LEGISLATIVE COUNCIL

Tuesday 22 November 2005

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.17 p.m. and read prayers.

ASSENT TO BILLS

Her Excellency the Governor, by message, assented to the following bills:

Justices of the Peace,

Liquor Licensing (Exemption for Tertiary Institutions) Amendment,

River Murray (Miscellaneous) Amendment.

SOUTH AUSTRALIAN HOUSING TRUST

The PRESIDENT: I lay on the table the Supplementary Agency Audit Report of the Auditor-General concerning the South Australian Housing Trust pursuant to the Public Finance and Audit Act 1987.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Industry and Trade (Hon. P. Holloway)—

Reports, 2004-05—
- Australasia Railway Corporation
- Capital City Committee—Adelaide
- Department for Transport, Energy and Infrastructure
- Land Management Corporation
- Legal Practitioners Education and Admission Council (LPEAC)
  - Operations of the Auditor-General's Department
- Promotion and Grievance Appeals Tribunal Report of the Presiding Office

Regulations under the following Acts—
- Criminal Law Consolidation Act 1935—Flinders Private Hospital
- Motor Vehicles Act 1959—Speeding Demerit Points
- Road Traffic Act 1961—
  - Expiation Fees
  - Licence Disqualification

Rule of Court—Magistrates Court—Magistrates Court Act 1991—Cancellation of Probationary Licence

By the Minister for Urban Development Planning (Hon. P. Holloway)—

Regulation under the following Act—
- Development Act 1993—Systems Indicators

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

Reports, 2004-05—
- Coast Protection Board
- Community Benefit SA
- Freedom of Information Act 1991
- Native Vegetation Council
- Office for the Ageing
- Office of the Liquor and Gambling Commissioner
- President of the Industrial Relations Commission and Senior Judge of the Industrial Relations Court
- State Supply Board

Triennial Review of the South Australian Housing Trust Final Report—Report, 2005

Regulations under the following Acts—
- Heritage Places Act 1993—General
- Liquor Licensing Act 1997—Victor Harbor Holiday Dry Areas

By the Minister for Correctional Services (Hon. T.G. Roberts)—

Regulation under the following Act—
- Correctional Services Act 1982—Prohibited Items

By the Minister for Mental Health and Substance Abuse (Hon. C. Zollo)—

Reports, 2004-05—
- Chiropractors Board of South Australia
- Nurses Board of South Australia
- Occupational Therapists Registration Board of South Australia
- Pharmacy Board of South Australia
- Physiotherapists Board of South Australia
- SA Ambulance Service
- South Australian Psychological Board.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. G.E. GAGO: I lay upon the table the report of the committee on NHMRC Ethical Guidelines on the Use of Assisted Reproductive Technology in Clinical Practice and Research 2004.

Report received and ordered to be published.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I bring up the 2004-05 report of the committee.

Report received and ordered to be published.

HEALTH, PATIENTS

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I table a ministerial statement on patient care in our health system on behalf of the Minister for Health (Hon. John Hill).

QUESTION TIME

TRADE AND ECONOMIC DEVELOPMENT DEPARTMENT

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Minister for Industry and Trade a question about trade and economic development.

Leave granted.

The Hon. R.I. LUCAS: Members in this chamber would be aware that there has been criticism for some time about the significant number of restructures this government and the minister have imposed on the current Department of Trade and Economic Development over the past four years. Members would also be aware that in the past 12 months the minister and his new CEO, Mr Ray Garrand, have been the subject of significant criticism because of their failure to fill many important staffing positions within the Department of Trade and Economic Development.

The opposition has been informed that more than $300 000 of important money, which was intended to go to small and medium-sized businesses in South Australia, has been knocked back or refused by the Treasury to be carried over into the current financial year because it was unexpended at the end of the 2004-05 financial year. Important programs such as the technology diffusion program, the

promotion awareness program and the sectoral program grants program are just three examples of money that has been refused by Treasury as a result of the failure to fill staffing positions within the trade and economic development department.

My question to the minister is: is it true that the Treasurer and the Department of Treasury and Finance have knocked back more than $300 000 of important money intended for small and medium-sized enterprises in South Australia because he and his CEO, Mr Ray Garrand, had not ensured that key staff positions within the Department of Trade and Economic Development had been filled during the 2004-05 financial year?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): First of all, let me correct the quite erroneous allegation made in the leader's preamble that I have imposed a number of restructures on the department. In fact, since I took over the department, no restructures have occurred. Its name was changed to the Department of Trade and Economic Development, which was done in line with a report that was undertaken by my predecessor. In relation to small business carryovers, that is a matter for the Minister for Small Business.

The Hon. R.I. LUCAS: No; they are not small businesses. I have a supplementary question. These are programs. Can the minister confirm that the programs, namely the technology diffusion program, the promotion awareness program and the sectoral program grants program, are within his responsibility as the minister?

Members interjecting:

The PRESIDENT: Order! The minister is able to answer without any help.

The Hon. P. HOLLOWAY: I am not blaming anybody. If you ask questions about carryovers of assistance to small business, the appropriate minister to ask is the Minister for Small Business. It is not rocket science. If the honourable member is talking about grants in other programs, I will get that information for him and bring it back. What the honourable member needs to understand is that, as a result of the restructuring, a staffing limit applies to the Department of Trade and Economic Development, and the department has remained within that limit.

However, in relation to getting specialist positions these days, in case the Leader of the Opposition has not figured it out yet, there is actually a skills shortage in this country. He must be the only person in Australia who has not yet figured out that it is actually very difficult to get staff these days. The difficulty that the government has had in filling positions has nothing at all to do with any lack of will on my behalf.

Members interjecting:

The Hon. P. HOLLOWAY: These are the people who go to the media and talk about the number of fat cats in government. These are the people who are claiming that public sector salaries are too high. They must be the only people in this country who do not understand that there is a very significant skills shortage at the moment and that it is actually very difficult to fill some positions.

The Hon. R.K. Sneath interjecting:

The Hon. P. HOLLOWAY: That's right: there certainly is a skills shortage over there—a very serious one. I am well aware that there has been some difficulty in filling some positions.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: If carryovers relate to salaried positions, why would they be carried over? It does not mean that the allocation would go from the next year but, if you do not fill a position and therefore do not spend the money, why would you carry the money over? If it is for salaries within the Public Service, you would not do that. If it is in relation to grant programs, that is another matter, but that is not what the—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: No, that wasn't what he asked, Mr President.

The Hon. R.I. Lucas: Yes, it was.

The Hon. P. HOLLOWAY: No, it wasn't, Mr President. His accusation was about 'positions unfilled'—I actually wrote it down. Like everything the Leader of the Opposition does, you have to take a very close look at it, but I will get an answer for the honourable member.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Because you know that with such a tricky human being that what he has put up was not honest. He was talking about positions unfilled; now he says that he did not mean that, that he meant grants. Let the honourable member work out what he means. If he means grants, we will have a look at it. It is obvious that he does not know what information he wants, but I will seek to provide whatever information I can for the honourable member.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! the Hon. Mr Redford is talking about managing, but he can't even manage to go through question time without interjecting.

The Hon. R.I. LUCAS: I ask a supplementary question. Is the minister denying that Treasury has told him that as a result of the failure to fill staffing positions it will not provide carryover funding for important grant programs within his department and responsibility? Just deny it!

The Hon. P. HOLLOWAY: The carryover programs are decided by the ERBCC committee and they will go to cabinet. At the appropriate time—

The Hon. R.I. Lucas: Are you on it?

The Hon. P. HOLLOWAY: Yes, I am. I will not discuss what are cabinet decisions.

The Hon. D.W. RIDGWAY: Which position within the minister's department has been filled by the former Labor candidate for the seat of Heysen, Jeremy Makin?

The PRESIDENT: Order! Is the honourable member claiming that that question is arising out of the answer?

Members interjecting:

The PRESIDENT: Order! I am prepared to pull a long bow but not one quite that long.

MENTAL HEALTH

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about mental health services.

Leave granted.

The Hon. R.D. LAWSON: On last Friday night's *Stateline* program there was an alarming report by Simon Royal concerning a young Mount Barker man named Jarrod who has been diagnosed with schizophrenia and bipolar disorder. According to the report, whilst in the grip of a drug-fuelled psychotic episode Jarrod threatened police with a chainsaw and a spear gun at a local caravan park. On his

behalf, people pleaded to have him detained under the Mental Health Act, but no steps were taken to do so. He later appeared on his mother's doorstep with a knife, threatening her in most frightening circumstances. Jarrod was eventually held for six weeks in the lock-down unit of James Nash House.

Dr Paul Lehmann, a general practitioner in Mount Barker, has written an extensive report and was interviewed on *Stateline* concerning the absence of mental health services in country areas. Dr Lehmann has prepared a discussion paper entitled 'Country South Australia's silent mental health plan: the Hills region example'. This report shows quite conclusively:

> There is great inequity between mental health services when one compares country areas in South Australia to the relative abundance that exists in the metropolitan area.

In greater detail, he gives the figures to indicate that Mount Barker, in particular, is inappropriately staffed with mental health workers and that the benchmarks set out in the mental health final report are not being met. The minister herself appeared on *Stateline*, and her most profound observation on this topic was to congratulate the Premier for having appointed her to her portfolio. However, she did not offer any comfort to the people of the Mount Barker region. My questions are:

1. Has the minister read Dr Paul Lehmann's report?

2. What action has this government taken in relation to providing additional mental health facilities in accordance with national benchmarks in country South Australia?

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): This government has significantly increased mental health funding in the state—some $200 million more than the previous government.

The Hon. T.G. Cameron: It comes from a very low base, though.

The Hon. CARMEL ZOLLO: It comes from a very, very low base. I met with Dr Lehmann—

The Hon. A.J. REDFORD: I rise on a point of order, sir. The minister knows well that we were above the national average when this government took over, and now we are at the bottom. She should not deliberately mislead parliament.

The PRESIDENT: Order! The honourable member is being mischievous.

The Hon. CARMEL ZOLLO: Spending in country South Australia, in particular, was from an incredibly low base. I had the pleasure of meeting Dr Lehmann last week. He had forwarded documents to the department with some statistics making comparisons. I think they were from the eastern states. Dr John Brayley was with me at the time, and we had some discussion. I am happy to announce (as I did on that program) that we have made available $1.9 million extra funding for child and adolescent mental health for our regional areas. I hope that funding will enable six more mental health workers to assist in our regions. Essentially, we are looking at early intervention because, of course, that leads to long-term solutions for our young people. I thank the honourable member for asking the question.

The Hon. J.M.A. LENSINK: I have a supplementary question. I understand that Glenn Wells is Jarrod's care worker. Is it correct that, as Mr Wells stated, 'Hospitals will not treat people will mental health problems if they've been taking illicit drugs'?

The Hon. CARMEL ZOLLO: I have not met Mr Wells. However, one of the other initiatives we have undertaken is to fund some six positions for dual diagnosis workers. I think that incident occurred last June and I hope that, in the future, as I said, more and more mental health workers and DASSA workers will be working together and we will not see something like that happen again.

The Hon. J.M.A. LENSINK: Sir, I have a further supplementary question. Will the minister undertake to check the veracity of those claims and bring back a report to this place?

The Hon. CARMEL ZOLLO: I think I should put this on the record: the fact that we now have a Minister for Mental Health and Substance Abuse, the first one in Australia, elicits laughter from members opposite. That is how much they care about the issue. We are trying to fix the problem. We know that we have some way to go. I have just mentioned (and I am sure opposition members would have seen press releases) two significant amounts of funding to try to fix the problem, and all we get is absolute nonsense from members opposite.

The Hon. NICK XENOPHON: Sir, I have a supplementary question. What information is collected on the link between drug use and psychosis, and does the minister agree with comments made by Dr Jonathon Phillips, the former head of mental health services in this state, that over 60 per cent of emergency admissions for psychotic behaviour in our public hospitals were in some way drug induced?

The Hon. CARMEL ZOLLO: That is another long bow. My understanding is that it can range from between 15 per cent to 30 per cent. However, in some particular illnesses, such as schizophrenia, it can be as high as 50 per cent.

The Hon. R.D. LAWSON: I have a further supplementary question. Will the minister apologise for the statement that she made on the same program in the following terms: 'I really do commend the Premier for seeing me in my position.'

The PRESIDENT: I think silence was the stunning reply.

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about mental health facilities.

Leave granted.

The Hon. CAROLINE SCHAEFER: The Liberal Party has been contacted by the husband of a mentally ill woman who presented at the emergency department of the Lyell McEwin Hospital at 3 a.m. yesterday. Nearly 36 hours later, she is still lying restrained on a hospital trolley in the emergency department. I also have been advised that her husband has been told that his wife could be lying on the trolley for up to three days due to a shortage of mental health beds. Does the minister find it acceptable for a mental health patient to be on a hospital trolley in the emergency department of the Lyell McEwin Hospital for 36 hours with no indication of when or if a bed will be available?

The PRESIDENT: Minister, that is seeking your opinion. I am sure that you will wish to reply.

The Hon. CARMEL ZOLLO: Let me say to the new shadow minister for health in the other place: what a great disappointment his first day in the job is. In relation to the question asked by the honourable member, I am advised that Mrs S (as I will call this constituent) was triaged at 1.57 a.m. on 21 November 2005 and reviewed in the emergency department at 4 a.m. by the mental health team. Mrs S was

admitted to the ED after being diagnosed with paranoid bipolar disorder and she is manic. As there are no open beds available in the state, Mrs S has been assessed, and a mental health treatment plan has commenced.

Members interjecting:

The Hon. CARMEL ZOLLO: Do you want to listen to the answer? Mr S is being kept informed of the situation. I understand that he is a South Australian Ambulance Service employee on workers' compensation, and was abusing staff—

Members interjecting:

The Hon. CARMEL ZOLLO: —you are disgraceful—and threatening them with contacting the media—

Members interjecting:

The PRESIDENT: Order! There is too much audible interjection on this side. I cannot hear the answer.

The Hon. T.G. Cameron: I cannot hear it because of the noise coming from this end.

The PRESIDENT: Order! There has been too much audible conversation in the chamber on a consistent basis.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order! I can hear that the Hon. Mr Stephens is back.

The Hon. CARMEL ZOLLO: As I was saying, he was threatening them with contacting the media and politicians. He was asked to come in and to meet with the consultants, but he refused. Ward 1G at the Lyell McEwin Hospital will have two beds available this afternoon. I understand that Mrs S is being transferred to one of those beds. I have to say that at approximately quarter to 11 last evening (I assume), Mr Robert Brokenshire MP, the opposition spokesman for health—

Members interjecting:

The Hon. CARMEL ZOLLO: I think it is important that we hear this.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order! The Hon. Mrs Gago will come to order. Government members on the back bench are not being helpful to the minister. She is endeavouring to give the answer. She has already made a suggestion (which obviously members have overlooked) that members ought to listen to the answer. I agree with her.

The Hon. CARMEL ZOLLO: Thank you. I was suggesting that my colleagues behind me should not be distracted by members opposite. At quarter to 11, Mr Robert Brokenshire MP, the spokesman for health, contacted Ms Cathy Miller, the General Manager of the hospital, on her home phone on behalf of Mr S, his constituent. He apologised for the late hour of his call and asked the general manager to investigate Mrs S's case on behalf of his constituent, Mr S, her husband, we assume. The general manager—

The Hon. Caroline Schaefer interjecting:

The Hon. CARMEL ZOLLO: Local member, and the Lyell McEwin Hospital. The general manager contacted the nursing coordinator at the hospital to ascertain the facts about the issue. The nursing coordinator apologised, as he had tried to let Ms Miller know of an impending call from Mr Brokenshire. He apparently rang while the general manager was on the home phone. The general manager contacted Acting Professor Kaye Challinger, ED, Acute Services, who obviously then contacted the head of the Central Northern Adelaide Health Service.

The Hon. R.I. Lucas interjecting:

The Hon. CARMEL ZOLLO: I have already told you that she has a bed. The ED Acute Services advised the general manager to inform Mr Brokenshire MP that she could not disclose details of Mrs S's case due to patient confidentiality and advised that he was free to contact the minister's office in the morning, if he required further information. The general manager informed Mr Brokenshire that even though Mrs S was in the emergency department—

Members interjecting:

The Hon. CARMEL ZOLLO: You should listen to this—she was being well cared for under the direction of the mental health team. Mr Brokenshire indicated to the general manager that he was sorry for the lateness of his call, he did not wish to cause a problem and he had respect for hospital CEOs. Mr Brokenshire stated to the general manager that he followed up quickly on behalf of Mr S, as he was so concerned about his wife's condition and that he was a past employee—that is interesting. Mr S last contacted the hospital at 1 a.m. this morning (22 November). Mr S was contacted by the mental health liaison nurse this morning, and I understand that she was able to allay his fears and that they do know each other.

As I said, Mrs S will be transferred to the ward this afternoon. I also need to say that my office, having heard of this media scrum, contacted Mr Brokenshire at about midday today (once they had heard that he had called a press conference) and asked whether there was a client whom he would like us to assist. He claimed that he still had to get more information. He had called the hospital. He had called a press conference but he could not pass on the details. This is a great example of our system working well and what a disappointment the behaviour of Mr Brokenshire is on his first day.

The Hon. A.J. REDFORD: I have a point of order, Mr President. The honourable member should refer to the member for Mawson by his title or by his electorate, and not call him Robert Brokenshire.

The PRESIDENT: I am sure the minister will take that on board when she makes a further contribution.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. If Mrs S were a member of her family, would the minister consider the treatment that she has just outlined to us to be adequate and satisfactory?

The PRESIDENT: The question is soliciting an opinion, minister. You can answer it if you want.

The Hon. CARMEL ZOLLO: No, I am not here to play their games.

The Hon. T.G. CAMERON: Was the minister's answer to the supplementary question no, or is she saying no, she will not get up and answer it? I need some clarification of that.

The Hon. CARMEL ZOLLO: I am happy to give that. What I was implying is that I am not here to play games with members opposite. That was just a nonsense question.

The Hon. R.D. LAWSON: I have a supplementary question. How does the minister justify providing extensive details of this case when last Friday night on *Stateline*, when asked to comment on Jarrod's case, she said, 'I really can't comment on any individual case'?

The Hon. CARMEL ZOLLO: That answer is very simple. There was already an inquiry into the minister's

office and your spokesman for health in the other place initiated this today and held a press conference in this place.

ABORIGINAL COMMUNITY-BASED ORGANISATIONS

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about Aboriginal community-based organisations.

Leave granted.

The Hon. G.E. GAGO: Community-based organisations are a vital component of our society contributing to all areas of service to the community. The level of disadvantage experienced by Aboriginal communities makes the role of Aboriginal community-based organisations both essential and challenging. Given this, my question is: will the minister inform the council of Aboriginal community-based organisations providing a service to their community?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her important question and in response I can report to the council that last week I officially launched the Kura Yerlo council open day and its new logo down at Port Adelaide. Kura Yerlo is an Aboriginal community and cultural organisation based in Largs Bay. It was celebrating more than 20 years of service to Aboriginal people in Adelaide's western suburbs and last week introduced a new logo reflecting its history and community spirit in a symbolic way, displaying its symbolism to and through the community and thanking the community for the work that they are doing in bringing together a lot of aspects of human service delivery within that area.

