HOUSE OF ASSEMBLY

Thursday 5 February 2009

The SPEAKER (Hon. J.J. Snelling) took the chair at 10:30 and read prayers.

PARLIAMENTARY SUPERANNUATION (REDUCTION OF PENSION) AMENDMENT BILL

Mr HANNA (Mitchell) (10:32): Obtained leave and introduced a bill for an act to amend the Parliamentary Superannuation Act 1974. Read a first time.

Mr HANNA (Mitchell) (10:33): I move:

That this bill be now read a second time.

This proposal I bring to the parliament today is in relation to parliamentary superannuation for those in the older pension schemes. In other words, I acknowledge that new members do not receive parliamentary superannuation in the way that most of us do. However, one of the things that we see in respect of retired members of parliament is their employment—or deployment—on various government boards in various positions, appointed by government ministers. Some people refer to this as 'the club'.

It does not really matter whether you are a member of Liberal or Labor: as long as you have been a loyal party member, after you leave this place you are a member of 'the club'. That means you are entitled to be appointed to various boards, whether it be the Housing Trust or the SACE board, or perhaps WorkCover or some other statutory corporation, and that means that retired members are therefore sometimes in receipt of a fairly lucrative income from the state of South Australia.

Indeed, there are some current board members—either retired parliamentarians or their associates—who earn in excess of $80,000 with their annual membership of boards, and so on. The Hon. Rob Lucas in January raised a small storm with his list of various Labor members who have been appointed in this manner—most of them in receipt of a handsome parliamentary pension. I will not go into the list and name them all; they have already been named in *The Advertiser*, anyway, on 7 January. Exactly the same story with different names could have been written 10 years ago except that they would have been Liberal MPs instead of Labor MPs.

One thing that Liberal and Labor do these days is that they make some token appointments from members of the opposite political persuasion, so that it cannot be said that it is all one way, and that stops some of the complaints about people getting on the gravy train after they leave parliament. We do find a couple of Liberal appointments by the current Labor government; and, no doubt, the next incoming Liberal government will appoint a couple of the Labor people. It does not really matter whether you are Liberal or Labor: you are in the club and you are eligible for these post-political appointments.

I want to do something about that. I think that those people already in receipt of our extravagant pension according to statute ought to have that pension reduced if they are one of the fortunate members of the club who gets appointed to one of these statutory positions and thereby gets paid by the state anyway. After all, does one really need one's $40,000 or $100,000 a year pension if one is earning $20,000, $40,000 or $80,000 from government appointments after leaving parliament? This is not an entirely novel suggestion. Section 19 of the Parliamentary Superannuation Act already stipulates that parliamentary pensions are to be reduced in certain circumstances, and perhaps the two most obvious ones are if the person becomes a judge or a member of the federal parliament.

In either of those cases the parliamentary pension payable, because of the member's service in the state parliament, is reduced by the amount earned in that other position, presumably to zero, because both those other positions are extremely well remunerated in any case. The bill I bring to the parliament today adds another set of prescribed officers or positions to section 19. As I said, section 19 is already a part of the Parliamentary Superannuation Act; it already provides for the reduction of pension in certain circumstances, and I am expanding those circumstances.

In particular, if members refer to clause 3 of the bill they will see that I seek to extend 'prescribed officers' to those people who are members of advisory bodies, those who occupy an office or position in a public sector agency, those who do contract work for public sector agencies, senior officials (such as chief executives of departments) and those other positions which are

established under the law of the state, for example, ombudsmen, the DPP—whatever it might be. 'Public sector agency' in the context has a very broad meaning, and that is how I intend it to be. Clause 4 is simply a transitional provision to say that, as of the commencement of this legislation, those people who are currently in receipt of both their handsome parliamentary pension and the remuneration they receive from boards, and the like, would feel the impact of this legislation and thereby have their parliamentary pension reduced.

I am not suggesting that people should not be paid for service on statutory boards or in serving the state through being a chief executive of a department. All I am saying is that, if you get paid for doing the work in those positions, you do not need the parliamentary pension to that extent. It is to avoid double dipping. It is to stop people benefiting from both their extravagant parliamentary pension and the largesse which is provided from time to time by Labor or Liberal governments to mainly their own, sometimes opposition, ex-members of parliament. Therefore, I commend the bill to the house.

Debate adjourned on motion of Mrs Geraghty.

INDEPENDENT COMMISSION AGAINST CORRUPTION BILL

Adjourned debate on second reading.

(Continued from 27 November 2008. Page 1170.)

Mr VENNING (Schubert) (10:43): I am very pleased that the member for Heysen has introduced this private member's bill for the establishment of a South Australian independent commission against corruption, commonly known as an ICAC. The state Rann Labor Government is completely opposed to having an ICAC and has said that it would be a waste of money. However, the Liberal Party remains committed to the establishment of an ICAC.

An ICAC would investigate allegations of corruption in sectors such as politicians, the police, government agencies and planning authorities, amongst others. Members of the public would be able to make complaints and senior public officials would be required to lay a complaint where they become aware of corruption. The establishment of such a commission in South Australia would ensure that corruption is investigated quickly, efficiently and in fairness to all concerned.

It is interesting to note that South Australia is one of the few states and territories that does not have an independent body to investigate claims of corruption. New South Wales, Western Australia and Queensland all have one. The state Coroner, Mark Johns, last year backed our plan to review the Police Complaints Authority under our model for a proposed anti-corruption body. Following his investigation into the death of Christopher Stuart Wilson, he handed down a recommendation that secrecy provisions in the Police (Complaints and Disciplinary Proceedings) Act be amended so that relevant evidence can be disclosed in the Coroner's Court. In 2007, when Ken MacPherson retired as auditor-general, he called for an independent commission to be established to deal with corruption. That should be enough. These are two men of notable standing in South Australia who are calling on the state government to introduce an anticorruption commission; however, all Premier Rann and his government appear to be concerned about is the cost—dollars, funding. Whichever way you put it, it means the same in terms of what it would take to establish an ICAC.

I believe that the establishment of an ICAC would give all members of parliament a chance to earn better respect from the public as it would increase transparency between the public sector and all South Australians. As politicians, we know that there will be erroneous accusations at times in relation to this matter, but I believe that we have to be strong enough and noble enough to say, 'Well, we'll put it up there for the sake of transparency right across the public sector generally'—whether it involves the public service or us as politicians. Of course, one has to understand the bottom line here, namely, that those who have nothing to hide have nothing to fear.

We are all aware of corruption. You might say that something is a bit corrupt—not much, just a bit. We all come close to saying at times, 'Gosh, this is a bit close to the grind.' We all see it in our everyday lives. The temptation is there to take advantage of one's office. We know that the Local Government Association is recommending that its councils adopt an ICAC, and I believe that the Local Government Association will be the first body in South Australia to recommend and put in place an ICAC for all councils. I also believe that—

Mr Pengilly interjecting:

Mr VENNING: The member for Finniss says that he has some concerns about that; I believe it is on the agenda.

Mr Pengilly interjecting:

Mr VENNING: The member for Finniss reminds me that it is not. I will stand corrected on that; but if it is not an ICAC it is something similar; it is a watchdog. I believe that local government is being responsible in this matter, because there have been various accusations, particularly in the area of planning where there are opportunities for a sniff of corruption. I believe that, to win public confidence, one has no choice but to adopt an umpire. Again, I cannot understand how anyone can oppose it.

The Hon. R.J. McEwen interjecting:

The SPEAKER: Order, the minister for agriculture!

Mr VENNING: I have been in this place 18 years, and you can always ask, 'Why didn't you do it?' We could go right back to when my father was in here. Why didn't he do it?

Ms Chapman: They didn't need it when he was here.

Mr VENNING: They didn't need it. With the way things are today, there is a point in time when you say, 'Hang on, irrespective of the past, we are not making legislation for five, 10, 15 or 20 years ago; it is now, 2009, when we need to address a problem.' Whether it has been an oversight, deliberate or intentional, it does not matter, but for the minister to come in here and say—

The Hon. R.J. McEwen interjecting:

The SPEAKER: Order!

Mr VENNING: The minister is interjecting from the middle of the floor of the house. He is out of order, and I suggest he should leave. He has gone. Good riddance! I think it is quite appropriate that the Liberal Party has introduced this measure, and I congratulate the shadow minister responsible for dealing with legal matters (the member for Heysen). I understand that our deputy leader will continue the debate right now, and I look forward to what she has to say. I support the bill.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (10:49): It is with pleasure that I support this bill. I recollect that I spoke on a previous occasion, when I outlined my support for the shadow attorney-general's measure before the parliament. This matter involves a fundamental issue of difference between the South Australian Labor government and the Liberal opposition. We are diametrically opposed on this issue. The opposition wants a watchdog that has sufficient teeth to ensure that we have open, accountable, honest and transparent government, and the state government says that we do not need it. Largely, their argument is, 'Look, we have a number of other watchdogs and statutory officers who help to secure the integrity of the parliament and of other people in leadership positions, in particular those who have control of the money.' However, there have been a number of cases and events in the short time I have been in the parliament (and it is not as long as the member for Schubert) which have attracted a public outcry and a call for proper scrutiny and review by an ICAC.

The Liberal opposition has listened, and it has acted to ensure that it will offer a clear choice at the 2010 election. The people of South Australia deserve, need and are entitled to a watchdog with teeth to ensure a standard of integrity which, sadly, over the past seven years, I have observed has been falling in this state.

Last night I attended a public meeting convened by the Hon. Paul Holloway of another place in his capacity as planning minister. He is required by law to do that when a change of zoning is proposed for a particular area—in this case the Glenside Hospital site, which is now a campus of the Royal Adelaide Hospital and is the subject of a redevelopment proposal by the state government, including the development of a private housing precinct and a retail precinct to include supermarket development and to provide for commercial offices and the like. To do that it has to change the DAP and, therefore, convene a public meeting.

A panel appointed by the minister convened that meeting at Burnside Town Hall last night. On my estimate, 150 to 200 people were in attendance. From 7 o'clock until 10.30, one by one they made their submissions, including from local government, that is, Burnside and Unley councils, and representatives of the Chapley family, whose company is the proposed developer to get the preferred deal to develop a large precinct there for retail and commercial activity.

There were representatives from the Cohen Group of Companies, which owns the Burnside Village. There was a representative from other supermarket interests, including the Arkaba Shopping Centre, owned by a company under the name of Peter Hurley. There was a myriad of people who live around the area, including patients, health professionals, psychiatrists and mental health nurses, who were brave enough to stand up last night and put their case. I was one of them.

I want to recount one interesting thing. The theme of the night, from some of these submissions, was claims of fraud and corruption about the process undertaken in this government redevelopment proposal. I will highlight two of them. Firstly, there was a claim that the Alistair Tutt report, which outlined the need for extra retail and supermarket space and shopping centres—which had, I think, been prepared at the cost of the Chapley Group of Companies in support of its submission—was not available to the public to read, yet this report had been relied on in the DAP that had been put out to present for public consultation.

So, it is referred to in the report as having been taken into account and relied upon, but we are not allowed to see it. One of those putting a submission last night was scathing about this, because even under our freedom of information application we are not allowed to receive it. Yet, the representative of the preferred purchaser of this land—that is, the government elected this particular group to have the first option—relied on it in its submission and referred to it again last night. But we are not allowed to see it.

The chairman of the panel, Mr Barone, who is also the Chief Executive of the Norwood, Payneham and St Peters council, indicated during the evening that he was going to read this report, but still we are not allowed to receive it. Incidentally, we do not even get to see the report that the panel put to the minister unless he agrees. So last night when I asked 'Will your recommendations to the minister be made available to us?', the answer was 'No; we can't do that. That is a matter entirely for the minister.' Well, we put the minister on notice that we want to know what this panel said as a result of the public, commercial and professional submissions put last night.

The second aspect I want to raise—apart from the concealment of documents upon which not only a person making the submission but also the planning department had based the decisions on what they will do on this site, and the secrecy of those documents—is a claim by one of those putting a submission that, in the glossy brochures presented to the public last year, and at public meetings, it was claimed that on the cultural precinct proposal (which is in the centre of the site) there could be a community meeting hall. This was discussed at a public meeting, deliberately I suggest, to encourage the public to think that it would be a great idea. Yet at the meeting last night it was claimed—by a person who is a member of the community consultative committee and who presented this, and who used the word 'corrupt' himself—that at the very time this was being presented to the public he had a letter confirming that the deal had been done to put a film centre at that site.

We need some answers, and the only way we will get them is through an ICAC. It is important that the public know the truth about these types of allegations, and we need to have that information before us.

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: A third claim was made last night, again using the word 'fraud' although 'corruption' is probably a better one. He presented to the meeting a letter—

The Hon. M.J. Atkinson: What about you and—

The SPEAKER: Order!

Ms CHAPMAN: —signed by minister Gago saying that there will not be high-rise (I think the reference was that there would not be multi-storey). Yet when the DPA came out for consideration by the public—which, incidentally, was over the Christmas period when no-one was around; but I can tell you that they are not happy out there, so they turned up at that meeting last night very angry—from the department of planning, under minister Holloway's required disclosure, there was no mention of multi-storey to protect against what has occurred. Clearly, there is a capacity to put up to six storeys in the housing development.

We want honest, accountable government. It is unacceptable. This is just one little issue that might be small to the government, but I can tell you is a big deal to the mental health community in this state, to country people who rely on this, to the people who work there—the staff and professionals who support these people, and the local community, who want to protect their own open space not just for themselves but also for others.

The Hon. M.J. Atkinson: How come Iain Evans gave permission for a shopping centre there?

The SPEAKER: Order!

Ms CHAPMAN: Mr Speaker, we must have an ICAC. Just on this one issue three examples are raised of corrupt and unacceptable behaviour by one or more ministers of this government. We want an ICAC to ensure that an inquiry is undertaken.

Mrs GERAGHTY (Torrens) (10:54): I move:

That the debate be adjourned.

Mr PENGILLY: I was on my feet—

The SPEAKER: Let me explain to all members how it works. The call passes from side to side. If no-one gets up from the side that the call was passed to then I am more than happy to give a member from that side the call, but the member for Torrens is well within her rights to move that the debate be adjourned.

Members interjecting:

The SPEAKER: Order! Is that motion seconded?

Motion carried; debate adjourned.

DEVELOPMENT (CONTROL OF EXTERNAL PAINTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 November 2008. Page 1171.)

The Hon. R.B. SUCH (Fisher) (11:00): I want to make a brief contribution. I commend the member for Light for bringing this bill before the house. I think every member is aware that, at times, you see developments which are painted inappropriately for the context of their surrounds. If you are not careful, you can get a snowballing effect. For example, Joe Bloggs paints his business premises, or Mrs Joe Bloggs paints hers, the gaudiest colour they can think of, and then someone else has to outdo them.

Particularly in heritage areas like Gawler, you get an unseemly and unwanted mosaic of hideous colours. I support this bill and I will be voting for it, but I have written to the Minister for Urban Development and Planning about the matter of heritage themes being pursued vigorously so that, in an area where you have a good case for protecting and preserving heritage or a theme (such as Hahndorf's German tradition), people cannot and should not be putting up any old tacky building that is out of character with the area.

I have said in this place before that, in Europe and the United Kingdom, if you were to do that sort of thing in some of their historic villages and towns, you would probably be dealt with in various ways, including being run out of town. The big corporations like fast food outlets comply because they know that they are in the business of making money and they will put up a facility that is in keeping with the heritage character of an area, and so they should. If you go to places like Hahndorf, sadly, you will see that recently we have had some new developments there which are about as German as my boot. They do not fit in at all.

The Hon. M.J. Atkinson: So, where is your boot made?

The Hon. R.B. SUCH: Well, I am not wearing my German shoes today. Nearly everything is made in China these days, even the—

The Hon. M.J. Atkinson: So, indeed, on some occasions, your boot would be Deutsch?

The Hon. R.B. SUCH: On some days, my shoes are German, because Germans make very good things. They are very good engineers and craftspeople. I can recommend some brands privately to the Attorney, who I think is still wearing his Dunlop Volleys. In places like Hahndorf—and it is not just Hahndorf—I think there should be a theme, and I am very disappointed that Mount

Barker council did not use its powers to insist on buildings that were more appropriate. In areas like Victor Harbor, which is a lovely place in a beautiful setting, if you are not careful, those places could be ruined and tourists will not want to go to a place if it looks like something out of a horror movie. I support the member for Light. I think it is great that he is bringing this in and I will be voting for it.

Mr VENNING (Schubert) (11:04): I received the amendments just a few minutes ago and I think it will change our position in relation to this measure. I have a lot of sympathy for this bill which, as the member for Fisher said, aims to protect the heritage value of towns where the main street is the heritage precinct. I represented Kapunda and I still have a lot to do with that community, as does the member for Stuart. The heritage of that town's street is most important. I understand that the changes this bill would make to the act are small: simply changing the definition of 'development' to include external painting. Under the act the council would have to apply to the minister to create a declared zone, whereby a change of land use requiring a development application would deal with any external painting as a development in its own right.

The bill is aimed at commercial properties. The member nods his head in agreement, but the question arises: what about residential property used to run a business? Will that be impacted? The member may like to address that matter in his reply. The member for Light needs to investigate this area and clarify it in his follow-up remarks. I note his amendment that, in other words, it will not apply to residential. In Kapunda we have residential dwellings in the main street. I will mention one, Ford House, a bed and breakfast, a beautiful heritage place and one of the only buildings I know of where the roof does not have any timber in it; it is purely riveted and soldered. There are other residences in the main street, so does that come into it?

This is a difficult area. All of us in this place would support the tenor of what he is trying to do, but do we want to see restrictions put on private people who want to reserve the right to paint their house? I agree with this because in Kapunda we had a tyre franchise in the middle of the main street that was painted bright yellow. I looked at it every day because it was right opposite my office. I always thought it was grossly out of place and, even though the tyre company was approached, because it was its corporate colour it would not change it.

If companies want to have a business in a precinct declared a heritage precinct, they should either comply or not set up there. We know of other franchise businesses, particularly food outlets. I should not name them but, for example, there are Kentucky Fried Chicken, Red Rooster and Hungry Jacks, which are painted in corporate colours. When one of those chains wanted to set up in the Barossa Valley the Barossa Council prohibited it because they would not change their colour. I do not know why they cannot keep the same pattern but change the colours to be more in keeping with a heritage precinct.

I support this bill as it is non-residential, but I will hold back my final decision to see what the member for Light says in relation to those people who reside in one of these precincts. He assures me (via these amendments) that councils still have the power to sit in judgment on any appeal from a constituent or ratepayer and have the final say. I reckon the new member for Frome would have an interest in this, as a former mayor. He may like to join the debate, as I understand he can. It might be his first utterance in this place. I will sit down now, but I say to the house that, with these amendments, we can support it, but I want those few points clarified by the member. So, I invite the member for Light to get to his feet and say a few words.

Mr WILLIAMS (MacKillop) (11:09): I was not going to speak on this matter today because the opposition is still seeking advice.

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: The opposition, for the benefit of the Attorney-General, has a different way of consulting than does the government. I heard a definition recently on the airwaves about government consulting. When the government here in South Australia consults, it actually calls a meeting, gets the people together, walks in, tells you what it is going to do and then goes away and says that it has consulted. That is what this government does when it consults. There are dozens of examples of the way this government goes about consulting.

The opposition has a different idea when it comes to consulting. The opposition approaches those who we believe would be stakeholders or interested parties and genuinely seeks their opinion, and after careful consideration of those opinions, we come to a position on the issue at hand. The opposition is somewhat concerned at the rapid nature in which, apparently, this

matter will be brought to a vote. It is also an interesting tactic on the government's part to send one of its backbenchers to run this as a piece of private member's business.

I strongly believe in the principle that private members' time should belong to private members and should not be controlled by the government through its numbers in the house. We have seen this government ignore that principle. From time to time, we have seen this government rush through matters of its wanting during private members' time by utilising one of its backbenchers to sponsor a particular bill or motion. We have even seen this government take over private members' time by insisting that we vote on a matter moved by a member of the opposition.

Mr PICCOLO: Mr Speaker, I rise on a point of order. Can we get to the topic before us, rather than this tangent? If he opposes the bill, that is fine. Let us talk about the bill—

The SPEAKER: Order! The member for Light—

Mr Piccolo: He hasn't actually touched the bill.

The SPEAKER: The member for Light will take his seat. The member for MacKillop is straying off the topic of the bill and perhaps talking about issues surrounding the management of the bill. I do not think that that is strictly out of order, given that the member for Light will have an opportunity in the reply to respond to the remarks of the member for MacKillop.

Mr WILLIAMS: Thank you, Mr Speaker, for your very wise ruling. Might I remind the member for Light that he is the one who has been utilised as a vehicle in his party room to bring this matter to a head today, and I am explaining to him why he will not receive the support of the opposition on this matter. I bring the *Notice Paper* to the attention of the member for Light and suggest that he looks at the length of time that many matters languish on the *Notice Paper*. Private members endeavouring to bring matters of importance to themselves and their constituents to the attention of the house keep getting those matters adjourned by the member for Light's party, yet he wants to bring this matter to a head before the opposition has had a genuine opportunity to consult with the interested parties.

This matter came to the attention of the house, as I understand it, on the last private members' day available to the house at the end of the last year. We have had the Christmas festive season and the holiday period intervening—

The Hon. M.J. Atkinson: I worked all the way through it.

Mr WILLIAMS: We heard about your working at Riverton, sitting under a tree with your book. We know the way you work, Attorney.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mr WILLIAMS: The opposition will involve itself in genuine discussion and genuine consultation over this matter. We think it is very important. This goes to the very heart of the economic future of this state—the retail sector. The member for Light, through his body language, suggests that that is not right. Let me explain to the member for Light that the retail sector is a large portion of the economy of this state.

The retail sector relies largely on being able to advertise and identify where people can conduct their business with a particular outlet—for a service, or whatever—and part of that is companies using a livery. They advertise a livery, and they decorate their place of business with that livery so that they can be easily recognised.

The Hon. M.J. Atkinson: Where is Malcolm Buckby these days?

Mr WILLIAMS: Mr Speaker, if the Attorney would listen for once (and it is something that I know he is not very good at), I will explain to him why the opposition will be opposing this matter if it is brought to a head today, that is, because we are still going through a consultation process. We may, at the end of the day, support the matter, but we cannot support it today because we have made commitments to talk to people—something that might be very foreign to the Attorney. We have commitments to listen to people—something which I know is foreign to the Attorney.

The Hon. M.J. Atkinson: Then why can no-one contact you about—

Mr WILLIAMS: I am explaining to the member for Light why—

The Hon. M.J. Atkinson: How do I get in touch with them or the member for MacKillop?

The SPEAKER: The Attorney will come to order.

Mr WILLIAMS: —he will not get support for this matter if he brings it on today. We will consult, and we will consider the importance—

The Hon. M.J. Atkinson: You're always doing something else.

The SPEAKER: I have already called the Attorney to order once.

Mr WILLIAMS: We will weigh up the importance of heritage versus the importance of a freehold title owner's right to conduct their business the way they see fit, including demonstrating in a very overt way where people can do business with them. As the member for Light well knows, he can readily recognise a number of businesses from afar as he drives or walks down any commercial street in his electorate. Is it his intent to take away the opportunity for businesses to do that? Has he seriously weighed up the relative merit of retaining heritage in a character that suited one particular point in time, as opposed to the need for businesses to be able to advertise their premises, the place where they conduct their business, because that is what the argument is about. Should the external painting of a building actually be considered as a development?

It is a complex question, and that is why the opposition will consult on this issue; that is why the opposition will take counsel on this; and that is why the opposition will seriously consider the matter. However, I need to explain to the member that we will not be supporting this matter if it is brought to a vote today. We may support it if he is willing to leave it for some weeks. I again suggest that the member goes back to consult the *Notice Paper* to see the length of time that matters languish in this place, when he and his colleagues refuse even to consider the position that they will take. There are dozens of matters on the *Notice Paper* that can—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: The Attorney is warned. I would hate for him to have to move his own suspension from the house.

Mr WILLIAMS: Bring it on, sir; I will support him! There are dozens of matters that could be dealt with in this house if the government and its backbenchers would just go out and talk to people and take a position. That is what we are doing on this matter, and we will deal with it in a timely fashion; but we are not prepared to deal with it today.

Mr PICCOLO (Light) (11:19): We could have saved the house quite a bit of time and discussed other private members' matters had the member for MacKillop just stood up and said, 'I don't understand this issue; I'm not ready for it; I didn't do my homework.' We could have actually moved on. That is all he had to say that, but he had to cover up his inability actually to deal with this issue and a lot of other things.

Regarding consultation, over the Christmas period, while other people were holidaying, I was at work. I sent letters to all members of parliament to advise them of my bill. I also spoke to the opposition spokesperson about this matter, as a good member does. I had a meeting with the Hon. David Ridgway from the other place, and he raised one concern, which I am addressing in this amendment. So, I have consulted, I have actually listened and I have responded in a positive way. This nonsense about not consulting is just that: nonsense.

The Hon. S.W. Key: Arrant nonsense!

Mr PICCOLO: It is arrant nonsense. I have also consulted with local government (through the Local government Association) and sent it out to other councils. I have received no adverse feedback from that mail-out to all councils. I understand that the Property Council of Australia has some concerns but, as put to me, it opposes any legislation which restricts property owners' rights. That is its starting position. That is fine; I do not have a problem with that.

An honourable member: They are only in it for profits.

Mr PICCOLO: That is right, and that is quite an appropriate position for that organisation to take. However, to suggest that it should be the overriding position is something I do not agree with. Having said that, when I discussed the actual provisions, its concerns were lessened and it was not the imposition it thought it would be, so I think this bill does achieve the right balance.

