the site and the public amenity potentially that is lost through the closure of Nelson Street, but I am sure these can be resolved.

Senator FERGUSON—Currently Nelson Street is closed off anyway.

Mr Mortier—Yes.

Senator FERGUSON—I asked a question about whether there had been any complaints about a lack of availability of access and there have not been any. That does not mean there are not any, but there have not been any.

Mr Mortier—No.

Senator FERGUSON—Surely if there could be a successful conclusion to the request to open Penny Place for vehicle and pedestrian access, then any problems you have would be solved, would they not?

Mr Mortier—That is true. Penny Place is one of many solutions that are being canvassed at the moment.

Senator FERGUSON—If that was the solution, would Planning SA be happy with the project?

Mr Mortier—Yes.

CHAIR—No other questions? Thank you very much. We will recall the Department of Finance and Administration to make any supplementary statements as a result of evidence, and I remind you all that you are still under oath.

[12.19 p.m.]

DOOGAN, Mr Christopher Matthew, Chief Executive and Principal Registrar, High Court of Australia

FISH, Mr Michael Francis, Manager, Executive Branch, Attorney-General's Department

JACKSON, Mr Barry Raymond, Assistant Secretary, Property Group, Department of Finance and Administration

PHELAN, Mr Andrew Michael, General Manager, Organisational Performance, Family Court of Australia

SHANNON, Mr Timothy, Managing Director, Hassell Pty Ltd

CHAIR—Were there any supplementary comments you wanted to make as a result of the submissions or shall we just go straight to further questions from the committee?

Mr Jackson—Madam Chair, there are a couple of very quick comments in relation to the things raised.

CHAIR—Go ahead.

Mr Jackson—Firstly, the issue of the pedestrian access in Nelson Street has been discussed in some detail today. We, through the architects, have presented what we believe is a suitable response to the various concerns. We will continue to explore how the Adelaide City Council believe it could be improved. We will continue that through our ongoing design development process.

Regarding some of the heritage issues, under section 30 of the Australian Heritage Commission Act the Commonwealth is obliged to seek comment from the Australian Heritage Commission on any proposed action that might affect the heritage values of a registered National Estate listed site. We have formally commenced that process with the Australian Heritage Commission and will continue to consult with Heritage South Australia regarding their concerns as the design development proceeds. We have already met some of their requirements in the recent revision of the drawings and will continue to maintain that dialogue with them.

If I may, Madam Chair, there was an earlier question taken on notice regarding the cost of the refurbishment of the Federal Court in the existing premises. I have been advised that the 1995-96 refurbishment costs were in the order of \$1.27 million. This was funded, as previously advised, out of a lease incentive of \$2 million, the remainder of which was used to offset rent.

CHAIR—Thank you very much.

Mr RIPOLL—Can we just clarify for the committee what the intention is from the architects and from the department in terms of the public thoroughfare through Nelson Street around the building? Is there going to be some sort of public thoroughfare?

Mr Jackson—I will refer that to the architects, but preceding that I will say that obviously the concern of permeability through the site is one that security considerations have discounted, but we are mindful of the concerns and I will ask the architect to advise how we believe we have addressed those.

Mr Shannon—What we have done with respect to the design is to ensure that our eastern wall sits three metres away from our eastern boundary and we have ensured that our southern wall is three, five and sometimes more metres away from our southern boundary. This, therefore, provides the opportunity to have pedestrian access, as Nelson Street runs into our southern boundary. As a pedestrian one could wander down Nelson Street, arrive at our site, turn right and walk a distance of some 30-odd metres and then turn left and walk along the eastern boundary towards Angas Street.

Mr RIPOLL—So it is currently part of your design.

Mr Shannon—Indeed, it is informed on the model.

Senator FERGUSON—It is between the RSL building—

Mr RIPOLL—No, that is going down this way, too.

Senator FERGUSON—Sorry, turn right there. Yes, sorry.

Mr Shannon—This provides an opportunity for public access through the site. The discussions we have had are that this might be on a 24-hour-a-day basis or, if there are security issues and problems at night and whatever, it may be a thing which would need to be managed. In terms of consultation ahead of us, they are some of the issues which would need to be dealt with. It has also been suggested in these discussions that by way of these initiatives we have ensured that our building sits free from other boundaries which makes it easier for the development on the adjoining properties to take advantage of the space that we have made available.