The council offers a range of educational, cultural, recreational and community initiatives and programs for Aboriginal people all ages in western Adelaide, including a much valued five day a week child-care service. The day itself was set up as a fair and there was a display of Aboriginal art and culture and artefacts and services that were being provided in the western suburbs. I must thank all of those community-based people who in a voluntary capacity, and in some cases paid hours, were working very hard to make sure that the centre itself provided a base for the community to work from so that services could be delivered with a cultural acceptance that does not appear to have caught on in a large part of Australia or a large part of South Australia.

Kura Yerlo staff are also working with Radio Adelaide to produce an informative local indigenous radio service and, thanks to some funding made through the Department for Families and Communities' Community Benefits SA grants, they are able to do this. The council's new logo, designed by artist Lisa Warner, has been developed during the past year with input from Kura Yerlo staff, community members, elders, young people and the council board of directors.

It is such a good partnership with the community that I am looking at developing it as a model for other community areas. In particular, I have had discussions with those cross agencies dealing with the Riverland, where the Jerry Mason Centre (which the standing committee visited last week) is in decline. Support services within this centre have deteriorated and will certainly need government, cross agency and also community support to draw together the people with the necessary skills to bring a sorely needed unity of purpose for the delivery of services within the Riverland area.

Kura Yerlo is an excellent model for others to examine so that they can transfer some of the principles associated with the Largs Bay community centre, which includes church groups, community groups and cross agencies all working for outcomes to secure futures for young Aboriginal children. It also includes a whole range of community services, through volunteers and paid agencies, working collectively under the one roof for the same purpose. I thank the honourable member for the question and for the opportunity to present a very positive aspect of community, Aboriginal and non-Aboriginal organisations working together in the Largs Bay area for the benefit of all people in the western suburbs.

RUMSFELD, Mr D.

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Emergency Services a question relating to emergency services' helicopters.

Leave granted.

The Hon. IAN GILFILLAN: On 17 and 18 November last week several of my colleagues observed, and I certainly heard, helicopters (it seemed to be more than one) moving in the area around the Hyatt Hotel which, at that time, was the lodging place for Mr Donald Rumsfeld, US Secretary of Defense. It appeared as if they were the type of aircraft normally dedicated to emergency services, so my questions to the minister are:

1. Are the emergency services' helicopters under her authority through emergency services? If not, under whose authority are they?

2. Did she authorise the extended dedication of a helicopter or helicopters to fly around the Hyatt airspace on Thursday 17 November? If not, who did?

3. What is the estimated cost of this Rumsfeld air cover? Will it be covered by the federal government; if not, why not?

4. If there was the dedication of an emergency services' helicopter or helicopters to that particular task throughout that day, what alternative arrangements were in place for any genuine South Australian emergency which may have occurred and which may have required a helicopter?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for his question. There will be aspects of it that I will have to refer to the Minister for Police in another place. In relation to helicopters, I can tell him that we have a contract with Australian Helicopters and that, under this government, this service has increased up to 70 per cent with the particular contract we now have. Australian Helicopters supply us with three helicopters as opposed to the two we used to have, and this summer they will also be providing a fourth helicopter with water bombing capacity.

The taskings of the helicopters are varied. They transport critically ill or injured patients to Adelaide; they transfer sick and premature babies from regional areas; they assist police with patrols, surveillance (which I guess would be the category we would be looking at) and searches; and they winch people to safety from inaccessible locations, such as during bushfires, which, of course, is part of my portfolio. There is a component of money—

The Hon. Ian Gilfillan interjecting:

The Hon. CARMEL ZOLLO: I think that comes under the category of assisting police with patrols, surveillance and searches. As I have said, I will refer aspects of the honourable member's question to the Minister for Police in another place.

There is a component of funding in relation to that aspect of emergency services to the South Australian police from the Emergency Services Fund.

The Hon. IAN GILFILLAN: I take it from her answer that the minister was not involved last Thursday in any discussion or any decision making as to the placement of the South Australian emergency helicopter service?

The Hon. CARMEL ZOLLO: No, there was no need for me to be involved.

The Hon. IAN GILFILLAN: If the minister believes that there was no need for her to be involved, would she have needed to be involved if there had been a shortfall in the provision of an emergency helicopter for other South Australian demands elsewhere?

The Hon. CARMEL ZOLLO: The questions asked by the honourable member relate to operational matters. At any rate, it would appear that we are covered under our present arrangements. But, as I have said, I will refer those questions to the Hon. Kevin Foley in the other place and bring back a further response.

INDUSTRY ASSISTANCE LOAN SCHEME

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade questions about the industry assistance loan scheme.

Leave granted.

The Hon. A.L. EVANS: My office has been advised that by 2002 over 127 companies had lodged applications for government assistance under the industry assistance initiative and that a large number of these companies were advised that they had a greater than 50 per cent likelihood of getting a loan. To my knowledge, many of the applications were declined, despite the government's indication of their likely success. My questions are:

1. Will the minister provide information on the total number of companies granted loan assistance under the industry assistance initiative up until June 2005?

2. Will the minister advise how much financial assistance was granted under the initiative?

3. Will the minister provide information on the criteria necessary to obtain a grant under the initiative?

4. Will the minister advise how Digislide, a company which has stimulated over $2.5 million in commercial activity for the state, which has featured in a reputable business magazine, which is showcased on the Office for Economic Development's web page, which has patented technologies designed here in South Australia and which has applications in growth areas such as telecommunications and defence, was declined assistance under the initiative?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): It is true that since this government has been in office there has been a massive reduction in the number of companies receiving assistance, because this government does not believe in corporate welfare. We believe the form industry assistance should take is in the provision of infrastructure—

The Hon. R.I. Lucas: Mitsubishi.

The Hon. P. HOLLOWAY: I am glad the Leader of the Opposition has mentioned Mitsubishi. As I pointed out in my statement the other day, it was certainly amended after this government came into office, but the original recommendation came in the dying days of the Olsen government. As a result, those company operations have remained here—indeed, the new Mitsubishi 380 has been launched.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: No; on the contrary, it is Liberal policy. Let us go through them all. Obviously, the Leader of the Opposition needs a history lesson. He obviously needs to understand. The absolutely scary thing for all South Australians is that I do not think he realises just how incompetent he actually was when he was minister for industry and trade—he does not realise the damage he did. Look at all the companies. This was a government that squandered money hand over foot in relation to companies. We have seen a series of these companies go bust.

If one has a look at the job losses that have occurred since this government has been in office, and if one looks at the recipients, we see that Mobil Oil Australia was a recipient of government assistance under the Leader of the Opposition when he was there. I name others in Pilkington (Australia), Electrolux Home Products—they lost jobs with government assistance—Sheridan Australia, Sola Optical, Sabco Australia, Berri Limited, Fletcher Jones & Staff, Levi Strauss, Motorola (120 jobs), JP Morgan, which was dear to the previous government's heart—it bought them an office and they lost 170 jobs—Kimberly-Clark Australia and, of course, Ion Automotive. All of those companies were given industry assistance packages and have subsequently contracted during the course of this government. However, without throwing that taxpayers' money away, we have the lowest unemployment that this state has ever had. That is—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —the indication of this policy, and that is the thing that every South Australian voter will need to be aware of next March. This lot have not learnt their lesson. If they get in, they will go back to throwing money away at individual companies. This government has changed the rules. The Hon. Andrew Evans asked about some money in relation to a particular fund. He called it the industry assistance loan scheme. I will need some more information from the honourable member in relation to—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens has had a couple of weeks of intensive training on parliamentary procedures. They seem to have done very little good. I do not want to hear any more of those interjections that I thought I heard but am not quite sure of.

The Hon. P. HOLLOWAY: The major form of industry assistance, certainly over the past couple of years, that has been provided under this government has been through the structural adjustment fund, which was the use of the $45 million that was provided by the commonwealth government with $5 million from the state government. That money has been used for a number of companies, particularly those in the southern suburbs, and we have had questions in relation to that. The fact is that this government—

The Hon. T.G. CAMERON: I rise on a point of order. I cannot hear a word the minister is saying because of the incessant interjections and noise coming from behind him.

The PRESIDENT: There is far too much audible conversation in the council. The minister has the call. Help from the backbench is not helpful; it is most unhelpful.

The Hon. P. HOLLOWAY: I suspect that the honourable member might be referring to some federal assistance so, if I could get some more information from the honourable member about the particulars of the scheme he is referring to,

I will bring that information back. As I said, the only substantial assistance that this government provides to industry, apart from the massive amounts that we spend on infrastructure and assistance through skill development, which assists all industry rather than particular companies, and the only specific assistance that we give is through that structural adjustment fund, which is the largely commonwealth funded scheme to which the state makes a contribution. Those matters are decided jointly by the commonwealth and the state.

METROPOLITAN FIRE SERVICE

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Minister for Emergency Services questions about the station officer promotion process.

Leave granted.

The Hon. A.J. REDFORD: Last Friday, I was provided with a copy of a memorandum by the chief officer, dated 3 November 2005 and entitled 'Station Officer Promotion Process'. The document begins by stating that, effective from last Thursday, all senior firefighters who contested the 2003 station officer promotion process and who were ranked one to 70 would be promoted. It would appear from reading the memorandum that this is a resolution following a District Court appeal relating to the 2003 promotion process. The document also states that if officers withdraw their appeals they will be given free legal representation. The 70 officers were also told that if they did proceed with further legal action there 'is a significant risk that the process and the current order of merit will be overturned'. My questions are:

1. What has been the total cost to date of the legal proceedings referred to in the memorandum?

2. Will the costs of the appellants in this matter be paid?

3. What is the estimate of the cost of starting again?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): The specific questions the honourable member has asked relate to costs. I do not have that information with me. I will obtain advice and bring back a response.

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about the Metropolitan Fire Service.

Leave granted.

The Hon. J.S.L. DAWKINS: Members may recall questions that I asked earlier this year about the difficulties experienced by the Metropolitan Fire Service in seeking experienced officers to work in the training department. Some of the methods employed by MFS management to rectify the shortage of training officers included an offer of 24 months credit for 12 months' service in the training department and the forced secondment of senior personnel who felt their strengths were in active service rather than as trainers. I understand that a recent call has gone out within the MFS for volunteers to serve in the training department. My questions are:

1. Will the minister indicate the level of response to the most recent call for volunteers to serve in the MFS training department?

2. What efforts are taken to assure potential training officers that they will not be out of pocket from the additional cost of travelling to the training department at Angle Park?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I recall the honourable member asking questions about this matter. At the time I thought that the response—

The Hon. A.J. Redford interjecting:

The Hon. CARMEL ZOLLO: Yes, I have responded. I was trying to find that response, but I cannot. I understood that all those matters had been resolved to everybody's satisfaction at the time, but it now appears that the honourable member has further information which I do not have. Clearly, that information relates to operational issues on which I am not advised on a day-to-day basis. I will undertake to get that advice and bring back a response.

BETTER DEVELOPMENT PLAN

The Hon. J. GAZZOLA: My question is to the minister for Urban Development and Planning regarding progress of the government's Better Development Plan program. Will the minister advise the council whether or not the government intends to implement its Better Development Plan program which I understand involves local government councils undertaking amendments to their respective development plans to introduce a standardised format and structure based on selected policy modules?

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! He has not made an explanation; he has just asked a question.

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I thank the honourable member for his interest in improving our planning system, and I would be delighted to provide members with an update on the progress of this very important work. The Better Development Plan program is, as the name suggests, a program aimed at encouraging councils to work with the state government to undertake some serious housekeeping to tidy up their existing development plans to provide a clearer and more concise development assessment tool.

As members might appreciate, since the commencement of the Development Act in 1993 most council development plans have gone through several iterations, not only through major and minor policy changes but also through council amalgamations. In many cases, this has resulted in unwieldy documents in which repetition and inconsistencies are common. This makes the task of development assessment much more difficult for applicants, architects, the general community, professional planners, development assessment panels and the courts.

With an improved structure and format (based on a standardised policy format) it is anticipated that subsequent amendments to development plans will consume less council and state government resources in terms of technical processes which will allow both levels of government to concentrate time and resources on good policy outcomes. At the heart of this project are the standardised sets of planning policy modules which deal with issues that are common to most council areas. These policies are based on policies taken from development plans across the state, that is, those that are considered to be current best practice.

However, I stress that, while standardised policy modules will form the basis for each development plan, it is important that each council works on developing its local policies that reflect its own strategic plan. Within the new structure, local policies will be known as 'local variations' and will include things such as desired character statements, allotment sizes,

setbacks, or any other requirements that may be specific to a localised area.

The implementation of this project will involve a collaborative approach, where state and local government will be encouraged to work together to convert the development plans for all 68 council areas into the new Better Development Plan format, inclusive of local policy variations. Features of the new development plan structure will be:

- the inclusion of policies derived from best practice policies found in existing development plans;
- greater consistency in expression, structure and policy content between plans;
- the elimination of repetition and conflicting policies;
- a clear description of the forms of development that are appropriate, using clearly expressed objectives and principles; and
- the inclusion of policies that relate only to development as defined under the Development Act.

The development of the Better Development Plan project, and the associated policy modules, has been established through close cooperation between Planning SA, the Local Government Association and a wide range of councils who have participated in trial conversions and in what might be described as 'road testing'. Consultation on the modules has also now been undertaken with state agencies, and the project is now at the point where it is appropriate to invite councils to initiate statements of intent to further road test the conversion of individual development plans through further consultation with their communities.

I am advised that acceptance of this project is indeed high. At least 25 of the 68 or 69 councils have expressed an interest in being involved in the first conversion phase (which is well above expectations), when Planning SA will provide technical and staff assistance to councils, especially in rural areas where resourcing is more of a challenge. Indeed, today I am delighted to inform members that I will formally sign agreements on statements of intent for seven councils (one metropolitan and six rural) to undertake plan amendments to convert their development plans to the Better Development Plan format. The councils are: Charles Sturt, Peterborough, Clare and Gilbert valleys, Wakefield Regional, Barossa, Light and Orroroo/Carrieton. I strongly encourage all members to follow the progress of these plan amendments, and I will ensure that the council is kept updated on the implementation of this very important and worthwhile project.

DISABILITY SERVICES

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Families and Communities, a question about a 16 year old girl who is still locked in a cage.

Leave granted.

The Hon. KATE REYNOLDS: Mr President, you will remember that, on 1 November last year, the headline of the front-page story of *The Advertiser* was 'A desperate mother who locks her disabled child in a cage begs the state government: help me'. The words 'help me' are written in very large letters. The article includes a photograph of Kerri Ireland and her daughter Stacey, who was aged 15 at the time. The article states:

> A Watervale mother forced to cage her severely disabled teenage daughter at home has pleaded with Premier Mike Rann to help free her from her 'prison'. Single mother-of-three Kerri Ireland says she has to keep 15-year-old Stacey locked up 'for her own safety'. In an emotional appeal for help, Ms Ireland wrote to Mr Rann after 'begging and pleading' with bureaucrats got her nowhere.

The article continues on page 2 and outlines the conditions in which the Ireland family is forced to live. Ms Ireland says:

> I feel that the Government has completely abandoned my family. How long will it take before they act, because I don't think my family and some others can wait any longer? We are in crisis now.

She goes on to talk about her fears that, at some point, she will have to take the advice of professional workers in the disability field, who say that she will have no choice but to abandon her daughter. Just after I had visited Kerri Ireland and her daughter Stacey in their home and had seen for myself the difficulties that the family faces, on 24 November 2004 I asked a question in this place about disability services in rural areas. I received an answer to that question, I think, a couple of months ago, but it really does not help to provide any information about how the government was going to assist that family.

In the *Sunday Mail* of 20 November this year (last Sunday) on page 21 an article appeared entitled 'Help us, please! A family forced to live in a cage'. The first paragraph states:

> A year after a mother—forced to keep her severely disabled daughter, 16, caged for her own protection—pleaded for help from the State Government, nothing has changed. Single mother-of-three Kerri Ireland says her daughter, Stacey, remains trapped behind wire fencing. 'I'm disappointed but not surprised nothing has happened—the Government doesn't have to live this life,' she said. 'If they had to live it every single day things would change quickly.'

The article then described the situation in which this family lives. Ms Ireland said:

> The bottom line is nothing has been done for Stacey, we are still in the same situation.

The last three or four paragraphs of this quite extensive article contain comments from the disability services minister (Hon. Jay Weatherill) about some of the services that have been announced and a new office that has been opened in the Clare region, which is reasonably close to Watervale, where this family lives.

My office confirmed with Ms Ireland this morning that these recent announcements and the announcements back over some nine months have not provided a single service for her, her daughter or her other two children, who are finding it really tough. My questions are:

1. Will the minister confirm that none of the services listed in his comments to the *Sunday Mail* on 20 November are providing assistance to Stacey or her mother?

2. What action will the minister take, and when, to assist this family?

3. How many other families with disabled children or adults in rural South Australia are on waiting lists for respite care and/or day options programs?

The PRESIDENT: That was a very long explanation. The member went over information that she has presented to the council on two occasions. I am becoming very concerned about the length of some explanations and questions.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to the minister in another place and bring back a reply.

AMPHETAMINE TRIAL

The Hon. NICK XENOPHON: My questions to the Minister for Mental Health and Substance Abuse are as follows:

1. In relation to the amphetamine trial being run by Drug and Alcohol Services South Australia (DASSA), will the minister confirm that urine testing of participants is mandatory, how regular is such testing, for what period, and is urine testing of participants followed up after the trial and for what period?

2. Can the minister confirm that such urine testing is, in fact, being carried out for all participants in the trial? What protocols and records are being kept to ensure that it is? What happens if a person refuses or fails a drug test, and has the minister requested or been briefed in relation to such drug testing protocols?

3. Can the minister advise whether any participants in the trial have been on the course of dexamphetamines longer than the three-month period and the one-month withdrawal period that has been referred to?

4. Has the minister received information or any briefing as to the outcomes of the trial, even on a preliminary basis, and does the follow-up include ongoing support and counselling, including referral to abstinence based programs after the four-month period?

5. Given that the trial has been running for some two years, when does the minister believe that we could expect to see the results of such a trial?

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I would have thought that most of that ground was covered yesterday. I said at the time that I would bring back a response in relation to the matters about which I did not have information. I need to stress that the program was one of four: amphetamine withdrawal, psychotherapy, stimulant check-up and maintenance, and the maintenance, of course, is what the honourable member is asking me about. The dexamphetamine trial has been running for 15 months, since July 2004. It takes a long time to conduct, because only some people are suitable, and it is rigorously screened. Obviously, not all those people are being trialled at the same time: I think it is six at the moment. Urine testing and testing on hair is compulsory whilst people participate in the trial to assess whether they have used at all. The test shows whether people have used in the past 30 days.

The Hon. Nick Xenophon interjecting:

The Hon. CARMEL ZOLLO: It is conducted monthly whilst they are on the trial, so they can go back.