More importantly, it does not make a major change, because the external painting of a building is development already, in some cases. Where there is a change in land use which generates a different application, the external painting or the external appearance of the building is

already controlled. This bill will remove that anomaly. You can have two buildings now in the same street with the same land use under two sets of laws. That is the current situation.

For the member for MacKillop to suggest that this bill would change all our commercial streetscapes is just nonsense. It will not do that at all; it builds on what is already in place and removes an anomaly which gives some property owners an advantage over others, so it actually creates a level playing field. I think it is very important in business to create a level playing field. It is a nonsense to suggest that it is an argument of heritage versus property rights and people's rights. I would have thought that by now we would have moved on in the debate. It is a question of achieving an appropriate balance.

An earlier speaker for the opposition was carping about how we do not consult enough and how we do not give communities a say and, yet, what this bill does is to give the local community a say in what important buildings in their streetscapes should look like. However, they are opposed to that. In one area they support it; in another area they oppose it. That is the consistency of inconsistency of the opposition. Yesterday, members of the opposition (quite rightly) were suggesting that, under the new residential code, that there be provision for protecting heritage. The member for Unley and other members stood up to say how important it was. It was important yesterday but not important today. I suppose they take their lead from their leader: what he says one day does not carry forward to the next day. The opposition's opposition to this makes no sense; it has no logic to it.

Importantly, the bill also has some checks and balances. A council has to apply to the minister and the minister has to grant the request to allow for this bill to apply in a conservation zone. In other words, it is not automatic; there are some checks and balances. Councils that may be a little over-zealous will not get the zone. It does not mean that all things are the same. My amendment does address concerns which were raised by the opposition about the scope of the bill. This bill does provide an appropriate balance to allow commercial success but also to protect important buildings in historic conservation zones. It will not affect new buildings: it only protects existing buildings. This bill will not apply to McDonald's, for example, which generally builds new buildings, because it has a development—

The Hon. I.F. Evans: Even if they're built in historic zones?

Mr PICCOLO: If there is a change in land use it generates a development application that is covered by existing law. This bill does not impose upon that; it will not impact on places like McDonald's and Hungry Jack's etc., which have brand-new buildings. They generate an application in their own right.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. I.F. EVANS: My question to the member for Light is: does 'painting' include coloured rendering which is not painted but is coloured by a pigment inserted into the external render?

Mr PICCOLO: My understanding is that 'painting' is the ordinary sense of the word 'painting' and that it is applied.

The Hon. I.F. EVANS: Madam Chair, I understand that I can ask questions or speak for 15 minutes at this point.

The CHAIR: Three questions.

The Hon. I.F. EVANS: The other question I have for the member for Light, then, is: what ramifications would the bill have for signs made of Colorbond? Under this bill, will these signs, which are coloured by the manufacturer and are not painted, be allowed in these zones?

Mr PICCOLO: A Colorbond sign is not painted. A Colorbond sign is a sign, and it is covered by existing provisions under the Development Act.

The Hon. I.F. EVANS: I will not ask any more questions. However, the member for MacKillop says that we should consult, and the reason we should consult is that this bill allows for

paint colour to be regulated, when Colorbond can be any colour desired, and that clearly is a nonsense. If you are going to restrict colour, restrict colour.

Mr PICCOLO: I move:

Page 2, after line 16—Insert:

(4) Section 4—After subsection (1) insert:

(1a) A regulation made for the purposes of paragraph (faa) of the definition of *development* under subsection (1) will not extend to a building used wholly or predominantly for residential purposes.

In clarification, I advise that the only feedback I received was a concern in relation to the scope of the bill, even though I made it quite clear in my second reading speech that it related only to non-residential sites.

The Hon. I.F. Evans: Very modest scope, like you.

Mr PICCOLO: Thank you. I was quite happy to take on board that comment by the Liberal opposition, and I was quite happy to move my amendment to deal with that particular concern. What I will also say in clarification is that examples provided so far are actually covered by the existing Development Act and this bill does not alter the existing requirements.

Mr VENNING: I want to ask a question of the mover, who is a past mayor (and we also have Mayor Brock with us as well): I understand the final decision on these matters—

Members interjecting:

Mr VENNING: Madam Chair, will you tell those two gentlemen to shut up. A person is trying to think on his feet, and it is a damn nuisance—

The CHAIR: Order! Member for Schubert, it is out of order to respond to interjections. Please proceed; we have limited time.

Mr VENNING: I am trying, Madam Chair, to assess the situation. As the member for MacKillop has said, we are in a difficult position here. This has not been fully discussed in the party room because we want more information and we want to consult on the matter.

The Hon. M.J. Atkinson interjecting:

The CHAIR: Order! The Attorney-General has been warned. I suggest that he keep his lips buttoned.

Mr VENNING: And if it gets to half past and we have not dealt with this, the member for Light can blame you, Attorney-General, for delaying his bill for another two weeks.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: Thank you, very much. I would be annoyed with you if I were in the member for Light's place. We are trying to do the right thing here. In relation to the amendments you have moved today, I said in my second reading speech that the decision is with the council. There is an appeal mechanism that gives a person the normal rights to appeal to the council if necessary, and I suppose that is dealt with in the Local Government Act, anyway. Can you advise which act this comes under; would you class this sort of thing as coming under category 1, 2 or 3 under the Planning Act; and would the full consultation process apply?

Mr PICCOLO: In terms of the painting, whether they have rights of appeal would depend on whether it is category 1, 2 or 3, and that is a determination which will be made according to the existing regulations. I have to be careful what I say here because, in the historical conservation zone, my guess is that that would be a category 3, which means that both the representer and the applicant would have a right of appeal.

The CHAIR: The time for consideration of this matter has expired. It is therefore necessary to report progress.

Progress reported; committee to sit again.

SESSIONAL ORDERS SUSPENSION

Mr HANNA (Mitchell) (11:32): I move:

That sessional orders be so far suspended as to allow the time for Private Members' Business/Bills/Orders of the Day to be extended for ten minutes.

The SPEAKER: I have counted the house and, as an absolute majority of the whole number of members of the house is not present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

DEVELOPMENT (CONTROL OF EXTERNAL PAINTING) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 1408.)

Clause 3.

Mr VENNING: I want to guarantee that a council is quite clear on this matter in relation to the Planning Act and a council's PAR who will designate that it is a category 1, 2 or 3 matter, and whether full public consultation is involved. That needs to be clarified, and that is the area concerning which the opposition was not clear and wanted more time. We do not want to thrust on people something on which we have not done sufficient work. The government has the numbers here, but we would have liked more time.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Mr PICCOLO (Light) (11:38): I move:

That this bill be now read a third time.

I commend the bill to the house, for the reasons I have outlined. While I am aware that the opposition is trying to suggest improbabilities as a way of stalling this measure, I have to admit that the bill is in some ways a reminder bill but it is a very important bill. I have no doubt that if there are any faults in it they will be sorted out in the other place. I am quite proud to move the bill in my name, and I can assure the house it was my suggestion and not that of my party.

Mr WILLIAMS (MacKillop) (11:38): I want to take the opportunity to counter some things the member for Light said in his summing up. He suggested that I was making argument and that some of the things I was saying against the bill were nonsense. I never made any argument in support of or against the bill. I was making the point that the opposition could not support it at this time because we were still consulting. So it is totally erroneous for the member for Light to suggest that I made argument for or against his bill.

The member for Light even went so far as to suggest that I was wasting time and I should have just stood and taken 20 seconds to say what I said. I am not sure how long I was on my feet but, even after that time, the member for Light still did not understand what I was saying. So, hopefully, the record will now show that the opposition, as I said to the member for Light, might well support his bill if we were given time to complete our consultation and deliberation. I thank the house for its time.

Mr VENNING (Schubert) (11:39): I agree with what the member for MacKillop just said. We agree with what you are trying to say here. I have given examples of main street heritage in Kapunda and Tanunda. I have been talking to the new member for Frome, and he has an issue with Radio Rentals in Port Pirie. We all have issues such as this, and they all need to be addressed. I say to the member for Light that we are only questioning process; that is all we want to do. This process will be administered by local government, and the opposition would like to have more liaison with it to make sure that it will work. It will happen now, but it is a bit rough to do something like this and then fix it afterwards. We should have done it in the first place.

Mr PICCOLO (Light) (11:40): Members of the opposition can dress up their argument in any way they like. They have mentioned a number of times that they are not happy with parts of this, and I accept that. But let us not sit on the fence and try to have a bob each way. They showed their colours yesterday, when they supported heritage. Today they have shown their colours that they are not really dinkum about it. I ask the house to support the bill.

Bill read a third time and passed.

CIVIL LIABILITY (RECREATIONAL SERVICES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 November 2008. Page 1176.)

The Hon. I.F. EVANS (Davenport) (11:41): This is one of those occasions when I can thank all members for their support of this bill, and I look forward to the house supporting the vote.

Second reading negatived.

STATUTES AMENDMENT (SURROGACY) BILL

Adjourned debate on second reading.

(Continued from 13 November 2008. Page 927.)

Mr VENNING (Schubert) (11:43): The Hon. Lea Stevens moved the adjournment of this bill, and I believe that she wanted to continue, but she is not present. I very much support this measure, and I congratulate my colleague the Hon. John Dawkins from the other place, who introduced this bill to facilitate what is known as altruistic gestational surrogacy. I believe that most members of this chamber would be aware of that and what it means.

For many years, much work has taken place with a number of female constituents who are unable to carry children, even though they can become pregnant. One of the constituents who contacted the opposition, Kerry Faggotter, now has a son due to the willingness of her cousin to be the surrogate mother of the child, who has the genetics of both Kerry and her husband, Clive. This surrogacy was carried out interstate because such practices are illegal in South Australia.

Under the bill, the opportunity for surrogacy would apply only to heterosexual couples in either a marriage relationship or a de facto relationship that was considered under the law in this state to be the same as a marriage relationship. The people in that relationship would benefit from the wishes of a family member who had children, and no money would change hands under such an agreement.

This is a difficult matter, and the opposition has called this a conscience matter. I have a strong Lutheran ethic in my electorate, and I listen to those people every time I consider motions such as this.

I have no problem at all supporting it, because I believe that, if they legitimately cannot have children in the normal way, I would not deprive couples of having children. It is one of the greatest privileges in life, and I look forward in the future to watching my children progress through life. I would not deny any couple that privilege. I believe that if there is anything we can do to assist them with this, particularly when you have a person prepared to carry the child (be it a relative, friend or whatever), I am happy to support it. I have not swotted up on the legal implications (obviously, the Attorney-General would know all the ramifications of that), but I am amazed that, with the Attorney being a forward-thinking person, we have not addressed this before, because other states have.

It is pretty sad to know that couples in South Australia—and there would be hundreds affected by this dilemma—are required to go interstate to have a procedure. I think it is up to us to expedite this process quickly and to pass it. I support it.

Debate adjourned.

NORTH TERRACE UPGRADE

The Hon. R.B. SUCH (Fisher) (11:46): I move:

> That this house calls on the state government and the Adelaide City Council to create a South Australian/Australian landscape using indigenous native plants during the next phase of the North Terrace upgrade.

I have been on about this issue for quite a while, and I was very disappointed when the first stages of this project did not follow the recommendations of the landscape consultants, Taylor Lathlean Cullity, or the recommendations of Professor Tim Flannery and the director of the botanic gardens. I do not want to spend too much time on it because it is water under the bridge, but, as a result of a so-called survey, which was slanted a particular way, the Premier (Hon. Mike Rann), the relevant minister at the time (Hon. Jay Weatherill) and the Lord Mayor were misinformed and misguided in relation to the decision they made not to proceed with native trees on the northern side of North

Terrace as recommended by Professor Flannery, the head of the botanic gardens and the landscape consultants employed for the job, Taylor, Lathlean and Cullity.

That was very disappointing, and I do not want to spend a lot of time on it, but the survey asked, 'Do you want plane trees or do you want spotted gums?' They are not eucalypts, for a start: they are a corymbia maculata. They are a beautiful tree, and many are in the botanic gardens. As far as I know they have not killed anyone, and to call them 'spotted' in a survey and ask people, 'Do you want spotted trees or do you want plane trees?' means that you will get a distorted answer, and that is exactly what happened. However, if you add up the respondents, you actually find that more people did not want plane trees than those who wanted them.

Anyway, I think there is a chance now in the remaining sections of North Terrace for the Premier, the minister for the environment and the Lord Mayor to atone for their sins of the past and the fact that, in their defence, they were misled and probably were not given the full story—or able to hear from Professor Tim Flannery, Stephen Forbes and Taylor, Lathlean and Cullity. What the government and the city council should do is try to create on the remaining section of North Terrace as it upgrades something that looks South Australian, something that looks Australian. I do not know what the hang-up is about being obsessed with looking European.

Governments and councils over time have got rid of the indigenous people from the city and anything indigenous when it comes to flora and fauna. It is time that we took pride in our indigenous South Australian flora, or other appropriate natives if we cannot do that. I am not anti-exotic trees because I have many myself. What I am trying to get in the city is a bit of balance. If one compares the CBD with Perth, Adelaide is not an Australian-looking city. It has no Australian or South Australian look about it. I defy anyone to show me something in Adelaide that is uniquely Australian or South Australian, other than the blue sky—which, thankfully, we can enjoy and which people in the Northern Hemisphere do not see in the way in which we do.

Why we would want to carry on with the colonial cringe and recreate England or Europe on North Terrace escapes me. My father was English and I love a lot of things about England. There has been a fantastic contribution by British people around the world and, overall, it has been excellent, but we do not have to keep pretending that we are living in England or Europe. We are not: we are in a different environment. Why the hell would tourists want to look at several variants of plane trees? Tim Flannery's vision for North Terrace—

The Hon. M.J. Atkinson: Because they are shady.

The Hon. R.B. SUCH: Well, there are native indigenous trees that can do the job; and there are other reasons which I will explain shortly. The vision of Tim Flannery was that tourists would come along and see a bit of Australiana in flora and see parrots and other native birds on North Terrace. Plane trees are shady trees. All trees have their place somewhere, but plane trees, like other exotic trees, are basically sterile—

Ms Fox interjecting:

The Hon. R.B. SUCH: In terms of habitat and ecology. I will give you a basic lesson in ecology one day. They are sterile in the sense that, with some exceptions, they do not support native bird or animal life. Parrots will eat fruit on fruit trees, but I defy anyone to show me what a plane tree does to sustain our native population of birds. In the Adelaide area alone 20 native mammals are locally extinct, 21 native birds are extinct and 85 native plants are extinct. That is an appalling record. Extinct means dead, gone. That is what has happened. It is not simply about the look, important as that maybe for tourists and others who want to look at an Australian landscape. Other reasons, including habitat, are more important. If you do not have habitat you do not have native animals and birds. Native birds do not survive as a result of plane trees or other exotic trees.

There are other reasons, and I distinguish between an indigenous tree, shrub or grass and something called a native. Obviously, they are native to come under that generic label, but native trees, shrubs and grasses from the rest of Australia can be inappropriate to plant in Adelaide. Something might be native to North Queensland but it maybe quite inappropriate on North Terrace. People have to be careful and distinguish between indigenous plants—which have evolved over millions of years in this environment—and plants elsewhere in Australia which might be inappropriate to plant in the Adelaide environment.

Other reasons are very important. Indigenous trees have evolved to cope with drought; and we are seeing the consequences of that now. I saw a report in *The Advertiser* today from Jon Lamb that most silver birch trees around Adelaide are dead and elm trees are dying because they have

not evolved for this sort of climate. Indigenous trees have evolved to withstand drought, so we should be planting them for that reason, as well. Council trucks are watering exotic trees, trying to keep them alive, whereas, if indigenous or appropriate native trees were planted, they would not have to do that.

There are other important reasons. We are keen on the sequestration of carbon. Indigenous trees, almost without exception, are sequestering carbon throughout the year, but deciduous trees are obviously not going to sequester carbon when they have lost their leaves.

There is another reason too, and that is that the leaf litter of deciduous trees—the exotics that are brought in; there are some native deciduous trees, but I am referring to the exotics—is generally incompatible with our creeks and riverine systems. In fact, an academic at Adelaide University put it very well when he said that it is a bit like living off fast food all the time. It is not good for the Torrens. It is no wonder the Torrens is the way it is when it has to cope with leaf litter from trees that are from a different environment. The council says, 'Well, we try to sweep them up', but they do not sweep them all up and neither do the other councils in the metropolitan area.

It is not simply to make us look like South Australia or part of Australia; it is for reasons of habitat, and similar reasons should apply to people in their own home gardens and street trees and park trees. There are places where, obviously, you have exotic trees—anyone who wants to take a purist approach, I think, could be classified as fanatical—but what we have at the moment in the CBD (on our terraces and in our squares) is an imbalance. We have a preponderance of European trees, and now we are increasingly seeing Manchurian plum and pear trees, American pear trees, and so on, being introduced.

What South Australian trees could we plant? There is a whole list. I urge the government and the city council to consult with authorities such as State Flora, which kindly prepared a list for me—I cannot go through it all here because it would take too long—of suitable indigenous and native trees, shrubs and grasses that could be planted along North Terrace. I have the list here. For the next stages of North Terrace the state government and the city council could have a look at what State Flora recommends. Likewise, Stephen Forbes, the Director of the Adelaide Botanic Gardens, has prepared for me a very extensive list of suitable trees for North Terrace. These are smart people, qualified botanists and ecologists.

Some councils (the City of West Torrens and the City of Mitcham) are pioneering in their streets some Australian trees that the public is not aware of. Not all of these trees would be suitable for North Terrace. I am not suggesting that, but I am just saying that there is a range of trees, many of which we have not even tried. They include: the wilga (Australian willow); crow's ash (Australian teak); blueberry ash; blackbean; the ivory curl tree; the fire wheel tree; and the white cedar, which exists also in Asia. There is a new variety of white cedar, because white cedar got a bad name because some people tripped on its seeds. A low fruiting variety has now been developed, which does not have the same problem of people slipping on its seeds, but it is still a white cedar. Others include: the dwarf apple (there are a lot of lovely angophoras); the smooth-barked apple (angophora costata, which members might have seen at around Christmas time in beautiful blossom); the red flowered mallee; and the list goes on and on.

At least for the next major stage of the North Terrace upgrade I am urging the government to try to get a bit of South Australia and Australia on display. Let's stop pretending that we are living in England or Europe, let's take account of the climate and issues such as habitat, and let's try to get some native birds on North Terrace which tourists would be thrilled to see. People from other countries love to see parrots, but parrots will not come and sit in plane trees.

One of the disadvantages of the plane tree, which is a lovely tree in its own right, is that it causes allergies. People who suffer from hay fever might wonder where the hay fever irritants come from. Well, you do not have to look too far along North Terrace to find that they are coming from the plane tree. They are noted for it; it is one of their characteristics. In fact, at certain stages of the year you need to wear gloves when you handle them. In many ways, they are probably not the ideal tree for North Terrace.

An honourable member interjecting:

The Hon. R.B. SUCH: It's water under the bridge. It is unfortunate what the Premier, the minister of the day, Jay Weatherill, and the Lord Mayor were conned into doing by a dodgy survey that was defended by a few people with a hidden agenda (often not so hidden), who tried to make out that that is what the people of South Australia wanted. The people of South Australia were not properly consulted, and if you ask them whether they want Adelaide to look like South Australia

and Australia or like something transplanted from Europe I think I know the answer that you will get.

So, my earnest plea to the government is: for the next stage please listen to people like the director of the Botanic Gardens, Stephen Forbes, Professor Tim Flannery, and the highly qualified landscape consultants who were used originally but whose advice was ignored, Taylor Cullity Lethlean. These are highly regarded people who know what they are talking about. Let us have North Terrace looking a bit like South Australia for a change.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (12:00): I rise on this motion from the honourable member to address the concerns that he raises about the use of exotic trees in relation to the North Terrace development. While I sympathise with some of the points that have been made by the honourable member, for reasons which I will explain we will be opposing this resolution, partly for practical reasons.

We have a development which is part finished and it would disturb the whole nature of the development to have one half of it being native trees and one half being exotic trees. So, there is that stylistic issue. But more generally, to go to some of the background of this, if members recall, this was a project that was initially proposed by the previous Liberal government. It was at a stage when we were newly elected to government and at the time I was minister for planning with responsibility for this project.

As a new government, we were presented with a critical report from the Public Works Committee which suggested that the project should not go ahead. We resisted that recommendation, but did undertake to reconsider some of the issues associated with the project. One of the issues was the use of, I think, spotted gum trees at that time, versus the use of exotics. We did give this some careful thought. I think there is a respectable argument to suggest that we should look at ways in which we can increase the nature and extent of our native plant population in the urban environment, and we support that proposition, but there is a question of also considering where that should happen.

While we continue to support the way in which the Parklands have been used to move towards native vegetation to showcase a number of important native plants and trees, I think that there is an argument to suggest that some of our colonial buildings and the setting in which they exist on North Terrace can work more harmoniously with exotic trees and plants.

We did explore this at the time. I remember the debate. There were some people who suggested that we should be moving towards native trees and that that should be a blanket proposition, but I think there is a respectable argument to say that in certain circumstances, in the highly altered environment that we see in the urban area, exotic trees do have a place, especially juxtaposed with some of the older colonial buildings.

There is another practical matter as well, and that is that the North Terrace precinct, especially with the design that was in fact proposed, did involve quite a lot of paving. There were very real concerns about the design and the effect that that would have in very hot weather. There was a concern to ensure that we had a significant amount of shade to allow people to enjoy that boulevard, especially during our hot summers. I think that was a lively concern and a real issue that obviously was alive in the minds of people who were expressing views about this development.

We considered that the spotted gum, as it was described at the time, did not really provide the sort of shade necessary to give people relief from a very hot summer—it provided only dappled shade—and that was very much a factor in the decision taken. I pay tribute to the honourable member and his campaign to lift the use of native plants and trees in South Australia; I strongly support that and will be taking steps to advance it with further initiatives of this government. However, that decision was taken, and it cannot be revisited without making a mess of the design of the whole North Terrace precinct.

I think it is worth pointing out that we did commit ourselves to going out to the community. We had a very extensive public consultation process and, overwhelmingly, people supported the plane tree option, as opposed to the spotted gum option. It was a very open process in which a lot of people participated, and that was the conclusion reached. So, it would actually be a bit of a breach of faith in that process, one which we undertook in good faith and by which we said we would abide, if we were to turn our back on that approach.

I believe most people accept that the North Terrace development and the decisions we made about it have led to a better outcome. It is a well-loved precinct, and the proposition of extending it further down North Terrace is an exciting one, which, I believe, should receive the support of the house. I am sure it will receive support from the community once it is established.

The Hon. R.B. SUCH (Fisher) (12:07): I have the utmost respect for the minister. I think he is not only an excellent minister but also a good bloke, and that is about the highest tribute you can pay in Australia. To respond to the points he made, I believe that he, the Premier and the Lord Mayor were misled. The so-called consultation was so pathetic that even I did not know about it, and I take an interest in these things. They rang a few people and they had a display at the library (which was dodgy), and someone has since told me that they offered a digital presentation so that people could see North Terrace under various scenarios but that it was never taken up. If you want to do it properly, that is the way to do it: let people see what could be created by using various digital visual presentations and let them see what it would look like.

In terms of the type of tree, I am not saying that it has to be corymbia maculata, which is not a eucalypt anyway. There are about 800 eucalypts to choose from and over 1,000 acacias, as well as plenty of other species that are well suited to North Terrace. I acknowledge that what is there now is better than what was there before. One would be churlish and silly to say that what has been done does not look attractive, because it does. My argument is that it could have been done so that it had a South Australian or Australian look about it. I am not saying that what is there does not look good; I am saying that it could have looked a hell of a lot better and whole lot more Australian or South Australian. I am not being churlish about what is there.

On the question of the pavers, I think that they have been overdone. On one hand, we are trying to stop people putting stormwater into creeks and into the ocean yet, with North Terrace, here is the government and the city council trying to put more stormwater into those very areas. I will use the Premier's term, 'breaking news': people may not have heard about them, but there are now things available called porous pavers, and they could be used.

In terms of shade, there are plenty of native and South Australian species of trees that can give shade. You could mix and match, having native and exotic side by side; you could have part of North Terrace looking like old England and you could have the western side looking like modern Adelaide and modern Australia. Perth is an Australian-looking city, because not only does it have corymbia maculata in the main streets, it also has public gardens with bottlebrush and other natives. The Adelaide City Council still has not discovered the many indigenous or other native trees, shrubs and grasses that can be planted in the squares and on the terraces of our city.

I mentioned the consultation being dodgy. When I was at what is now UniSA, if anyone dished up that sort of work as a proper methodological approach to surveying people, they would have got about minus two for it. It was poor.

One of the reasons Tim Flannery wanted corymbia on North Terrace, apart from attracting birds and so on, was that you would get a dappled effect: you would be able to see the buildings as you go along North Terrace. You would be able to look over and see the museum and the library, for example. With those plane trees, you will get a lollipop effect. They will keep pruning it up until you get a lollipop and you will not be able to see those buildings as you go along from the other side because they will be covered with a dense mass of foliage, except during winter. That was one of his arguments; he wanted a dappled, see-through look. So, the usual argument about that is pretty thin, too.

Indigenous and native trees will provide the shade needed; I mentioned some of them before. Most South Australians have never heard of them, because most of them have been brought up to think of gum trees. In terms of the safety argument which some people trot out, the death rate from falling limbs is exactly the same in England as it is in Australia. The so-called widow-maker argument is fallacious, because the same number per million of population die in England where, to my knowledge, they do not have many eucalypts or corymbias. The same ratio die there as die in Australia, so that argument is a furphy and nonsense.