Indeed, with respect to the Penny Place debate, the alignment currently proposed for the continuation of Penny Place creates quite a narrow frontage portion of land between the Penny Place extension and our eastern boundary. Our suggestion has been that if that connection was to move to the west and therefore provide an even greater space on our eastern boundary, that would solve the permeability issue in a more graceful way. It would provide a larger building frontage for the state in terms of what they then seek to do with the land adjoining and it would also provide an appropriate separation between whatever that development might be and the Commonwealth. These are some issues ahead with respect to the consultation which, in particular, Planning SA and the Adelaide City Council have referred to.

With respect to the provision of other public space on the site, the forecourt and entry to the building is immediately accessible from Angas Street. It has a café as part of the foyer facilities for the building, which again are available to the public at all times. As we mentioned before, any member of the public then entering the building must go through an X-ray security screen process. As we all know, any member of the public is free to enter into a Commonwealth court

while it is open. Access to the internal courtyard, which is intended as a place of quiet and retreat for litigants and staff to use in a secure way, is available as a secure—

Mr RIPOLL—Mr Shannon, can I just clarify so I understand exactly what is going on. Coming from Victoria Square north you are going to have access to the point of entry into the building.

Mr Shannon—Yes.

Mr RIPOLL—But people could use that as a pathway then to go right through that block and come out on the other side, or are you proposing not to have access all the way through?

Mr Shannon—People who have come from Victoria Square and arrived at our front door do not have the ability then to go wandering through to the back of the site and connect to Nelson Street.

Senator FERGUSON—I do not think we are talking about your front door. We are actually talking about the area that is between the magistrate's court and the building, which will be an open area. Is that correct?

Mr Shannon—Yes, there is—

Mr RIPOLL—The reason being you have access from the other side so that people could, say, park on the other side and use the back entrance, as it were, and come through to enter your building, or they could come from the front to enter the building.

Senator FERGUSON—Or they could walk around the building. That is the point I am looking at. Without actually going through the building, isn't there a space where they can walk right around the building and back through Nelson Street?

Mr Shannon—Yes.

Senator FERGUSON—So why would you need a thoroughfare through the building?

Mr Shannon—Indeed; that is our point.

Mr RIPOLL—It is within your boundaries but it is not through the building.

Mr Shannon—It is not through the building. It is around the building.

Mr RIPOLL—You would expect in any modern city that you could walk around it and get through without having to enter the foyer and exit through the building, knowing that that is a way through, quite a short cut.

Senator FERGUSON—It is not unlike the current situation in, for instance, Pirie Street. I think it is Stow Church where you walk past the building, right out through into Grenfell Street, or opposite the Commonwealth Bank building where you go over the road through Bank SA or

the State Bank building. There is a thoroughfare through there which does not go into the building, but is locked off at night. The gates shut at 6 o'clock and you cannot get through there after 6 o'clock. There is absolutely no reason why you could not have a similar pedestrian access, even if it was cut off at the back or somewhere so that it was not open all the time—if you are worried about security, I mean.

Mr Shannon—Indeed, yes.

Senator FERGUSON—As I see it, some of the submissions we have had are talking about a thoroughfare through the building, but it does not seem as though it is required, because people can actually walk right up the edge of Victoria Square and around the building through into Nelson Street.

Mr Shannon—Correct.

Senator FERGUSON—So I cannot see why they should be requiring access through the building.

Mr Shannon—I am not sure that anyone has ever asked for that, but certainly we would not be supporting that at all. I think what we have is a clear situation where we have made public thoroughfare access available in a manner which does not disrupt the operation of the court, does not interfere with its security and does not interfere with its public and civic role.

Senator FERGUSON—Yes, I am pretty happy.

Mr LINDSAY—Can you confirm that you are not expecting any problems from the Adelaide City Council in relation to all necessary approvals for this to proceed?

Mr Shannon—No.

CHAIR—Thank you very much. Before closing I would like to thank all the witnesses who have appeared before the committee today and also those people who have assisted our inspections and the private briefings the committee had earlier today.

Resolved (on motion by **Mr Ripoll**):

That, pursuant to the power conferred by section 2(2) of the Parliamentary Papers Act 1908, this committee authorises publication of the evidence given before it at public hearing this day.

Committee adjourned at 12.29 p.m.