The Hon. Nick Xenophon interjecting:

The Hon. CARMEL ZOLLO: I do not have the very technical scientific information, but that is what I am advised. In relation to what results we have, as I said yesterday, it is a double-blind trial and it cannot be assessed until it is finished because it will destroy the trial. That is the idea of having a trial such as this: it is a double-blind trial. Injector users are carefully screened after presenting to DASSA and assessed for various reasons. Again, harm minimisation is supported by the federal government and, indeed, I understand the Prime Minister supports it. I really can only go over what we talked about yesterday. In terms of the participants, they also receive five counselling sessions and are seen regularly by a doctor.

I think initially it was 21, but now two other people have joined this trial, making a total of 23, and six are undertaking the treatment at this time. If there is any other information I have not covered—and possibly there is in relation to some of the scientific information the honourable member was wanting—I will bring back a response.

BOTANIC GARDENS, LAND

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That, for the purposes of section 14 of the Botanic Gardens and State Herbarium Act 1978, this council resolves that such portion of the building known as 'Tram Barn A' situated on land in section 571, Hundred of Adelaide, as is determined by the board of the Botanic Gardens and State Herbarium may be leased to the University of Adelaide for a period of up to 20 years on such terms and conditions as are determined by the board for the purpose of the university establishing and operating an ancient and fragmentary DNA laboratory and carrying out related activities.

I wish to provide a brief background on and support for the motion. The University of Adelaide, with support from the South Australian Museum, the board of the Botanic Gardens and State Herbarium and the state government, has been successful in attracting internationally renowned Professor Alan Cooper to work at the university on ancient and fragmentary DNA research. The work of Professor Cooper involves the recovery and analysis of DNA fragments from fossils which, in turn, improves our understanding of evolutionary biology.

Professor Cooper's position is funded under an Australian federation fellowship. In addition, the university has promised to fund the establishment of a new, ancient and fragmentary DNA laboratory as a way of attracting Professor Cooper to South Australia. This arrangement will make Adelaide an international centre for genetic palaeoenvironmental research, which involves the study of environmental change over long time periods such as 40 000 years. In particular, the research will focus on biodiversity change in response to environmental influences such as climate change. This will involve the use of long-term records to investigate genetic responses of animals, plants and micro-organisms to environmental change.

Understanding these changes will enhance effective planning and future management of Australia's ecosystems and biodiversity, and ultimately assist Australian communities and businesses adapt to the challenges of climate change. An unused space on the first floor of the Tram Barn A building on Hackney Road in the Adelaide Botanic Gardens was chosen for the new laboratory. It was chosen because it is the same building as the State Herbarium and the Plant Biodiversity Centre, but is physically removed from other similar laboratories that may create cross-contamination risks.

An agreement has been reached whereby the board of the Botanic Gardens and the State Herbarium will lease the site to the university on a peppercorn rental basis for 10 years, with an option for two five yearly extensions. However, before the board can do this, it requires the approval of both houses of parliament pursuant to section 14 of the Botanic Gardens and State Herbarium Act 1978. The support of members is sought in order to facilitate arrangements for the university to take possession of the laboratory so that this world-leading research can commence in Adelaide and help promote South Australia as a hub for science and innovation.

The Hon. CAROLINE SCHAEFER: The opposition supports this motion. The government is seeking to lease a portion of Tram Barn A located in the Adelaide Botanic Gardens to the Adelaide University to establish and operate a DNA laboratory. The purpose of this is to attract to Adelaide Professor Alan Cooper, an international expert in the recovery and analysis of DNA fragments from subfossil and fossil records. Therefore we are talking about anthropological DNA rather than current DNA. Professor Cooper is currently employed by Adelaide University under an Australian Federation Scholarship.

The site for the laboratory is situated in previously unused space on the first floor of tram building A on Hackney Road in the Adelaide Botanic Gardens. An agreement has been reached for Adelaide University to build the laboratory for $1 million plus pay for the laboratory equipment worth some $250 000. In return, the university will lease back the facilities from the Botanic Gardens board at a peppercorn rent for 10 years with an option for a further two five-year terms. As I have said, the opposition supports this motion.

Motion carried.

LOCAL GOVERNMENT (LOCHIEL PARK LANDS) AMENDMENT BILL

In committee.

Clause 1.

The Hon. R.I. LUCAS: Mr Chairman, as members will be aware, the Legislative Council upheld (albeit by a small majority) the centuries' old traditions and conventions of this chamber by supporting your ruling that this was a hybrid bill and should be referred to a select committee. I note that the Leader of the Government, in characteristically intemperate fashion, accused the opposition, and me personally, of breaking centuries of traditions and conventions of the Legislative Council but did not highlight his own breaches of those longstanding conventions and traditions.

Be that as it may, a small majority disagreed with the Leader of the Government and we went through what I believe was a very useful process in terms of gathering the views of the Land Management Corporation, the Campbelltown City Council and the LGA. The views of the Hon. Mr Stefani and myself are recorded in the select committee as the two dissenting members in relation to this issue, and at this stage I want to expand on one or two issues but then indicate that it is my view that progress should be reported today to allow continuing discussions with interested parties over the coming days.

In its evidence to the select committee, the Land Management Corporation estimated that the annual costs to the ratepayers of Campbelltown City Council would be approximately $83 000 per year. The mayor of Campbelltown City Council provided the committee with copies of his letter to the minister but, as of the meeting of the committee, he had received no response to that second letter. The council's letter of 10 November to the Minister for Infrastructure said a number of things. In particular, it highlighted the following:

> However, the continuing assertion that the council (and its ratepayers) should bear the ongoing, uncapped maintenance costs of the scheme is untenable.

I interpose here to say that it is the council's words that it is untenable that it should have to bear those particular costs. The council's letter went on to state:

> I am disappointed that the issues of funding support by the state government and long-term indemnity for loss, etc. caused by the infrastructure to be installed by the state government cannot be accommodated. I would support an annual contribution of the council of, say, $80 000, to be reviewed every five years.

They are pretty strong words. They reflect the view of the council, so we are told, in the letter of 10 November. As at the time of the select committee, the Minister for Infrastructure had not responded to those strong views of the council.

In discussions we had, I think the Leader of the Government indicated that there had been meetings, etc. Certainly, the advice we have is that the meetings had been occurring prior to the select committee meeting. I am not aware, although it may have occurred in the last 24 hours, of further meetings between the council and the Minister for Infrastructure in relation to these concerns and the council. Mayor Woodcock repeated those concerns set out in the letter in evidence to the committee when he said:

> We certainly would not be happy with an open-ended arrangement.

The issues of concern, as we seen them, for the ratepayers of the Campbelltown City Council are obviously issues of concern to the mayor and the elected council. There is the issue of whether or not the long-term interests of the Campbelltown council ratepayers have been protected through this legislation and, ultimately, the discussion about a memorandum of understanding between the state government and the council.

There is then the vexed issue of the memorandum of understanding. At this stage, all we know is that the government has said that it is prepared to talk about various issues to go into the memorandum of understanding. It has not given any commitments as to exactly what position might finally be adopted by the government in relation to a memorandum of understanding. It is clearly in the government's interests to have the legislation pass the parliament before the memorandum of understanding is concluded. Mr Chairman, you might ask why. The simple issue then is that the government has the legislation through, and it can then say to the council, 'Well, look, we're not prepared to agree to what the council might believe to be important issues—'

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: What councils and what consequences?

The Hon. P. Holloway: But he wants to sell it? Haven't you twigged yet? The Liberals want to sell the land; they always have.

The Hon. R.I. LUCAS: The Leader of the Government is delusional. But, never mind, we forgive him for his medical ailments. So, the issue then is really that of the MOU and the legislation. The Hon. Mr Xenophon put a very direct question to the mayor in the committee hearing. He said:

> Mr Mayor, is it your belief that the memorandum of understanding will be read into *Hansard* before this bill is passed?

Mr Woodcock replied, 'Yes.' One cannot have a more direct and explicit question than that, and one cannot have a more unequivocal response than that—that is, that the mayor would like to see the memorandum of understanding read into *Hansard* before the bill is passed.

From the viewpoint of the Liberal Party and our dissenting members, the issue is that we accept that, one way or another, the legislation should be passed before this parliament gets up, and it is currently scheduled to get up Thursday of next week. So, we are talking about nine days away. The view of the dissenting Liberal members put last week was that there was a good two weeks for the council, the LGA and the

government to conclude the memorandum of understanding and to allow the legislation to pass the Legislative Council on Thursday next week. It is still my view that it is possible, if the government does not secretly want to dud the Campbelltown council and ratepayers, for them to get on with it to resolve the issues of dispute between it and the council before Thursday next week.

I understand that this afternoon the Campbelltown council mayor has faxed all members of the select committee expressing a view. I have seen a copy of the letter that one of my colleagues has, but I have not been up to my office since question time commenced at 2.15 p.m., just over an hour ago, so I have not seen my copy, although I assume it is the same as the Hon. Mr Stefani's. I believe that it is ambiguous, but it is possible to read it as saying that Mr Woodcock would like the legislation passed today and the MOU to be concluded whenever. One could also read it as saying that he does not want the legislation to be delayed beyond these next six sitting days or by Thursday next week.

So, on the basis of having seen the letter of the Hon. Mr Stefani, I have drafted a letter to go to the mayor of Campbelltown this afternoon, seeking an urgent response from him to clarify that. As I said, it may well be that his position is, 'We don't want the legislation to be delayed until Thursday next week and passed then. We prefer it to be passed today and then we can work through with the government what is going to happen in relation to the memorandum of understanding.' So, I think it is important that we clarify that with the mayor of Campbelltown.

The other thing we need to clarify with the mayor of Campbelltown is whether the Campbelltown council has actually met to form its view on this issue. We took evidence which indicated that the officers had a particular view, but the mayor of Campbelltown made a very strong point, which is fair enough, that it was the officers' view, and, ultimately, the decision had to be taken by the council. He indicated that the council had a meeting which was coming up—I cannot remember the exact date—and that they could also bring together a meeting on four hours' notice, if they required it, to form a view on this issue. I think this issue is important enough for the long-term interests of the ratepayers of the Campbelltown council for the council to form a view and express it to members of this chamber as to what it wants to see done.

If we get a response tomorrow which says that the Campbelltown council, just to clarify its letter of today, has a view by a majority (or otherwise) that it wants the legislation passed tomorrow, even though the memorandum of understanding has not been passed or concluded, then it is my view that Liberal members would probably, whilst we would not agree that that is the appropriate course to follow, not stand in the way of the Campbelltown council in relation to this issue. I know that the government will want to play games in relation to this issue, as it always seeks to do, rather than put the best interests of the ratepayers of the Campbelltown council as a—

The Hon. P. Holloway: You are a piece of garbage. You really are.

The Hon. R.I. LUCAS: Do you want to repeat that? Mr Chairman, the Leader of the Government, again, loses control and descends into personal abuse.

The Hon. P. HOLLOWAY: I rise on a point of order.

The Hon. R.I. Lucas: You are taking a point of order?

The Hon. P. HOLLOWAY: Yes; I am taking a point of order. The Leader of the Opposition—

The Hon. R.I. Lucas: What is your point of order?

The Hon. P. HOLLOWAY: Sit down, will you?

The CHAIRMAN: He has called a point of order.

The Hon. P. HOLLOWAY: Mr Chairman, the Leader of the Opposition made a reference to me, to which I responded by interjection. He made a particular reflection on me. It is out of order for the honourable member to make such reflections.

The CHAIRMAN: Order! There is no point of order. As I recall the conversation, the honourable member said that he believed that the government was playing games. That was his opinion. I understand the minister's taking offence, but there is no point of order. Members on either side making personal reflections does the dignity of the committee no good whatsoever. We should confine our remarks to the matter before the committee.

The Hon. P. HOLLOWAY: Mr Chairman, we are on clause 1. We have had 2½ hours in committee. When is the opposition going to get on and pass this bill.

The Hon. R.I. Lucas: That's not a point of order. Sit down.

The Hon. P. HOLLOWAY: There is a point of order.

The Hon. R.I. Lucas: Sit down. There's no point of order. You've been ruled out.

The Hon. P. HOLLOWAY: I haven't been ruled out yet.

The CHAIRMAN: What is the point of order?

The Hon. P. HOLLOWAY: My point of order, Mr Chairman, is that the Leader of the Opposition is not being relevant to clause 1.

The CHAIRMAN: Order! I think you will find, minister, that yesterday it was decided that the council be resolved into a committee of the whole and that the matter be handled during discussion on clause 1. It is longstanding practice that where preliminary remarks are required we do it during discussion on clause 1. I have been challenged on this matter in the past. When we move on to clause 2 and other clauses, that flexibility dissolves, and remarks should then be relevant to the particular clause. On this occasion, under the reporting process of the select committee, it was agreed yesterday that the matter be referred to the committee of the whole. This is the appropriate stage for all members to make these remarks. When we move on from clause 1, we will have to come back to relevance on each particular clause.

The Hon. R.I. LUCAS: I am disappointed that, after all these years, the Leader of the Government still does not understand the standing orders. This bill has been referred to a select committee. If the leader is trying to prevent the parliament from debating the issues that have been raised before the select committee, then he does not understand the traditions of this chamber in relation to hybrid bills and the reporting of the select committee.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I was discussing them. I just said that the government was playing games and you descended into personal abuse. That was the extent of the criticism I made: that the government was playing games.

The Hon. R.K. Sneath: Get on with it.

The Hon. R.I. LUCAS: The Hon. Mr Sneath can go back to sleep. Have another bottle of basket press and go back to sleep.

The Hon. R.K. SNEATH: On a point of order, Mr Chairman, the Leader of the Opposition has shown his true colours and got personal. He has always been offended that the working class can afford something that is better than he handles.

The CHAIRMAN: Order! There is no point of order.

The Hon. R.K. Sneath interjecting:

The CHAIRMAN: Order!

The Hon. R.K. Sneath: Perhaps the Leader of the Opposition can stick to his cask stuff.

The CHAIRMAN: Order! That is comment.

The Hon. R.K. Sneath interjecting:

The CHAIRMAN: Order! The Hon. Mr Sneath will have to come to order. I have asked members to desist from making personal attacks and to confine their comments to the select committee report and its connotations, and they can make further remarks on the rest of the content of the bill during debate on clause 1.

The Hon. R.I. LUCAS: Mr Chairman, thank you for your protection from government members. The position we seek to have clarified within the next 24 hours is, first, whether the council has met to form a view on this. I think it is important that we know what is the council's position. We also specifically want to have clarified whether or not the council is prepared to have the bill passed no later than Thursday next week to give the council the opportunity on behalf of the ratepayers of the Campbelltown council to have this memorandum of understanding resolved. As I said, the government in its inimitable fashion will continue to try to play games on this issue.

The Hon. P. HOLLOWAY: I rise on a point of order, Mr Chairman. The Leader of the Opposition is suggesting improper motives. That is against standing orders.

The CHAIRMAN: It is a close-run thing.

The Hon. R.I. LUCAS: It might be a close-run thing, but I can assure you, Mr Chairman, that I will not be ruled out of saying that this government continues to play political games. We will not be silenced on this issue by a sensitive Leader of the Government. The government, and the Leader of the Government in particular, makes two claims: first, that we want to sell all this land and build hundreds of houses across all of that land and, secondly, that because we want to protect the interests of Campbelltown council ratepayers we will not see this bill passed by Thursday next week. As I said, that is not the position of the Liberal Party. It is certainly our view that the MOU ought to be resolved before the end of next week, and that is the approach we adopt, as we do not trust this government and its ministers—with good cause. History has demonstrated why, in our view, they should not be trusted.

Ultimately, we accept that this is a decision over which the Campbelltown council should have a significant influence. If it is the council's view that, even if the MOU is not concluded by Thursday of next week, it wants the legislation passed, from the viewpoint of Liberal Party members (and I am sure from that of Independent members), we will not stand in the way, even though we believe that the MOU ought to be finalised. Very significant issues in the MOU still have to be resolved. In his letter of 10 November, and in his evidence, the mayor highlights a number of those. In particular, they concern major events that might occur over the period during which the Campbelltown council has the care, control and management of the Lochiel Park Lands.

The council's view is that the estimate of the annual costs is about $80 000, and it sought to have that capped at that level just in case the estimate proved to be inaccurate. I think that, in the end, the council was prepared to accept that risk. However, what it is saying is: what happens if there is a significant event, or a number of significant events, which ends up having to be paid for by the Campbelltown council ratepayers? What the council is saying is that it believes that it needs to protect the interests of its ratepayers. It can be this government's position that it does not believe that there needs to be that additional protection. That is certainly not the view of Liberal members. That is certainly not the view of the member for Hartley, who has fought passionately on behalf of his constituents to protect their interests in relation to this issue. Whether it be a Liberal or Labor government in power, he has consistently fought for the interests of his constituents.

Therefore, in our view, it is imperative that the final nature of the agreement between the council and the government is concluded. As my draft letter to the mayor indicates, you have a situation such that, if the memorandum of understanding does not meet the requirements of the ratepayers of Campbelltown council, this chamber still has the power to amend the legislation. It can require of this government that the interests of the ratepayers be protected. We have been happy to accept the process so far adopted by the council—namely, that it tries to reach an agreement with the government in an MOU so that it does not become the subject of legislation. However, in the end, if the government is intransigent and the ratepayers are left exposed financially, this chamber retains the capacity to amend the legislation to protect the interests of the ratepayers if it so chooses. Of course, if the legislation is rushed through before the MOU is concluded, this chamber loses its capacity to protect the interests of the Campbelltown council ratepayers.

There were two further issues that dissenting members commented on in their report. One was, I think, the subject of questions from the Hon. Sandra Kanck when we debated this bill during the second reading. We explored with the LMC how it had come about that this development did not have to meet the government policy announced in March this year that all developments were to have 10 per cent affordable housing and 5 per cent higher needs housing. All I can report is that the LMC stated that it had not asked to be exempted from this government policy. I think that is pretty important. The LMC indicated that it did not ask to be exempted from this policy. It believed that the decision might have been taken independently by the Minister for Housing, but could not say whether or not that was the case.

Certainly, I think, from this chamber's viewpoint (and, I suspect, that of the Hon. Sandra Kanck—and I do not wish to speak on her behalf, but she raised this issue initially, and that is why we pursued it in the select committee), the Leader of the Government needs to answer the question now as to how it came about that this development was exempt from the policy. As we said to the representative of the LMC in the committee: 'Did it just happen mysteriously that all of a sudden one day the Minister for Housing said, "You are exempt from this policy"?' The LMC did not ask for it. Who did? Was it the Minister for Infrastructure? Was it some other person within government? If so, whom? I think it is important that we know how this came about, because the government has announced a policy that is meant to bind all developers and, in relation to one of the first developments after that policy is announced, the government, for whatever reason (and there might be good reason; I do not know) has exempted the development from that policy.

The second matter (which comes back to the intemperate interjections from the Leader of the Government earlier) relates to this issue of whether or not to build the development on this land. What we have found is that, under this new government's bizarre policy, the taxpayers of South Australia are losing up to $6 million through having this development.