I know this is going to be a long-term campaign—and it may change after I am buried in a natural burial ground somewhere—but I look forward to the day when Adelaide actually looks Australian or South Australian, rather than a copy of something in Europe or England.

Motion negatived.

UKRAINIAN FAMINE

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (12:12): I move:

That this house—

(a) notes that 2007-08 marks the 75th anniversary of the Holodomor, the Great Ukrainian Famine of 1932-33, caused by the deliberate actions of Stalin's communist government of the former Union of Soviet Socialist Republics;

(b) recalls that an estimated seven million people in the Ukrainian Republic starved to death as a result of Stalinist policies in 1932-33 and that millions more lost their lives in the purge that ensued for the rest of the decade;

(c) notes that this famine resulted in one of the greatest losses of human life in one country during the 20th century and that it has been recognised as an act of genocide against the Ukrainian nation and its people by the Verkhovna Rada, the Parliament of Ukraine;

(d) honours the memories of those who lost their lives and extends its deepest sympathies to the victims, survivors and families of this tragedy; and

(e) joins the Ukrainian people throughout the world and, in particular, people of Ukrainian origin and descent in South Australia, in solemn commemoration of those tragic events.

It is my great honour and solemn duty to move this motion calling on the house to note the 75th anniversary of the Great Ukrainian Famine of 1932-33. It is with great sadness that I speak about events and memories which are very painful for Ukrainians in South Australia and around the world. The year 2007-08 marks the anniversary which has become known as the Holodomor—literally, 'death by hunger'.

I was initially contacted about this issue by members of the Association of Ukrainians in South Australia—President John Dnistriansky and Vice-President Volodymyr Fedojuk—and I thank them both for raising awareness of the Great Ukrainian Famine and its 75th anniversary on behalf of Ukrainians and their descendants in this state.

In my research to discover exactly what happened to the Ukrainian people during the Holodomor, I was confronted by horrific photographs of young children dying of hunger and stories of mothers so desperate they would toss their emaciated children into passing railway cars travelling towards cities in the hope that someone might take pity on them.

It must be understood that this famine was not a natural disaster: it was a man-made famine caused by the deliberate actions of Stalin's Communist government of the former Union of Soviet Socialist Republics.

An informative exhibition, organised by the Ukrainian Museum in New York City on behalf of the Permanent Mission of Ukraine to the United Nations in 2003, outlined how the Great Famine that enveloped Ukraine in 1932-33 was precipitated by Soviet dictator Joseph Stalin's policy of collectivisation, under which all privately owned land was expropriated and peasants were forced onto collective farms. It is a sobering reminder of the dangers of socialist economics and political fanaticism.

Stalin's plan was that the collective farms would feed the growing numbers of industrial workers in cities and at the same time supply substantial amounts of grain for sale overseas and then use the proceeds to finance further industrialisation in the Soviet Union.

The Ukrainian peasants, who were forced on to collective farms, were subjected to one of the greatest losses of human life in one country in the 20th century. The deliberate man-made famine was designed to crush resistance and break the will of the Ukrainian people. Stalin's government imposed ever higher grain quotas on the collective farms that were simply impossible to meet and which ensured that no grain was left to feed the peasants and their children who had produced the crops.

In 1932 to 1933 the Soviet government exported almost 30 million tonnes of grain, while seven million Ukrainians starved to death. While millions of people in the Ukraine were dying, very few accounts of the famine reached the west and the Soviet government repeatedly denied that there had even been such an event. The great Ukrainian famine has been recognised as an act of genocide against the Ukrainian nation and its people by the Verkhovna Rada, the parliament of the Ukraine, in 2003.

The Department of Foreign Affairs and Trade has advised that the Ukraine does not have a resolution in the United Nations at present for the Holodomor to be recognised as an act of

genocide—something that surprises me—and that the Australian government does not have a position on having the Holodomor accepted in the United Nations as an act of genocide.

The debate about whether the Holodomor constitutes such an act of genocide is one which must take place at the international level. The world must not forget this deliberate act of starvation of the Ukrainian people, the descendants of whom live among us in this state today. We need reminding that, if we forget the lessons of history, we are often condemned to repeat them.

I call on the house to support the motion in solemn commemoration of the tragedy that was the great Ukrainian famine. I extend to the descendants who now reside in this state our best wishes and sympathies in respect of those Ukrainians who died.

Mr PEDERICK (Hammond) (12:18): I rise to support the Leader of the Opposition's motion and acknowledge what the Ukrainian people had to put up with and how the Ukrainian community in Adelaide commemorated this event last year—it certainly was not celebrated. I attended the commemoration event and was made very welcome by John Dnistriansky.

Mr Kenyon interjecting:

Mr PEDERICK: Absolutely. They were very welcoming people and obviously a very cohesive group, and they reminded me that they will not forget what happened 75 years ago. To give some background on this, Joseph Stalin, the then leader of the Soviet Union, set in motion the events that led to the Holodomor, designed to cause a famine in the Ukraine to deliberately destroy the people seeking independence. As a result an estimated seven million to 10 million people perished in this area. The Ukraine was known then, as it is known now, as the bread basket of Europe. The people were deprived of the very food they had grown and it was put to other people's use and taken right out of their hands.

As time went on, Lenin took control. At one stage after 1921, he relaxed his grip on the country, stopped taking out so much grain and even encouraged a free market exchange of goods. However, when Stalin came about in 1924—and he was one of the most ruthless humans ever to hold power—he began to see that the continuing loss of Soviet influence in the Ukraine was completely unacceptable, so he decided he would crush the people's free spirit and began to employ the same methods he had successfully used within the Soviet Union. Thus, beginning in 1929, over 5,000 Ukrainian scholars, scientists, cultural and religious leaders were arrested after being falsely accused of plotting an armed revolt. Those arrested were either shot without a trial or deported to prison camps in remote areas of Russia.

Stalin also imposed the Soviet system of land management known as collectivisation. This resulted in the seizure of all privately owned farmlands and livestock in a country where 80 per cent of the people were traditional village farmers. Among those farmers was a class of people called Kulaks by the communists. They were formerly wealthy farmers who had owned 24 or more acres or who had employed farm workers. Stalin believed any future insurrection would be led by the Kulaks, thus he proclaimed a policy aimed at 'liquidating the Kulaks as a class'.

Back in the Ukraine, once proud village farmers were by now reduced to the level of rural factory workers on large collective farms. Anyone refusing to participate in the compulsory collectivisation was simply denounced and deported. A propaganda campaign was started utilising young communist activists who spread out among the country folk attempting to shore up the people's support for the Soviet regime. However, this failed and the people resisted through acts of rebellion and outright sabotage. They burned their own homes rather than surrender them. They took back their property and even assassinated local Soviet authorities.

Ultimately, this put them in direct conflict with the power and authority of Joseph Stalin. Over time, Soviet troops and police were brought in. They were originally ordered to fire over the farmers' heads but then shot directly at them. But the resistance continued. The people simply refused to become cogs in the Soviet farm machine and remained stubbornly determined to return to their pre Soviet farming lifestyle. In Moscow, Stalin responded by dictating a policy that would deliberately cause mass starvation and result in the deaths of millions.

By mid-1932, nearly 75 per cent of the farms in the Ukraine had been forcibly collectivised. On Stalin's orders, mandatory quotas of foodstuffs to be shipped out to the Soviet Union were drastically increased from August through to January 1933, until there was simply no food remaining to feed the people of the Ukraine. Much of that huge crop was dumped on the foreign market to generate cash to aid Stalin's five-year plan for the modernisation of the Soviet Union and

also to help finance his massive military build-up. If this wheat had been left in the Ukraine, it would have been enough to feed those people for up to two years.

Despite Ukrainian communists appealing to Moscow for a reduction in the grain quotas and also asking for emergency food aid, Stalin just responded by denouncing them and rushed in 100,000 more Russian soldiers to purge the Ukrainian Communist Party. Starvation ensued throughout the Ukraine, with the most vulnerable—the children and the elderly—first feeling the effects of malnutrition. The once smiling young faces of children vanished forever amid the constant pain of hunger. It gnawed away at their bellies, which became grossly swollen, while their arms and legs became like sticks as they slowly starved to death. Mothers in the countryside sometimes threw their emaciated children onto passing rail cars hoping that their children might get a better life in Kiev.

However, people in cities like Kiev were dropping dead in the street, and their bodies were being carted away in horse-drawn wagons and dumped in mass graves. While the police and Communist Party officials remained quite well fed, desperate Ukrainians ate leaves, killed dogs, cats, frogs, mice and birds and then cooked them. Others, who had gone mad with hunger, resorted to cannibalism, with parents sometimes even eating their own children.

Meanwhile, the Soviet-controlled granaries were said to be bursting at the seams from huge stocks of reserve grain which had not yet been shipped out of the Ukraine. In some locations, grain and potatoes were piled up in the open, protected by barbed wire and armed guards, who shot down anyone attempting to take the food.

By the spring of 1933, at the height of the famine, an estimated 25,000 people died every day in the Ukraine. Entire villages perished. In Europe, America and Canada, persons of Ukrainian descent, and others, responded to news reports of the famine by sending in food supplies. But Soviet authorities halted all food shipments at the border, because it was the official policy of the Soviet Union to deny the existence of a famine and thus to refuse any outside assistance. Anyone claiming that there was, in fact, a famine was accused of spreading anti-Soviet propaganda. Inside the Soviet Union, a person could be arrested for even using the words 'famine', 'hunger' or 'starvation' in a sentence. The Soviets bolstered their famine denial by duping members of the foreign press and using propaganda so that the west would not get the right message.

Stalin's five-year plan for the modernisation of the Soviet Union depended largely on the purchase of massive amounts of manufactured goods and technology from western nations. That is why those nations were unwilling to disrupt their trade agreements with the Soviet Union.

By the end of 1933, nearly 25 per cent of the total population of the Ukraine, including three million children, had perished. The Kulaks, as a class, were destroyed and an entire nation of village farmers had been decimated. With his immediate objectives achieved, Stalin allowed food distribution to resume inside the Ukraine and the famine subsided. However, political persecutions and further roundups of 'enemies' continued unchecked for many years.

I join with the Ukrainians to remember this event. May we never see such a disgraceful attitude towards human beings ever again. I commend the motion.

The Hon. R.B. SUCH (Fisher) (12:27): I will be very brief. I support the motion moved by the Leader of the Opposition and I extend my deepest sympathies to the people in the Ukrainian community world wide for what happened, particularly during the 1930s.

It is very important that we do not forget what happened in the past because, if we do not know our history, we do not have a future. We should learn from what has happened in the past. To some extent, I think Stalin has been allowed to get away with his actions. He is dead, and history has been more gentle to him than to Hitler, but they were both intensely evil people. We have to be careful that we in no way glorify these people who are sometimes described as mad; I think they are more accurately described as evil. We know what Hitler did to people of the Jewish faith, to the disabled, to gypsies, and so on—it was wicked, evil behaviour.

Importantly, it should tell us that if good people do not challenge this sort of behaviour, evil people will thrive. So, we are all responsible, in a way, to make sure that we do what we can, and that our government—along with other governments, and federally—acts early to deal with people who engage in inhumane treatment of our fellow citizens throughout the world.

I think one can argue about some aspects of so-called multiculturalism, but one of the great things of that policy collectively in Australia has been a focus on tolerance of people from different backgrounds. Clearly, we need to acknowledge differences, but we also need to acknowledge that,

ultimately, there should also be cohesion and oneness. That is important because it highlights to children the need to encourage empathy, tolerance and understanding of others, particularly when dealing with people of different religious faiths or from different racial or tribal backgrounds, whatever the difference may be, and to accept and tolerate, in an acceptable way, the differences that may exist.

This crime against the Ukrainian people was more than just simply a matter of tolerance; it was an evil act. One can look at many countries—not only at Ukraine but also at a lot of other countries in Europe and in Asia—where there has been similar treatment of people, and that is an appalling indictment on the human species. While the perpetrators should take the main blame and responsibility, I emphasise the point again that we all have a responsibility to deal with people, whether it be a Mugabe or whoever, and not be cowards and hold back. This happened during the Second World War, when I am sure that people in the West knew some of the things that were happening. This event was early in the thirties, but I am sure authorities in the West knew that some of these things were happening (and, likewise, during Hitler's regime) but did little about it.

Dr McFETRIDGE (Morphett) (12:31): I rise in support of the Leader of the Opposition's motion to commemorate the 75th anniversary of the Holodomor, the Great Ukrainian Famine. I will not go into the detail because this subject has been well presented by both the leader and the member for Hammond. The sad fact that we are here even speaking about this disaster is an indictment in itself. Man's inhumanity to man is something we all need to recognise. As politicians, whether it be in the South Australian government, the federal government or the United Nations, we need to make sure that we do all in our power to highlight the atrocities that have been seen historically, and are currently happening around the world, to make sure that action is taken.

We are here to commemorate the 75th anniversary of the Holodomor. What will we be saying in 75 years about Zimbabwe, where Robert Mugabe and his henchmen are conducting genocide and the destruction of the food bowl of Africa? The Ukraine was the food bowl of the Soviet Union and some parts of Europe. The world has seen Pol Pot and Hitler and many other incidents and occurrences where megalomaniacs were able to wield power with dire consequences for millions of people and when lives were lost or badly affected. In this case, millions of lives were lost because of a deliberate action to starve people into submission, to starve any resistance and to starve people into oblivion so that a megalomaniac could achieve his own goals.

The history of Stalin is one we all should be ashamed of. All those who supported him and who continue to support any of his ideologies should be condemned. Certainly, world leaders—and I use that word guardedly—or those in power around the world who continue atrocities, such as we are seeing in Zimbabwe today, need to be condemned. We need to do more than just condemn them; we need to have a strong United Nations and a strong world authority that can say, 'Enough is enough.' We cannot close our eyes just because of economic prudence and political agendas. We have to make sure that man's inhumanity to man does not continue. I support the motion.

Mrs REDMOND (Heysen) (12:35): I will make only a brief contribution. I came down to the chamber not expecting to speak on this motion but, when I listened to the contributions of the leader and the member for Hammond, I was motivated to make at least a small contribution.

It never ceases to amaze me that human beings can treat each other in the way detailed by those speakers in relation to the events of 1932-33. It bewilders and amazes me when I see what people are capable of doing to each other en masse. I have noted that the chamber has remained remarkably quiet during the addresses on this, and I am grateful for that because I think it indicates that, on occasions, we do rise to an appropriate level of behaviour in this place and recognise the sombre issues that sometimes confront us.

Whilst this is an anniversary of something that occurred over 75 years ago, as the leader said in his speech, those who forget the lessons of history are destined to repeat them. To my mind, it is bad enough when one sees a famine occur because of natural circumstances, such as one might see in Africa with droughts and so on—but to think that a single individual was able to perpetrate such an atrocity against an entire people. I am ashamed to say that until this morning I knew nothing about it, and I read a fair bit of history. I certainly have studied some Russian history, but not as much as I perhaps should have. It is an embarrassment to me that I knew nothing about the events that have been spoken about this morning. I think that, as humans, we should all be deeply ashamed to think that we are capable of doing these sorts of things one to the other.

So, it is with a somewhat sombre heart that I indicate my gratitude to the leader and to the member for Hammond for their speeches on this matter, and I look forward to the support of the entire house for the motion.

Mr KENYON (Newland) (12:37): This motion is a good opportunity to ponder a few things. It is important that we do remember the events that occurred in the Ukraine 70 years ago, not just because there are still people alive (not many, I suspect) who lived through this, and it is appropriate to reflect on their suffering. As people have already said, those who do not learn the lessons of history are doomed to repeat them. So, it is our duty to remind ourselves of these events so that we can guard against them in future.

It is also a reminder of the pain and suffering that can be inflicted upon people by despotism. It reminds us of the benefits of our democracy, not just the orderly running of a society but that, generally, democracies almost entirely avoid these episodes. Those countries that are committed to democracy do not tend to suffer these events, and that is why it is a reminder as well that we are right to encourage democracy in other countries, not just because despotic governments are likely to attack other countries, thus involving us in wars, but also because fellow human beings are less likely to suffer in a democracy. So, I think we are right to support democracies, particularly fledgling democracies.

Personally, I have a view that there is a certain amount of nobility in attempting to remove despotism across the world. We should not forget, too, that these events, in various forms, are going on around the world even as we speak. This is not an event limited to 70 years ago. In Africa, there are despotic regimes, and the member for Fisher mentioned Robert Mugabe essentially starving his country into submission, and that is occurring now. In China, right at this very minute, people are being imprisoned, or are in prison, simply for believing that they should have a different system of government or that they should not be part of China; Tibetans, for instance.

So, this sort of despotism is alive and well, and we choose every day to assist it in some small way. For example, in the case of China, we buy Chinese goods all the time; we trade extensively with that country.

The irony is that Chinese investment may affect a lot of people positively in this country, but at what cost to other people—fellow human beings in another country? The good thing—and the reason I am glad to see this motion in the house—is that it gives us the opportunity to reflect on those points.

Mr GOLDSWORTHY (Kavel) (12:40): I obviously speak in support of the motion brought to the house by the leader. This is a sombre issue that the leader has raised, but it is important that true facts of events such as this are revealed and exposed for what they are, and that they are not just closed within the pages of history.

I had the real pleasure of attending a lunch that the Ukraine association hosted last year, and I have to say that it was an absolutely enjoyable occasion. The Attorney-General was there, as well, and a number of other dignitaries, and I met President John and Vice-President Roger and their lovely wives, and we had a very enjoyable afternoon. They were very welcoming, caring, friendly people, and it was a real pleasure to spend most of the afternoon with them. It was an occasion that I am sure I will always remember.

At the lunch, President John spoke to me about this particular issue, and he said that he had presented to the Parliamentary Library here a book that had been written about the history of this particular set of events that took place in the Ukraine in the 1930s, and he gave me some details of what actually took place.

Obviously the Soviets had a different version of the event. They said it was a famine that caused the death of millions of those people in farming communities in the Ukraine. It was not a famine at all. They had the heavy-handed, brutal, torturous hand of the Soviet government come down on them to a point where it oppressed them into starvation. The leader and the member for Hammond have quite specifically outlined the course of events. The grain produced through that region was confiscated, basically, for the purpose of building up other areas of the Soviet Union, resulting in the deaths of the Ukrainian farmers.

That is a very important point to raise. It was not a famine that caused the deaths of millions of these people. It was the implementation of direct policy by the torturous, murderous Soviet regime that brought about this course of events. We talk today about crimes against humanity, but there is no doubt that this was a particular crime against humanity in the Ukraine.

Other members have spoken about Stalin, and the member for Fisher is correct that, in history, he is not necessarily depicted as severely as Hitler, but Stalin was a mass murderer. He was a tyrannical, torturous, extremely cruel mass murderer, and he pushed that philosophy right down through his regime. There is no getting away from those facts and, as I said, it is very important that these matters are revealed with absolute accuracy. I was very pleased to attend the lunch hosted by the Ukrainian association. It was a very enjoyable afternoon and I had a lovely afternoon chatting with the vice president's wife whom I sat next to, and she is a lovely person.

In closing, I want to say that the Ukrainian people who have migrated particularly here to South Australia provide a rich vitality and energy and have a friendly and accepting manner. They add to the tapestry of our South Australian cultural life in a significant way.

Debate adjourned on motion of Mrs Geraghty.

CYCLEWAY NETWORK

The Hon. R.B. SUCH (Fisher) (12:46): I move:

> That this house calls on the state government to plan, fund and develop a comprehensive off-road cycleway network in Adelaide.

In moving this motion I am not suggesting that the state government has not done anything in relation to cycleway provision, because it has; I am saying that I would like to see more—and I am sure the government itself would want to see more. The people of Adelaide and the wider community throughout South Australia, I believe, are very supportive of providing good cycleway facilities, particularly in Adelaide but also in country areas. When I talk about a cycleway, I mean (in general terms) a shared use network, because cycleways can be used by joggers and people with prams and so on, so it does not have to be exclusively for the use of cyclists.

All members would be aware of, and no doubt many participated in or viewed, the recent Tour Down Under, which is a fantastic event. I have been a cyclist in my youth. As members can see, I am not doing enough cycling now, but I still have four pushbikes and was one of the first to wear a cycle helmet more than 30 years ago. In fact, I still have it. It is a MSR (mountain safety research) helmet. Long before they were legally required I thought that my head is worth $40. A lot of people would disagree with that, but I thought, 'Is my head worth forty bucks?' and the answer was yes, so I bought one.

More seriously, in terms of this network and the atmosphere and interest that has come from Tour Down Under, I think bringing Lance Armstrong here was a fantastic thing, not only for cycling but also because of his campaign in helping to research and promote awareness of cancer. As someone who has been in that situation, I am very mindful of the impact that it has on a person and their family. I note that in his case he had testicular cancer. I am sure the Minister for Health will look through *Hansard*—I digress a little bit from cycleways at the moment—but one of the issues that has been brought to my attention is that there is no support network, of any kind, for people who suffer testicular cancer. Unless one has been formed in recent times, there is no group that offers support, counselling or other assistance. I am happy to be corrected if it has changed, but that was put to me not long ago by someone in that situation.

This is something that involves young men and strikes at the very heart of their manhood and they do not necessarily want to talk to people or acknowledge that they have or have had testicular cancer. Likewise, I can understand that woman do not necessarily want to be too overt in talking about things such as ovarian and cervical cancer and so on. I think we need to move on in respect of awareness and research. If the minister or the Cancer Council can do anything to provide a support group for those with testicular cancer, arising out of the Tour Down Under and the appearance of Lance Armstrong, that would be fantastic.

I have never seen so many people on pushbikes as I have seen lately, so the Tour Down Under has created an interest in cycling. It is one of the healthiest activities that people can undertake, because you are not pounding the footpaths and are less likely to end up with dodgy knees as you get older, through not belting the hell out of your knees on an asphalt surface. So, it is a very good exercise.

Unfortunately, however, in Adelaide at the moment there is inadequate provision for cyclists. The government has been trying to get motorists to adopt the slogan 'share the road', but my argument is that it is very hard to share the road with a concrete truck when you are a 10 year old on a pushbike.

The other very common problem is that many of the existing on-road marked cycleways go nowhere. So, you are riding along and suddenly you come to a certain part of the road and there is no continuation of the cycleway. So, where do you go? Hopefully, not under the concrete truck! You try to do something, but what we have at the moment is an economy version of a cycle network.

Cycleways are not cheap and the city council, to its credit, has put some through the Parklands that are of a very high standard. The City of Adelaide seems to be a very well resourced council, but I give it 10 out of 10 for the quality of its cycleways. If any member wants to experience a good cycleway, they should have a look at the ones in the south-eastern and southern sections of the Parklands that have been constructed in the past year or two. They are of top quality and standard and are a credit to the Adelaide City Council.

It would cost many millions of dollars and it would be a challenge to provide that sort of standard throughout the metropolitan area. I have been trying to get a cycle connection from Belair to Mitcham for years so that people can easily cycle up to Belair National Park, and so on—and, likewise, come down the hill—and extensions from, say, Flagstaff Hill through to Blackwood, which takes in part of my electorate. I have not yet succeeded in achieving those connections, but they are just two examples out of a whole multitude that are required in the metropolitan area.

If those facilities are provided people will use them, but then they have to be maintained. More than 20 years ago I was a founding member of the Mitcham Hills Cycle Network, and you can just about guarantee that any of the cycleways to be seen up through the Mitcham hills are the result of that committee's work. Sadly, very little has been added since that time. That was a group of community-minded people spun off from the Coromandel Valley Community Association, which still exists as a body. We had a whole lot of people on the committee, including engineers and others, who gave their time to help promote a cycleway network in the Mitcham Hills, and it was supported by the Mitcham council of the day, to its credit.

I am urging the state government to go flat-out on this cycleway network throughout Adelaide, off-road wherever possible. I think it is a good project to attract federal funding, because one can easily and quickly design and construct them and it would provide a useful boost to the earth-moving industry and the people who lay the special bitumen, and so on.

I believe that the Tour Down Under should be a catalyst for action by the state government. There is interest in it. People want their children to ride bikes, but at the moment it is just not safe to ride on many of our roads. I have tried riding on roads such as Marion Road and South Road, and it is one step away from Russian roulette. I would not encourage anyone to ride on those roads. Why should people not be able to ride safely off road, not only into the city but also in other locations?

I commend this motion to the house. I do not think that I have to labour the point for too long but I hope that, now he has been infected with the cycling bug, if you like, 'Lycra Mike' will really get behind this and help us to create a comprehensive off-road cycleway network in Adelaide.

Mr KENYON (Newland) (12:55): I move an amendment to the motion:

Delete all words after 'house' and substitute:

congratulates the state government on its continuing work in developing a comprehensive off-road cycleway network in South Australia.

The reason for this amendment is that a substantial amount of off-road cycleway in South Australia has been developed in Australia over the last few years and it needs to be recognised. I think that the member for Fisher's motion suggests that there is none whatsoever, and that is just not the case. If you were to read his motion, I think that would be the inference. I believe that my amendment better reflects the actual state of off-road cycleway networks in South Australia.

The government has a strategy already in place, namely, 'Safety in numbers—A Cycling Strategy for South Australia 2006-2010', which has the objective of a comprehensive cycling network and facilities. Included under this objective are actions to work with local government and other state agencies to improve the metropolitan and regional cycling networks that cater for the full range of users and extend and improve cycling routes along dedicated public transport corridors. Adelaide's principal bicycle network is known as Bike Direct, which is a comprehensive network of routes consisting of off-road paths, bicycle lanes and backstreets that provide for the diverse range of people who choose to cycle.