What I am saying is that, if the government now chose to leave the whole of the Lochiel Park Lands open space, with no houses on it at all—that is, not the 81 allotments, which it is suggesting, or the 151 allotments that the former government suggested, but if there was no housing on it at all—we would have up to $6 million extra to spend on hospitals or schools in South Australia.

We were told that the state government budget is paying $9.35 million, I think, to the Land Management Corporation as a CSO for this development. The Land Management Corporation originally purchased the land for just over $1 million, and it was given $9.35 million, and the Land Management Corporation said that its profit on this scheme was likely to be less than $3 million. As I understand it, a significant majority of the LMC's profit is paid by way of dividend into the budget (I think it used to be 60 per cent, and it is probably closer to 90 per cent now), which means that, therefore, maybe $2.5 million or so will be paid by way of profit. We have the situation where the budget pays $9.35 million and it recoups the $1 million paid by the LMC, and maybe $2.5 million in profit, or dividend, for a total of, say, $3.5 million. So, the budget loses $6 million through this development.

As I said, I think the Margaret Sewells of this world and the others who fought for this to be absolutely and completely open space without any allotments at all would be interested to know that we are taking almost $6 million out of the schools and hospitals of South Australia to put into 81 houses on the Lochiel Park Lands. I ask the Leader of the Government to explain the logic of that. The criticism of the former government's policy, which had 70 or so more allotments than this particular one, was at least on the basis that it would make some money and pay money into the budget so that it could spend more money on schools and hospitals. When I mentioned this development to a couple of Labor members, they were just amazed that their ministers, in particular the Minister for Infrastructure, had signed off on a policy which takes up to $6 million from schools and hospitals to create 81 allotments on the Lochiel Park Lands.

The logic certainly escaped those couple of Labor Party members when those particular facts were put to them. I think the challenge for the Leader of the Government when he responds is not to ignore this particular issue as being too difficult, but for him to respond to the details of the evidence the LMC gave. These are not claims made by Liberal members. We asked the LMC whether it could find any errors in the figures that we were putting to it. The evidence in the transcript indicates that, no, it could not. I accept the fact that ultimately it is just running the LMC. It is the Treasurer, the Minister for Infrastructure and the other ministers who have to run the budget.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: On this logic you would say: why would you spend $6 million less on schools and hospitals so that you can have this development? On the one hand, you can have a development from which you will make some money and put that money into the budget. That is one reason why you would undertake a development. The other end of the continuum is that you leave it as open space. This government has taken the middle road and is putting $6 million into the development—taking it out of schools and hospitals—to create 81 allotments in the Lochiel Park Lands. As I said, this government could call a halt to it, keep it all open space and save up to $6 million, which, as I understood it, was the preferred course of action of Margaret Sewell and the other campaigners—

The Hon. Nick Xenophon: My bill.

The Hon. R.I. LUCAS: The Hon. Mr Xenophon reminds us that that was his original bill.

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: I cannot remember all the detail but, if that is correct, it would have meant another $6 million being saved which could then have gone into schools and hospitals. This government, as I said, supports taking it out of schools and hospitals and putting it into 81 allotments on this development. You will be delighted to know, Mr President, that these houses are not the average cottage which the working-class man from Port Pirie might be able to afford. They are at the top end of the scale. We are talking about $800 000 to $900 000 for land and property packages, which are on relatively small blocks. The average size allotment is about 400 square metres, which I might add will not cost $800 000 or $900 000—

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: Someone with the nickname 'Basket Press Bob' should not be making those sorts of comments, I would have thought. I think the bigger allotments are about 800 or 900 square metres. There are only one or two of them, I think—a relatively small number—

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: About 900, I think. Anyway, there were one or two. There was a relatively small number at the top end and they might cost $800 000 or $900 000. The house and land packages will certainly be fairly pricey and it will not be within the range of what you would call affordable housing. What you have is a Labor government, as I said, taking $6 million out of schools and hospitals and putting it into high-class housing;and, as one Labor member said to me, for people who will end up voting for Joe Scalzi, anyway. That was the Labor member's view; it was not mine. I certainly do not make those generalisations. That was one Labor member's view of what this government and this Minister for Infrastructure is doing. So I think it is important that, in his response, the Leader of the Government does respond to those specific issues and, in particular, the financial aspects of this whole deal. Why does he support those sorts of financial aspects? Why is he supporting taking $6 million out of schools and hospitals and putting it into expensive housing for 81 families or people in the Lochiel Park Lands?

So our position is that, in speaking to the select committee report on clause 1 as outlined in the dissenting members' report, I am in the process of writing to the mayor of the Campbelltown City Council today and, assuming we get a response from the mayor tomorrow, which I am sure we will, and if the mayor says to me, 'Look, I know we haven't worded the MOU but I still want you to pass the bill this week' then we will probably proceed down this particular path. I will need to discuss that with my colleagues. Our preferred course, as I said, is that we at least give it until next Thursday week to try to conclude the MOU with the undertaking that, if it is not concluded by then we would pass it, albeit reluctantly.

The Hon. J.F. STEFANI: I will be very brief. I just want to confirm that I received a letter from the mayor and that I spoke to him only about five minutes ago. The reality is that the council has not met officially to approve the proposal. The mayor has indicated to me that, in the next 24 hours, he is willing to call a special council meeting so that the council

itself will endorse the proposal. In speaking to the mayor to clarify the position with regards to the MOU, he indicated to me that the council was prepared to recommend to members of parliament that they should support the bill irrespective of the fact that the MOU was not signed off.

The mayor also confirmed that, in discussions with the minister's office, the minister's officers have indicated to him that the MOU will not be ready for two to three or four weeks. My concerns, which have already been very eloquently put on the public record by my colleague the Hon. Mr Lucas, are that, having passed the legislation and having lost the bargaining chip on the basis that someone has read something into *Hansard*, my experience in the past has been that anything that is said in *Hansard* becomes totally meaningless when commercial realities come into play. That is up to the council, of course. We are not here to hold the hand of a council, which is an independent body of government, but we are here to protect the ratepayers, and a lot of them who are constituents of Mr Joe Scalzi, the member for Hartley, and of course we have an obligation as legislative councillors to protect the interests of all people in South Australia, because that is our brief.

So the position is this: if we delay consideration of this bill for a day or more to allow the council to deliberate at an official council meeting called for that purpose, and it makes the decision that it would like members of parliament to support the bill and the passage of the bill without the MOU, it will be finally on the heads of the councillors who have made that decision. If they fall short on negotiating the conditions that have been clearly set out in the letter to the minister's office of 10 November then we cannot protect people who will not protect themselves, and that is my view. So I just want to say those things, put it on the public record. I am glad that my colleague the Hon. Rob Lucas intends writing to the council and formally putting a position for it to act on. I was going to do the same but, given that we are dealing with the matter and that he was on his feet, I rang the mayor and I am reporting accurately the conversation that I had with him five minutes ago.

The Hon. P. HOLLOWAY: What a lot of nonsense we have had today. Let us go back over the history of the bill. This bill has been before the House of Assembly for some significant time and came before this council last week. Mr Chairman, as you are well aware we had a vote last week and, notwithstanding that this is a hybrid bill and notwithstanding what the Leader of the Opposition says, this place does have the capacity to avoid sending a bill. It is master of its own destiny and does not have to send a bill—and there are plenty of precedents.

The Hon. R.I. Lucas: Name them.

The Hon. P. HOLLOWAY: Again, the Leader of the Opposition misrepresents the position. There have been a number of occasions in the last eight years when former Liberal governments chose to exercise the option not to put a bill to a select committee. We argued that this bill did not need to go to a select committee because it was quite clear (and we had correspondence to support the fact) that the local council and the LGA supported the arrangements. We had a select committee with 2½ hours of evidence taken last week, and that completely confirmed what the government said last week. Let me just read some of the evidence given by members of the council, the mayor, the chief executive officer and also the LGA. On page 27 of the evidence, Mr Woodcock said:

> From the outset can I say that, from a council point of view, we do not have any concerns about the bill as amended. We are interested, of course, in the establishment of the memorandum of understanding in respect of an agreement that will take into account some of the concerns that council has expressed to the minister and been assured that they will be addressed.

Later in the evidence the Chairman said, 'I understand, though, that your community is strongly in favour of keeping this land as open space?' Mr Woodcock replied, 'Yes.' Further on, on page 37, Mr Woodcock stated:

> That is correct, Mr Chairman. As I said, we as a council are very supportive of the project as it is presented. We have no issues at all with that concept. It is a very exciting project, and we certainly want to be part of it.

On page 49 of the evidence Mr John Rich, President of the LGA, said:

> We have already said very clearly that both Campbelltown and local government are very comfortable with that and that we do want that development.

Later on, Ms Wendy Campana said:

> Our position is very much the legislation and an agreement, albeit that we recognise an agreement may not be able to be reached fully and we would hate to see the legislation held up as a result. That is clearly our position.

Now, today we know that the mayor wrote to the Hon. Mr Xenophon, and copies have been sent to all relevant members. The letter reads:

> Dear Mr Xenophon,
>
> I am writing to confirm with you the Campbelltown Council's support for the Lochiel Park bill. Minister Conlon has given us an undertaking on the *Hansard* that he will formalise with my council the arrangements regarding the nature of the care and control that the council will have for Lochiel Park. The facts provided to you from the LGA on 10 November set out in detail the matters that will be subject to discussion and negotiation. The council is keen to support the progress of this bill and seeks your support in enabling the legislation to pass through the Legislative Council.

How inappropriate, therefore, for the Leader of the Opposition to use the mayor when he said that he wants the help of all of us to enable the legislation to pass through the Legislative Council, to try to use the mayor's argument to hold it up. It is one of the most outrageous acts of misrepresentation I have seen in this place. One needs to ask the question: why are the Liberals so desperate to block this bill? When we were referring this matter to a select committee on 10 November we were promised that if we had the select committee and we got these reassurances we would deal with it this week as soon as we got back. Well, what happens? I suggested then that the Liberals had an ulterior motive and I think it has been uncovered today.

Let me read out what Mr Scalzi, the member for Hartley (as I understand it, the Leader of the Opposition is his campaign director out there), put out in his press release of 3 January 2002. Media release: 'An open space win for local residents' (now there is a bit of 1984-speak if ever I heard it):

> Member for Hartley, Joe Scalzi, has succeeded in assuring that the Lochiel Park development will contain more open space than any other development within suburban Adelaide. Mr Scalzi says that after lengthy negotiations with the state government and Campbelltown Council he has been able to secure an agreement which will see almost 20 per cent of the development retained as open space for everyone to enjoy. This is another example of Mr Scalzi working together with the local community and the council, as was the case with the retention of the Geoff Heath Golf Course adjacent to the linear park. 'This is a major concession to the people of the area as planning regulations only specify 12½ per cent of all new developments must remain as open space', he says. This agreement not only increases that amount up to 19.66 per cent but guarantees that some

of the most valuable and historic land within the area will remain as open space.

That is what the Liberal Party went to the last election with. Is that what this is really all about? Why is the Liberal Party so reluctant? Why does it want to defer this bill, as has been suggested again? Why can't the Liberal Party do what all the people who gave evidence last week said they wanted and support this piece of legislation?

The Leader of the Opposition raised some questions about the taxpayer contribution to this project. We heard evidence from the mayor of Campbelltown and also mayor Rich from the Local Government Association. When I asked those gentlemen questions, Mr Rich confirmed that it was a very generous offer—and it is indeed a very generous offer to the citizens of Campbelltown. They will not only be given this significant contribution of open space, which is vastly in excess of what the Liberal government promised at the last election, but also these other developments, including the urban forest, the wetlands and the recycled water system. Each of the 81 properties will have solar power, dual water supply and energy efficiency measures. It will be a model green village.

The people of Campbelltown are being treated to incredible generosity by this government. Why then are the Liberal Party and its local member fighting so hard to prevent this? Do they really want to go back to what they wanted to do in 2001 and sell off more of it? Is that why the Leader of the Opposition is raising questions about money being spent on it? Is what he really wants to do is sell this property? It is about time the Liberal Party was honest with the people of this state, but they will get their answer today. They heard the Liberal Party say a week ago that, if the evidence before the select committee was that the local communities and the Local Government Association supported the proposal that has been put before us, they would agree to it this week. Why are they hedging their bets today? I think we can all guess.

I do not think I need spend any more time on this—far too much time has been spent on what is really a fairly simple bill. This government is doing something very generous for the people of Campbelltown. It is setting aside a large measure of open space, vastly in excess of what the former Liberal minister and their local member promised. The government is setting up a green village development—a special showcase and sustainable design—which will be something about which the residents of that area can be proud. However, instead of getting gratification, we have the usual obstruction from the Liberal Party.

I am often asked by people from outside this state, 'Why is it so difficult to do something in South Australia? Why is this state always so conservative?' Sadly, I am afraid that this chamber and the people in it have a lot to answer for—particularly members of the opposition. They have a great deal to do with the many problems this state has faced. When we get something that is actually good for the people, this whingeing opposition fights it tooth and nail, and that is a sad thing for this state. They are not going to get away with this. If they block this bill today, the people of the Campbelltown council, the Local Government Association and all South Australians will understand what this Liberal Party is really about.

The Hon. NICK XENOPHON: I believe the Legislative Council has a very important role in the review of legislation. I note your ruling, Mr Chairman, that this is a hybrid bill. We went through what I believe was an appropriate process of having a select committee. I have supported the government's view with respect to this bill, and there are some points I want to make. The first point relates to the dissenting report of the Hon. Mr Lucas and the Hon. Mr Stefani. I believe that the point made by the Hon. Mr Lucas about the lack of affordable housing is a legitimate line of questioning which ought to be pursued, because it does seem to be in breach of the government's own policy in relation to affordable housing.

The Hon. P. Holloway interjecting:

The Hon. NICK XENOPHON: Given the nature of the development, it seems to be something that the government had a fair degree of control over, that is, for there to be some affordable housing. I think that is a great shame. It has always been my first preference that it remain entirely as open space. A compromise solution has been reached with community activists, such as Margaret Sewell and June Jenkins, that a significant proportion of this land be kept as open space, which is certainly an improvement on the previous position.

In relation to the issue at hand that has been raised by the Hon. Mr Lucas and the Hon. Mr Stefani as to whether we proceed further with this bill because of concerns about the MOU not being signed, I note what the mayor said in answer to a question I put to him. He said that it was his understanding that the MOU would be read into *Hansard* before this bill was passed. I note that today's letter from the office of the mayor states:

> Minister Conlon has given us an undertaking on the *Hansard* that he will formalise with my Council the arrangements regarding the nature of the 'care and control' the Council will have for Lochiel Park.

The mayor concludes by saying:

> The Council is keen to support the progress of this Bill and seeks your support in enabling the legislation to pass through the Legislative Council.

I imagine that negotiations might take several weeks to conclude, given the myriad matters that have to be dealt with. However, the harsh reality is that, at the end of the day, if the government duds the council in any way in relation to this, I imagine that that would reflect very poorly on the government, and I believe there would be a significant community backlash. If that occurs—and I am not saying, by any means, that it will—I for one would be very critical of the government publicly. However, I would like to think that, given the view of the mayor and other members of the council, both elected officials and council staff, this matter ought to be resolved in a sensible fashion. At the end of the day, I believe that, if the council is not satisfied, there will be significant consequences for the government in that particular area. It seems to me that that is the ultimate safeguard in relation to this bill.

I believe we ought to proceed with the bill. I believe the process of having it go to a committee has been useful. In relation to the point raised by the Hon. Mr Lucas that we would be better off as taxpayers if it were simply left as vacant land, that is something about which I would like to hear from the government, although my understanding is that you would have to do something with the land; you could not simply leave it as it is now. It would need some work to be used as a community asset in terms of its current state.

The Hon. R.I. Lucas: What has been there before?

The Hon. NICK XENOPHON: My understanding is that it has been quite run down over a number of years. I think that it would involve some expense. The point made by the Hon. Mr Lucas is legitimate and something that ought to be explored further. I support—

The Hon. P. Holloway: Ask the council whether it would like it to stay open as it is.

The Hon. NICK XENOPHON: I understand what the Leader of the Government is saying. My view is that there is an intrinsic safeguard here relating to the imperative that, if the government duds the council in any way, there will be a significant consequence. I am not saying that will be the case: I am saying—

The Hon. P. Holloway: We are actually doing something really positive that the people of—

The Hon. NICK XENOPHON: No; the point—

The Hon. P. Holloway: It just amazes me. If you don't want it, vote against it.

The Hon. NICK XENOPHON: No—

The ACTING CHAIRMAN (Hon. J.S.L. Dawkins): The minister has had an opportunity and can have another opportunity. The Hon. Mr Xenophon is on his feet.

The Hon. NICK XENOPHON: From my point of view, the opposition—namely, the Hons Mr Lucas and Mr Stefani—said that we need the safeguards and we want to protect the interests of the residents. I believe that there is a sufficient safeguard in that they have gone down this path, both the government and the council. I would be very surprised if a satisfactory resolution were not reached. I have been reassured by the letter from the Mayor that we have received today. For those reasons, I support the matter proceeding.

The Hon. SANDRA KANCK: I spoke to the Mayor last week, I think, and it was going to be raised at council that night. I have not checked the council minutes but I anticipate that it probably was. As a ratepayer in the Campbelltown area, I can assure members that this is not the topic of conversation on everyone's lips in Campbelltown. The Hon. Carmel Zollo is also a Campbelltown ratepayer, and I think that she could probably affirm that. I did not support this going to the select committee. My understanding was that the committee would meet for that one week, that it would come back, and then we would progress the bill. That is what I was expecting.

I, too, have received the faxed letter from the Mayor. I am not going to play semantics as to whether he meant it to be today, tomorrow or the next day when he talks about it being passed. I am sure that what he was talking about was for it to be passed without any more delay. I think that the issues have been teased out. I agree with the Hon. Mr Holloway on this. I do not understand where the opposition is coming from. At the beginning of 2002, as treasurer and, therefore, responsible for the Land Management Corporation, the government—

The Hon. R.I. Lucas interjecting:

The Hon. SANDRA KANCK: Michael Armitage was treasurer?

The Hon. R.I. Lucas interjecting:

The Hon. SANDRA KANCK: Was he? It has gone to Treasury now, so I take that back. Certainly, the then government, of which Mr Lucas was the treasurer, was only too ready and willing to sell off that land and now, nearly four years later, the opposition suddenly has had some change of conscience or change of plan that is inexplicable to me. It is very clear from the information that I read in my second reading speech from the Local Government Association that, with the amendments that the minister has tabled, both the Local Government Association and Campbelltown council are happy for this bill to proceed. Today's letter from the Mayor of Campbelltown council merely reconfirms that.

The Hon. CARMEL ZOLLO: I declare that I am a ratepayer of the city of Campbelltown. I add my support for this legislation. I, too, confirm that this is of no controversy in the community that I have noticed. I think that the community of Campbelltown is very much waiting for this legislation to be passed, as mentioned by the Hons Paul Holloway and Sandra Kanck. For the life of me, I do not understand why the games are being played by the opposition other than for political opportunism.

The Hon. R.I. LUCAS: I will not take offence at being accused of playing political games, as the Leader of the Government did. In response to the Hon. Sandra Kanck's contribution, I was disappointed that she did not pursue the issue that she raised in the second reading in relation to affordable housing. I guess she—

The Hon. Sandra Kanck: That was up to the committee to pursue.

The Hon. R.I. LUCAS: It did. I am just saying—and you still have the opportunity to pursue it in the committee—I would have been interested to hear your views in relation to that issue. I think it is important for the committee to know, and I can see the numbers are there to continue, so Liberal members will reluctantly continue the debate on this occasion. The government, together with the Democrats, the Hon. Mr Xenophon and others, has the numbers to insist that debate continues, and so be it. However, ultimately, it will be an issue for the Campbelltown council ratepayers in the long term, should their interests not be protected by this particular process. So, we will pursue these questions during the committee stage.

The point I make in relation to the Hon. Sandra Kanck is that it is a statement of fact that the former government had a proposition for 151 allotments. This government has changed that from 151 to 81. No-one is as pure as the driven snow in relation to this issue. It is different to the extent of the number of allotments on the development. To answer the Hon. Sandra Kanck's question, the opposition's position on this is that we are supporting this development subject to the issues that we raised, in our view, on behalf of the ratepayers of the Campbelltown council. We outlined to this committee the results of the questions we asked in the select committee. That is, it is an interesting perspective now to have a look at what this government is putting in relation to this. If it had left it as completely open space, which was the preferred course of the Hon. Mr Xenophon, and the Margaret Sewells of this world, then we would have up to $6 million more to spend on schools and hospitals, mental health or children with disabilities.

That is the only issue that the opposition is raising in relation to this. We have asked questions, and I will continue to ask questions of the Leader of the Government about this. The Land Management Corporation did not disagree with the figures put to it in relation to the financial aspects of this particular development from the viewpoint of the state Treasury. This is a new perspective on all of it. Given the choice of absolute open space with no allotments at all—not the 81 that this government is developing (while at the same time knowing that it would save up to $6 million) but given the choice of that option or this one—I ask the Hon. Sandra Kanck what she thinks Margaret Sewell and the activists would have supported. My guess is that they would have supported the alternative course of action.

We accept that that is not what is before the parliament at the moment; nevertheless, it is the responsibility of the parliament to highlight financial ineptitude or incompetence

in all its forms when we see it. Whilst one can be critical of the fact that the former government wanted to develop 151 allotments on this land, it was doing so on the basis that it was going to make some money to put into the budget to spend on schools and hospitals. That was the former government's proposal. It was opposed by a range of people, but what you have now, as I said, is a situation where by leaving it vacant with absolutely no allotments you could actually put up to $6 million into schools and hospitals. The Leader of the Government in this place will have to answer the question in relation to this particular issue: why is he supporting the development? First, does he deny what the LMC told the committee that it will be at a cost of up to $6 million to the state budget? If he wants to challenge that, I would be interested in hearing his reply.

The LMC representatives were pretty stark in terms of what the financial aspects of the deal were: a bit over $9 million paid to them from the budget; they pay $1 million for the land; and they pay back a percentage of their $3 million profit. You do not have to be a Rhodes scholar to work out the finances of that: you would be losing money on the deal. So, you can understand a perspective, even if you disagree with it, where a government of whatever persuasion says, 'Okay, we are going to go ahead with the development to make some money to put into the budget.' What you have here is the government still going ahead with the development (albeit 81 allotments instead of 151) and losing up to $6 million that could have been spent on schools and hospitals. So my question to the Leader of the Government is: does he deny the facts that were put to the select committee by the LMC representatives that up to $6 million will come out of the Treasury in net terms for this particular development?

The Hon. P. HOLLOWAY: I have been given some advice from the LMC which I would like to put on the record. The total development site is 15 hectares. The LMC has already paid $1.1 million to the Crown for 14.7 hectares of the land for the development. The LMC needs to pay out a further $745 000 to the Crown for 3 000 square metres of land, that land being deemed surplus to the Minister for Health's purposes associated with the adjacent Brookway Park facility operated by Children, Youth and Family Services. The total land acquisition cost is therefore $1.845 million; and $2.779 million is the profit to the LMC forecast at the end of the project around the year 2010. Of that, the LMC would be expected to pay back to the state about $2.595 million. The value of the community service obligation is up to $9.35 million. Taking account of land acquisition costs, the net cost of the development to the government is up to $4.92 million.

As acknowledged by the Under Treasurer, the community services obligation offsets the non-commercial elements of the development including the sustainability infrastructure, which includes the urban forest, the wetlands and the recycled water system, plus the sustainable building elements of each of the 81 properties for such things as solar power and hot water, dual water supply, and energy-efficient measures. So, yes, the taxpayers will contribute to the people of Campbelltown this urban forest and the wetlands, as well as some of the features of this Lochiel Park Green Village. The cost of that will be up to $4.92 million.

It should be pointed out that there are many flow-on benefits from a development of this nature including, of course, reduced greenhouse gas emissions through the planting of the urban forest and the biosequestration, reduced CO_2 in the atmosphere from more efficient housing design, appliances with reduced energy consumption, photovoltaic installation, solar hot water systems, the reduced use of potable water resulting in less reliance on the River Murray as a water resource, and environmental benefits, including reduced pumping costs, water quality improvements, local stormwater catchments through the wetlands prior to discharge into the River Torrens, the reuse of 100 per cent of the urban stormwater from the project, reduced stormwater run-off into the River Torrens, a reduction in waste to landfill through the use of recycled materials in subdivision construction, recycling building wastes, and, through behavioural modifications, achieve a reduction in solid waste by 30 per cent and 100 per cent of organic waste composted.

There is ready access to the urban forest and the walking trails leading to healthier lifestyles and wellbeing, lowering body energy and building materials, the use of endemic and native plant species in reserves and open space landscapes, and a demonstration project with technologies and initiatives being transferable more widely. These benefits are substantial and clearly in the interests of the environment and the community. The LMC will seek to quantify these benefits as the project progresses.

The point needs to be made about what the government is doing at Lochiel Park. Certainly, there will be some houses in this Lochiel Park Green Village development, but there is much more to it than that. There are these wonderful urban forest and wetland areas. I suppose you could leave it the way it is at the moment, covered with weeds.

Of course, much of the area previously had buildings on it—namely, the fire training unit, and that has been demolished. What the Labor government is doing here is honouring its promise to keep what was formerly open space. That comprises about 70 per cent of the site; 30 per cent (roughly the area the new building will occupy) is about the area occupied by the former buildings. So, what was formerly open space will remain that way. However, I am sure that the people in the Campbelltown council area who have been fighting for this space would not wish to see it overrun with weeds. I am not sure that the council would want to take it over in that environment.

If the Leader of the Opposition is suggesting that we should leave it as it is, perhaps we should ask the council whether it wants it left as it is now and become overrun with weeds. The fact is that, in three years, when this work is done—

The Hon. T.G. Cameron: It would be cheaper.

The Hon. P. HOLLOWAY: Yes; it would be cheaper. The fact is that the reason the government promised to do this at the last election was the shortage of and need for open space in this region, and this will provide that for the people of Campbelltown. Those are the figures requested by the Leader of the Opposition, and I do not think that I need to go into them any further. Since the issue has been raised, I will make one other comment on affordable housing. The LMC has already confirmed that it did not receive any request, instruction or exemption notice to comply with the government's recent policy on the provision. This project has been in planning for a long time; after all, it was an issue at the 2001 election in relation to the affordable housing policy. In this case, it is not a mandatory policy. It was never intended that the government's affordable housing policy would apply to a unique development such as this. The Lochiel Park Green Village development is clearly a special project designed to showcase sustainable design. It is intended as a model green

village which will explore and implement a large range of sustainability initiatives and which can be replicated in other developments. What the government is talking about in relation to its policy guideline of 15 per cent of affordable housing is, of course—

The Hon. R.I. Lucas: It is not mandatory; it is optional.

The Hon. P. HOLLOWAY: It could not be mandatory unless it were put into legislation. That has not happened. What the government is seeking to do is to negotiate with developers in relation to this. We are talking about only 81 allotments. It really is a complete red herring to talk about affordable housing in relation to what is a very special development and one that has required a bill.

Members interjecting:

The ACTING CHAIRMAN (Hon. J.S.L. Dawkins): Order! The Hon. Mr Stefani and the Hon. Mr Cameron can make a contribution if they wish.

The Hon. P. HOLLOWAY: This has gone through parliament. It is not like the vast majority of development which takes place in this state, which does not go through parliament. However, in relation to large-scale urban development, we are talking about a large number of hectares of development, and that is where the government will seek to negotiate with developers (because that is all it can do at the moment) to achieve affordable housing goals. As I said, this is a very special project, and it should be seen in that light. It is a very generous donation from the government to the people of the City of Campbelltown.

The Hon. R.I. LUCAS: Can I clarify whether the government is saying that the affordable housing policy announced in March is not operational for any development in South Australia at the moment—that is, it can be operational only if legislation passes the state parliament.

The Hon. P. HOLLOWAY: The government has an affordable housing policy, because we have a problem in this state.

The Hon. R.I. Lucas: But it is not mandatory.

The Hon. P. HOLLOWAY: It could be mandatory only if it were imposed by some form of legislative requirement.

Members interjecting:

The Hon. P. HOLLOWAY: Where are we going? We are talking about Lochiel Park. I have provided the information requested. I will not play these games any longer. I make the point again that this development is a very special case, and it has its own act of parliament. It is a very special project to fulfil a promise made long before the affordable housing policy was in place. In any case, we are talking about only 81 allotments on the site. We are not talking about a large-scale development.

The Hon. T.G. CAMERON: I was very interested to hear the leader say that he had answered all questions. I may have missed his answers to my questions about the sole rights the developer has been given in relation—

The Hon. R.I. Lucas: It is not sole rights: it is two or three selected ones.

The Hon. T.G. CAMERON: I think that, before we pass this bill, we ought to know how many, who they are and the conditions under which they are being given. It is a licence to print money when you have a development that mandates that, if you buy a block of land, you must use this builder or that builder. You do not get a competitive element when a person is getting a quote from this builder or that builder and checking on the price for this or that. He can go to only one builder.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. CAMERON: Is it three, or two or three?

The Hon. R.I. Lucas: It is about two or three.

The Hon. T.G. CAMERON: At least two or three is better than one, but it still does not allow a competitive element to come into play. I mean, gee whiz, if you know that a potential customer can only buy the product he is after from either this shop or that shop, what do you think develops? Everything just gravitates towards the highest price. If the builders know (and say you choose three of them) that if their quote is too high you have to go to this builder or that builder, anyone who has been involved in the building industry (and I would be interested in what the Hon. Julian Stefani had to say) would know that the price will just gradually percolate upwards.

So, the losers under this arrangement would be the people who purchased the land. For the life of me, I cannot understand, and the government has not given a satisfactory explanation, why it is tying this development to only these two or three builders. If the government was able to say, 'Look, we want to go ahead with Lochiel Park, but anyone who buys a block of land can choose their own builder; it is a free country', it would have my support. However, under these arrangements, I am a bit worried.

The Hon. P. HOLLOWAY: Why do we bother to have a select committee? The report of the select committee has been given to all members. It was done yesterday, so people have had 24 hours to read it, and if they are interested they can. Let me read the evidence from Mr Gibbings. He said:

> We are not, nor have we ever intended. . . working with only one builder. It is our intention to call for expressions of interest from the industry from builders who wish to work with us in investigating sustainable building practices and develop the project in joint venture with us. We intend to appoint three or four builders following an appropriate selection process, and that process will have the endorsement of the Housing Industry Association, with which we have had some preliminary discussions.

The Hon. J.F. STEFANI: Can the minister advise, given that the Land Management Corporation did not seek the exemption for the criteria of affordable housing, which minister made the decision that this project would be exempt from that requirement? It had to be a decision at ministerial level, and I would like to know which minister it was.

The Hon. P. HOLLOWAY: This has nothing whatsoever to do with the bill before us.

Members interjecting:

The ACTING CHAIRMAN: Order!

The Hon. R.I. LUCAS: The affordable housing issue was addressed by the Leader of the Government in two or three responses to earlier questions. It was raised by the Hon. Sandra Kanck and it was raised in evidence to the select committee. The leader cannot be churlish now and say, 'I'm not going to answer the question from the Hon. Mr Stefani in relation to the issue.' Does the Leader of the Government agree with the position put by the LMC representative at the select committee that he believed that it was an independent decision of the Minister for Housing to exempt this development from the minister's affordable housing policy, which was announced in March?

The Hon. P. HOLLOWAY: I have tried to be helpful to the committee in providing information, even though it has nothing to do with the bill. I think it is high time that we came back to the matters before us in the bill. I have answered, I think, all I possibly can in relation to the housing affordability matter. If the honourable member wants to know, he should

get someone in the other house to ask the Minister for Housing about it.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: We are hiding nothing at all. It has nothing to do with this bill. Mr Acting Chairman, I ask you to uphold the standing orders of this parliament.

The ACTING CHAIRMAN: The Leader of the Opposition has the call. Before I call him, I am aware that we have been dealing with clause 1 for a significant amount of time. A number of questions have been asked of the minister.

The Hon. R.I. LUCAS: I ask the Leader of the Government: what does he have to hide? As soon as this question—a very reasonable question—is asked by the Hon. Mr Stefani in relation to this issue, all of a sudden he adopts a churlish, childish attitude and says, 'Well, I'm not going to answer any more questions. I'm too tired, I'm not interested and I'm not going to answer any more questions.' He is the Leader of the Government and the minister handling the bill in this council.

The Hon. P. Holloway: Let's debate the bill.

The Hon. R.I. LUCAS: We are. This is an important part of the Lochiel Park Lands development—whether or not a supposedly important government policy, announced in March of this year, applies or does not apply. We know that it does not apply, and we are seeking to try to find out why it does not apply, and who made the decision. That is a simple question. All the minister has to do is say, 'Okay, I agree with the Land Management Corporation fellow, who said he believed it was the Minister for Housing.' If he is too embarrassed to indicate that it was one of his ministerial colleagues who exempted it, that is too bad for the minister. This council has a responsibility to ask questions, and the minister has the responsibility to respond on issues that are within the terms of reference of this debate.

We have a report before us from the select committee that addresses this issue. That is before this committee at the moment. Let us not hear anything from this minister in an attempt to browbeat this committee to say that we cannot debate the issue. We have a report before us, which we are debating, which was brought in by a select committee of this parliament and refers specifically to this issue.

The Hon. P. HOLLOWAY: The Leader of the Opposition obviously has not got his way, so he is trying to filibuster and achieve his objective in that way, because he does not want this bill to proceed. We know that, and I am glad it is all on the record; that this deliberate filibustering that he is undertaking is being recorded. I have already said that it was never intended that the government's affordable housing policy would apply to a unique development such as this. This bill came out of cabinet: it is cabinet that has endorsed the bill. It has endorsed the policy behind this bill. So, I guess, collectively, all of us can take the responsibility. It was never intended that this government's affordable housing policy applied to a unique development such as this. This is a special development. As I said, it was around, and had been the subject of discussion, well before the affordable housing policy. The opposition's trying to raise this matter is a total red herring. It is obviously part of a deliberate attempt to delay the passage of the bill.

The Hon. J.F. STEFANI: With all due respect, the evidence given by the representative of the Land Management Corporation was that the Land Management Corporation did not seek the exemption. The evidence given by the Land Management Corporation representative was that it was his understanding that the exemption would have been triggered or applied through a minister's office. That was the evidence given. I think it is reasonable—

The Hon. P. Holloway: It is a policy decision; there is no need for exemption.

The Hon. J.F. STEFANI: Then someone would have made that decision, surely.

The Hon. T.G. CAMERON: I go back to my questions about the developers who will be building the houses on this land. As we all know, developments such as this can be highly sought after. I am sure members would remember occasions with developments such as these that, in order to purchase a block of land, sometimes you had to queue up for days and camp overnight for three or four days to buy a block of land. When the land is placed on the market, will it be open to ordinary South Australians to purchase; or will we see some of the practices that have occurred elsewhere—that is, developers buy up the blocks of land and then sell the block of land only as a house and land package? When this land is placed on the market, will it be open to all South Australians to buy; or will these two or three developers have some special rights or options to purchase land so that they can sell land and house packages?

The Hon. P. Holloway: This has nothing whatsoever to do with the Lochiel Park Lands bill.

The Hon. T.G. CAMERON: We can go on all day, through every provision of the bill, if that is what the leader would like.

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: We all know that he is a gifted individual in that he can listen and talk at the same time. It is a serious question. How can the leader say that my questions have nothing whatsoever to do with this legislation when this legislation will enable the whole project to go ahead? It is a nonsense. I would like the minister to repeat what he said looking into a mirror. How can he say that?

The CHAIRMAN: That is not a practice of the Legislative Council, unfortunately.

The Hon. P. HOLLOWAY: The honourable member might care to ask his question when we are discussing the relevant part of this legislation which deals with that. It certainly is not clause 1.

The Hon. T.G. CAMERON: I thank the leader for his advice and I will do just that.

The Hon. R.I. LUCAS: I have to say that I am disappointed at the churlish response that we are hearing from the Leader of the Government on this issue. He is the minister responsible. As I said, while discussing clause 1, we are also addressing the report of the select committee of the Legislative Council. That is the difference between this bill and any other piece of legislation. I am surprised that the Leader of the Government either does not understand that or chooses to ignore it deliberately. I am so disappointed in the Leader of the Government in terms of his incapacity to understand a relatively simple provision of the standing orders of the Legislative Council. It is either just ignorance or deliberate incompetence on behalf of the leader. The issues of the select committee are before—

The CHAIRMAN: Order! The argument has been quite circular. I had to leave the chamber to attend to some private business and, on my return, I find that we are basically debating the same issue. The exchange of insults and attacks on people's particular motives in this debate is becoming a little tiresome. If members ask legitimate questions—and plenty of legitimate questions are being asked—and the best

answer possible is given and members concentrate on doing that, we will get closer to some resolution of clause 1.

The Hon. T.G. CAMERON: I can only concur with what the chair has said. It was my understanding that part of the legislative process was that bills are exhaustively examined by the opposition and Independent members of the chamber.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. CAMERON: I will not put the questions to the leader again because I have put them to him now three or four times, but I would record my disappointment because I had indicated very early in the debate that I was a supporter of this proposal. I supported the second reading and spoke in favour of the legislation. I am puzzled as to why the leader would risk that support by basically telling me to go and jump. He will not answer my questions. If he is not careful, I just might jump out of his camp into the other camp.