Adelaide's Bike Direct network (which I encourage members to look at), including off-road paths, is shown on a series of web-based maps on the Department for Transport, Energy and Infrastructure's (DTEI) website. I will read it out for members so that they can look it up on their laptops: www.transport.sa.gov.au/personal_transport/bike_direct/maps.asp.

Mr Bignell: Just Google it!

Mr KENYON: Or you can just Google it. I think you can probably Google 'Bike Direct network', as the member for Mawson says. It is probably a lot easier. There are a number of parts to it and I will go through a few of them. There is the Coast Park initiative to develop a 70-kilometre linear park shared-use path along the metropolitan Adelaide coastline from North Haven through to Sellicks Beach. You can even cycle down to see the member for Mawson! Significant lengths of off-road, shared-use paths exist along our rivers, including the Torrens Linear Park. Of course, it goes right along the boundary of my own electorate, which borders the electorates of the members for Torrens and Morialta, I believe. It is an excellent little path.

It also mentions the River Sturt Linear Park, the Little Para River, the South Para River, the North Para River and the River Onkaparinga estuary; and Christies Creek and Dry Creek all have shared-use paths along them. Recently the Coast to Vines Rail Trail, which follows the disused Willunga to Marina rail corridor, was launched. This 38-kilometre trail resulted from significant collaboration between federal, state and local governments, with this government contributing $1.2 million. The seven-kilometre Westside Bikeway follows the disused Holdfast Bay rail corridor from the city to Camden Park; and, in the Adelaide Hills, the Premier recently announced the development of a shared-use path along the disused Adelaide Hills rail corridor from Oakbank to Mount Pleasant, and this will be named in honour of Amy Gillett.

Stage 1, costing $1 million, will be a five-kilometre path from Oakbank to Woodside. The Premier has also announced that two other great South Australian cyclists will be honoured through the naming of the significant off-road cycling paths that follow major roads. For instance, the 20-kilometre Southern Expressway veloway from Darlington to Noarlunga will be named the Patrick Jonker Bikeway after the great Patrick Jonker, a friend of the member for Mawson, I believe. The yet to be constructed 23-kilometre cycle path following the Northern Expressway will be named the Stuart O'Grady Bikeway, another great friend of the member for Mawson, who seems to know all the cyclists.

The Hon. R.B. Such: Is there a Leon Bignell one?

Mr KENYON: I don't know. If he pedals hard enough there might be. I think it is fair to say that there are any number of other examples I could read, but I do not know that the house would be excited about it. There are enough examples here to show that a network is well underway which will continue to develop over coming years. That is why I believe my amendment more accurately reflects the situation in the City of Adelaide and the state at this time.

Debate adjourned.

[Sitting suspended from 13:00 to 14:00]

STRATA AND COMMUNITY TITLE REFORM

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:02): I seek leave to make a ministerial statement.

Leave granted.

Ms CHAPMAN: I have a point of order, sir. In relation to the question of leave, I wonder whether the member is doing this as the Premier, Acting Premier, Attorney-General or Minister for Infrastructure?

The SPEAKER: There is no point of order. The Attorney-General has the call.

The Hon. M.J. ATKINSON: I will be doing it in my capacity as the hero of Frome. I thought all the hub-hub was their saying aye to my seeking leave—but I was mistaken. Late last year on behalf of the government, in my capacity as Attorney-General, I published for comment a draft bill proposing amendments to the Community Titles Act 1996 and the Strata Titles Act 1998, together with a discussion paper which explains the effect of the draft bill. The purpose of the proposed

reforms is to improve consumer protection for the buyers and owners of community lots and strata units.

Since publication of my letter telling interested parties and the public to make submissions before 9 February this year, I have been contacted by industry representatives, constituents and consumers asking for more time in which to respond.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: I say to the member for Heysen huala, thankyou. This proposed bill is an important reform with wide-reaching implications for many South Australians, and my department is seeking as much comment as possible. Therefore, I have determined to extend the period of consultation by one month to 9 March 2009. I am reassured by interested parties that this extension will provide adequate time for response to the important matter that necessarily must be canvassed. I encourage anyone who would like to make any comment on the government's proposal to do so. I pledge that we will consider comment before returning to cabinet for approval of the bill to be introduced to parliament.

PAPERS

The following papers were laid on the table:

By the Minister for Health (Hon J.D. Hill)—

Balaklava & Riverton Districts Health Service Inc—Report 2007-08
Ceduna District Health Services Inc—Report 2007-08
Health, Department of—Report 2006-07 Erratum
Mallee Health Service Inc—Report 2007-08
Meningie & Districts Memorial Hospital & Health Services Inc.—Report 2007-08
Mt Barker & District Health Services Inc. (Incorporating Mt. Barker District Soldiers Memorial Hospital & Adelaide Hills Community Health Services)—Report 2007-08
Naracoorte Health Service Inc—Report 2007-08
Northern Yorke Peninsula Health Service Inc—Report 2007-08
Tailem Bend District Hospital—Report 2007-08

CHELTENHAM PARK

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: I am pleased to advise the house that the state government has today committed to a greatly enhanced stormwater capture and reuse project to provide 1.2 gigalitres per year to the Cheltenham racecourse redevelopment.

This $20 million project will allow new homes at the site and nearby industrial users to be connected to dual reticulation systems to use harvested stormwater for non-potable purposes, such as garden watering and toilet flushing, similar to that at Mawson Lakes. It will include a 4.5-hectare wetland and aquifer storage and recovery scheme with the capacity to treat, store, recover and reuse about 1.2 gigalitres of stormwater harvested from the 49-hectare site, the Torrens Road catchment, as well as parts of the Hindmarsh catchment and the Torrens River.

This project will see a wetland and ASR scheme at the site that is six times larger than what was initially anticipated. The state government is committed to developing and investing in stormwater harvesting projects, and this project is a prime example of all stakeholders—except the opposition—working together to develop feasible options.

Mr Williams interjecting:

The SPEAKER: The member for MacKillop will come to order!

The Hon. K.A. MAYWALD: The government's goal in its 2005 Waterproofing Adelaide strategy was to increase annual stormwater reuse to 20,000 megalitres by 2025, or about 10 per cent of Adelaide's mains water use. I am very pleased to be able to advise the house that prior to this project we were already well and truly on track to reach that target by 2010—15 years earlier—and this project now ensures we will not only meet that target but well and truly exceed it. The state government was clear from the start that this development would not go ahead unless it provided for a wetlands and stormwater harvesting scheme. Today we have delivered on that promise.

This project comes on top of significant investment in stormwater and wastewater recycling projects by this government, including:

- Waterproofing northern Adelaide in partnership with a number stakeholders led by the Salisbury council, which is substituting 12.1 gigalitres per year of drinking water currently used for industrial and urban irrigation with treated stormwater;
- Lochiel Park Green Village, where treated stormwater will be used for non-potable purposes, including open space irrigation, by around 100 residential properties;
- Metropolitan Adelaide Stormwater Reuse project, which could substitute up to one gigalitre per year of water that would otherwise be drawn from Adelaide's groundwater system;
- Barker Inlet, with negotiations currently being finalised for a stormwater reuse scheme at Barker Inlet. The scheme has potential to supply 200 to 300 megalitres annually to industry, schools and open spaces; and
- The government is also negotiating with Adelaide Airport for a larger-scale stormwater reuse scheme at the airport.

These significant projects, along with our commitment to provide 1.2 gigalitres per year of stormwater to the Cheltenham racecourse redevelopment, clearly displays this government's strong commitment to the harvesting and reuse of stormwater to help secure our long-term water security as one part of our four-way strategy for water security.

QUESTION TIME

MURRAY-DARLING BASIN

Mr WILLIAMS (MacKillop) (14:09): My question is to the Minister for Water Security.

An honourable member interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Has the so-called historic agreement over the future management of the Murray-Darling Basin, and in particular the fact that a whole of basin plan will not be established until 2011, disadvantaged South Australia? On Tuesday, the government, through a press release titled 'SA seeks an explanation on new Victorian water plan', states in regard to the Victoria Northern Region Sustainable Water Strategy:

> The strategy proposes a number of policies that could potentially impact the River Murray in South Australia, particularly the reliability of both our regulated and unregulated flows.

It goes on to state:

> South Australia is also concerned that implementation of the Victorian strategy may be accelerated and would pre-empt and adversely impact the development of the new basin-wide plan by the Murray-Darling Basin Authority.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:10): First and foremost, I am pleased to see that the opposition is reading the press releases, because that is exactly what my press release states: South Australia has substantial concerns about the Victorian government's sustainability regions.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: It would be particularly useful if the opposition would, at last, start to come on board with the state government in fighting the war against the Eastern States on water related issues. The opposition in this state continually tries to internalise these problems instead of actually taking—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: —a proactive role in ensuring that South Australia can show—

Mr Williams interjecting:

The SPEAKER: The member for MacKillop!

The Hon. K.A. MAYWALD: —bilateral support for a campaign against the other states to get a better deal for South Australia. Now to the basin-wide plan and to the new Murray-Darling Basin agreement. This is historic. I can assure—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: —members opposite that the status quo was unacceptable. What the opposition would have us believe is that we should have abandoned this new authority, abandoned progress towards a new basin-wide plan, and that we should have held out for something better. They would have actually denied this state the benefit of having work commence on a basin-wide plan that will set new caps on the extraction of water, not only surface water but, for the first time, also groundwater.

What has happened that is too late is that previous governments failed to act on this 20 and 30 years ago. Previous federal governments have taken no interest in this at a national level. It is only during the last couple of years—

Mr Williams interjecting:

The SPEAKER: I warn the member for MacKillop.

The Hon. K.A. MAYWALD: —that we have finally seen the federal government take an interest in the Murray-Darling Basin. It is only since Malcolm Turnbull put a national plan for water security on the table that the federal government—in the dying days of the previous government—decided to even consider that water was of importance. The dying days. I would like to put on the record that at that time Malcolm Turnbull and John Howard—

Mr Pederick interjecting:

The SPEAKER: The member for Hammond is warned.

Mr Pengilly interjecting:

The SPEAKER: I do not need the assistance of the member for Finniss, thank you. The minister has the call.

The Hon. K.A. MAYWALD: Members of this house would be well reminded that at the time that Malcolm Turnbull released his national plan for water security his solution was for the Murray-Darling Basin Commission to be dissolved into a government agency reporting to one federal minister. The South Australian government did not support this. We lobbied extremely hard to have an independent authority established so that we could start to take the politics out of the management of the Murray-Darling Basin.

The Howard government did not support an independent authority initially. We had to drag it to the table to support an independent authority so that future decisions on establishing caps within the Murray-Darling Basin on surface water and groundwater could be based on science and not politics. We were successful in getting all jurisdictions to accept that an independent authority was the most significant step forward in ensuring that we could get a basin-wide plan that would be borderless.

This is a huge step forward. Yes, it should have been done 20 years ago. Guess what: who was in government 20 years ago? Guess what: it is successive governments of South Australian persuasion (both Liberal and Labor) that have fought hard to get a better deal for the River Murray. We have continually done it in a bipartisan manner, decade after decade, until we now have this opposition. This opposition continues to try to drive a wedge within our communities at the expense of our communities. Come on board. Show bipartisan support to get a better deal for the River Murray across the board. That is what you should be doing; that is what the people of South Australia expect you to be doing. Show some leadership, rather than the kind of nonsense that we see going on in the press at the moment.

TOUR DOWN UNDER

Mr BIGNELL (Mawson) (14:15): My question is to the Minister for Tourism. How does hosting the UCI ProTour Tour Down Under benefit South Australia?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (14:16): I thank the member for Mawson for his question. He has an abiding interest in cycling and is a world expert, having attended races around the world and commentated on the same. Of course, he would know that our 11th Tour Down Under, held from 18 to 25 January, was one of the most significant we have had in terms of representation, quality of teams, quality of riders, and crowd enthusiasm. It is clearly a record breaker.

There were 19 teams—133 cyclists, coming from 23 countries. It was particularly pleasing to see Allan Davis, an Australian riding for Quick Step, take out the winner's crown at the end of this six-day cycling event. For many of us who were there, it was also delightful to see Stuart O'Grady a mere 25 seconds behind, doing so well this year riding for Saxo Bank.

This year, the long-anticipated return to cycling of seven times Tour de France winner, Lance Armstrong, made the event even more exciting for many people. The buzz and excitement of the event, before it even occurred, was greater than we have ever known. In fact, there were front-page stories in major international newspapers such as the *LA Times*, taking away column inches from President Obama's inauguration in the process.

The event delivered enormous media interest; in fact, there were five times more online media articles before the event began this year than there had been in the entire event in the previous year. On top of that, there were 400 accredited media in Adelaide—up from about 200 the year before. While the final figures for media coverage are not yet in, we do know that there were approximately 743,000 people—almost three-quarters of a million—lining the streets for the seven days of action-packed racing. This was a huge increase from the previous year when there were 540,000 people present.

The Tour Down Under is more than just a cycling event: it is a major community festival, full of parties and fetes around the state, which encourages locals and tourists alike to get out into our regions to enjoy good food, wine and hospitality. Together with those visitors from interstate and overseas, this is a truly global event. Amazingly, this year, over 7,000 riders joined the Mutual Community Challenge Tour. I am told that 1,869 of those cyclists travelled from interstate and 118 riders came from overseas to take part in this event.

Boosted by the involvement of Lance Armstrong and his LIVESTRONG Foundation, the Cancer Council also joined in this event and became the official charity partner. The state government provided a cheque for $600,000 to the Cancer Council, fulfilling the Premier's pledge to triple any funds that they were able to raise during the TDU.

To attract the world's best riders and to achieve such stellar growth in media coverage, crowd numbers, participants and visitor numbers is due to the many organisations matching the faith and effort put into this event by the state government. I thank Events SA and also the UCI, the commissaires, team managers, riders, sponsors, media partners and those many local councils, as well as the Department for Transport, Energy and Infrastructure, the police and emergency services. Of course, I also thank the people of South Australia—the public—who made this event such a stellar one. It is their contribution that helped make this event such a great success.

There is really only one lonely group that did not get behind this event. One lonely group sought to denigrate, undermine and attack this event, and they are the members opposite. They are alone in attacking the Tour Down Under this year, much as they attack the events that occur in this state and many of our great successes. In fact, it may come as a surprise to members in this house to learn that the world was not preoccupied by temporary fencing in Victoria Square, as was the member for Unley. In fact, I can report to the house that neither *The New York Times*, the BBC, the *LA Times* or *The Washington Post*, Sky or *Eurosport* took up the challenge put to them by the member for Unley; and they did not report on the fencing around Victoria Square, which appears to be the only negative point that they could produce.

Most of the world was really focused on this event because of Lance Armstrong and the quality of the field, it having ProTour status. I have to say that there were plaudits from around the world, commendations and encouragement. So, it is a pity that those opposite could not join in the fun and say anything nice about this event.

In fact, it really is an outrage that, whilst the world was focusing on the ProTour points, those opposite were being so negative. I would say that all South Australians were proud of the development of the Tour Down Under, proud of the ProTour status, delighted that Lance Armstrong should make his comeback to competitive racing in Adelaide, South Australia, and they were

delighted by this event. I would just encourage those opposite to recognise a world-class event, praise it and support those in our community who have made it possible.

MURRAY RIVER, LOWER LAKES

Mr PEDERICK (Hammond) (14:22): My question is to the Minister for Water Security. Has the government made decisions on whether it will adopt a low intervention program for the Lower Lakes and Goolwa Channel, in minimising the risks associated with low flows and water levels? Bioremediation, natural occurring refuges and native species preservation projects, coupled with direct on-demand treatment of localised acidification hotspots, have been proposed as an alternative to massive intervention with sea water or further isolating the lakes with small bungs and weirs in the area below Point Sturt. Locals have expressed the view that these proposals have uncertain outcomes and only compound the problem for the entire ecosystem.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:22): There has been a proposition put forward by one group of residents around the Lower Lakes that we could avoid any kind of engineering intervention if we were to go down the path of bioremediation liming dealing with local hotspots. However, the South Australian government believes that we need to look at all options, that we need to fully consider and do the feasibility of all of those options, and that is what we are currently doing.

We are currently doing that work, because we make decisions on the basis of the best possible sites. We do not have knee-jerk reactions on the basis of what a particular community may or may not demand at the time. The decisions that this government makes in relation to interventions that we may have to put in place down around the Lower Lakes will be based on appropriate investigations and the best possible science, and we will make those decisions in the best interests of the community.

MOTORCYCLE GANGS

The Hon. P.L. WHITE (Taylor) (14:23): Can the Attorney-General inform the house about a recent High Court decision and its implications for the Rann government's attack on criminal motorcycle gangs?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:24): I can. On Monday, the full bench of the High Court unanimously (seven-nil) dismissed an appeal by K-Generation Pty Ltd from the Supreme Court of South Australia. K-Generation had argued that it is not constitutional for legislation to require a court to consider criminal intelligence without disclosing it to all parties to the matter.

Criminal intelligence is defined to mean 'information relating to actual or suspected criminal activity, whether in this state or elsewhere, the disclosure of which could reasonably be expected to prejudice criminal investigations or to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement'.

Ms Chapman: When are you going to outlaw the Finks?

The Hon. M.J. ATKINSON: The member for Bragg interjects: 'Have you outlawed the Finks yet?'

An honourable member: When are you?

The Hon. M.J. ATKINSON: No, she interjects: 'Have you outlawed the Finks yet?'

An honourable member: No, she didn't; she said 'when'.

The Hon. M.J. ATKINSON: It would be peculiar—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: It would be peculiar if I had moved to declare the Finks before the period for them to respond to the police's case against them.

Ms Chapman: They would love to do it!

The Hon. M.J. ATKINSON: The member for Bragg interjects 'rubbish'. This morning we heard from the Liberal opposition, in particular from the member for MacKillop, how the government should consult properly.

Mr PENGILLY: I take a point of order, sir.

Members interjecting:

The SPEAKER: A point of order, the member for Finniss.

Mr PENGILLY: The question is relevance to the question that was asked.

The SPEAKER: Order! The question was about outlaw motorcycle gangs, and the Attorney-General seems to be addressing that very topic.

The Hon. M.J. ATKINSON: The member for MacKillop wants a proper consultation and congratulates me during my ministerial statement for a proper consultation. In accordance with natural justice—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: In accordance with natural justice and the rule of law and incumbent on me as the first law officer of the state, I have had the Crown Solicitor's Office write to the Finks and put to them directly the allegations made about them by the police. Here is the member for Bragg, as spokesman on this legal matter for the parliamentary Liberal Party, saying, 'Declare them; outlaw them', before they have even had time to respond. The provision in dispute is section 28A of the Liquor Licensing Act.

Ms Chapman interjecting:

The SPEAKER: The Deputy Leader of the Opposition is warned.

The Hon. M.J. ATKINSON: Relevantly, subsection (1) of that section provides:

> No information provided by the Commissioner of Police to the commissioner [and there the law means Liquor and Gambling Commissioner] may be disclosed to any person except the minister, a court or a person to whom the Commissioner of Police authorises its disclosure if the information is classified by the Commissioner of Police as criminal intelligence.

In October 2005, K-Generation Pty Ltd applied to the SA Liquor and Gambling Commissioner for an entertainment venue licence for a proposed karaoke club on King William Street to be called Sky Lounge KTV. The Police Commissioner intervened, making submissions about whether the applicants, Mr Genargi Krasnov and his partner, Ms Adeline Tay, were fit and proper persons to hold the licence.

The Police Commissioner's submissions included criminal intelligence material, and this material (some of it) was not disclosed to K-Generation. K-Generation argued that the submission of criminal intelligence material stripped the Licensing Court of the reality and appearance of a court of open justice. K-Generation also argued that, by concealing criminal intelligence from it, it was not afforded procedural fairness. That is an argument in the public domain which is embraced by the Democrats, the Greens and the member for Mitchell.

The High Court found that the requirement for South Australian courts to maintain confidentiality of criminal intelligence about an applicant for a liquor licence does not diminish the courts' institutional integrity, impartiality or independence. That is the argument of the member for Mitchell and others shot down in flames.

Mr Hanna interjecting:

The Hon. M.J. ATKINSON: The member for Mitchell, annoyed by the result in the High Court, says that I would not know, but seven justices of the High Court do know and they have ruled against him.

The use of criminal intelligence in judicial proceedings is vital to the delivery of justice and the protection of the public from criminal elements in our society. It is nonsensical to argue that the confidentiality of the criminal intelligence ought to be compromised by requiring it be revealed to the very persons whom it concerns.

The decision in K-Generation and Genargi Krasnov v Liquor Licensing Court and Commissioner of South Australia Police is an important one for the government as it also tends to

support similar provisions allowing the use of confidential criminal intelligence evidence before the state's courts in other areas. In particular, the judgment supports other similar provisions in our tough new laws combating serious and organised crime and outlaw motorcycle gang infiltration of the ranks of doormen, bouncers or crowd controllers—call them what you will—at nightclubs.

This High Court case reinforces an important tool in the government's task of securing public safety. There was sensationalist speculation from some small sections of the media—very small in circulation—that an adverse decision in this case would somehow bring the government's strategy crashing down. That frequent publisher of information recklessly indifferent to whether it is true or not—I refer to Mr Hendrik Gout of the so-called *Independent Weekly*—wrote on 30 May last year:

> The enormous implications mean SA's new Serious and Organised Crime Act—the notorious Bikies Bill—could be heading for a shredding.

The article also posed the likelihood that an adverse result in the High Court would diminish the nation's anti-terror laws. The Rann government has never believed that an adverse result would have such a dramatic effect as that suggested in the advocacy writing of Hendrik Gout. We have always been, and remain, quietly confident that our laws would withstand legal challenge.

The High Court—much to Mr Gout's disappointment, I am sure—has instead delivered the opposite result to that forecast by the so-called *Independent Weekly*: a seven-nil judgment—a unanimous judgment including Justice Michael Kirby supporting the Rann government's case. The High Court decision reinforces the legitimacy of the Rann government's tough stance and the groundbreaking measures that we are employing to deal with this menace to society.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: I'm sorry, I didn't quite catch the member for Bragg, whose previous interjections have included that Bevan Spencer von Einem should not be DNA tested. Mr Gout also wrote in that same article that:

> SA's punitive Serious Crime Act also forces courts to try people who don't know what evidence is real or has been fabricated against them. Innocent people can be subject to draconian control orders enforced by the courts and organisations effectively outlawed on spurious grounds.

The Rann government does not apologise for the tough and—as described by some commentators—draconian laws we have established for dealing with serious and organised crime. However, we will fulfil our legal obligations and give natural justice even to the Finks, despite the member for Bragg—in complete contradiction of the member for Heysen yesterday—telling us that we should adjudicate this matter without even considering the Finks' reply, that we should make a decision before the period for consultation has closed.

To go so far as Hendrik Gout does and accuse the police of corruption or fabricating evidence, or say that courts will fail to fulfil the rule of law by issuing orders on spurious grounds without a substratum of fact, is nothing more than muckraking. One must always prepare for reading one of Mr Gout's articles by a period of sober reflection: one's consciousness should not be impaired. I would urge Mr Gout and all those interested in this matter to read the judgment of the High Court, which can be accessed from the High Court website at www.highcourt.gov.au. They will find there a fascinating story in this judgment and that is one of reassurance to the South Australian public that the state can take and is taking measures to protect its citizens from dangerous criminal threats.

But, you know, I am not expecting *The Independent Weekly* to run anything about the K-Generation case. I imagine they will treat it rather as *Pravda* did certain events in Russia. I am pleased with the High Court's decision. The Solicitor-General, Martin Hinton QC, intervened in the case on my behalf as Attorney-General to support the parliament's law. I congratulate the Solicitor-General on his first major success in his new role. South Australia is fortunate to continue to have individuals of the highest calibre in the role of Solicitor-General. The attorneys-general—

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Mr Speaker, I rise on a point of order. Members of the government are laughing at the Attorney-General. I find it offensive.

The SPEAKER: There is no point of order.

Mr PISONI: We like to laugh at him from this side, sir.

The SPEAKER: Order! The member for Unley will take his seat. There is no point of order.

The Hon. M.J. ATKINSON: I don't want to be put off by the field marshal of Frome. The attorneys-general of Western Australia, New South Wales, Victoria, Queensland and the commonwealth also intervened, recognising the importance of ensuring decision-makers are able to access criminal intelligence in appropriate circumstances to those about whom the intelligence is submitted. The full case can be accessed from the High Court website, and I note that this judgment was delivered on Justice Kirby's last day on the bench and I wish him well in retirement.

DESALINATION PLANT

Mr WILLIAMS (MacKillop) (14:37): My question is again for the Minister for Water Security. For what capacity desalination plant is the government to tender to be constructed at Port Stanvac and what is the estimated cost? In releasing a list of South Australia's infrastructure priorities, the Premier headed the list with a proposal to construct a 100 gigalitre desalination plant, following earlier statements that the government would construct a 50 gigalitre desalination plant. A report to COAG by Infrastructure Australia states that the cost of the desalination plant for Adelaide will be some $2.4 billion, not the $1.4 billion as stated earlier by the government.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:38): The government has indicated that we will be building a 50 gigalitre plant, with a capacity to expand to 100 gigalitres. Infrastructure Australia talks about what a 100 gigalitre may cost. We are making representation to the federal government about a potential to upgrade from the 50 gigalitres to which we have committed to a further 50 gigalitres to double the size of the plant.

ECONOMIC STIMULUS PACKAGE

Mr BROCK (Frome) (14:38): My question is to the Minister for Education. Following the Premier's announcement yesterday of the federal nation building and jobs plan, the funding given to educational facilities across Australia and South Australia from the Prime Minister, will the minister advise me what projects and funds, if any, will be allocated to the electorate of Frome for educational buildings and also school buses?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (14:39): I thank the member for Frome for his question and I congratulate him on his great victory. I say that we all look forward to working with him. He follows in the footsteps of a very good member for Frome, and I am sure he will emulate his achievements in the future. I congratulate him.

The question the honourable member asks relates to a premise with which some members on that side of the chamber might disagree. I know the opposition federally is opposed to the stimulus that would see money flow into all primary schools and many public schools. I think this is a very significant investment. The Premier has had a very deep involvement in supporting this initiative and has given a commitment that we will be able to roll out these developments across the state quickly. Certainly, the announcement by the Prime Minister on 2 February of a $14.7 billion school investment and employment boost will be welcomed, not just in the city but across the state, particularly in the seat of Frome.

The funds will build or upgrade large scale infrastructure, such as libraries and halls, in every primary school, special school and R-12 school. It will build 500 new science laboratories and language learning centres in schools that can demonstrate need and provide up to $200,000 to every Australian school for maintenance and renewal of school buildings.

When the Premier discussed this matter with the Prime Minister, he made it clear that we would be able to start work on the ground and stimulate employment rapidly. That is why in relation to many of the matters under discussion design work has been done and feasibility studies have been carried out. These will be projects that can roll forward. Of course, they are not projects on which money has been committed already by the state government. There is a premise within this, and one on which we have given a commitment to the Prime Minister, that we will not be cost shifting in any way and that we will continue to spend our funds—as we did before—on capital works.

Whilst funding going to the schools in Frome has been allocated for specific purposes, with $1.3 billion across the country being earmarked for maintenance in schools and the rest for other major projects, there will be no funding within the guidelines for school buses. However, the state government last year bought 14 new school buses, and almost 50 per cent of our school bus fleet is now air conditioned and seatbelted. We will continue to use our capital works funds in that area.

The Premier and I have already sent out letters to school councils and principals, requesting that they think seriously about this great opportunity. I think $14.7 billion is a huge amount across the nation, and South Australia will benefit by about $1 billion. It will be spread pro rata across the schools. Schools will not be disadvantaged because of their location, but the bulk of the money in this tranche will go initially to primary schools.

We have asked local schools and school councils in Frome to look at their maintenance lists and projects that are in the pipeline in order to agree that they are their favoured projects. Preferably, we would like to use projects on which significant work has been done already so that we can start work on the ground almost immediately.

One of the other issues that will benefit Frome is that we will be building on the model of our School Pride initiative, which allowed us to have local work done. We will be putting out that money without red tape. Obviously, there will be probity issues, but the money will flow to the regions and local employment will be encouraged as much as possible where local tradesmen can do the work. This will provide employment as well as funds to local communities. Already the government in South Australia over seven years has invested $790 million—

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. J.D. LOMAX-SMITH: —in upgrading infrastructure. For instance, I know a gymnasium worth $1.38 million has been built at Clare High School, $100,000 was spent in Georgetown Primary School on asphalt replacement and $15,000 was spent in Airdale Primary School. We have very good asset management and a list of required works. I am hoping that, if the honourable member's schools agree that the list we have is the list they want dealt with, we can fast track those developments. We will work with the honourable member in any way we can to ensure that his electorate benefits.

MURRAY RIVER, LOWER LAKES

Mr PEDERICK (Hammond) (14:44): My question is to the Minister for Water Security. Why was a Lower Lakes freshwater solution not presented as an option for consideration at the 15 January community consultation meetings in Clayton and Goolwa when discussing management options for the Goolwa channel? The opposition understands that the government has so far purchased 47 gigalitres for critical human needs and a further 64 gigalitres to support permanent plantings, but has purchased none for the environment. At the Goolwa and Clayton meetings the public was presented with seven options, none of which canvassed the possibility of purchasing fresh water for the lakes to prolong the period that is critical to the lakes surviving and making a full recovery.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:45): This is a really important issue. We have a dire situation around the Lower Lakes. South Australia has limited quantities of water available to it. We are trying to manage the water that we have available to us in the best possible way. At the moment, about 100 gigalitres has been allocated to irrigation, 200 gigalitres is allocated for critical human needs over the course of the year, and 350 gigalitres is flowing into the Lower Lakes. There is also water for irrigation purposes that was available last year, which has been carried over from last year to this year, and we also have a small amount of water that we have allocated over above the 350 that is going into the lakes for wetland management in key areas—about 15 gigalitres. We are also putting a little bit of water back into Lake Bonney.

The aim of the public meetings in Goolwa was to talk about last resort options. South Australia wants a freshwater solution to the Lower Lakes. The South Australian Government—

Mr Pederick interjecting:

The SPEAKER: The member for Hammond!

The Hon. K.A. MAYWALD: —wants a freshwater solution. The opposition has continually maintained that all the lakes need is 30 gigalitres and, magically, everything will be returned to

normal. Unfortunately, 30 gigalitres of water would evaporate in three or four days in the current circumstances. It is just a nonsense to spend a significant amount of taxpayers' money to see it travel down to the Lower Lakes and evaporate and extend our difficult decision making by perhaps a maximum of a week. We have to be ready for the worst case scenario in case a freshwater solution cannot be found. What we canvassed—

The Hon. R.J. McEwen interjecting:

The SPEAKER: Order, the minister for agriculture!

The Hon. K.A. MAYWALD: We have quite rightly been open, honest and frank with the communities around the Lower Lakes, unlike members opposite, who continue to mislead the public in relation to the types of solutions that are actually achievable. At the Goolwa meeting we canvassed a number of engineering interventions that may be necessary if we are unable to find a freshwater solution. The freshwater solution needs to come from across the border. These options include an embankment at Clayton or embankments across the Finniss and Currency creeks, and an embankment at Laffin Point was also considered. We are being honest with the community. We are telling them exactly what the facts are in relation to these matters. We would really appreciate it if the opposition would come on board and support these communities instead of trying to drive a wedge between them, and actually move forward—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: —so that we can do what is in the best interest of the community. Once we have completed all the investigations, we do not propose to make decisions based on ad hoc advice. We are making decisions upon scientific investigations, and we will make decisions based on the best available information, just as we are with all the propositions for last resort management of the Lower Lakes if we are unable to secure a freshwater option across the border.

In terms of the issue of purchasing water, South Australia is, quite rightly, in the marketplace and has purchased water to shore up our critical human needs reserve for next year. That is a sensible thing to do; people need water to drink. We have done that. We have also secured and underpinned the permanent plantings of irrigators in the state by purchasing water to shore up their minimum allocations to keep their plantings alive, which is a sensible thing to do. To actually go into the market and purchase the quantities of water, to defer a decision on these last resort options—it would be an absolute travesty to actually spend tens of millions of dollars of taxpayers' money and still not achieve an outcome, which is what the opposition is suggesting.

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: The opposition wants us to throw—

Mr Pederick interjecting:

The SPEAKER: The member for Hammond is warned a second time!

The Hon. K.A. MAYWALD: —tens of millions of dollars up into the air, because that is what will happen to the water if it is purchased and sent down to the Lower Lakes at this time. I think that the opposition needs to stop this nonsense of giving false hope to our communities and get on board and help these communities adjust to a very difficult time, a dreadful drought that we are trying to manage as best we can within the capacity that we have at our disposal.

The SPEAKER: I call the member for Hammond.

MURRAY RIVER

Mr PEDERICK (Hammond) (14:49): Thank you, Mr Speaker. I promise to be on my best behaviour. My question is for the Minister for Water Security. How much water does the government have in reserve to flush the River Murray and counter the effects of algal blooms that have already started happening in the weir pools below the South Australian/Victorian border? It was reported recently that an algal bloom had appeared near Waikerie. It has been suggested that this may well be the first of many as the river flow diminishes.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:50): The South Australian government is being very cautious in its approach to the

management of algal blooms. For the record, I would like to correct the explanation that the member gave to his question. There was not an algal bloom reported near Waikerie: there was a high count of algal micro-organisms reported in one monitoring spot. That does not constitute a bloom. As was advised by the—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: It would be useful if the opposition would seek to inform themselves about these matters properly rather than trying to confuse and disturb the community. If they would like to listen to the answer they may very—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: It would be useful if the opposition listened to the answers.

Mr Williams interjecting:

The SPEAKER: The member for MacKillop.

The Hon. K.A. MAYWALD: The incident to which the member for Hammond is referring is that results of regular monitoring which is happening up and down the length of the river exposed that at Waikerie there was, in one instance, a higher count than the reportable account, which is 2,000. It was actually at 2,220 units. That does not constitute a bloom. We notified the Department of Health, which investigated the matter and declared it not to be a risk to human health. A subsequent monitoring at that same site on 28 January demonstrated that the algal bloom count had dropped down to around 900, well below the 2,000 units of interest. What we are doing—

Members interjecting:

The SPEAKER: Order!

Ms Chapman interjecting:

The SPEAKER: The deputy leader will come to order!

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Attorney will come to order as well. Members on my left will not pepper the minister with constant interjections. If they want to ask the minister follow-up questions, I am more than happy to give them the call, by way of either a question or a supplementary, but I will not have the minister being peppered with interjections which are purely designed to interrupt her. The Minister for Water Security.

The Hon. K.A. MAYWALD: Allocated to South Australia is 696 gigalitres for dilution flow for the duration of this 12-month period. We are managing that 696 gigalitres to ensure that we have enough in reserve at any one time. It will differ in quantity month by month, but we are managing that dilution flow to ensure that we have reserves available to us.

At this point in time I think it is in the vicinity of around 50 gigalitres; however, that does change from month to month, depending on evaporation levels. It is held in reserve to ensure that we can manage flows through the River Murray system. If we were to see a bloom that caused a health risk in South Australia then we would have sufficient water to be able to act and flush the system to enable the algal bloom to be dispersed.

These are very difficult and trying times. Algal blooms are a huge risk. We have a very slow-flowing river. We have very little water available in the system and we have very high temperatures. All the elements are there for an algal bloom to occur, just as they were last year. We managed through last year and we are endeavouring to manage through this year. We will do our best to make sure that the contingencies that we have in place are adequate to ensure that an algal bloom risk is not a risk to drinking water supplies.

McLAREN VALE ACCOMMODATION

Mr PISONI (Unley) (14:54): My question is for the Minister for Tourism. Did the minister make the comment that motel and other accommodation in McLaren Vale is substandard? The Minister for Tourism—

Members interjecting:

The SPEAKER: Order!

Mr PISONI: —speaking at a new accommodation opening at McLaren Vale in December 2008, acknowledged other accommodation operators of McLaren Vale by saying that McLaren Vale offered only a couple of substandard motels. The substandard motels and other accommodation businesses as described by the minister are the same businesses that have won tourism awards presented by the minister. The minister told ABC Radio that she would not have made such a comment.

The SPEAKER: It sounds like an answer, but anyway I call the Minister for Tourism.

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (14:55): I thank the member for Unley for his question. I think that it is really important that if I offend people I apologise—I am happy to do that at any time. I realise that, when one speaks about investments in this state, it is really important that one is positive. It is so hard, particularly in these economic times, to find investors who will invest in new infrastructure.

Mr PISONI: A point of order, Mr Speaker. Did she say it: yes or no? It was a simple question. We don't want waffle. The operators at McLaren Vale want an answer.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I remind all members that, when they are making a point of order, it is not an opportunity to make a speech. They are wasting their eloquence on me. They just need to draw my attention to the particular standing order that they believe is being breached. I am not able to direct any minister in answering questions how they are to do it as long as they are not engaging in debate and as long as they are answering the substance of the question, and the minister is doing both.

The Hon. J.D. LOMAX-SMITH: I have to say that I applaud any investor who spends money to produce new infrastructure and a new development, particularly accommodation, in what is a difficult economic climate. Over the previous year or so, South Australia has been blessed by people who have put their finances and homes on the line to build, invest in, refurbish and rework current investments that are already there. In fact, when you open a new facility—I do not know what the member for Unley would do. He could say, 'This is very boring; there are lot of these about.' My attitude is that you should applaud—

Mr PISONI: A point of order, Mr Speaker. The minister does not speak for me; I speak for myself. I have asked the minister a simple question—

The SPEAKER: Order!

Mr PISONI: —and she is refusing to answer it—skirting around the question.

The SPEAKER: Order! The member for Unley will take his seat.

Mr PISONI: It is total irresponsibility.

The SPEAKER: Order! The member for Unley will take his seat. I remind all members, including those on my right, that when the Speaker is on his feet the house is to become silent immediately. The member for Unley is treading on very thin ice if he continues to call out when I am on my feet. There is no point of order.

The Hon. J.D. LOMAX-SMITH: I think that when you see a new development or a refurbished structure or accommodation unit, you should applaud the people who have invested money. There have been several developments recently that have been significant for South Australia: Southern Ocean Lodge; the Port Lincoln Hotel; the Minima in Melbourne Street, North Adelaide; the Manna of Hahndorf. I have said the same thing about a whole range of developments. This is setting a new benchmark; this is innovative; this is exciting. This is a great development—it is different from a lot I have seen—in many ways, it is better, different and exciting.

For instance, the Minima in Melbourne Street is truly original. It is the one place I have seen in South Australia where, effectively, there are no staff. You swipe your credit card, they give

you a door key, you can swipe in and press buttons and get a car parking facility. It is unique. I have never seen anything like it. Similarly—

Mr WILLIAMS: A point of order.

The SPEAKER: Order! The minister will take her seat.

Mr WILLIAMS: As interesting as this might be, it is totally irrelevant to the question which is seeking to find out whether or not the minister said that there was substandard tourist accommodation in McLaren Vale.

The SPEAKER: There is no point of order. The Minister for Tourism has the call.

The Hon. J.D. LOMAX-SMITH: I will always support innovation, new investment and refurbishment. If you come to a new development and say, 'This is fabulous; it is different from anything else I have seen'—

Ms Chapman: It's there in McLaren Vale.

The Hon. J.D. LOMAX-SMITH: No—different from anything else I have seen. You have to always promote those people who put hard money on the line, who invest and develop new things. I will continue to do that. There is nothing to be ashamed of in doing that. If people think that by commending a new development, they are denigrating the old ones, I am sorry. If you think that by commending new developments, you are denigrating old ones—

Members interjecting:

The Hon. J.D. LOMAX-SMITH: That may be true.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: But I have to say that you can only applaud new investments, developments and refurbishments. I have never targeted a single development and said that it was substandard.

McLAREN VALE ACCOMMODATION

Mr PISONI (Unley) (15:00): I have a supplementary question.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

Mr PISONI: Minister, I have five—

The SPEAKER: Order! The member for Unley will wait until the house comes to order. The member for Unley.

Mr PISONI: Thank you, sir. Minister, I have five statutory declarations from persons present at a function who claim that you made those comments. Are they liars, minister?

Members interjecting:

The SPEAKER: Order! The question is out of order.

ABORIGINAL AFFAIRS AND RECONCILIATION

Dr McFETRIDGE (Morphett) (15:01): Will the Minister for Aboriginal Affairs and Reconciliation provide a progress report on what the state government has done to advance Aboriginal affairs and reconciliation given that next Friday is the anniversary of the apology to the stolen generation?

In February 2008, the Prime Minister established a number of concrete targets designed to close the gap between indigenous and non-indigenous Australians and improve life expectancy, education outcomes and employment opportunities. Three months later, the Prime Minister announced that, on the first working day of every parliamentary year, he would report to the parliament on the progress that his government has made on closing the gap between indigenous and non-indigenous Australians. In 2009, federal parliament first sat on 3 February and, on that day, the Prime Minister failed to deliver the promised progress report.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (15:02): I thank the honourable member for his question. I do not know how long he has, but I am happy to provide a more succinct answer for him going precisely to the things that he has put. I will start with our most remote community that is in the greatest crisis: the APY lands. When we came into government, we were presented with two Coroners reports, in quick succession, which documented circumstances of the dire degradation in those areas: out-of-control petrol sniffing and the suicides of a number of young people—really, a situation that could not stand. We initiated our own intervention and, indeed, we were heavily criticised for it, because it involved, in some senses, the rolling back of what some people would have regarded the capacity for those communities to control their own affairs.

Through the sustained efforts that have occurred over the last four or five years, we have almost eradicated petrol sniffing on the APY lands. That is a—

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: Well, it is a matter of some mirth for those opposite that somehow a whole lot of young brains are no longer being irreparably damaged through the process of petrol sniffing. That is a—

Ms Chapman interjecting:

The SPEAKER: The deputy leader is warned a second time.

The Hon. J.W. WEATHERILL: —tangible and real effect of this government's policy. In relation to those remote communities, it was identified that another very significant factor bearing on the health and wellbeing of Aboriginal people—and having an obvious effect on their longevity—is the question of their housing. So, we advocated—and won—arrangements for housing to be directly provided by the state government in the APY lands, which has been massively augmented by recent commonwealth government announcements.

In relation to health, the health services that exist on the APY lands have been dramatically enhanced. The education facilities on the APY lands have been enhanced through the provision of social workers in a range of schools. In relation to the security issues in the APY lands, we have gone from a position of there being no police officers—just think of that: in this remote community where we know violence is rife, there were no police officers—under the previous government to now a commitment of 21. I think it is presently at something like 12.

Recently, the papers have reported that there are now a number of people being taken before the courts, which is evidence of the work that is occurring in those communities. The safety of people is intimately connected to their wellbeing and their ability to lead healthy lives. We have realised that it is most important to intervene as early as possible, so we have introduced in those remote communities—and, indeed, around the state—children's centres (variously described as child/parent centres) which provide support for parents and help for families in the crucial first three to five years of life before children go to preschool and then primary school.

This is having a dramatic effect in turning around nutrition. We have seen very important interventions on the APY lands through the continuing good work of Nganampa Health supported by the Minister for Health. We have seen dramatic improvements in the reduction in the number of failure-to-thrive babies in remote communities. We have also seen reductions in sexually transmitted diseases in those communities—once again, through the great work that has occurred by Nganampa Health.

Ms Chapman: An increase in marijuana use.

The Hon. J.W. WEATHERILL: The honourable member parrots this notion that there has been an increase in marijuana use on the APY lands. She does not have a basis for saying that. It was only ever measured once. It was found to be high, but the reality is that there has been no longitudinal study so she does not have a basis for saying that. It is not our study, we did not control it, we did not ask for it to be done, and we have not—

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: The honourable member does not show any inkling or interest in the question of Aboriginal affairs until every now and then she hears a scrap of good

news and likes to take political advantage of it. That is the usual approach from the Deputy Leader of the Opposition.

An honourable member: A scrap of bad news.

The Hon. J.W. WEATHERILL: A scrap of bad news regarded as good news for the opposition. I have just spoken about a range of initiatives in our most remote and difficult community. There is, of course, a range of other communities that I could go to, but I think time will not permit that, and I am prepared to supplement my answer.

The Hon. M.J. ATKINSON: I move:

That question time be extended by 10 minutes.

The SPEAKER: If only I could rule that out of order!

Motion carried.

EASLING, MR T.

The Hon. I.F. EVANS (Davenport) (15:08): Can the Minister for Families and Communities confirm that, at Tom Easling's first bail hearing on 2 August 2004, her department's Special Investigations Unit manager attended the court and, with the assistance of other departmental staff, proceeded to identify and write down the names of Mr Easling's supporters; and, on 4 August 2004, a Special Investigations Unit investigator made representations outside of his department to the Attorney-General's Department regarding the ongoing employment of one of Mr Easling's supporters, Audrey Stratton?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (15:09): No, I cannot. I understand the member for Davenport's interest in this matter. I understand that Mr Easling's lawyers have put a request to the Attorney-General to have the entire matter investigated, and I think the Attorney's officers are the appropriate people to deal with these questions.

VOLUNTEERS

Ms PORTOLESI (Hartley) (15:09): My question is to the Minister for Volunteers. What is the government doing to address skills needs within the South Australian volunteer sector?

The Hon. P. CAICA (Colton—Minister for Industrial Relations, Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Volunteers) (15:09): I thank the honourable member for Hartley for her question and acknowledge the critical role she plays in supporting volunteers in her electorate. This government, of course, is committed to its support for the South Australian volunteer sector. Early last year, the Premier launched the Corporates4Communities initiative which provides opportunities for community organisations to access the skills and knowledge they need to grow and prosper while giving the participating organisations and businesses the chance to engage in some philanthropic activity to boost the morale of all involved.

I am pleased now, at the beginning of this year, to update the house on this innovative strategy that links South Australian businesses and business professionals with the skills needs of community organisations. Under the excellent management of Heta Incorporated, this innovative program has so far matched 33 community organisations with nearly 2,000 professional volunteer hours for the benefit of community-based projects.

Considering that this initiative was launched less than a year ago, this is an amazing effort and a demonstration of community spirit. I would briefly like to describe some of these projects, and I know the house is very interested in these projects, so I will go into more detail than I otherwise might have for the benefit of the member for Mount Gambier as well.

From the outset, Heta Incorporated instituted an 'hour bank' arrangement, whereby business leaders commit a number of hours for their staff to volunteer during paid work time. Community organisations then have the opportunity to match their skills needs to those listed on the hour bank, and this gives them access to invaluable professional and semi-professional skills such as web design, governance and marketing. One such example was a project with Siblings Australia, an organisation that provides support for brothers and sisters of people with special needs. Siblings Australia worked with volunteer Paul Campese of Next Byte who donated his skills and 20 hours of his time to help develop their communication strategy.

Another example was STEPS Adelaide (Support Training Education and Parenting Skills), which teamed up with marketing consultant Wendy Davidson to assist in their business planning, development and marketing. A number of ongoing projects are also underway. Algo Más Marketing is assisting the Neurosurgical Research Foundation with its public relations needs. IBM is helping World Youth International with its website development and AME Recruitment is helping the Women's Housing Association to find a board member and undertake a study into a mechanism that can provide anonymous feedback on their service.

This program will ultimately help community organisations grow their services and extend their reach. It also gives businesses and their staff a way of demonstrating their generosity of spirit by giving back to their community and the people in need.

Mr Piccolo: I'm listening.

The Hon. P. CAICA: Thank you very much. I'm glad you are. I haven't finished yet. As the Minister for Volunteers and also as the minister for employment, I am very pleased to see our business community working closely with their staff to get behind such an initiative. As I said, the government is committed to supporting the volunteer community, and it understands that excellent collaborations such as these contribute to the building of a stronger South Australian community. Despite the fact that I doubt too many people seem to have listened here today—

Members interjecting:

The Hon. P. CAICA: I said quite a few. I know you are. I know that our support of volunteers in this parliament does indeed get bipartisan support.

EASLING, MR T.

The Hon. I.F. EVANS (Davenport) (15:13): My question is to the Attorney-General. Did any officer of the Attorney-General's Department put pressure on the Victim Support Service to have its employee Audrey Stratton not attend court in support of Tom Easling and/or to have her dismissed if she did attend court in support of Tom Easling?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:14): This allegation comes entirely out of the blue. I will have it investigated, but what we have seen from the opposition in the past is that, within the parliamentary opposition, there is no discipline upon members who make entirely false allegations.

OUTER HARBOR

Mr PISONI (Unley) (15:15): My question is again to the Minister for Tourism. Will the minister advise the house whether she intends to upgrade the Outer Harbor passenger terminal to a standard worthy of international cruise ships?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (15:15): When did the Liberals sell it off? What year was that—2000, 2001? Until the Liberals sold off Outer Harbor, we might have had considerable responsibility or control. Maybe the member for Unley does not realise that the facility is not owned by the state government any more: it is actually owned by private enterprise. Whilst Flinders Ports does a brilliant job, I have to say that he may not be quite up to date and know that it is not a state government facility.

MARINE PARKS

Ms FOX (Bright) (15:15): My question is to the Minister for Environment and Conservation. Will the minister advise the house about the effect of the proclamation last week of the provisional marine parks' outer boundaries?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (15:16): I thank the honourable member for her question. I know that she is a great advocate for the coastline in her electorate and has made many representations—

The Hon. I.F. Evans interjecting:

The Hon. J.W. WEATHERILL: Well, last week, we proclaimed the 19 provisional marine park boundaries and their release for an eight-week consultation period before the final boundaries

are proclaimed in the middle of the year. Our research has shown that 95 per cent of the South Australian community are in favour of the creation of marine parks. South Australians know that marine parks will preserve our marine environment for future generations by protecting our marine life and habitat.

In the days since the announcement, some issues have been raised about the outer boundaries and their effect. One such issue is the size of boundaries—about 46 per cent of the state's waters. The size of the network has been carefully chosen based on 14 design principles and the size of the provisional boundaries also takes into account a number of very important factors. One is our ability to choose and protect habitat in a way which can account for changing climate. Of course, as those who have bothered to inform themselves would realise, it is also a multi-use zone. It enables us to have various gradations of protection, going up to the very highest protection in the sanctuary zones.

What we do have, though, is a bit of scaremongering by those opposite. On behalf of his leader, the member for Hammond (I think) said that fishers would be locked out of almost half of South Australia's coastline. That claim is simply wrong. The first thing is that no activity is actually affected by last Thursday's proclamation and it will not be until the management plans which will be developed over the next two years or so are in place. Even then, aquaculture, commercial and recreational fishing will still be able to go ahead.

Of course, the majority of each marine park, including jetties, boat ramps and popular beaches will be available for recreational and commercial fishing and other sustainable activities. It will only be those small zones in each marine park (which will be developed as part of the consultation with the community over the next two years) where fishing will not be allowed. Consequently, recreational fishers should not be alarmed by these false claims.