The Hon. P. HOLLOWAY: The Hon. Terry Cameron can vote whichever way he likes; I will not do that. In relation to the previous question, it is open to all to buy. There may be some speculative sales. That is the information I have. Again, I make the point that the reason we had a select committee was so that all these matters could be exhaustively discussed. In every one of these select committees in which I have been involved in all my years in parliament, once the committee has done that, the bill has been dealt with very quickly. Any other hybrid bill would have been through this parliament very quickly because it would have been exhaustively examined during the select committee. That is why I am expressing my disappointment. Having had the opportunity to take all that evidence and speak to those witnesses directly for some hours, we are still going over the same ground.

The Hon. R.I. LUCAS: I will not be diverted down that particular path because the evidence from the witnesses made it clear that they wanted the MOU resolved. It is the Leader of the Government who chooses to ignore the evidence of the witnesses. In an earlier response, the Leader of the Government quoted some figures from the Land Management Corporation in relation to the profitability of the venture, which I think was approximately $2.75 million. I thought I heard the minister say that the dividend back to the government was $2.59 million, but I might be mistaken. I clarify from the minister exactly what he said, because it is my understanding from the budget papers that the budget requirement on dividend repayments from the LMC was 90 per cent. I think it had previously been 60 per cent or 65 per cent but it was a 90 per cent repayment.

The Hon. P. HOLLOWAY: My advice is that it was the equivalent of 93¢ in the dollar, so from the $2.779 million at 93¢ in the dollar it is around $2.595 million.

The Hon. R.I. LUCAS: Regarding the issue in relation to the Land Management Corporation's management of this particular development, can the minister clarify for the committee the issue that was raised by one of the Land Management Corporation representatives—and I forget the particular gentleman's name in the select committee. I refer to the issue of responsibility for—

The Hon. P. Holloway: Was it Mr Eastick?

The Hon. R.I. LUCAS: I think there were two Johns. I cannot remember which John it was, to be honest. It was not Mr Gibbings in the middle, anyway. It was the issue in relation to the management of major events in the three-year period before it is handed over ultimately to the city council. I want to clarify on the record that, during that period, my understanding is that it is completely the responsibility of the Land Management Corporation that, should a major event occur during that period, all the aspects of resolving that particular major event and the potential costs for the Campbelltown council, which might be ongoing, would be the responsibility of the Land Management Corporation. So clearly within the three-year period it would be the responsibility of the Land Management Corporation. I want to clarify that, if there was something which had ongoing costs which extended beyond the three-year period, that would continue to be the responsibility of the Land Management Corporation in those particular circumstances.

The Hon. P. HOLLOWAY: My advice is it would not be after three years.

The Hon. R.I. LUCAS: I thank the minister for that. On that basis then, I assume the memorandum of understanding would make that clear that, should there be a major event that occurred in the first three years that had ongoing costs, the Campbelltown council would take on the ongoing costs of that after the expiration of the three-year period, or is there some provision intended in the memorandum of understanding that would mitigate the financial costs to the ratepayers of the Campbelltown council in those sorts of circumstances?

The Hon. P. HOLLOWAY: That is one of the issues yet to be discussed. I could also make the comment here that everyone has been talking about a memorandum of understanding. I think if one looks at the original correspondence from the Local Government Association it just referred to some legal instruments. Everyone is assuming it is an MOU, but an MOU may not be necessary. I make that point as well.

The Hon. R.I. Lucas: What else might it be?

The Hon. P. HOLLOWAY: Letters, for example, might be sufficient.

The Hon. R.I. LUCAS: It is the first time I have understood that, so it is important to clarify it. The minister is now indicating that it might not be a memorandum of understanding; it might just be an exchange of letters. A memorandum of understanding clearly has the advantage where it is a legal instrument which is ultimately signed by the two consenting parties. Do we have a position where an exchange of letters will mean that the government may well outline what its expectations are and the council may well disagree and have a different understanding, so that an exchange of letters might mean, if that is the option adopted by the government, that there is no agreement on all issues between the council and the government?

The Hon. P. HOLLOWAY: Let me read what the fax from the Local Government Association said. After raising the issue it says:

> I am pleased to advise that the minister has agreed to address these concerns in a formal arrangement outside of the legislation, that may take the shape of a heads of agreement, MOU or similar. It has been agreed between the parties that the issues that will be addressed in this formal 'arrangement' are as follows:. . .

So from the original statement, everyone has just assumed that, because one of the options was a 'heads of agreement, MOU or similar', it would be an MOU, but whether that is the most appropriate way to go is obviously up to the minister and the council, whatever they are satisfied with. I just thought I should point out that the original discussion was 'heads of agreement, MOU or similar' and everyone has just taken the fact that it would be an MOU, and I think it is worthwhile pointing out there may be some other ways of achieving the same objective to the satisfaction of the two parties.

The Hon. R.I. LUCAS: Can the minister indicate what meetings have occurred since the select committee met last Wednesday between government representatives and the Campbelltown City Council to try to conclude the issue of the MOU, or the exchange of letters?

The Hon. P. HOLLOWAY: The minister's office may have been talking to the council and the LGA directly, but no advice is available to me that there have been formal meetings as such.

The Hon. R.I. LUCAS: Who is responsible for the negotiation of the MOU? Clearly, the council will handle one side of the discussion, but is it LMC officers who are negotiating with the council or is it representatives of the Minister for Infrastructure's ministerial office—or is some departmental officer handling it?

The Hon. P. HOLLOWAY: My advice is that it is the minister.

The Hon. R.I. LUCAS: Is it the minister personally who is negotiating with the council officers?

The Hon. P. HOLLOWAY: Yes; through his office, I guess.

The Hon. R.I. LUCAS: I want to clarify this because, while it is certainly usual for a minister to sign off on negotiations, it would be more usual to have a situation where officers were meeting with council officers to draft, let us say, the memorandum of understanding. So, can the minister clarify whether he is indicating that it is officers within the Minister for Infrastructure's ministerial office who are responsible for the negotiation of the MOU? If so, who are those officers?

The Hon. P. HOLLOWAY: My advice is that the minister will facilitate the meeting but it will be the LMC and the council officers who will facilitate the work. However, given the interest in this the minister (being the good minister that he is) has, appropriately, taken a keen interest in it and I am sure he is keen to see that it is resolved.

The Hon. R.I. LUCAS: Mr Chairman, I would not want the minister to mislead the committee by describing the Minister for Infrastructure as a good minister, but I will let that one slip by. Is the minister, therefore, indicating that, contrary to his earlier answer, it is the responsibility of LMC officers to do the grunt work (if I can put it that way) of negotiating the MOU—with, obviously, the final decision of the elected members of council on the one hand and the minister on behalf of the government on the other?

The Hon. P. HOLLOWAY: Basically, to use the words of the Leader of the Opposition, the LMC will do the grunt work but the minister will be involved throughout the process.

The Hon. R.I. LUCAS: Is it the responsibility of Mr Eastick to negotiate with council officers on behalf of the LMC?

The Hon. P. HOLLOWAY: I think it would be more appropriate to say that the chief executive officer will oversee the project—presumably he will be delegating, where necessary, to officers such as Mr Eastick.

The Hon. R.I. LUCAS: Has there been a meeting between Mr Eastick and council officers to commence the negotiations in respect of an MOU since the last meeting of the select committee last Wednesday (and it is now Tuesday of the following week)?

The Hon. P. HOLLOWAY: I said earlier that the answer to that question was no.

The Hon. R.I. LUCAS: Can the minister indicate why there have been no discussions between the council and the LMC to try to progress the critical issue of the MOU in these past six days?

The Hon. P. HOLLOWAY: It is my advice that the parties were happy for the bill to proceed before the drafting of whatever agreement is necessary. It seems to me that it is only the assumption of the leader that that is not the case.

The Hon. R.I. LUCAS: As I indicated earlier, it is the position of Liberal members that we would like to get confirmation from Campbelltown council that it is quite happy for the bill to proceed before a memorandum of understanding has been resolved. I think it is certainly quite possible to interpret the mayor's letter as indicating that that is his view (as the Hon. Sandra Kanck and others have), and I am not disputing that.

Just 20 minutes ago I faxed a letter to the mayor seeking clarification of that and also regarding the council's position on it. If the council comes back to this chamber and says to Liberal members, 'Look, we want the bill passed tomorrow or Thursday of this week without an MOU being signed', then, whilst we do not think that that is the right course, it will be our intention to allow the bill to proceed. I move:

That progress be reported.

The committee divided on the motion:

AYES (10)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I. (teller)
Redford, A. J.	Schaefer, C. V.
Stefani, J. F.	Stephens, T. J.

NOES (9)

Gago, G. E.	Gazzola, J.
Gilfillan, I.	Holloway, P. (teller)
Kanck, S. M.	Reynolds, K. J.
Sneath, R. K.	Xenophon, N.
Zollo, C.	

PAIR

Ridgway, D. W.	Roberts, T. G.

Majority of 1 for the ayes.

Motion thus carried.

Progress reported; committee to sit again.

CRIMINAL LAW CONSOLIDATION (INSTRUMENTS OF CRIME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 October. Page 2841.)

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank honourable members for their indications of support, and I look forward to the speedy passage of the bill. If there are any questions, I will answer them in the committee stage.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.D. LAWSON: Can the minister indicate when it is proposed that this bill will come into operation and whether any other measures need be taken before it can come into operation?

The Hon. P. HOLLOWAY: We are not aware of any reason why we would not bring it into operation after it has been passed. Unfortunately, Mr Goode is advising on the other bill in the other place. Perhaps we could take that as the answer and, if it is anything different, I will correspond with

the honourable member. We believe that there is no impediment for us not to implement this bill or bring it into effect as soon as possible.

The Hon. R.D. LAWSON: It was noted by the Hon. Ian Gilfillan in his contribution on this, and by me, that the Law Society's Criminal Law Committee had not provided any advice in relation to this matter. Can the minister indicate whether the advice or comment of the Law Society was sought? If so, when was it sought? Was any advice obtained from the Society?

The Hon. P. HOLLOWAY: I am advised that comment was sought from the Law Society on 7 October. My advice is that there has been no response.

The Hon. R.D. LAWSON: Can the minister indicate why, when the bill was actually tabled in this place on 6 July, it was not until October that advice was sought from the Law Society?

The Hon. P. HOLLOWAY: I advise that usually we do not seek advice from the Law Society until after a bill has been introduced. Why it has taken that long, I am not sure. This bill has certainly been before the parliament long enough to provide adequate time for comment. I can provide some additional information for the committee. I am always happy to do that. The Legal Services Commission has responded to the bill and it does not express any concern.

The Hon. R.D. LAWSON: I should inform the committee that I am not satisfied with that sort of explanation. This bill was introduced into the parliament in July. The convention is that the government either submits an advance or draft for comment to interested persons or at least, soon after introduction, it seeks comment from the Law Society whose members very generously provide assistance to the parliament. For this to have been introduced in July with no comment sought from the society until October indicates what I would like to terms as a lapse but, unfortunately, it is happening increasingly often when the Attorney does not submit bills of this kind for comment.

This is a highly technical bill. I have had the benefit of a briefing myself from the Attorney's officers, but I should register my own protest, and that of the opposition, to the matter proceeding before we have obtained comment from the Law Society. We have sent it to them asking for their advice. We know that it takes some time usually for the committees of the Law Society to formulate a position. I think that it is unfortunate that we are not treating that body with the respect it deserves, considering the service that it has provided to this parliament over many years.

The Hon. IAN GILFILLAN: I indicate that I had sought leave to conclude on the basis that I was hoping we would have an opinion from the Law Society. I communicated very quickly after that situation was reached, so I assume that either the Law Society felt that there was nothing of particular moment in the bill or it was snowed under with other legislation to assess in the timeframe. I am not detracting from the critical remarks that the Hon. Robert Lawson made, but I am relaxed to the extent that it has knowledge of the bill, at least on my instigation, and it has had the information that I was waiting on it. I assume that it does not regard it as a very high priority for it to assess and it may have had a look at it and had no reason to actually make any comment.

I also endorse the fact that we have come to find the Law Society's contributions very useful, not necessarily totally agreed to by us, but they are indicative of a lot of voluntary contribution to help in the way this parliament deals with legislation. As far as we are concerned, we are content for the process of the committee to go through regardless of the fact that we do not have the Law Society's opinion at this stage.

The Hon. P. HOLLOWAY: In elaboration of the answer I gave earlier, I think the Hon. Robert Lawson in his first question asked when we would bring this bill into operation. Now that Mr Goode is here—he has been more closely involved with the drafting of this bill—I can advise that we will bring it into operation after consultation with the DPP and the police.

The Hon. R.D. LAWSON: I should also indicate that I think the committee owes an apology to the Hon. Ian Gilfillan who (on looking at *Hansard*) sought leave to conclude his remarks prior to the minister's reply.

The Hon. P. HOLLOWAY: When I came into the chamber, I asked whether anyone wished to speak. I must admit that was an oversight on my part. The honourable member had sought leave to conclude his remarks, but I assumed that, because of the lengthy period of time, that had lapsed. I apologise to the Hon. Ian Gilfillan.

The Hon. Ian Gilfillan: Apology accepted.

The CHAIRMAN: The only opportunity the honourable member would have to add anything further to his contribution would be in respect of clause 1. If he does not wish to do so, we will move on.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

The Hon. R.D. LAWSON: This clause inserts a new provision dealing with instruments of crime. 'Crime' is defined as 'an indictable offence against the law of the state or a corresponding offence against the law of the commonwealth, another state or territory, or a place outside Australia'. I have not seen any definition in this bill of the expression 'corresponding offence'. Often that expression is a term of art, and corresponding offences are defined as those which might be proclaimed or identified in some other way. Will the minister indicate what is intended to be conveyed by the expression 'corresponding offence' in the definition of 'crime'?

The Hon. P. HOLLOWAY: I am advised that the honourable member is correct, that this is generally a term of art, whatever that means. I am sure the deputy leader understands what it means. I am advised that it would be foolish to limit the offence to borders, because laundering can of course take place in many forms, and I am sure it would often involve laundering across borders. So this is a device to ensure that there is no escaping the offence just because the laundering takes place across borders.

The Hon. R.D. LAWSON: An 'instrument of crime' is defined as 'property that has been used or is intended for use in connection with the commission of a crime'. When one thinks of instruments in connection with banking documents and the like, it is easy to understand, but is it intended that, for example, a murder weapon could be regarded as an instrument of crime for the purposes of this provision?

The Hon. P. HOLLOWAY: A murder weapon could be regarded as an instrument of crime, but this provision is aimed more at high-value instruments of crime such as a yacht that might be used to peddle drugs involved in laundering. My advice is that that is the principal target of this definition.

The Hon. R.D. LAWSON: I refer again to the definition of 'crime'. The definition includes indictable offences or corresponding offences against the law of a place outside Australia. Is there any other legislation in which such a wide

definition of 'crime' appears? It is of course possible that some jurisdictions might have offences which are not offences under Australian law.

The Hon. P. HOLLOWAY: It is certainly true that this is a very broad measure. We are not aware of any precedent in relation to the application of 'a place outside Australia'. However, I draw to the honourable member's attention that it provides as follows:

(a) an indictable offence against the law of the State or a corresponding offence against the law of the Commonwealth, another State or a Territory, or a place outside Australia;

So, 'corresponding offence' provides some limitation on the scope of the provision.

Clause passed.

Title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

GUARDIANSHIP AND ADMINISTRATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 November. Page 3126.)

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank honourable members for their support for the bill. The Hon. Robert Lawson raised some matters brought to his attention by the Law Society. These issues are currently being examined by the government in the context of the Bidmeade report. The government takes these issues seriously, and they require proper consideration and consultation before the policy is changed. I am informed that the Law Society made a detailed submission to the Bidmeade review, was consulted again and made contributions on the recommendations contained within the report. A reference group has been established to provide advice and oversight to the Mental Health Unit and the Department of Health as it implements the recommendations of the report.

The government is currently in the process of addressing the recommendations raised in the Bidmeade report. The issues the Law Society raises are part of a wide range of issues raised in the report. It is necessary and important that these are dealt with in the broader context of the report as a whole, rather than in any piecemeal fashion. Amending regulations as suggested by the Law Society would have immediate serious financial implications for the Guardianship Board, as well as practical difficulties. The President of the Guardianship Board has informed me that it would have to double the number of psychiatrists presently available to the board. As it currently stands, the bill allows for boards to be constituted as two-member boards, where they currently can be constituted a single-member boards. This increases the flexibility and opportunity to have more members involved in making orders under the Mental Health Act than is currently the case.

Given the ongoing consultation and debate on the Bidmeade report, the government does not consider it appropriate to deal with the matters raised by the Law Society as part of this bill. I urge members to await the outcomes of the implementation of the Bidmeade report and pass the bill without further alteration.

Bill read a second time.

ROAD TRAFFIC (DRUG DRIVING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 October. Page 2816.)

The Hon. CAROLINE SCHAEFER: This bill has been before the other house, and so it is well known that the Liberal Party not only supports the bill but also has been disappointed in the churlishness of the government in that, some two years ago, the member for Schubert (Ivan Venning) introduced a bill which was substantially the same; however, the government refused to address it. It then embraced it as its own and decided that it would introduce the bill as part of its 'get tough on drugs' strategy. There is some disappointment amongst Liberal ranks that, in spite of discussions about bipartisanship, again, the government has used this as an opportunity for further spin.

Drug driving is one of a number of contributors to road deaths in South Australia. Victoria is the first state in the world to trial random roadside saliva drug testing, and results have shown a significant detection rate of drugged drivers. This bill establishes a regime for drug driving that complements the existing drug driving scheme detail with substances which, when consumed by drivers of motor vehicles, create a danger to the drivers and to other users. Therefore, the current offences of driving under the influence of intoxicating liquor or a drug are greatly improved. This new offence will be based on the presence of a prescribed drug in a person's saliva or blood, and THC and methamphetamine are the two drugs being tested for. These drugs are proven to adversely affect a driver's ability. They are not found in any Australian prescription medicines, and they can be reliably detected.

Over the years we have heard various reasons for not testing drug drivers, one reason being the unreliability of testing. That apparently has been fixed in more recent times. I point out that the difference, perhaps, between driving with THC and methamphetamine in one's system is that both are illicit or illegal substances in South Australia and Australia.

The bill proposes that the penalty be the same as the category 1 blood alcohol content offence, which is a maximum fine of $700, with a first offence being expiable. There is a provision for the mandatory disqualification of the defendant's licence, and three demerit points will be attributed to each offence. The drug screening test cannot be undertaken unless an alcotest has first been administered, and drivers who return a positive drug test will be required to provide a second saliva sample. Additional powers will be given to police to prevent any person with a positive alco or drug test from driving for a predetermined period of time. Due to civil liberties concerns, the bill contains provisions to ensure that samples taken under the Road Traffic Act cannot be used for a purpose other than that contemplated by the act—for example, they cannot be used for DNA testing. A review after 12 months of operation of drug testing is required.

As I have said, the opposition strongly supports this bill, because we have been requesting it for the past three years. However, we believe that some amendments are necessary, and we will be seeking to have those amendments successfully passed in this council. We believe it is essential to give police every opportunity to ensure that a reckless person has no chance to climb into a vehicle and drive after they have tested positive for illicit drugs. We believe that our amendments ensure that mixed messages are not sent out to our

youth. Essentially, we will be moving amendments which increase penalties and which give police further rights than they have under the current bill, and we seek the support of other members in the chamber to pass those amendments.