I suppose the most breathtaking thing of all is the member for Hammond, on the opposition leader's website, saying that there is no good reason for these marine parks, which will come as a surprise to the member for Davenport, who I think had a bit of a hand in designing the policy on this for the last election. The present position is that there is no good reason to have them, but at the last election—when it counts—we were told that the Liberal government would make marine and coastline management a top priority.

Ms Chapman: Exactly.

The Hon. J.W. WEATHERILL: Wait for it.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: The election policy states:

> …aim to have all marine parks declared by 30 June 2008. The government's current timetable is 2010 compared with the original Liberal completion date of 2006.

Now they are a bad idea, but at the last election we were not doing it quickly enough. This is typical of the Liberal opposition. What we find is that when members opposite sniff what they think is a political opportunity—for instance, that great idea to have a by-election in order to get a bit of momentum going into an election year—they grab at it.

Ms CHAPMAN: I have a point of order, sir. This is debate and completely irrelevant.

The SPEAKER: Order! The minister is now debating. The minister.

The Hon. J.W. WEATHERILL: I will return to the question. The critical issue for people is that they should not be scared by those opposite and their extreme public remarks. I cannot find an aquaculture representative, a recreational fisher or a commercial fisher who has come out with a position as extreme as that of the Liberal Party. They are working with us to make this work. All the sensible people in industry and those in the representative organisations know that marine parks are crucial to protecting marine habitat which, in turn, is crucial to making sure we have a healthy environment. We have a pristine marine environment. The idea is to ensure it remains that way.

I know the member for Davenport knows that this is a good initiative—and that is why he is sitting there quietly at the moment. There are good reasons for going down the path we have taken—that is, quietly and carefully—in order to ensure we build a consensus around this important piece of environmental protection.

CHILD PROTECTION

The Hon. I.F. EVANS (Davenport) (15:21): My question is to the Minister for Families and Communities. Does the state or Families SA have a duty of care to children generally and specifically to those in the care of the minister?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (15:22): It is a very curious question—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: It is a curious question that the member for Davenport asks. Obviously, the state does have responsibility for children in its care. We have the Children's Protection Act. This government has taken responsibility for child protection incredibly seriously. As I have said on many occasions, we have the largest ever injection of funds into child protection in this state. We are keen to work with families in order to strengthen families so that we do not have as many children coming into care, as is currently the case.

GRIEVANCE DEBATE

McLAREN VALE ACCOMMODATION

Mr PISONI (Unley) (15:23): I refer to the question I asked the Minister for Tourism earlier in relation to her comments about accommodation in McLaren Vale. She denied in this house that she made those comments—obviously not aware of the consequences of misleading the house. I have five statutory declarations which have been signed by members of the community, members of the McLaren Vale tourism industry and constituents of the member for Mawson—who wrote a letter to the member for Mawson. As far as I know—certainly late last week—they have not heard from the member for Mawson in response to their concerns in relation to comments by the Minister for Tourism in December about the establishments in McLaren Vale.

These tourism operators are furious and angry. They have not written these statutory declarations flippantly. Unlike the minister, they are aware that they are responsible for what they say. They know the ramifications of false statutory declarations. They were at the function and they heard what the minister said, and they have repeated in the statutory declarations what the minister said. This is a serious issue. The tourism minister told ABC Radio that she did not say these things. The exact words were:

> But, of course, there is no way that I would ever say anything of the sort of any particular development or business.

Five constituents of the member for Mawson who were present at the function have signed statutory declarations saying that she did say those things. She told parliament today that she did not say it.

Her credibility is lacking extraordinarily, because she has form in insulting regional tourism areas in South Australia. In an article in the *Border Watch* tourism operators in Mount Gambier are calling for the minister to go after she described Mount Gambier as having 'nothing else but a blue lake'. It is interesting that our number one spruiker for tourism in South Australia, the tourism minister, feels that there is nothing to see at Mount Gambier other than a blue lake. Perhaps she does not understand that the finishing point of the Great Ocean Road, for example, one of the premier tourist destinations, is Mount Gambier—

Mr Bignell interjecting:

Mr PISONI: And the member for Mount Gambier is saying that that it is not relevant.

The DEPUTY SPEAKER: Order!

Mr PISONI: It is extraordinary. No wonder he is going.

The DEPUTY SPEAKER: Order! I remind the member for Unley that he has been warned. The member for Unley.

Mr PISONI: I beg your pardon? I have been warned? I am speaking. You are warned when you are speaking? For heaven's sake!

The Hon. R.J. McEwen interjecting:

The DEPUTY SPEAKER: Order, the Minister for Agriculture has also been warned. The member for Unley.

Mr PISONI: So, the member for Mount Gambier is not interested in tourism in Mount Gambier, just like the tourism minister is not interested in tourism in Mount Gambier. She is not interested in McLaren Vale. After I received these letters from the McLaren Vale operators in December, I went there the following Sunday morning, where we had a meeting of McLaren Vale operators at the motel in McLaren Vale. They were so upset that they wanted to meet with somebody as soon as possible. Mr Mark Vandeleur from the McLaren Vale Apartments wrote to me on 18 December, and he also wrote to the minister and the member for Mawson—

Mr Bignell interjecting:

Mr PISONI: Well, I consider a Cc a letter, member for Mawson. You might not, but I take notice of everything that comes into my electorate office. I am sorry you do not, but you run your office the way you want to run it, and I am sure the voters of Mawson will judge you on that on 20 March next year. The extraordinary thing about this is the outrage from those tourism operators. They are the ones who built tourism in McLaren Vale. They have been there for decades. They built McLaren Vale. They are the ones who built tourism in McLaren Vale.

Mr Bignell interjecting:

The DEPUTY SPEAKER: Order!

Mr PISONI: They are the backs that new developments are crawling over to get into McLaren Vale. They are the ones who built the industry from scratch, and the minister goes down there and says that they are substandard. It is absolutely outrageous! I admit that it is not the Ritz, that it is not the French Riviera. What the minister said is outrageous.

Time expired.

FRANCHISE CODE OF CONDUCT

Mr PICCOLO (Light) (15:29): I wish to update the house on the progress of reform of franchise laws in this country. Members of the house are aware that it is something I have taken an interest in, as has the Economic and Finance Committee. The federal Parliamentary Joint Committee on Corporations and Financial Services held an inquiry into whether the franchise code required reform. I am pleased to advise the house that franchisees will get better protection from opportunistic franchisors who bully and intimidate them into unfair and harsh contract arrangements.

Under the changes proposed by the committee, the franchising code will have a statutory obligation for franchisors and franchisees to deal with each other in good faith. That would be a major reform given the situation we have today. The recommended reforms are most welcome and the changes, hopefully, will be introduced by the federal government some time this year.

Like the South Australian parliamentary committee, the federal parliamentary committee was a bipartisan committee and had bipartisan support. The federal inquiry clearly demonstrates and supports the general findings of the South Australian inquiry. The federal inquiry repudiates the outrageous claims made by the Franchise Council of Australia suggesting that the current industry code was robust enough to deal with rogue franchisors.

The Franchise Council of Australia again stands isolated and condemned for trying to prevent the reform of the Franchise Code to provide a fairer, more accountable, efficient and competitive industry. The Franchise Council of Australia has, once again, been dragged screaming and kicking to the reform table. The need to reform the code has been obvious to everybody except the FCA. The FCA strongly criticised the South Australian inquiry, the WA inquiry and, in particular, me, but, interestingly enough, the federal inquiry has reached similar conclusions to both South Australia and Western Australia.

In addition to calling for a statutory requirement to act in good faith, the federal inquiry also recommends better disclosure by franchisors, which is a recommendation made by the South Australian inquiry; an investigation into the online registration of disclosure documents, again another recommendation made by the South Australian inquiry; pre-contract agreement on franchise termination, another recommendation made by the South Australian inquiry; and a better balance of rights and liabilities in the event of franchisor failure, again something supported by the South Australian committee.

The federal committee also recommends better collection of franchise statistics to inform future policy reform and direction, something which the South Australian committee also indicated. Importantly, it also recommends, like the South Australian inquiry, that there will be penalties for breaches of the franchise code. At the moment, if a franchisee breaches the code they can lose their franchise. If the franchisor breaches the code there is virtually nothing that the franchisee can do. Any action in the courts is often beyond the financial means of a franchisee.

The recommendations made by this federal committee will help clean out the rogues and charlatans in the industry. This is particularly important and reform is urgent, because with the financial crisis that the world is experiencing there will probably be people taking payouts from their employment who might be thinking about going into franchising.

As the law stands at the moment, a franchisee may invest up to $400,000 into a franchise and have less protection (at law) than a person who invests $100 in the stock market. There is more law and regulation for a person who invests $100 in the stock market, compared to a person who may put up to $400,000 into a franchise.

The proposed changes will attract and help protect legitimate investors to the franchise industry and make it tougher for opportunists to rip off hardworking mum and dad franchisees. Those mum and dad franchisees who decide to enter into a franchise arrangement will now get, if these laws are passed, some reasonable protection from unscrupulous franchisors.

I would acknowledge that the federal inquiry did not go quite as far as the South Australian inquiry did. However, the proposed changes will make a big and positive difference to the franchise relationship and represents a reasonably balanced position between the competing interests in the franchise industry. It is my intention to write to the federal minister urging the federal government to implement the recommendations as soon as possible.

Time expired.

EASLING, MR T.

The Hon. I.F. EVANS (Davenport) (15:33): I again rise to speak on the Tom Easling matter. A woman by the name of Audrey Stratton had been known to Tom Easling for many years through their joint youth work. At the time of Mr Easling's arrest, Audrey Stratton was in her fifth year of employment at the Victim Support Service. The Victim Support Service is an incorporated association. Audrey Stratton was not a public servant.

On the morning of Tom Easling's arrest, Audrey Stratton rang her employer and took three weeks leave. On the Monday after his arrest, Audrey Stratton attended the bail hearing while on holidays as a private citizen and in her own time. At the bail hearing, one of the investigators of the Special Investigations Unit took the names of those supporters of Easling who were in the gallery.

Ms Stratton was on holidays. She did not realise that, while she was on holidays, the Special Investigations Unit went to Michael O'Connell of the Attorney-General's Department and raised the matter of her attendance (as a private citizen while on holidays, I emphasise) at Tom Easling's bail hearing. We know this because we have documents released under Freedom of Information that show that.

Michael O'Connell gave an undertaking to the Special Investigations Unit that he would raise this matter with her employer, Michael Dawson, the CEO of the Victim Support Service. So, three weeks after Audrey Stratton returned to work from her holidays, Mr Dawson called her to a meeting at which he told her that he had just returned from a meeting with Michael O'Connell from the Attorney-General's Department and that he was giving her an ultimatum. The ultimatum was: if she went to court again, she would be instantly dismissed, that she was not to make public comment and she could not be publicly recognised. She could not agree to those conditions because she made it clear to her employer that she was almost certainly going to be called as a witness to the case. She was advised that the ultimatum stood.

Ms Stratton ended up taking 12 months' leave without pay and, at the end of that time, the ultimatum still stood and, essentially, she was forced to resign. She was forced to resign because, as a private citizen in her own time, she went to the court to support a friend who had been charged with serious crimes, ultimately to be acquitted of every one of those crimes of which he was accused. This raises very serious issues. The Victim Support Service is about 90 per cent funded by the Attorney-General's Department through the victims of crime levy.

First of all, what is the Special Investigations Unit doing raising with the government what a private citizen is doing on her holidays, after Mr Easling's arrest, during his bail hearing, while the police investigation is still going? What does that have to do with the Special Investigations Unit? What does it have to do with the Attorney-General's Department? What are they doing going to her employer (a private citizen's employer) saying, 'What has your employee been doing on her holidays?' This is a very serious issue.

The Attorney-General sat here today in all his glory as the Acting Premier—20 years in the parliament and he finally gets his one day at the top job—and he told the parliament that this is a surprise, that it came out of the blue to the government. Really? The following government MPs had been written to: Mike Rann, Jennifer Rankine, Jay Weatherill and Frances Bedford; and two chief executives had been written to. So, don't tell me that this is a surprise to the government. This is another reason why there should be a full inquiry into the Tom Easling matter because what happened to Audrey Stratton is an absolute disgrace.

BRIGHT ELECTORATE

Ms FOX (Bright) (15:39): When elected in 2006, I made some key promises to the people of my electorate, and one of them was that the state government would commit $5.4 million (that figure includes the value of land given by our government) to building a major road across Lonsdale Highway linking the suburbs of Hallett Cove, Trott Park and Sheidow Park. The then federal government had committed to the project, as had the council who were to run the project. Once the state committed $4.5 million to the road, it could go ahead.

Madam Deputy Speaker, standing here and talking about the successful completion of a big road in the southern suburbs may not sound very exciting but I must tell you what the final completion of this major piece of infrastructure—now known as Patpa Drive, opened by premier Mike Rann on 18 December—actually means to the residents of Hallett Cove in the electorate of Bright.

First and foremost, the existence of this road now ensures much better access to retail, civic and educational facilities, and it improves public transport as well as pedestrian and bicycle access. Secondly, the road has allowed the redevelopment of the shopping centre; in fact, the only shopping centre because, for many years, the Hallett Cove Shopping Centre was the only one for miles around. It was very run down. Not to put too fine a point on it, it was ramshackle, poorly maintained and far too small.

To undertake the very significant redevelopments needed, the property owners needed to improve access to the site, as well as an assurance that customers from Sheidow Park and Trott Park would have easy access to the centre. Once the road was given the go-ahead, it meant that the shopping centre could effectively be rebuilt. This, in turn, has meant that we have seen an increase in casual retail employment in the area as well as the establishment of a police shopfront and other new and exciting tenants. I am informed that the new centre will be completed in July this year and I, along with the local residents, am really looking forward to it.

Thirdly, the road opens up the suburb of Hallett Cove in a way that has not been seen before. It seems strange to say this now but, before the road was built, the residents of Hallett Cove, Trott Park and Sheidow Park were divided by a huge highway that could not easily be crossed. To do so, one had to drive north and navigate through a whole pile of roads.

Coincidentally, I was on Google Maps this morning and I noticed that Google has not added the new road, which is quite surprising. I hope that Google will add Patpa Drive to its maps. These charming and sought after suburbs are now joined by Patpa Drive, and a number of people have told me what a difference it makes, not just in terms of geography but also psychologically. No community likes to feel entirely isolated, and Hallett Cove is no longer as isolated as it was.

In relation to the name of the road, Marion council—an excellent council, I might add—ran a community competition to find a name for the road. Patpa means 'southern wind' in the Kaurna language. It was also the name of the nearest train station when the railway was running through the area.

Finally, this project demonstrates what all levels of government can do when they work together. Once again, I would especially like to commend the Marion City Council; its mayor, Felicity-Ann Lewis; its CEO, Mark Searle, and Southern Ward councillors, Cheryl Connor, Rob Durward and Joel Bayliss. They have been passionate supporters of this project and, without them, it literally would never have happened. I would particularly like to commend Cheryl Connor for her

passionate advocacy of this road for many years. Just out of politeness, I should mention that the former member for Bright, Wayne Matthew, was also involved in this project, and I was very glad to see him at the opening of the drive.

RULE OF LAW

Mrs REDMOND (Heysen) (15:42): It is my pleasure to speak after the member for Davenport's speech on a very important issue. Indeed, I think it speaks yet again to the need for an independent commission against corruption in this state so that we can have a truly open and accountable government. I want to talk about the fundamental importance of the rule of law, which seems to come under attack in this house, particularly from the Premier. I find it of great concern that he is so adamantly opposed to the rule of law.

In November, he was on the record accusing lawyers of being enemies of the state. Just this week (on Tuesday, our first day back) members may recall that he made an outstanding attack on the Finks motorcycle gang but, under the cover of that attack, he attacked Craig Caldicott in particular, one of the lawyers who sometimes represents people involved in—or accused of—criminal activities. The government's people then attempted to brand me as an apologist for the Finks, against whom the Premier was ranting on Tuesday.

Make no mistake, I believe that the Finks, the Hell's Angels, the Gypsy Jokers and various other motorcycle gangs are a major problem, heavily involved in—and, indeed, in control of—many criminal activities in South Australia and other states. I have led the opposition in its support for bills giving the police extensive powers to try to curb their activities—in particular, the Serious and Organised Crime (Control) Bill—but, through some peculiar reasoning of his own, the Premier of this state jumps between abhorrence at the activities of those organisations to the extraordinary position that lawyers are evil and that they are enemies of the state for doing their job.

It has been obvious to me since I came into this place that our Premier reserves a special hatred for lawyers. He sees them as members of an exclusive club. I can still remember the way he blanched one day when I suggested across the chamber that his resentment was born of the fact that it was a club to which he could never belong. The point is that the Premier has confused the evil perpetrated by bikie gangs with the very necessary role of lawyers in guaranteeing that everyone in our community is entitled to a fair trial. He seems to be prepared to throw out the notion that people should have a fair trial, and that involves every lawyer doing their very best to do their job.

Is the Premier suggesting that, when one is charged with a crime which might be considered heinous, you are not entitled to a vigorous defence? What if it is a terrible sex offence, perhaps against a child? Is he suggesting, for instance, that Labor MPs such as Milton Orkopoulos or Theo Theophanous, should not have a defence? Is he suggesting that a minister for transport charged with drink-driving offences should not be defended? Is he suggesting that when lawyers are doing their job that they should make some judgment of their own about whether the person is worthy of a defence and then only do a half-hearted job or a not very good job at all if they decide that it is not something they wish to do?

That point is that, were the Premier, as hated as he may be within the legal profession of this state, to be charged with a criminal offence in this state, our lawyers would do the right thing. They would step up to the mark and defend him to the best of their ability, because that is the job of a lawyer. The Premier fails to understand that the very fabric of our society falls down the moment you start to say that everyone cannot have the presumption of innocence until proven guilty and the entitlement to a fair trial. He needs to be called to account.

The most disgraceful thing of all is that the Attorney-General, as the chief law officer of the state, not only fails to call the Premier to account for his statements in this regard but he, indeed, stands behind the Premier and endorses him every step of the way. It is an absolute disgrace. Lawyers in this state are, with very few exceptions, honourable people doing the very best they can. They do so regardless of their feelings about what a client might be like as a person or what they think about the activity that might be alleged. They have to do their job, and their job is to do the very best they can do to defend their client within the limits of the law. They are bound by the rules to be officers of the court. They cannot mislead the court. However, within those limits, they must do the very best they can.

Yet, the Premier of this state, at every opportunity, criticises specific lawyers, lawyers generally and numerous members of the legal profession, be they the DPP, judges, the Parole Board or anyone else. It is totally unacceptable.

Time expired.

GAZA WAR

The Hon. S.W. KEY (Ashford) (15:47): Today I rise to discuss what I consider to be a very important issue but one that I feel totally frustrated about, and that is the war that has been reported recently and its impacts on the people of Gaza. I am a member of the Palestine Friendship Association, as I know many other members in this place are, and a very proud member. However, I suspect that, as well as myself, a number of members felt frustrated at not being able to do anything that was of any real support for the people of Gaza. I was interested to read recently a letter to the Prime Minister from Bishop Patrick Power, the Auxiliary Bishop for the Archdiocese of Canberra-Goulburn. The letter is dated 13 January and states:

> Dear Prime Minister, I know that you must be feeling the pain being suffered by the people of Gaza during these terrible days. Each day brings more news of loss of life, including a very large number of children, and the whole situation which seems almost humanly hopeless to resolve.
>
> For many years, I have been a strong advocate for the Palestinian people in the belief that they are being so harshly treated by Israel. My visits to the Holy Land in 1973 and 1988 convinced me of the brutality of the Israelis towards the Palestinian population. Everything I have observed since then has hardened my convictions. I have been appalled over the years to witness the United States giving a "wink and a nod" to Israel as well as financial backing enabling the Israelis to ruthlessly crush the Palestinians. The fact that so many other countries are complicit, including I am ashamed to say, Australia, is a source of great shame to me.
>
> There is no need for me to lecture you about the unevenness of the "contest". Today's news reports [for 13 January] that over 900 Palestinians have been killed in Gaza while the Israeli loss of life has amounted to 17. I recognise how futile (stupid!) are the rocket attacks which were launched by Hamas into Israel, but I can understand how a desperate population of 1.5 million—

interestingly the same population that we have in South Australia—

> crowded into such a small land mass and systematically deprived of essential food, water, fuel and medical supplies are pushed into desperate measures.
>
> Prime Minister, last Saturday I took part in a rally which began at the Israeli Embassy where I spoke and ended at the Prime Minister's Lodge. At the Lodge, a very moving speech was given by Dr Kevin Bray, Chair of Australians for Justice and Peace in Palestine. I understand a copy of that talk has been sent to you electronically. I wish to endorse the contents of Kevin Bray's talk. Later that evening, I took part in a candle-light vigil outside Parliament House. I was struck by the large number of beautiful young Palestinian children who were present. I wept at the thought of children of their age who have been slaughtered in Gaza in the past two weeks. They are today's 'holy innocents' suffering a similar fate to that which Herod inflicted 2000 years ago.
>
> Please, Prime Minister, do all that you can to bring a halt to this dreadful blight on our times.

I must say that I was very surprised to read that an auxiliary bishop of the archdiocese would actually come out and say those things, but they are certainly sentiments that I support.

On a more positive note, I notice that the Windows for Peace group—and I have had the opportunity to meet both Palestinian and Israeli members—have continued their work during this latest, ongoing war in Gaza. Although it has been very difficult for them to continue their work during the most recent conflict, there have been a number of continuing attempts between the groups to make sure that the dialogue between the progressive Israelis and the progressive Palestinians continues, including regular group meetings where people from both sides make sure that they sit together and talk about things that they agree on and ways of working together.

There have been joint youth encounters where the Windows group has made sure that there is access for young people to each other, as well as to progressive information about politics. There have been a number of activities and lecture series that have been organised, as well as the Joint Palestinian-Israeli Women's Group.

Time expired.

STATUTES AMENDMENT (PROPERTY OFFENCES) BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:53): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935 and the Summary Procedure Act 1921. Read a first time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:53): I move:

> That this bill be now read a second time.

The general criminal damage offences (including arson) are to be found in sections 84 and 85 of the Criminal Law Consolidation Act 1935. These provisions were enacted by the Criminal Law Consolidation Act Amendment Act, No. 90 of 1986. Those amendments replaced specific property damage offences, inherited originally from a host of old English statutes collected in the Malicious Damage Act 1861 (Imperial) with a general regime of offences. The old English system created specific offences for damaging (for example) a house, tent, stable, coach-house, outhouse, warehouse, office, shop, mill, malt house, hop-oast, barn, granary, hovel, shed or fold, not to mention crops of hay, corn, grain, pulse or cultivated vegetable, wood, coppice, furze or fern, and so on. There were pages of this, in all, 43 different sections, containing hundreds and hundreds of offences.

That was not sensible. The new part 4 inserted in 1986 has just three sections covering the same field and containing a structured series of offences sorted by, first, whether or not the damage was by fire or explosives; secondly, whether or not the offence was an attempt or complete; and, thirdly, the value of the property damaged or attempted to be damaged.

In the first instance, the value dividing line was set at $2,000, but it is now more complicated, with penalty divisions at $2,500 and $30,000. The current offence and penalty structure, although better than that which it replaced, is still not optimal. Graduating offences by reference to the value of the property concerned is not sensible, as it turns out. It has been criticised, notably by the member for Fisher many times in his regular conversations with Leon Byner on radio FIVEaa. The bill proposes sensible reform of these offences.

I seek leave to have the balance of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The desirable form of this set of offences, and criticism of existing South Australia law, was dealt with in detail by the Model Criminal Code Officers Committee (MCCOC) in its Report on *Criminal Damage*. It said of the South Australian legislation:

South Australia is exceptional among Australian jurisdictions in providing three levels of penalty for property damage, calibrated by reference to the financial cost of the damage done to the property. Australian Capital Territory legislation limits the penalty for criminal damage to 6 months imprisonment if the property was worth less than $1,000. The South Australian scheme, which makes the cost of the damage determinative, suggests an additional conceptual issue. What principle determines whether penalties are graduated by reference to the value of the property damaged, as the Law Commission contemplated, or by the South Australian practice of counting the cost of the damage sustained by the property?

Apart from the likelihood of bracket creep and other considerations to which the UK Law Commission drew attention, damage to valuable property may be trivial in extent. If South Australian practice is followed, however, making the cost of repair or replacement determinative, this sum may bear no relationship to the loss imposed as a consequence of the damage or destruction. Sabotage of machinery resulting in loss of a day's production can impose losses which far exceed the cost of a minor but essential repair to restore the machinery to working order. It is preferable to rely on exercise of the sentencing discretion in particular cases than attempt to discover legislative formulae which will dissolve these complexities.

MCCOC based its recommendations on the conceptual scheme embraced by the UK Law Commission:

The UK Law Commission discussed and rejected proposals to divide the offence of criminal damage into a basic and an aggravated offence by reference to the value of the property involved:

'The test of the value of the property damaged has obvious disadvantages consequent upon the changing value of money. In addition, we doubt whether a valuation of the property damaged is necessarily co-extensive with the real seriousness of the offence. A man may, for example, set fire to a nearly valueless tree, knowing that there is a risk that a whole forest may be destroyed. On the other hand, a man may destroy two paintings, one valueless and the other priceless, thinking them both to be of little value.'