[Sitting suspended from 5.57 to 7.45 p.m.]

The Hon. A.L. EVANS: I support the second reading of this bill. Earlier in the year, the government introduced the Statutes Amendment (Drink Driving) Bill, which sought to implement additional measures to protect South Australian families from people who drive whilst under the influence of alcohol. More particularly, the bill increased the powers of police to test motorists' blood alcohol concentration randomly and empowered police immediately to suspend or revoke a driver's licence for drink driving with a BAC of 0.08 and above. At that time, the Hon. Paul Holloway (Minister for Industry and Trade) drew our attention to the statistics which showed a positive correlation between motorists drink driving and the increased risk of having a motor vehicle accident. Motor vehicle accidents have the potential to cause terrible physical and psychological harm to those involved. The families of those injured—

Members interjecting:

The PRESIDENT: Order! There are too many audible conversations taking place in the chamber. The Hon. Mr Evans speaks very quietly and I cannot hear a word he is saying.

The Hon. A.L. EVANS: The families of those injured may also be detrimentally affected by burdening them with additional roles of caring for and financially supporting an injured family member while they recover from the accident, or worse, on a permanent basis. As a result, motor vehicle accidents have the potential to increase the devastating havoc on affected families. For this reason, I supported the Statutes Amendment (Drink Driving) Bill, and it is for the same reason that I support the second reading of this bill which is currently before the council, namely, the Road Traffic (Drug Driving) Amendment Bill.

Alcohol is not the only drug which, when consumed by drivers of motor vehicles, creates a serious threat of danger, potential for motor vehicle accidents, injury and death to the drivers and other road users. Drug driving is another contributor to motor vehicle accidents, injury and death in South Australia. The problem of drug driving has plagued our state for some time. The government has produced statistics which state that 23 per cent of drivers and motorcycle rider fatalities have cannabis or other drugs present in their blood at the time of the accident.

The government states that the bill introduces a scheme to permit drug testing of drivers using oral fluid and blood, which will complement the existing drink driving scheme. The new offence of driving with a 'prescribed drug' in oral fluid or blood will be inserted into the Road Traffic Act 1961 at section 47BA(1). The result will be a comprehensive regime, and it deals with substances which, when consumed by drivers of motor vehicles, creates a serious and imminent threat of danger to South Australians on the roads.

As I have said, the offence is based on the presence of a 'prescribed drug' in the driver's saliva or blood. The government has decided to tread carefully in this area by defining only two drugs as a 'prescribed drug' at the initial implementation of the scheme. I consider this to be a prudent measure and agree with the government's reasoning for testing only these two drugs. For example, the fact that neither of these two drugs is present in any Australian prescription medicines. They will avoid potential mistaken charges being laid against innocent South Australians. The further reason for initially including only the two drugs as 'prescribed drugs' is the fact that these two substances have the highest incidence, after alcohol, in the blood of fatally injured drivers.

Victoria is apparently the first state in the world to trial random roadside saliva drug testing. New South Wales, Western Australia and Tasmania will follow suit. My constituents would be supportive of implementing protective measures such as the drug driving scheme.

There are safeguards and there is sufficient procedural fairness provided for in the drug driving scheme. Firstly, a driver who tests positive for a prescribed drug will be required to undergo a second test. If the second test returns a positive reading for a prescribed drug, the driver will be interviewed according to normal procedure and the sample will be sent to the laboratory for further analysis. In addition, the driver will be provided with a portion of a second sample which they can have independently analysed. Accordingly, a driver can verify the test results for themselves. This ensures the transparency and integrity of the procedure and the scheme.

I commend the government on its initiative to combine the potential passing of this bill with a public education campaign to warn drivers of the dangers of drugs and driving. I am a firm believer in making the public aware of their responsibilities and the reasons why protective laws such as this are implemented in parliament. In light of the above, while I have yet to consider any potential amendments to the bill, I am at this stage supportive of its second reading.

The Hon. NICK XENOPHON: I rise to indicate my support for this bill and I mirror many of the comments made by the Hon. Andrew Evans which I will not unnecessarily restate. I believe that this bill is overdue in the sense that the issue of drug driving needs to be taken seriously, and the government is doing that by introducing this bill. I indicate also that I believe that the amendments of the Hon. Caroline Schaefer have considerable merit. We know from OECD surveys from the UN World Drug Report that Australia has the highest level of illicit drug use in the OECD, and the figure I have given before in this place of amphetamine use at a 4 per cent prevalence rate for those 15 years and above compared to, for instance, Sweden at 0.1 per cent indicates that we have a very serious problem with amphetamines, particularly crystal meth, and our use of so-called party drugs such as ecstasy is also very much higher than other nations. I note that the prevalence of cannabis for those 15 and above is in the order of about 14 per cent compared to 1 per cent for Sweden, which is at the lowest end of the OECD nations. So clearly this is an important issue.

Whatever one's views may be in relation to the use of drugs, there is clearly a major public health concern, a public safety concern, in terms of their impact on others, and that is why this legislation is very welcome. I note that Victoria was the first in the world to introduce drug driving legislation, according to my colleague the Hon. Mr Evans, and I note that just last weekend the Victorian Premier Steve Bracks spoke about drug driving legislation in that state being extended and strengthened to ensure that the laws would be tougher so that motorists caught driving while under the influence of illicit drugs would automatically lose their licence. That move is being considered by the state government. There is a

comprehensive report to that effect on the front page of the *Sunday Age* of 20 November 2005.

I believe that we can learn from what occurred in Victoria. I understand that there was an episode very early on, and I would like to put the government on notice if it can give an indication about this. As I understand it, there was a problem with an initial prosecution, that there was a problem with respect to the evidence and that a person successfully managed to overturn a conviction or a finding against him. If the government can indicate how this legislation is different in the sense that the testing procedures are more effective and more sophisticated, that would be welcome. I would also like to get some information from the government in terms of the developments, the advances, as I understand it, with respect to the drug testing that occurs. As I understand it, it is even more sophisticated now than it was 12 to 18 months ago when the Victorian legislation was introduced.

With respect to drug driving, I also note that a number of officers will be trained to conduct these tests; however, on the Leon Byner program on Radio 5AA early today Mr Byner suggested that only 20 police officers were to be trained to do this. I would be grateful if the government could confirm how many police officers will be trained in relation to this as well as confirming how many people it is proposing to test in the first, say, six months of operation, the following six months, and then beyond that (because I understand there would be some phasing in regarding this).

I note from the report in the *Sunday Age* that the Victorian police minister, Mr Holding, said that the testing of other illicit drugs would be considered but that the process was 'technology-driven' and had to be proven accurate and timely. So, it would also be appreciated if the government could provide information on what steps would be taken in this regard, what advances it is aware of in relation to the technology, and whether this legislation allows flexibility for further testing of other drugs (which I imagine it would). I think it is important that we know how many people are likely to be tested in the first six and 12 months of operation of this bill.

I welcome the bill. I think this legislation will make a difference in terms of being part of what I hope will be a cultural shift on the use of drugs in the community, a shift in the attitude of those taking substances that are causing harm to themselves and that can potentially cause harm to others in terms of road accidents, so that we see a lesser use of these substances that cause so much harm in the community—harm that is showing up in the emergency rooms of our public hospitals. I support the second reading of the bill.

The Hon. R.K. SNEATH secured the adjournment of the debate.

ADELAIDE PARK LANDS BILL

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. IAN GILFILLAN: I move:

Page 5, lines 31 and 32—

Delete '(recognising that certain uses of the Parklands may restrict or prevent access to particular parts of the Parklands)'

This is an amendment to statutory principle (1)(b), which provides:

. . . the Adelaide Park Lands should be held for the public benefit of the people of South Australia and should be generally available to them for their use and enjoyment (recognising that certain uses of the Park Lands may restrict or prevent access to particular parts of the Park Lands);

Our amendment deletes the words within the parenthesis. It is quite clear to us that there is scope in virtually any legislation which is foreseen to do with the Parklands which recognises that, from time to time, there will be activities on the Parklands which would have the effect of restricting public access. The problem with this sort of phrase is that it makes it an acceptable practice that there will be restricted access to particular parts of the Parklands. We know that. This just encourages an activity which, in our view, ought not be encouraged. We accept that it will occur from time to time; it is not needed in the brackets. That is why we have moved an amendment for it to be deleted.

The Hon. CARMEL ZOLLO: I indicate that the government opposes the Hon. Ian Gilfillan's amendment. As he has said, the amendment attempts to repeal the bracketed part regarding restricted access in statutory principle (b) in relation to the use of Parklands for public benefit. We believe this provision should stay to recognise the practical reality that some parts of the Parklands will not be publicly accessible, especially given that the definition now covers state-controlled areas, such as the Royal Adelaide Hospital and the Police Barracks.

As set out in the second reading, these words simply reflect the reality of managing the Parklands, irrespective of whether you are dealing with areas under state or council care and control. Even if you have the whole area as public space under council control, there will always be instances where public access needs to be restricted or prevented for public safety or for other reasons. For instance, how could you hold a fireworks event without cordoning of an area for the launching of the rockets? Similarly, how could you undertake landscaping works without fencing off the affected area from public access? How could you operate a rail system without restricting public access to the rail lines?

Any deletion of the words in question makes the statutory principle impracticable. In recognition of this principle—namely, that parklands should be generally available for public use—the management strategies are required to explore options for increasing public access for recreational usage. This point was explained in the second reading. If the amendment were successful, it may create confusion and unrealistic expectations about the term 'generally available' in terms of public accessibility to the Parklands. Consequently, the amendment is opposed.

The Hon. CAROLINE SCHAEFER: Initially, I need to say that, with due respect, my difference with the Hon. Ian Gilfillan is that I do not see public parks within a metropolitan area as being the same as conservation parks. I believe that public parks are for the use and enjoyment of the public and, as such, there will certainly always be activities—hopefully, in most cases, temporary activities—within the Parklands that do require some restriction of access. I am quite happy to elaborate, if necessary, but, to be brief, the opposition opposes this amendment. I believe that, without a certain amount of restriction, those Parklands are not then for the use and enjoyment of the general public.

The Hon. IAN GILFILLAN: I recognise that, on a tally, the numbers will probably not go my way. However, I want to emphasise what I think has been a degree of unnecessary emphasis. The wording in paragraph (b) states 'should be

held for public benefit', which no-one would disagree with. It goes on to state 'and should be generally available to them for their use and enjoyment'. Is there anyone in this parliament who does not agree with that? The answer is no, otherwise they should not be considering this bill. So, the word 'generally' means that, from time to time, there will be some restriction, and I acknowledged that when I moved the amendment. However, the words within the parenthesis encourages people to say, 'Well, this restriction practice—this shutting people out and charging entry—is acknowledged in the legislation, therefore we can put a soft term of reference to that.'

I am very sorry that people do not see that the parenthesis adds nothing, except to encourage those people who want to lock up areas of the Parklands and charge for access to it. However, I realise from the way the voices have been to date that the numbers are against me, and I will not divide.

The Hon. T.G. CAMERON: I have a question arising from the contribution made by the Hon. Ian Gilfillan. Surely the government does not have any plans to lock up parts of the Parklands and charge the public for admission.

The Hon. CARMEL ZOLLO: I can advise the honourable member that we have no specific proposals for locking up any further areas in our Parklands. I have previously explained that the words reflect the reality of managing the Parklands because, irrespective of whether you are dealing with areas under state or council control, areas like the Royal Adelaide Hospital or the police barracks would always present instances where public access needs to be restricted or prevented for public safety and other reasons. For example, as I said, how could you hold a fireworks event like the ones we hold on Australia Day or for the Skyshow without cordoning off areas for launching the rockets? Similarly, how could you undertake some major landscape works without fencing off the affected area for public safety, or operate a rail system without restricting public access to the rail lines? Any deletion of the words under question makes the statutory principle impractical. It is for practical reasons.

The Hon. T.G. CAMERON: I thank the minister for her answer that the government has no plans at the moment; however, would the minister be prepared to give the committee an undertaking that this government will not section off any more areas of the Parklands or charge for public admission, etc.? I know that the government has no plans to do so, but is the minister prepared to give a commitment that the government will not do so at some future time?

The Hon. CARMEL ZOLLO: I am afraid I cannot give the definitive answer that the honourable member is looking for because the Parklands definition includes, as I said, state government and council land. They may well need to cordon off areas to do exactly what we were talking about before. I cannot give that guarantee.

The Hon. T.G. CAMERON: So, you are not prepared to give that undertaking?

The Hon. CARMEL ZOLLO: No, I am not able to do that.

The Hon. T.G. CAMERON: Under clause 4(1), which deals with statutory principles, I am a little puzzled because it seems to me that the two paragraphs are somewhat contradictory, and I would like some clarification. Clause 4(1)(a) states:

> the land comprising the Adelaide Park Lands should, as far as is reasonably appropriate—

I always love the way these lawyers word these things—

> correspond to the general intentions of Colonel William Light in establishing the first Plan of Adelaide. . .

We have 'reasonably' as an out, 'appropriate' as an out and 'correspond to the general intentions' as an out. We have three outs in the paragraph, but clause 4(1)(b) continues, and you have to love these lawyers, as follows:

> the Adelaide Park Lands should be held—

The Hon. R.K. Sneath: Academics.

The Hon. T.G. CAMERON: Academics, the Hon. Bob Sneath says; well, we know how much he hates them.

An honourable member interjecting:

The Hon. T.G. CAMERON: I am open to interjections; if that was one I just did not pick it up.

The CHAIRMAN: Order! Interjections are out of order.

The Hon. T.G. CAMERON: If you look at clause 4(1)(a) and clause 4(1)(b), paragraph (b) states:

> the Adelaide Park Lands should be held for the public benefit of the people of South Australia, and should be generally available to them for their use and enjoyment—

then we have the out—

> (recognising that certain uses of the Park Lands may restrict or prevent access to particular parts of the Park Lands);

I am wondering whether the minister, on behalf of the government, could outline to the committee how paragraphs (a) and (b) fit. They seem to be mutually contradictory. In other words, is paragraph (b) saying, 'Yes, we will abide by paragraph (a) and follow it as far as is reasonably appropriate.'? I am not even sure what 'reasonably appropriate' means; then, there is the term 'correspond to'. How does paragraph (b) fit in with paragraph (a)? Does paragraph (b) override paragraph (a)?

The Hon. CARMEL ZOLLO: I am advised that paragraph (a), as a statutory principle, is about the way you define the area on the map, and paragraph (b) is about the public usage of it.

The Hon. T.G. CAMERON: Only a lawyer must have told you that. Only a lawyer could come up with that answer; you wouldn't have. Paragraph (a) states:

> the land comprising the Adelaide Park Lands should, as far as is reasonably appropriate—

We will have to pull a few teeth here, I am sorry, Mr Chairman. I repeat:

> the land comprising the Adelaide Park Lands should, as far as is reasonably appropriate, correspond—

I stop at that point to ask the minister to outline to the committee what the general intentions of Colonel William Light were when he drew up the first plan of Adelaide in 1837. We would then be in a position to compare paragraphs.

The Hon. CARMEL ZOLLO: It is obviously the government's view that Colonel William Light intended for the area surrounding the city to be open space to be used for the enjoyment of its citizens. In the same context, I think Colonel William Light would have also envisaged that some parts of the Parklands would be reserved for government usage, such as the police barracks and Parliament House.

The Hon. T.G. CAMERON: Where on earth did the minister get the view that Colonel Light designed the Adelaide Parklands for the general use of the government? Where did that come from?

The Hon. CARMEL ZOLLO: In the first maps of Adelaide there are clearly delineated areas of government domain usage such as the West Terrace Cemetery, the barracks armoury and the Botanic Gardens. These are

apparently the very first maps that we have from Colonel William Light.

The Hon. T.G. CAMERON: The minister said that Colonel William Light intended the Parklands to be used by the government.

The Hon. CARMEL ZOLLO: As I have said, it is in those first maps.

The Hon. T.G. CAMERON: I should have been a dentist. One almost feels like George Bush trying to open a door that will not open. Every time I ask a question, the door closes. Now that we have come to realise that the government has no idea of the general intentions of Colonel William Light, perhaps we can move on to paragraph (d), which provides:

> The Adelaide Parklands provide a defining feature to the City of Adelaide and contribute to the economic and social well-being of the city in a manner that should be recognised and enhanced.

I assume that the words 'in a manner that should be recognised and enhanced' refer to the public, but it does not say that. Is that what the government intends with this provision?

The Hon. CARMEL ZOLLO: There is nothing unusual about this clause. It talks about recognising the economic and social well-being of the City of Adelaide.

The Hon. T.G. CAMERON: 'In a manner that should be recognised and enhanced'. Are we talking about the government or the public? I think you are referring to everybody.

The Hon. CARMEL ZOLLO: Yes.

The Hon. T.G. CAMERON: Thank you. That is what I was looking for. I am a simple person; I need simple answers to simple questions. I refer to the words 'provide a defining feature'. I think I know what that means, but could we have an explanation?

The Hon. CARMEL ZOLLO: As has already been said by other members this evening, it refers to an iconic public domain space for which the City of Adelaide is recognised around the world.

The Hon. T.G. CAMERON: I am delighted to hear the minister make that statement that the Adelaide Parklands are an iconic feature of the Adelaide environment, but it further puzzles me as to why the minister will not give an undertaking that she will not use them at some future date for commercial activities.

The Hon. CARMEL ZOLLO: I ask the honourable member: what is of concern to him? Is he suggesting commercial use?

The Hon. T.G. CAMERON: Well, any use.

The Hon. CARMEL ZOLLO: We often have temporary use of our Parklands, and that is approved by the local council at the time.

The Hon. T.G. CAMERON: I know that the minister is not responsible for drawing up these clauses. However, paragraphs (a) and (b) are not terribly compatible. I guess I cannot take this any further.

The CHAIRMAN: Order! There is far too much audible conversation in the President's Gallery. When permission to use the President's Gallery has not been sought or given, it is highly disorderly. I need silence in the President's Gallery. I believe that I can now hear the Hon. Mr Cameron.

The Hon. T.G. CAMERON: The problem I have is a conflict between paragraphs (a) and (b). When it states that 'as far as is reasonably appropriate, correspond to the general intentions of Colonel William Light', but we cannot get an undertaking from the government that it will not restrict or prevent access to further parts of the Parklands (they might be sectioned off, people might be charged for admission, or whatever), I am not sure that the Hon. Ian Gilfillan is not partly correct. Whilst we will all support the bill because it protects the Parklands, one wonders whether that is really the crucial issue. It is a question of what protection, how far it goes and how long it will last. Some of us in this place are concerned about that. I am not sure that I can go down this path any further, so I will see whether others have any questions.

The Hon. CARMEL ZOLLO: Perhaps I will attempt to respond one more time. The reason why I cannot give any guarantees is that there will always be perhaps some application for temporary use from the city council. In relation to any development, there are always planning processes. Let us look at expansion of the hospital or the universities. I cannot guarantee that that will not happen in the future. That is the reality.