The Law Commission proposed instead a distinction between aggravated and basic offences which depend on whether criminal damage involved fire or endangering life. The Committee has followed the first of these proposals, retaining arson as an aggravated offence of property damage. There is, however, no offence of endangering people by destroying property. That would involve an unnecessary duplication of offences found elsewhere in the Code.'

MCCOC recommended the enactment of a general criminal damage offence with a maximum penalty of imprisonment for 10 years (thus matching the current general theft maximum penalty). That, of course, does not mean that all offences should be dealt with as major indictable offences. As with theft, the *Summary Procedure Act 1921* should classify offences as summary, minor indictable and major indictable for the purposes of court jurisdiction, and the only sensible way of doing that is by value - as is the case with theft.

MCCOC recommended restricting arson as an offence to setting fire to structures or conveyances. That was its historical and general limit before expansion to the general destruction or damage to a wide and varied range

of, for example, a variety of crops—and beyond—in the middle of the nineteenth century. Setting fire, say, to brush fences should not be regarded as arson and punished with a maximum of life imprisonment. Destruction of buildings and conveyances is quite another, much more serious, matter. MCCOC took the view that there was no sense in the provisions about monetary limits and separate penalties for attempts.

South Australia has enacted the other components of the MCCOC recommendations in respect of sabotage, computer damage and bushfires. It is now proposed to complete the task.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of section 19—Unlawful threats

Currently, this section makes unlawful a threat by a person to cause harm to another person, or to the property of another person. It is proposed that new section 85 (see clause 6) will make provision for threats against property. Hence, section 19 will be amended as a consequence so that it is restricted to threats to cause harm to a person.

5—Amendment of section 84—Preliminary

It is proposed to insert a definition of *building* for the purposes of Part 4 of the Act (Offences with respect to property).

6—Substitution of section 85

It is proposed that current section 85 will be repealed and a new section substituted.

85—Arson and other property damage

Proposed subsection (1) of the new section provides that a person will be guilty of arson if the person, without lawful excuse, by fire or explosives, damages property that is a building (defined in section 84) or a motor vehicle (defined in section 5), intending to damage the property, or being recklessly indifferent as to whether his or her conduct damages the property. Such unlawful behaviour will constitute arson whether the building or motor vehicle so damaged belongs to the offender or another person. The penalty for arson is imprisonment for life.

Proposed subsection (2) provides that a person will be guilty of an offence if the person, without lawful excuse, damages (other than by fire or explosives) the property of another that is a building or motor vehicle, intending to damage the property, or being recklessly indifferent as to whether his or her conduct damages the property. The penalty for such an offence is imprisonment for 10 years.

Proposed subsection (3) provides that a person will be guilty of an offence if the person, without lawful excuse, damages the property of another (other than a building or motor vehicle), intending to damage the property, or being recklessly indifferent as to whether his or her conduct damages the property. The penalty for such an offence is imprisonment for 10 years.

Proposed subsection (4) provides that a person will be guilty of an offence if the person, without lawful excuse, threatens to damage the property of another—

(a) intending to arouse a fear that the threat will be, or is likely to be, carried out; or

(b) being recklessly indifferent as to whether such a fear is aroused.

The penalty for an offence against subsection (4) is as follows:

(a) for a basic offence—imprisonment for 5 years;

(b) for an aggravated offence (other than an offence to which paragraph (c) applies)—imprisonment for 7 years;

(c) for an offence aggravated by a threat to commit arson—imprisonment for 15 years.

A threat may be directly or indirectly communicated by words and/or conduct.

Part 3—Amendment of *Summary Procedure Act 1921*

7—Amendment of section 5—Classification of offences

This proposed amendment is related to the substitution of new section 85 in the *Criminal Law Consolidation Act 1935* and includes provision that an offence against Part 4 of that Act involving $2,500 or less that is not an offence that is listed below is a summary offence. The offences excluded from being classified as summary are—

- an offence of arson or causing a bushfire; or
- an offence of violence; or
- an offence that is 1 of a series of offences of the same or a similar character involving more than $2 500 in aggregate.

Debate adjourned on motion of Ms Chapman.

SOUTH AUSTRALIAN COUNTRY ARTS TRUST (CONSTITUTION OF TRUST) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

MENTAL HEALTH BILL

Adjourned debate on second reading.

(Continued from 12 November 2008. Page 907.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:07): I rise today to speak to the Mental Health Bill 2008. This bill was introduced by the government initially in June last year. It has a rather long gestation period to which I will refer shortly, but events have changed since June, in particular, the government appointed person with the responsibility for mental health changed from the Hon. Gail Gago in another place to the present minister who is the member for Adelaide in this house. Subsequently, on bill process, I think this matter was reintroduced by the new minister in this house in November last year.

As best as I can ascertain, there has been no change to the bill between those two periods. I stand to be corrected, but it appears that, almost without exception, other than the date, the second reading explanation of the current Minister for Mental Health is as it has been presented in the other place.

The bill purports to make provision for the treatment, care and rehabilitation of persons with serious mental illnesses, with the specific goal and objective—an important one—of bringing about their recovery. It also makes provision to confer powers to make orders for community treatment and, in that regard—this is a most important initiative—allows that to occur independently of and without the prerequisite period of detention in a nominated institution.

The bill also provides for the detention and treatment of such persons, when required, and provides protection for the freedom and legal rights of mentally ill persons. That is particularly relevant to some degree to the introduction of the new regime. In broad terms it attempts to answer a longstanding plea of relatives and carers of persons afflicted by a mental health disorder or disease, to ensure that they are able to continue to operate, as best they can, as the carer for the person. Often, of course, that is a close family member. Finally, the bill repeals the Mental Health Act 1993. In that sense, there is a process of modernising in language and, to some degree, approach—the sort of pre-emptive action that can be taken with a view to early intervention in order to assist persons who will be affected by this act.

It is fair to say that the number of people affected by the Mental Health Act represents a very small number of people relative to the total population. I say that at the outset. I understand that some 10,000 people a year in South Australia use mental health services in one way or another, whether they be in the community, at a service centre or accommodation facility, or in a hospital (whether secure or otherwise). A broad spectrum of services are available—and I will talk about the adequacy of those later—and some 10,000 people in any one year in South Australia use one or more of those services.

Only a very small number of those people attend, are admitted to or are detained in secure hospital care, often described as detention. My understanding is that about 3 per cent or 4 per cent of the population explore and seek—and sometimes get—mental health support and service. Therefore, this legislation affects those who are either unwilling or unable to make a decision, on the face of it, in their interest to undertake treatment. Historically, that process has been one which has been introduced under the protection of the act by a psychiatrist. There is an assessment by that psychiatrist and a review process by the Guardianship Board, which is an important statutory body. In some circumstances people can appeal to the court processes, usually the District Court, to seek relief at that level.

The main purpose of any mental health act is to manage that process of detention, whether it be voluntary or involuntary or, for some periods, a combination of both. That attracts and should

attract some careful scrutiny. It is fair to say that the government has not rushed hastily into this; and I commend it for that. The Mental Health Act 1993—so it was enacted some 15 or 16 years ago—was reviewed. A review committee was chaired by Mr Ian Bidmeade, who is a legal policy consultant and solicitor. He was commissioned by the government in 2004 to undertake quite an extensive review of the legislation. Ultimately, he completed and provided a report of his committee, which outlines the findings and which is titled, 'Paving the way: review of mental health legislation in South Australia, April 2005'.

Within a month or so the government released that report for general consultation and public comment. Not surprisingly, that report proposed a number of changes to update and modernise the legislation, with the objective—to some degree untested, but I think there is a sufficient basis to support a reasonable expectation that it will be of benefit—of positively assisting people with mental illness. The recommendations of Mr Bidmeade's committee, on balance, had very strong support from stakeholder groups. Again, I commend the government because the report was distributed very widely.

The minister tells us that the recipients were some 500 stakeholders. I have been through that list; it is very extensive, and there are more than the usual suspects. In circumstances which I think will become clear, that was very wise and also very helpful in what proceeded to be the development of a draft consultation bill, released in September 2007; the marrying, to some degree, of the recommendations of the report, which were not, in the view of some, fairly or appropriately reflected in the legislation; and the omission of some other recommendations.

Not surprisingly, they attracted some commentary, and further submissions were accepted from them. I say 'accepted' because, having released that report, we had period in which another amendment was made before the former minister initially tabled the bill in mid 2008. It had quite a long gestation period, and one could not argue that it has not had a lot of contributions from people who are concerned not only for the welfare and protection of mental health patients but also for their recovery and support, together with the essential balance of ensuring that those who work with patients, and provide care, support and nourishment, are also in a position to make a contribution (hopefully, that will be with sufficient protection for it to be positive) and that it will be a win-win outcome for all those involved.

Members should bear in mind that, given the group we are talking about, the people who are directly involved in the care of people in this category are health professionals, police, ambulance drivers and, perhaps the most important group, the immediate family and friends of the patient. It is fair to say that, when a number of these patients attract the attention of this type of legislation, they have often burnt out many family members and their friendship support group and both government and private agencies employing health professionals are frequently left to manage the situation. As I say, historically, the Guardianship Board, which continues in an important role, has provided relief and some advocacy opportunity on behalf of patients, but it is one which is now under greater spotlight because of the introduction of the rights of others, and I wish to explore that a little further.

The action of making legislation contemporary in the sense of its wording is easy in bringing together a fair balance between the protection of the vulnerable and the capacity for those who are there to provide for them and to help, whether it be on a personal or professional level. The specific changes I propose to address are, to some degree, in the order of what has been outlined in the legislation, but I will move that to some degree.

The minister states in a reasonably neat summary (for the purposes of the recording of the opposition's position) that there is 'the need for clearer articulation of the rights of the mental health service consumers and carers; greater emphasis on community care, not just hospital or institutional care' (and with some qualification that is also recognised and supported), the 'recognition of the particular circumstances of children', and, finally, 'acknowledging the unique cultural perspective of Aboriginal and Torres Strait Islander people'. There are a number of aspects in the minister's second reading to which I wish to draw the house's attention. First, the minister opened with the following statement:

> A world class mental health system depends on an effective legislative framework to ensure that society can fulfil its obligation to care for individuals with serious mental illness.

In describing the bill, she states:

> ...an act to make provision for treatment, care and rehabilitation of persons with serious mental illness.

She goes on to say:

> This bill is primarily about the use of powers to treat people with serious mental illness against their will and provides for the checks and balances and protection necessary for the transparent and accountable exercise of these powers.

I highlight that these are actually two different things. It is not that the first statement does not incorporate a legislative framework, but I would not want it to be accepted that, in the opposition's welcoming of some of the aspirational changes in updating this legislation, a change in the legislative framework in any way reflects some coincident introduction of a world-class mental health system.

This deals with legislative framework, that is true. Although that is important, it reminds me of an analogy. I think it was Sir Eric Neal who described this to me. He said, 'Look, you can have all the structure in the world but, if you do not have the right people in there making the decisions, the structure really won't make a scrap of difference.' If really good people are running the show they can make sure that the right decisions are made.

On the other hand, you could have a brilliant structure and legislative framework for the supervision and assessment and so on but have either a lack of expertise and/or work force resources or facilities to implement the outcome of a decision, namely, provide a facility to cater for detention. Without those you will still fail in the objective.

Whilst we accept that it is important to get the legal rights and protection right, we will never have a world class mental health system unless we have the other side of the equation, that is, the adequate and appropriate resources to ensure that it is carried out. This is particularly important because it is of concern to the opposition, not because we are introducing a new regime per se but because there will be a direct consequence in the expected extension of the workload to be undertaken.

We should be under no illusion that, by introducing and expanding the opportunity essentially to either impose community treatment orders or detention, when we expand the brief we expand the workload and the demand for what is required. That is the reality. I do not suggest that the government is not mindful of this. It is a little bit like saying, as we did some years ago, that we will have a mandatory notification procedure in relation to child abuse.

What you do is you create a structure—well-intentioned as it may be—where in fact you can identify a greater demand and a greater pool of people needing the resource and then find that inadequate provision has been made to meet that new demand—and then you have another problem. I would urge the government to appreciate the importance of ensuring that we have the backup resources to implement what is otherwise, on the face of it, a good start in the reform of this legislation.

One of the recommendations of the Bidmeade report, which I will abbreviate for the purpose of this discussion as Paving the Way, was to establish a system of what is described as the community visitors scheme. I suppose its omission, having been a recommendation in the report, is one which we would need to carefully analyse, because sometimes recommendations are made and they are simply not achievable when other aspects are taken into account. However, this omission, in my view, is quite puzzling.

As I understand it, the government's position on this is that it declines to accept this recommendation and transmit it into reality in this legislation, which it had the opportunity to do, on the basis that it would require extra resources. For members of the house who are not familiar with this and who may later read any contribution that is made on this bill, the recommendation would enable visitors to patients in hospital and institutional environments to provide for independent advocacy, taking into account, if I can paraphrase the position, the vulnerability of a patient or person in an institution who would otherwise either be unable to or not have the resources to access or properly articulate their concerns.

The obvious ones are: if the patient is in a detained situation or if the patient is resident in a situation that deprives them of any income or access to funds to be able to provide any communication tools for them to alert someone to their situation, particularly to be able to be transported to or get access to some other person outside of that institution. The importance of having someone who visits to be able to assess at first-hand the circumstances of a patient or resident is something which I think Mr Bidmeade and his committee thought was meritorious.

I do not know about your situation, Madam Deputy Speaker, but I would think that any member of this house would understand the difficulty that is faced by people who have a mental health challenge: often in their capacity to understand or appreciate how they can get help or to articulate any concerns they have, let alone having the resources to do these things. We are dealing with some of the most vulnerable people in the community who we, as a community, (and the government, in particular) have a responsibility to protect.

Aside from the resourcing issue—whether these people are paid money, what they are paid and what their expenses may be in order to facilitate this—my understanding is that (and I may be wrong) the government is generally reluctant to have these consumer advocates in acute hospital services. I can imagine that, in some circumstances, it could be quite impractical or dangerous. For example, if a consumer advocate were in a secure area (usually the result of a resident or patient having high-level acuity), they would need to be provided with some security themselves and that would cost money. If they were not provided with security, and they were vulnerable to approach or injury, that raises another problem.

I think these practical and important issues need to be recognised and, if that was of concern to the government, I would understand that. But a very small number of people are in that circumstance at any one time, either in community health services or a hospital institution. In fact, in circumstances where people are receiving treatment for mental illness, either in a community setting or hospital setting, very often, apart from the front door being secure or the access door into the ward being secure, there is a freedom of movement around the facility, quite appropriately, recognising the level of acuity of the patients/residents who are there.

I do not think that is an issue for the overwhelming majority of treatment centres or facilities, whatever their nature, except for the high security areas. I do not think it is sufficient to disregard or outweigh the importance of introducing a community visitor scheme. The opposition is keen to look at this. A number of stakeholders have spoken to us about it.

Historically, successive governments (and this government) have recognised people of capacity and experience who are highly regarded—for example, Dr John Brayley, former head of the mental health department in this state, who is now the Public Advocate. He has given some considerable attention to this, and I will refer to him further in a moment. Mrs Rosemary Warmington, of Carers SA, has also been strong in supporting the introduction of a community visitor scheme.

Regrettably, the government has taken the view that it will not be adopting this and, therefore, it is completely omitted from the bill. I am not sure if it was even added in previous drafts, but my understanding is that it has never shown up in the bill, so it seems that it has been a consistent position of the government not to permit this scheme. I think that is particularly disappointing. My understanding is that—and I do not have the report in front of me—a community visiting scheme operates in Victoria. I think it has been running for a couple of years and I am advised that it works very well.

That scheme enables mental health patients and residents to have a genuine, fully informed and briefed person to advocate for them. Just in case there is any adverse inference from that comment, I should say that important advocacy groups such as the Mental Health Coalition and Mental Health Alliance and others do a good job. I want to make the point that their job is not to provide specifically for the advocacy of a specific party. They have a very important role but they see themselves as making submissions to governments, decision-makers (in the parliament, for example) and committees, including budget submissions on policy initiatives and processes, just like the assessment they made on this bill. It is an important role, but it is probably not one for which they have either the time or the remit—and certainly not the resources—to undertake with respect to the community visitors scheme.

In addition to that, their capacity to have access to a hospital service or an institution is currently denied because, if they act on a voluntary basis without the umbrella and blessing of legislation, they have no capacity to access it. So, it is really important that we remain open to not just the viability but the success, or otherwise, and the proper reviewing of what has occurred in our neighbouring state of Victoria.

I would ask the government to revisit this issue. The opposition is considering the terms of what it may move as an amendment between the houses and, to that extent, we will advise as to the terms of that hopefully before the matter is dealt with in another place. However, there have

been a few stakeholders who have had different views on that, so we will bring that back to the parliament and between the houses.

I would like the government to take on notice our intention to consider this matter by way of amendment on the basis that it would be reasonable for the government to advise the parliament and have ready the particulars of what it says would be necessary to set aside—for example, in this year's budget—to make provision for a community visitors scheme. Regarding the costing of that, we would ask that that be done on the basis of the model that currently applies in Victoria, which is reasonable. Obviously, the government cannot be expected to do anything other than that without having particulars from us as to whether there should be any change. So, we ask that that be done and that the information be provided so that the parliament can properly consider whether we should have a visitors scheme at all; and, more particularly, if we do, whether it should follow the Victorian model.

The second matter is the question of whether a specific and dedicated tribunal should hear appeals rather than the current system involving the District Court. The Bidmeade report explores that and suggests that that would be meritorious, hence it forms one of its recommendations. I think it is fair to say that it is quite a key recommendation and not just something tacked on the end; there is quite a bit of background in the report to argue for this.

Over the years, we have developed all sorts of tribunals for specific purposes. For example, we have tribunals managing the relationship between landlords and tenants. Historically, previous parliaments have sometimes agreed with the view that a dedicated tribunal is needed with specifically trained people who understand a particular area of legislative management and, where required, judicial intervention with appropriate councillors or advisers, whether they be financial for tenancy arrangements or in the area of health. Another area in which a tribunal structure has been developed and extended is the determination of workers' rights.

I am not a big supporter of tribunals, and that is not because the existing tribunals are not functioning well—I do not make any specific reflection on them. In some circumstances, they can be quite useful and—again, probably because of the principle I mentioned earlier—they have good people on them, so they function very well.

The reason I indicate that the opposition will not be taking up this recommendation and asking the parliament to include it in this piece of legislation—which the Bidmeade report recommended—is because the court which hears these appeals will hear a subject matter which is at the very core of protecting fundamental human rights. The very delicate balance between the protection of a patient's rights, usually against the imposition of the advice or assessment of professionals and their proposed treatment (and the consequences of that), is one that will have a direct impact on not only the personal liberty of that person by way of detention orders but the involuntary imposition of a medication or treatment against their will.

My own personal experience of people who have been the subject of community treatment orders and detention orders—some have been family, some have been friends and many have been clients over the years—has been that it is often not the detention that is the most upsetting thing to them: it is the imposition of having to receive medication against their will while being in the institution, or in their home, that offends them so much.

It is possible (I am making a generalisation here) that, because the state of the mental health of the person who is under detention under our current law is often so severe and so acute, their capacity to understand the restriction upon their freedom—of which they are about to be deprived—is much less than when they might be in a situation of not being detained but having a drug regime imposed on them. At that time, they might be quite lucid and much more capable of understanding what is being required of them, namely, that they accept an injection or digest medication or swallow syrup against their will. In my personal experience it is often a really difficult and painful matter for the person who is affected by such an order.

Whether we are going to deprive someone of the right to be able to walk out of a room or say no to a particular medication or procedure—including electric shock treatment (as it is known colloquially)—is something that I think deserves very careful scrutiny. The only acceptable recipient of appeals, in my view, and the opposition's view, is the court. The District Court should be retained in that important capacity.

Another matter that has been raised is the question of a review date. It is not uncommon in legislation which is controversial and new, where there is a new regime to be imposed, that we review it. The opposition is not happy with some aspects of this bill, and I will be outlining them. If

the government proceeds with the bill as it is, if the proposed amendments are unsuccessful, then there will be areas which we are uncomfortable with—I should not say 'uncomfortable with'; I should say that we will be less than happy with an assurance that we can be satisfied that patients will not suffer.

In that sense, we consider that it is important that there should be a review date for this legislation. The principal area to be introduced here is that a whole new group of people in the health professional community are going to have the jurisdiction and entitlement to administer orders and sign certificates under the procedures and the regime for this group of patients. Whilst we have a number of concerns about that, if, ultimately, the government is successful in having that significant expansion occur, then we would want a review date to be set.

The opposition is quite open to consideration of what that review date could be. We think four years is not unreasonable. We would not want to impose too short a period to be restrictive, but we feel that it is something that needs to be considered. There are other stakeholders; we are not alone in this. We do not just throw it up as a review because we do not like a part of the bill that the government wants to introduce. Carers SA has also raised this with us and, no doubt, the government, so we think it is reasonable that a review period be included.

Again, the old chestnut of transparency of the regulations is raised. Whenever a bill is introduced which is going to affect or deprive people of their rights, I think that, at the very least, we should receive a draft of the regulations that are proposed to be introduced. The reason for that is because, increasingly—even in the short time I have been in this parliament—there seems to be a practice almost of extending what used to be in legislation into the regulatory documents—regulations, in particular. We all know that the difference between putting it in the statute as compared to the regulations means that a minister (in terms of the latter) can change the rules subject to some scrutiny by the parliament, but a statute requires approval of the parliament before it is implemented.

There is a very big difference between being managed in the community—particularly this very vulnerable group—by people who are here in the parliament and vested with that important responsibility or whether we ask ministers to do it. The trend of having responsibilities and powers identified in regulations is very concerning. In particular, legislation that relates to the very capacity for someone to be able to move around at their free will and to resist the imbibing of medications, I think, is pretty fundamental.

Whilst the regulatory power is there for good reason—to deal with the machinery implementation of what the parliament decides—we do not have any draft available. The transparency of these regulations will be critical to the operation of the act and we express our displeasure at the absence of their being provided at least in draft.

The operation of the Guardianship Act is another concern which was a bit of a theme by stakeholders, and there is some reference to this in the Bidmeade report. Members will be aware that this is a specific tribunal which has a role in relation to the protection of persons, their assets and medical treatment, and is housed out in the ABC building at Collinswood.

Those people have the difficult job, I think, of assisting people to manage their business, estates and general financial circumstances in addition to their medical treatment, medication and management generally. That is very difficult, and I place on the record the importance of the work that is done by this group, because they are not only often dealing with people with diminished capacity being the subject of any applications or hearings there but also dealing with carers and relatives who are often in conflict themselves, not just with the person who is the subject of an application but, of course, within family groups.

It is not unusual for the Guardianship Board, which ultimately has the responsibility of making decisions in this area, to deal with a very severely fractured family support situation—or lack thereof as a result of those fractures—surrounding the subject applicant, and that is not always easy. Of course, we have fights in other arenas among family members, whether it is on the dissolution of a marriage or the fight over the spoils after someone dies in estate and probate matters, and there are plenty of cases to support that contention.

Equally, however, there can be quite a lot of friction and quite terse relations between the relatives of the subject person of the application, and this usually just compounds the difficulty of Guardianship Board members making a determination of what is in the overall best interests of the subject person. So, I commend them for what they do.

They too need to have some upgrade of the structure and the powers in the way that they operate. This legislation is sitting behind—or over or next to or however you want to describe it—the board and its employees, and it is inadequate for 2009. Frankly, I am a little bit concerned—and this is not a reflection specifically on the current minister—that there has not been a corresponding development of reform to bring to the parliament a revised Guardianship Act, because that also needs some attention.

Sometimes legislation works in tandem. It is important, if you are fixing up or, in this case, expanding both the responsibility and operation to a much broader group of people under the proposed new mental health act, to sort out the Guardianship Act as well. We are dealing with this act; there is nothing else blowing in the wind. I am not aware of any draft guardianship bill out for consultation or whether that has even hit the radar of the department or the minister's office at all. I find that very disappointing, particularly because it is not something on which the important stakeholders have been silent.

The Mental Health Coalition, for example, has raised this issue, and it seems to have just gone unheeded. I am not sure why this has not been updated with it. Even under the new mental health act, the Guardianship Board will still have a very significant role, if not a greater one. I would hazard a guess that there will probably be more disputes and more challenges and they may even be longer, particularly if we do not have adequate representation of these people at Guardianship Board hearings. We are going to have a bigger workload, and that needs to be fixed up as well.

That is disappointing, but I cannot, I know, introduce an amendment to this bill that will remedy the defects in the Guardianship Act as it currently stands, and some of that I think will cause a bit of difficulty in the actual carrying out of those duties. I am disappointed in that, and ask that the government review that at least between the houses because, if there were some assurance that that would be undertaken, or that some complementary legislative reform of that act would be forthcoming in the near future, I would be well pleased to receive it, and, after the appropriate scrutiny, support amendments that would also help to dovetail into the objectives—meritorious as they are—under the bill currently before us.

Again this is an issue raised by the Mental Health Coalition, particularly concerning those who are in prison, as to whether there is a diversion program for people with mental health illnesses. This is something we do not take up specifically. We know that there is a major problem in our prison system. I was speaking to a mental health nurse recently. He said to me, 'Every time you take a bed out of the mental health system, you add a bed to the prison system.' It seems that, on the information we have, which is pretty sobering statistics, currently 40 per cent of people in our prison system have a diagnosed psychiatric condition. I was also told only last night that approximately 85 per cent have an alcohol or substance abuse addiction. That is very concerning because clearly that is increasing, particularly the reliance on drugs and alcohol.

You can take this away from people while they are in prison—often not totally as they seem to be able to get it somehow—for a large period of time, and significant effort is made to deprive them of that substance. Whilst they might have some treatment for the addiction—methadone treatment or the like—I think that a diversion program for people with mental illnesses would assist. Essentially, this would mean that they be given the opportunity to undertake a certain treatment instead of being incarcerated. As I would see it, their application to and compliance with that undertaking would be the prerequisite to their being able to remain free from incarceration.

Some of that has been put to us. We do not see it as something that has to be part of this bill. To some degree, it is a separate issue, but it is particularly important if we are going to pass this legislation—which, on our expectation, will place a much greater demand on mental health services—that we clearly understand that, if we do not have room for a person who has a psychiatric problem in our mental health services and they do not get treatment, there is every likelihood that they will be at risk of ending up in prison. Therefore, we can expect an increased demand but with no adequate opportunity to have a diversion program. So I think, again, it is terribly important that we have a look at this question of demand.

It was drawn to my attention only last night that the current government's State Strategic Plan has a target to significantly increase the population of the state. That is a target I support, but it means that over the next few decades we will have a vast number of extra people in this state. One cannot assume that that extra number will all be free of mental health conditions or that they will be excluded or in some way quarantined from acquiring some mental health condition which will need to be treated and helped.

[Sitting extended beyond 17:00 on motion of Hon. J.D. Lomax-Smith]

Ms CHAPMAN: So, if we have this extra population, we will need even more resources on the basis that, logically, a portion of those will need extra services. So the 10,000 people a year who might be using our services will substantially increase.

There was also a matter raised about the lack of reference in this bill to the Health and Community Services Complaints Commissioner. This is a role that was established a few years ago by the current government. I think, from memory, the former minister for health (Hon. Lea Stevens) introduced this legislation. It was designed essentially to expand the capacity for health, community and like complaints to be able to be dealt with in an ombudsman-like style.

Essentially, we have ombudsmen to keep a check on all sorts of things and this was an area of the ombudsman's responsibility—and, in particular, the services provided by government. This parliament agreed to the notion that it ought to be able to expand its jurisdiction of inquiry into not just health matters in the public sector but also concerns of consumers and patients in the private sector and that it should not be confined to just health services providing a particular treatment or service but also include community services.

I remember the debate because there were questions raised such as: could you lodge a complaint against a nurse in a school if they gave two aspirins instead of one to a child in the sick bay? I remember issues such as that were raised at the time. There were questions about where it would all stop, who would be responsible and whether volunteers would be at risk of complaint, because the number of people who would be subject to review by a new commissioner would be vastly expanded. Sure enough, we have had a couple of reports from the Health and Community Services Complaints Commissioner, who provides reports to the parliament. She regularly tells us that she needs more resources to do what she is doing. I will not go into the merits or otherwise of that, but I simply say that there is a big workload, which already includes her receiving and dealing with complaints in respect of mental health services.

Even though this issue has been raised—and I am not sure whether or not the government has raised it—already a significant number of complaints that she receives involves people who have got some complaint or concern about the provision of a mental health service. It may not be in isolation but, rather, in conjunction with other services provided, but it has a significant profile.

If ones looks through old annual reports of the Ombudsman in relation to health complaints in public institutions, health complaints are second in number only to prisons. By number of complaints, prisoners in South Australia complain the most. They seem to complain about whether they get their tuckshop money or poached eggs instead of fried eggs, and a whole lot of other things, so they have a lot of complaints to the Ombudsman. I do not mean to trivialise them in the sense of those being the only examples—often they have substantial complaints—but there are lots of them.

In relation to portfolios, the second was health and the third was families and communities. The health aspects in number are concerning, and there is reference to the process of recognising the Health and Community Services Complaints Commissioner and its being added into the bill. We do not take specific issue on it. It is happening already but, as a matter of completeness, it could be included.

Another issue was raised by the mental health coalition; that is, there is no explicit reference to the preference of community treatment as against involuntary treatment. Some members would say that it is obvious that, if we take the view that detention is an act of last resort, to detain someone on an involuntary basis, and be dealing with someone who is upset, angry or distressed about what they have been deprived of, in particular their liberty, it would be obvious it would be better, if it were available, safe, appropriate and in the best interests of the patient, to have treatment in the community, either in their own home or at a local community health service or centre which does not involve their being physically detained or their liberty being deprived.

It is stating the bleeding obvious, to use a colloquialism, so I was not overly excited or concerned about that not being specifically provided for in the bill. In some ways it could act against those in the health professional community who continue to say to me that they do not accept that, for some patients about whom we are talking here, it is appropriate or safe or in the best interests of the patient to either go into or remain in a community setting. That is interesting but, by way of explanation, I am told that, whilst we here of sound mind—

An honourable member interjecting:

Ms CHAPMAN: That is right; first of all, that we are of sound mind. I am told that, whilst we of sound mind may presume that the patient would be better off in a community setting, because that is something we would like if we were sick—we would rather be at home being looked after than being in a hospital, for example—it does not mean that someone who is mentally unwell, unstable or insecure thinks the same. It was quite a confronting statement when it was put to me: 'You should not necessarily assume that they are functioning at the same level or capacity to have the benefit of staying in the community.'

It usually relates to the person's psychiatric condition, from what I am told by those who think that sometimes it is important to have hospital care, to provide safety and security for the patient, to protect them from others who may be more predatory, in all sorts of ways, and to give them some sense of safety so that they are able to positively progress with their healing without the burden of fear.

I am paraphrasing what has been put to me, but it makes some sense to understand that sometimes patients who are in this category need a safe and secure healing environment, which can provide them with an ambience that is positive for their recovery and rehabilitation.

When I was alerted to this fact, I felt it was something that must be given due weight. So, to state this preference as some kind of principle in the objects of the act may work against us, and certainly against the patient, if the assessment of the health professional is that they are in need of that treatment. I suppose what they are seeking is some kind of statement of a presumption of freedom, and I suppose what we have been alerted to is that that is not always the best for the patient.

I have touched on the issue of demand, with an increasing population. In doing so, I mentioned legislation to expand the range, and therefore the number, of professionals who will be authorised by this bill to have the power to carry out community treatment orders. What a number of stakeholders have identified (and I do not think the government ignores this but it is something, I am sure, that it will have to address in the budget) is that you increase the range of people who can act to do these things; you increase accessibility to the imposition of a community treatment order, and then someone has to do it. Therefore, there is a direct nexus with the extension of resources necessary to implement it.

In terms of extended professionals and more people having community treatment orders, the philosophy of this bill is to promote early intervention and use of community treatment orders on the basis that it will save people's health from deteriorating to the extent of needing hospital treatment and/or institutional care. All of those aspirations are fine, but the truth is that you still need to deal with the level of extra support needed for the community treatment order.

It does not necessarily mean that just because you have early intervention you will suddenly have demonstrably reduced demand at the other end of the stream; that may take years, and there will be a significant overlap. But, if there is to be an improvement—that is, a decrease in the number of people requiring more acute care and intervention down the track or longer periods of hospital care—it may take many years for it to have that outcome.

Again, I have spoken to a number of psychiatrists, particularly in this area. No matter what is provided, if you couple the increase in population with the people who have serious mental health problems who have a direct connection with the use or abuse of drugs (particularly their overindulgence), we will have a problem. That can only become a situation, they say, which will require a sustained and extended provision of acute health services.

No matter how we look at it, this bill will increase the number of people we will need at the intermediary and early stages, but it will not necessarily give any relief at the pointy end, and, if it does, it may be many years away, and that could be overtaken by the reasonable expectation of an increased population. There is no easy way out of this. If we want to address this problem, it will cost more and it will require extra resources.

I do not suggest for the purpose of this discussion that there is any aspect of our system that is worse than interstate, but it is fair to say that we already have a system of mental health services that is running on the smell of an oily rag. Many people cannot access or obtain help or services in a timely manner, or at all, and we have a long way to go before we can adequately provide for them.

In addition, there is a large pool in the community, such as the prison community to which I have referred, who are not getting any real access to services. We have a burgeoning group sitting over in the prison community who are not, I think, adequately dealt with in any way in respect of mental health treatment. It is shameful for all of us that we allow that to occur, but I suggest that it is exacerbated by the fact that if you do not provide health care for people they will end up in the prison system, dead or destroyed in their capacity to function independently. To be rendered into some disabled state where ultimately they are unable to function in a meaningful way in the community and have decent lives, I think, should be looked at very carefully.

The current situation with respect to community treatment orders is that they are done by the Guardianship Board. I have referred to the board before, the legislative structure underneath which its members sit and the importance of modernising it. They have this role. The information was provided by, I think, Dr John Brayley, who is now the Public Advocate but who was a former director of mental health services in this state. Dr Brayley gave evidence from the United Kingdom demonstrating that community treatment orders should be used carefully and that the best alternative is what is described as 'assertive care'. For the benefit of those reading this debate, that is a broad range of well-resourced support services.

If we are to proceed down this line, a very effective set of checks and balances must be applied when these CTOs are used. I suppose the insurance on this type of new approach in terms of expanding a range of people who can authorise community treatment orders comes with the training of whatever category of person is given this extra responsibility. This comes then to the question of what training they might need specifically. If we do not ensure they have adequate training, that is, we simply expand the range of professionals who can do this and they do not have adequate training, one of the problems we create is that they will not necessarily be sufficiently skilled to administer a CTO or not administer a CTO that is in the best interests of the patient.

Also, we must be mindful that these new powers—which need extra training—are there to ensure that the new person who has the power is neither too vigorous nor too lax in their decisions to detain. We will raise this a little later. Again, we are still exploring that, and we are likely to explore it in more detail in another place. One thing that will be pertinent to this to quarantine against risk or to provide the insurance is to ensure that the training occurs and that the money is there, of course, to ensure that it actually happens. Again, you can broaden the range and give everyone these new powers, but we could have a disastrous situation if we do not properly train them, and if you want to properly train them it will cost money.

We must understand the consequences of the legislation if we are to do it properly. If we do not have the money or the government says, 'We do not have the money to do that', or, 'We don't need it' (which I think would be wrong), then one must raise the question about whether we expand the range of professionals to do this now. You make a commitment to do this on the basis that, overall, we think it would be good for mental health patients to have the capacity for early intervention and for community treatment orders to occur without waiting to go through the pointy end of the system. It all sounds good, but there is not much point in doing that if we are going to create a situation which is going to be worse for the patient in another way.

I hope that the government does not see this as a backdoor way of saving money. I think that the aspirational statements of the minister in her contribution to the parliament from the government's perspective do not suggest that. The government would clearly not admit to it even if it did, I suppose. I am not suggesting that has occurred, but it always worries me.

I have to deal with a lot of these bills in the parliament now where we are being asked to change legislation or reconsider policy to allow for professions other than those that have the existing capacity to make decisions. Let me give you a classic example. Last year (I think it was last year, it may have been the year before) we created the power for opticians—people whom we usually see to get our glasses and those sorts of things—to be able to do some of the things that previously only the ophthalmology end of the spectrum of specialists could do.

Some people say that this spreads the load and makes it cheaper for the product or the process, that is, the service of providing treatment for an eye condition. It is usually related to an extension of a particular group being able to administer drugs. In the case of eyes, it is the opticians being able to prescribe and use medications (often drops) for the eyes, and the like.

Eye surgery is still done by a certain speciality, but a whole lot of other duties are needed to be expanded into groups that have different qualifications, not necessarily lesser qualifications,

but different qualifications which do not necessarily give them the sufficient expertise to carry out what they are going to be asked to do.

One example of that was when there was a new fad where young people—I understand mostly girls; I do not have any daughters, a granddaughter but no daughters—would wear these coloured lenses. The logical question was going to be: if we have a requirement to say that young people cannot buy these lenses to put in their eyes to make them look like cat's eyes, or make their eyes blue, green, brown or purple (or whatever), we protect them from causing damage, and ultimately blindness, if they do not use them properly by leaving them in overnight, or whatever the problem might be.

So, we have to set up some protection when we make these decisions. Should they only be available on prescription? If they are only available on prescription, should opticians be able to administer those prescriptions? These are the sorts of things that come about from what starts as, usually, a request for the opposition to consider, not necessarily always from the government but from other stakeholders who say, 'Well, look, we can solve this work force problem. We could make a process or a service cheaper if we expand the qualifications of the range of individuals who can undertake this particular task.'

That is something on which I have occasionally agreed with the particular person putting the submission—or the government—but I am very cautious of it, and equally so in this legislation. I am very cautious of it, because this is not just a medical procedure, this is the deprivation of a liberty which the rest of us take for granted. So, all the more reason, I think, that there are problems with extending the authorised health professional ambit to be able to undertake these services.

The issue of extra demand is one which I raise, and I go on to refer to the government's submission, and particularly the minister's second reading explanation when she said that the bill will 'complement the government's recently announced $107.9 million mental health reform package to implement the Social Inclusions Board's recommendations'. She then went on to list what the funding will do—in particular, the rebuild of part of Glenside Hospital, the only stand-alone mental health hospital that we now have in South Australia. There are a number of services attached to other health facilities in metropolitan Adelaide.

The minister goes on to say that there will be a number of other plans regarding the provision of service at a community level. I will not go through all those individually (it is in her second reading contribution), but I do want to comment on them. The government's claim that this bill will complement it, coupled with the demand issue to which I have just referred, is, I think, simply unacceptable. Furthermore, the opposition does not agree that the announced direction by the government going with the redevelopment of Glenside Hospital is in any way consistent with the report prepared by Monsignor Cappo. Indeed, that has been borne out by the recent findings of a select committee of this parliament, whose report was tabled two days ago in another place.

That report followed an interim report which the committee tabled on 11 September 2008 and which primarily related to a recommendation that the Glenside Hospital have a specific charter and that there be a health research and training institute established at the site. I do not want to dwell on that. It was a good recommendation and, quite frankly, if the government presses ahead with the expansion of professionals and therefore provides extra demand, I simply make the obvious case that it will be even more important that this institute has the capacity to provide a high level training facility that is highly regarded as well as a core capacity for the multiple health professionals in this area to collocate and undertake both their research and training together. I refer to that report, but I will not quote from it other than to say it should be taken into account in the redevelopment.

Some considerable contribution was made by the minister on the question of the Glenside concept master plan, and in particular the services it says it will provide. In relation to that, I would like to say that what the minister, in her contribution, says is brilliant about the redevelopment is far from what is presented in pamphlets and websites. It has come under heavy fire. It has had lots of criticism from me, which does not necessarily mean it is a good or a bad thing, but I will not give up on it. It has come under fire by almost every possible different group in the community.

Often an idea is presented by a government which some people in the local community might not like, that a particular community of interest does not like. It might be a development, which is opposed by people who want open space, which the developer wants to make some money out of and, therefore, you get competition and friction, and often it concludes in some resolution that both parties are unhappy with. That is not unusual.

But after last night's meeting, it ought to be clear to the government that the Glenside concept master plan, released in September 2007 by the former minister, has the anger and opposition of almost every different group in the community that could be relevant to the service and the site and to all it influences in the neighbouring community and throughout the services it provides across the state.

I have never known an issue where so many different stakeholders have raised concerns. So, it is not surprising that the select committee has made a number of recommendations and findings which totally contradict what has been put out in the public to date by the government in support of its plan. One thing is very telling in this report regarding the provision of mental health services generally. It says that all the current high-care patients at Glenside need to be provided with a dedicated care plan outlining their treatment and its location. Some of that is because rebuilding can have some impact on the delivery of services.

It is very interesting that the government takes the view that it is all right to place those mental health patients who are left at the Glenside campus in a situation where they will have to play 'musical beds' over the next few years around the campus, and this is incurring the ire and outrage of patients, relatives and staff so much so that now some of them are going public on this.

It is all right for these mental health patients to have a major redevelopment on their home. Remember that a number of them live there long term. They are not just in there for a broken leg and a quick patch-up in the Royal Adelaide Hospital, then they go home. These people live there. It is all right for them to have jackhammers next door to their home and a new shopping complex and supermarket built next to them, but it is not acceptable for the government.

The main reason the government says it cannot redevelop the Royal Adelaide Hospital is that it has to move that acute service down the other end of North Terrace. It is a telling thing, isn't it? It is not good enough for mental health patients. As I said, a number of these patients are not there for just a short time: they are going to face a long period of many years in coping with this redevelopment. It will now be added to by another two years because part of this redevelopment has been adjourned because of the economic meltdown. It is good enough for them to have to suffer that, which is unacceptable, they say, for the rest of the population who go through the acute services at the Royal Adelaide.

I do not accept the notion that you cannot redevelop a hospital or health service on a current site. Obviously, notwithstanding the state government's view on the Royal Adelaide Hospital, it does not accept that either, because it is already doing it at the Lyell McEwin Hospital and has just completed it at the Queen Elizabeth Hospital, so it is an utter nonsense to suggest such. Is it not interesting that they say that it is good enough for the mental health patients at the Glenside Hospital, who have to put up with being moved around the campus until they get pods built at aged care services for the aged psychiatric patients, which, it has been announced, will happen one day at the Queen Elizabeth Hospital next to Cramond House?

They have to put up with all the redevelopment of the historical buildings in the middle of their campus to accommodate the Film Corporation. They have to put up with the demolition of buildings (one has already been demolished at the old laundry site) to be able to put in transportables—which has already occurred—and tip out staff and some patients from some of the other facilities. They have to put up with being moved from one building to another in the meantime, while the Chapley family—or another developer if the Chapleys do not buy it—build a massive supermarket and dig up the oval. They are about to have Ground Zero in their own backyard and, at the end of it, they will end up with 50 per cent of the total site, and only a portion of that will be available for a facility of design yet unknown for mental health services. Guess what? They will not only have the patients there now but also all the drug and alcohol services patients.

They are about to have a major disruption to a service. When the select committee was asked to consider the effect on the delivery of services during the transitional period of building, which will now be another couple of years down the track, particularly as once they have done all these other things and built all the new private housing they will have to build the hospital, and it will go on for years, it had a long look at the period during which all the building would go on. It also considered the issue of the collocation of services and the extraordinary extra responsibility that needed to be addressed of providing protection and security of patients, staff, visitors and all the other people who would go in there—Burnside shoppers, you name it—and use the site. They made a strong recommendation not only about the detailed care plan for the patients but also about ensuring that they get it right when they develop this site for the patients, when it is an 'all in together' model in specifically collocating services.

As somebody described to me last night at a public meeting on the planning aspect of this, it is putting together the most desperate and the most vulnerable. It was described by the person putting that submission at this meeting last night—a mental health nurse at the Glenside hospital—as genocide by stealth, just to give some taste of the views of health professionals in this regard.

So, it is hardly surprising that the committee would come up with these recommendations and, in addition, recommend a very high level of security and that a proper plan be developed for that to occur. That is just to deal with the protection of patients and staff and making sure that there is a minimum impact in that regard. I will try to summarise these, because I do not propose to go through every recommendation of the select committee. I have not brought my annotated select committee report with me, so I will have to go back to the whole report.

The next aspect relevant to this debate is the question of not selling any portion of the property. Recommendation 11 is that plans for the sale of land for residential and commercial purposes be discarded and that the government explore alternate funding models, including those suggested by the Public Advocate, that is, Mr John Brayley.

A number of other recommendations relate to increasing services, particularly for rural and remote patients, remembering that nearly 400,000 people who live outside metropolitan Adelaide do not have any resident psychiatrists and they have almost no acute mental health services in the regions. I will refer to that again later but, currently, there is a significant lack of facilities out there.

Some mental health nurses are working out in the field, but it is probably the most under-resourced area of health service in the country and, largely, there are workforce-related reasons for that. As a result of this situation, country people have only the Glenside Hospital for acute services. So, if somebody needs to be detained or provided with acute services, they have to come to Adelaide. Very often they are flown in by the Royal Flying Doctor Service, often heavily sedated and sometimes physically secured. It is not a very pleasant situation, and it is quite a prolonged exercise for the patient, the police and/or the health personnel who travel with them. It is difficult, but that is the situation that prevails at the moment. They simply do not have anything out there.

I will divert for just one moment to say that I note the government has indicated in some announcements that it proposes to increase mental health services—amongst other things—at hospital services currently at Mount Gambier, Berri, Whyalla and Port Lincoln and that, although its country health plan has been bulldozed and withdrawn, it has nevertheless made a commitment to continue to enhance these hospitals with services—and they need them. They will need them for a lot of reasons, not least of which is the fact that, in the advent of any diminution of services in other district or local hospitals (or whatever they will be called in the future), there will be extra demand on the four major regional centres that I have named.

The government should have been more strategic when locating those regional centres, because about 70 per cent of country South Australians live east of Port Augusta and north of Keith, and it is closer for them to come to Adelaide than it is to go to any of those four regional centres. However, I commend the government for giving a commitment to enhance services in those four locations, if they ever receive the resources to do it.

This week, I received a letter from a country medical practitioner, who was heartened to hear about the extension of the mental health services at the Lyell McEwen Hospital, although he did make some observations about the opening of the 50-bed mental facility at that hospital. Incidentally, under the supervision and stewardship of the former minister for health (the member for Little Para) there had been a proposal for a 60-bed mental health facility. However, after her departure from that portfolio, the new minister cut that down to a 50-bed facility. In his letter, the country medical practitioner says:

> I understand from my colleagues that the Lyell McEwin would have a drainage population of about 300,000. This estimate could be debated but would probably not exceed 400,000 and may in fact be as low as 250,000.
>
> Please note that...[our region], which drains a population in excess of 60,000 has no mental health facility. We have no resident psychiatrist and therefore cannot have a mental health unit with in-hospital beds due to the lack of psychiatrists.
>
> We do have some mental health nurses who do a sterling job and who we rely on greatly but as they are not trained psychiatrists, there is no facility...[in that regional hospital] which could be declared a mental health unit, even if the hospital designates 2 beds in the Medical Ward for mental health patients, under the bed-care of the physician of the day.

He went on to argue that that country region at least deserved a five-bed mental health unit, yet it continues to have none.

So, it is a live issue out there in the country. They have a real problem. They are utterly reliant on the Glenside Hospital (now called the Glenside Campus of the Royal Adelaide Hospital) for acute care services for their patients. So, not surprisingly, one of the recommendations of the select committee this week was that the 23 beds that are currently allocated for regional and rural people should be doubled to 46 beds. I welcome that recommendation, and I hope the government reads the report and applies that recommendation. If the government does not, we will continue to have a major problem in the country.

We have a new member for Frome in the parliament. He would know full well, having held office at local government level as mayor of Port Pirie, the challenges that regional South Australians are facing at the moment. Much of the area he represents relies on rainfall and/or the River Murray for water, and there is not much of either. That is putting enough pressure on them as it is, not to mention whether his Nyrstar factory might close down if it has emissions trading scheme impositions put on it in the next 12 months. I think they say that it will probably cost them about $70 million. It will bowl over about 2,000 jobs in Port Pirie in one fell swoop. As the sitting member I am sure he will be fighting to make sure that that does not happen and will give the Prime Minister a very clear message about what he should be doing about that.

In any event, he would understand that in regional South Australia there is a death by suicide every four days. He would understand not just the plight of people who are in primary industry and rely on water so heavily, but the plight of people in business, including tourism. One cannot even run a local bed and breakfast operation in a cottage on a property in a small regional town unless there is plenty of water, because tourists like to have showers and generally use a lot of water. It is very important to understand that people in our rural communities are under immense pressure. The only thing that they can get access to for acute mental health care in South Australia is the 23 beds at the Glenside Hospital.

Let me read to the parliament one of the most impressive contributions that I have received from the many relatives of mental health patients who either currently use the health services at Glenside Hospital or have previously had need of those services and expect to use them again. This comes from Mrs Helen Beck, who lives at Streaky Bay on the West Coast of South Australia. Recently, she wrote to a panel which is making a decision about whether to allow the rezoning of the Glenside Hospital as a place where you can put private housing, new supermarkets, retail and commercial shops and so on. The government has to do that under the planning law because you cannot change something from a mental health service facility to commercial and private housing unless the zoning is changed. If the government owns the facility it does not have to go to the local government authority, as we do, to apply for approval for a development. The government itself can do it under its own rules but it still has to go to the public before it changes the rules.

As part of that process the minister, the Hon Paul Holloway in another place, has had to do that; he has called a public meeting and called for public submissions where they are required. Mrs Beck pleads with the panel not to rezone the Glenside Hospital campus, and states:

> ...I express my disapproval, because this land, dedicated to the pursuit of mental health, is still required to meet the needs of current and future clients.
>
> I wish to voice my concerns and that of many other people, who through fear of stigma, are reticent about speaking out. But please be aware, as there is much concern being suffered and privately expressed, particularly by those who stand to be the most severely affected—the consumers and consumer families; that is, those who are the most vulnerable and virtually defenceless.
>
> As we have a family member with a serious mental illness, my family and I have been involved in mental health services over a long period of time in such ways as advocacy, providing support and generally promoting good mental health, as, for example, in the establishment of a support group and venue in our rural home town.
>
> Thus it can be said in summary that we have a good working understanding of the overall situation, including knowledge of and familiarity with the Glenside Hospital site, gained by us over the years with frequent hospital admissions of a family member.

I seek leave to continue my remarks.

Leave granted; debate adjourned.

SCHOOL BUSES

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (17:55): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.D. LOMAX-SMITH: This afternoon, I told the house that almost 50 per cent of the school bus fleet in South Australia was air conditioned and fitted with seatbelts. I should clarify that: it should have been that nearly 50 per cent of school buses are equipped with air conditioning and around 30 per cent of DECS-operated buses are fitted with seatbelts.

PLANT HEALTH BILL

The Legislative Council agreed to the bill without any amendment.

At 17:57 the house adjourned until Tuesday 17 February 2009 at 11:00.