The Hon. T.G. CAMERON: From the minister's answer, it appears to me that she is saying that, despite the passage of the bill through this place, at some future stage this government may decide to expand the Royal Adelaide Hospital, the Adelaide Children's Hospital, or a whole range of other government buildings, and encroach upon the Parklands. I would be interested hear whether that is the minister's case, and then I would be very interested to hear what the Hon. Ian Gilfillan has to say.

The Hon. CARMEL ZOLLO: Perhaps I should not have opened up this debate. If the honourable member is concerned about any normal development that might occur in the future, I can say to him that it would be assessed as a normal development. It would be within the normal land or footprint of those existing buildings.

The Hon. T.G. CAMERON: Can the minister tell us what she means by 'normal development'?

The Hon. CARMEL ZOLLO: If I can seek the honourable member's indulgence, I think that we could leave that debate until a little further on in respect of the clauses in the bill that amend the Development Act. This issue is probably best explained at that time.

The Hon. T.G. CAMERON: I have no further questions at the moment. One gets a little bored tasting marshmallows for too long.

The Hon. CAROLINE SCHAEFER: Perhaps I can either add to or detract from the debate by saying that, if I were the minister, what I would say to the Hon. Mr Cameron is that one of the statutory principles, if I paraphrase it, is for the use and enjoyment of the public. We already restrict access to the Parklands for events such as the V8s or the horse trials. At some stage, there may be a need to dismantle one or other of those and hold a nice, quiet petanque tournament in the corner. Either way, I do not think that the minister can give the honourable member the guarantee he requires.

Paragraph (e) talks about the contribution that the Adelaide Parklands make to the natural heritage of the Adelaide Plains. Can the minister define what area on a map one would describe as being the Adelaide Plains? My view of the Adelaide Plains is places such as Virginia, where we have horticulture, and I would be most distressed if I thought that this bill applied to my definition of the Adelaide Plains.

The Hon. CARMEL ZOLLO: I am advised that the Adelaide Plains is everywhere from Darlington to the Gawler River and from the coast to the foothills. That is the definition of 'Adelaide Plains'.

The Hon. IAN GILFILLAN: I realise that the amendment may not be successful. I would like to commend the Hon. Terry Cameron for his persistence in trying to obtain

definitive answers to questions relating to the Parklands and realising, with some frustration, that it is impossible. If it is any comfort to him, those of us who really care fervently about the Parklands realise that nothing will be a perfect guarantee. We are moving forward incrementally. I think there is confusion between what are activities which may be only temporary in nature and which exclude the public from the Parklands for a period of time, and sometimes there is a charge for access to those areas.

I feel for the minister who has taken this portfolio, somewhat ill prepared, if I may say so, to even talk about development on extension of hard fabric. There would be people in the streets if there was any hint that the university or the hospital would go onto a wider footprint of the Parklands. I think that, in some ways, there has been some confusion as to what has been implied. There are some motherhood statements but, the Hon. Terry Cameron, I think we need to look at some of the detail and to be grateful that there are some substantial steps forward in protecting the Parklands in this legislation. However, it is certainly not perfect.

The Hon. CARMEL ZOLLO: With all due respect, the Hon. Ian Gilfillan, I think I said 'existing footprint'. However, I will check *Hansard* later.

Amendment negatived; clause passed.

Clauses 5 to 13 passed.

Clause 14.

The Hon. IAN GILFILLAN: I move:

Page 10, line 19—
After 'must' insert:
, within 12 months after the commencement of this section

This amendment is in consequence of the need for a time frame. In clause 14, 'Definition of Park Lands by plan', subclause (1) provides:

The minister must define the Adelaide Park Lands by depositing a plan in the GRO.

My amendment gives a time frame, and that is that within 12 months that plan must be deposited.

The Hon. CARMEL ZOLLO: I indicate that the government agrees with this amendment. I understand that the purpose of this amendment is to have the plan deposited, as has been said, within 12 months of the commencement of the act. While the plan will take time to be prepared because of the need to resolve a number of road and property anomalies with the Surveyor-General and the council and ensuring that a correct schedule of properties is prepared to accompany it, the government's intention is to do this as soon as practicable. Consequently, the government has no objection to this amendment.

The Hon. T.G. CAMERON: I am pleased to hear the minister indicate the government's support for the Hon. Ian Gilfillan's amendment. The amendment commits the government to depositing this plan within 12 months. The minister said that the government is hopeful of being able to do that well within that time frame. As indicated by the amendment moved by the Hon. Ian Gilfillan, he was not confident that the plan would be lodged. I wanted to indicate that I agreed with him and I would have supported his resolution, notwithstanding what the government was doing. However, I am pleased to hear that the government will lodge the plan as soon as possible.

The Hon. CAROLINE SCHAEFER: The opposition supports the amendment.

Amendment carried; clause as amended passed.

Clause 15.

The Hon. IAN GILFILLAN: I move:

Page 11, lines 38 to 40—
Delete subclause (5).

Members will note that the first subclause in this clause provides:

(1) The minister may, by instrument deposited in the GRO, vary the Adelaide Park Lands Plan to ensure consistency with—
(a) the operation of another act (including an act amending another act) enacted after the commencement of this act; or
(b) the operation of a proclamation under chapter 3 of the Local Government Act 1999 made after the commencement of this act.

Subclause (5), which I am moving to delete, provides:

To avoid doubt, nothing in this division requires the minister to take action with respect to any land that is inconsistent with the operation of another act that makes specific provision in relation to the status or use for a particular piece of land.

What we take issue with is that the Parklands have had to play second fiddle (I do not confuse my analogies too much) for 170-odd years, at a net loss of over one-third of its original area.

What we are seeing here is the soft option. As I said to the Hon. Terry Cameron, this is not a perfect piece of legislation, but as a realist I know that small steps forward are better than none, but to let the sacrificial lamb of the Parklands be subject to the impact of any act at any time and, where there is an inconsistency this act will not prevail, is like a surrender before you have even joined the battle. I am really disappointed that the government cannot see that there is absolutely no need to have subclause (5) in this legislation. It is like the other signals to say, 'We like to protect the Parklands, but we will only go so far, and as long as we do not hurt anyone or tread on anyone's toes, or deny ourselves certain steps, then we will surround ourselves with a comfort zone.' This is a comfort zone subclause and it should be deleted.

The Hon. T.G. CAMERON: I agree with the Hon. Ian Gilfillan's statements about subclause (5), but I would go even further and say what I was referring to earlier; that is, it is an opt out or get out of gaol clause. However, I will come at it from a slightly different perspective from the Hon. Ian Gilfillan. Will the minister outline to the committee the purpose of subclause (5)? In other words, what objective is it trying to achieve; and how would the deletion of subclause (5) change the overall intention of the act? Perhaps the minister will comment on whether she agrees with the Hon. Ian Gilfillan; that is, by leaving subclause (5) in, she is weakening the act?

The Hon. CARMEL ZOLLO: Perhaps I will commence with the last question. We do not agree with the Hon. Ian Gilfillan's comments. The government is opposing this amendment. It would appear that the objective for deleting this subclause is to promote this act as peak legislation which is not subservient to any other act. The government believes that is a naive belief. We believe that any amendment should be opposed, as a subclause is required to provide flexibility, if required, to acknowledge special dedications under other acts if a specific conflict arises; for example, the bill being created for the tram corridor through Victoria Square. Another example is the War Memorial's special dedication as a site for the National Soldiers Memorial, which is to be reserved for all time for the said purposes and shall not be used for any other purpose by virtue of the Government House Domain Dedication Act 1927.

We think it is important that, in administering the Parklands legislation and depositing a plan, such arrangements are respected rather than have a potential interpretation arise suggesting that they have to be overridden or abolished. We see this as a precautionary provision, not a system to avoid declaring areas of parkland. Consequently, the amendment is opposed.

The Hon. T.G. CAMERON: I thank the minister for answering part of the three questions that I put forward, but she missed the most important one. Principally, why does the government want subclause (5) in? The minister seems to be relying upon the fact that we need flexibility. Flexibility to do what, minister?

The Hon. CARMEL ZOLLO: I have to advise that the reason is to deal with potential unintended areas of inconsistencies arising from pieces of legislation. As I said previously, we do not want to have the War Memorial Reserve and its status abolished because of an interpretation that we may have to have it as parklands.

The Hon. CAROLINE SCHAEFER: The opposition is opposed to this amendment, but I must say that, the more the minister speaks, the more tempted I am to swap sides. The reason that we are opposing this is that we have had the unhappy experience of seeing legislation such as the River Murray Act which overrides environmental acts. We have had the unhappy situation of environmental acts overriding road transport acts. With this government, the latest and most populist act overrides previous acts. This causes enormous confusion for the people who are trying to be law-abiding citizens and work within the parameters of the laws of the day. We oppose this amendment simply because we think it is much better if people have regard to other acts which may impinge, rather than saying, 'Well, this is better than that one, so we will pick this one and it will be the most important one.'

We oppose the Hon. Mr Gilfillan's amendment because, as I see it, it seeks to make this bill predominant legislation which overrides other legislation. I say that we need to look at current legislation and have regard to that when we make decisions over the Parklands.

The Hon. T.G. CAMERON: I have some empathy with the Hon. Caroline Schaefer's latest contribution but perhaps I could ask the minister, and in so doing perhaps the Hon. Caroline Schaefer would have a look at the precise wording of subclause (1), which says:

> The minister may, by instrument deposited in the GRO, vary the Adelaide Park Lands plan to ensure consistency with (a) the operation of another act. . .

To me that is a bit of an opt-out clause which would enable the government to amend some other act, or you have paragraph (b) by which it could vary the Adelaide Parklands plan. I cannot see how you can interpret subclause (1) as a clause to allow any government to opt out of the plan that it has already deposited with what I would submit is a spurious excuse, and that spurious excuse is that it might offend or overlap or conflict with some other act. I think here we are starting to get to the guts of the situation, and that is whether this government is absolutely committed to the protection of the Parklands. I do agree with what the Hon. Ian Gilfillan and the Hon. Caroline Schaefer say, and my contribution here is not in any way, I hope, being interpreted by them that I am having a go at them or disagreeing with what they have said. If the government is serious that it is absolutely intent on protecting the Parklands, why is it including clauses which allow it to opt out here, opt out there—'vary the Adelaide Parklands plan to ensure consistency with'?

We have all been in this business for a while. You could just about come up with any damn reason to ensure that it is consistent with. One only needs to have a look at what is going on here and with the words used to see that the Hon. Ian Gilfillan is exactly right on this clause, that by leaving subclause (5) in you are allowing and leaving the government in a position whereby at some future date—and we can all use fancy words, and I have seen a black sheep painted into a white lamb in this place, and I will not go on. The Hon. Ian Gilfillan is exactly right. This is an opt-out clause and, without rewriting the entire clause 15, the only way of tidying it up quickly to ensure that this place is not confronted with a situation at some time in the future using those 'including an act amending another act', if you do not delete subclause (5) that is what you are allowing a future Labor and/or Liberal government to do.

The Hon. IAN GILFILLAN: I think the reasons that both the minister and the Hon. Caroline Schaefer have given for having some concern about this can be allayed, not that I believe that they necessarily should be, because were this act to have been introduced in 1840 it would have been a prime and dominant act, subsequent legislation would have needed to fit it in, but this interaction with other acts is really indicating that here comes an act to protect the Parklands but it is not going to discomfort any other legislation, and the wording is transparent right through all those paragraphs. A minister's plan has to ensure consistency with:

> . . . the operation of another act (including an act amending another act) enacted after the commencement of this act.

Then it goes on to local government. I cannot understand because I do not know that particular clause, but there is another qualification. As for (4), it provides:

> . . . any provision made by an instrument under subsection (1), (2) or (3) [of this bill] will have effect according to its terms and despite any other provision of this act.

So the capacity is already in the text of the bill to allow for the concerns and allow the so-called flexibility that the government and the opposition want to feel comfortable about, but (5), and I hardly use the word 'gilding', because gilding is not what I like to say, but it is unnecessary. It is just emphasising. It is almost another encouragement, 'Don't you worry about what impact this legislation will have on any other legislation because we are putting it into this act that it is a second-class piece of legislation and it will bow down before anything else that crops up.' So really (5) should come out if there is to be any dignity left for the implementation of this act.

The Hon. CARMEL ZOLLO: I think I should place on record that the government is committed to a framework for the protection and management of the Parklands. However, we cannot fetter the actions of future parliaments which will affect the Parklands. So consequently this clause 15 is all about the administrative processes which are needed to administer and acknowledge those changes.

Amendment negatived; clause passed.

Clause 16.

The Hon. IAN GILFILLAN: I move:

> Page 12, after line 25—Insert:
>
> (provided that the variation has been made in pursuance of a resolution of both Houses of Parliament in accordance with section 14(5(a))

This is an amendment to slip in between the end of subclause (3) and subclause (4). The principle we are emphasising here

is that any of these decisions in relation to the most precious asset that the people of South Australia have ought to be subjected to the ultimate in the decision-making process: they should not be at the whim of a minister or a determination by way of regulation. Reading from clause 16(3), after 'For the purposes of any other act or law. . . ', it provides:

(a) any land designated in the Adelaide Parklands Plan as being parklands under the care, control and management of the Adelaide City Council. . . will be placed under the care, control and management of the Adelaide City Council . . . will, other than in relation to land held in fee simple, be taken to be dedicated for parkland by force of this subsection. . .

Then in paragraph (b) it provides:

any variation to the Adelaide Parklands Plan that has effect pursuant to this act will, to the extent that the variation removes land from the Adelaide Parklands, by force of this subsection—

(i) revoke any dedication of relevant land as parklands (including a dedication that has effect under another act or has had effect under this act; and

(ii) revoke any classification of relevant land as community land under the Local Government Act 1999.

Honourable members who are following this closely will realise that this variation to the Adelaide Parklands Plan means that there is a risk of diminishing the actual area of Parklands or changing it substantially in its title. That is why we believe that as a safeguard (because this is potential government and city council tinkering with our asset) it should be ratified only after a resolution of both houses of parliament, and that is the effect of the amendment.

The Hon. CARMEL ZOLLO: The government will be opposing this amendment, which will have the effect of varying clause 16(3)(b) so as to involve parliament in any process involving a variation to the plan which removes land from the Parklands. We believe this should be opposed as it is a misunderstanding of the intent of the provision. This subclause, as written, is not a power in its own right; rather it is a legal implication in response to actions elsewhere—some of which are by parliament, as set out earlier in the bill, or by other acts. Importantly, the amendment would mean that parliament could prevent the minister from administratively responding to a requirement to amend the plan in response to a valid process under another statute, such as a road variation under the Roads (Opening and Closing) Act 1991. Consequently, the government will be opposing the amendment.

The Hon. IAN GILFILLAN: While we are discussing this amendment, I point out that clause 16(1) provides:

For the purposes of this division, the Adelaide Parklands Plan may be varied by the substitution of a new plan.

The only reason for substituting a new plan is either, in net, to increase the area of Parklands or reduce it—either way it is reasonable that the elected representatives of the people of South Australia know what change is being made and have a say in that change. That is the purpose and consequence of the amendment before the committee.

The Hon. T.G. CAMERON: The Hon. Ian Gilfillan's amendment says, '(provided that the variation has been made in pursuance of a resolution of both house of parliament in accordance with section 14(5)(a))'. Could the Hon. Ian Gilfillan (or any other member, if they know the answer to the question) let me know where a clause similar to this has been used elsewhere—that is, when really significant legislation has been introduced with the intent of all the parties that it should not be changed, that we tie a clause like this to it so that any change must be by a resolution of both houses of parliament?

The Hon. IAN GILFILLAN: I can answer the Hon. Terry Cameron by referring him to page 11 and the reference I made earlier in the amendment. Clause 14(5) provides:

However—

(a) a variation must not be made under subsection (4) by virtue of which any land would cease to be included in the Adelaide Parklands under the plan except in pursuance of a resolution passed by both houses of parliament. . .

This principle is already accepted by the government in its own bill.

The CHAIRMAN: Item 1 on your *Notice Paper* actually answers your question, Mr Cameron; we have done it today.

The Hon. T.G. CAMERON: Mr Chairman, there are occasions (and you were a wonderful exponent of it when you were on the floor) when you ask questions because you want things in the *Hansard* as a record.

The Hon. CAROLINE SCHAEFER: We will be opposing this amendment. The briefing notes I have (and I would like the minister to expand on this) say that the minister will be making changes that have already been passed by both houses of parliament, thus making this amendment inconsequential. I think the Hon. Ian Gilfillan referred to that in his explanation to the Hon. Terry Cameron, but I would like further detail regarding at what stage these particular changes will have passed both houses of parliament.

The Hon. CARMEL ZOLLO: I advise the honourable member that there are situations which could have the result of making changes which are completely separate from this bill. Then, if parliament has made that decision, you run the risk of parliament passing a resolution under this bill which is in contradiction to what has just been passed.

Amendment negatived.

The Hon. IAN GILFILLAN: I move:

Page 12, line 33—Delete 'a reasonable time' and substitute 'one month'

My amendment is to put a time limit in subclause (5), which provides:

If the minister deposits an instrument in the GRO under this division, the minister must give public notice of that fact within a reasonable time after the instrument is deposited.

'A reasonable time' is the comfortable phrase for everyone, except those who want action. I seek leave of the committee to amend my amendment by substituting 'two months' for 'one month'.

Leave granted; amendment amended.

The Hon. CARMEL ZOLLO: The minister will accept two months.

The Hon. CAROLINE SCHAEFER: Will the minister advise what is the definition of 'a reasonable time'?

The Hon. CARMEL ZOLLO: I am advised that 'a reasonable time' would depend upon the circumstances and would ultimately be for the courts to decide.

The Hon. CAROLINE SCHAEFER: I am certainly not going to put the opposition out on a limb over one month, two months or whatever is a reasonable time, but I think all of us have been in this place long enough to know that under some circumstances one month may be too long, and under other circumstances two months may not be long enough to be reasonable. However, I will accede to the will of the committee. We are about to go into a very unreasonably long break, and I can just see that under circumstances such as that there may be a time when the minister wishes that they had a more

reasonable time than two months. I will not oppose this amendment.

Amendment carried; clause as amended passed.

Clause 17 passed.

Clause 18.

The Hon. IAN GILFILLAN: I move:

Page 14, lines 10 and 11—

Delete', other than a lease or licence that falls within any exception prescribed by the regulations for the purposes of this paragraph'

Paragraph (b) provides:

identify any land within the Adelaide Park Lands—

I remind members that that is the requirement of the management strategy. Clause 18(3)(b) begins:

The management strategy must—

(b) identify any land within the Adelaide Park Lands that is, or that is proposed to be (according to information in the possession of the Authority), subject to a lease or licence with a term exceeding 5 years (including any right of extension), other than a lease or licence that falls within any exception prescribed by the regulations for the purposes of this paragraph;

That is the part to which the amendment takes exception. We have always been suspicious of powers and details that have been left to regulations, unless there is a very good excuse. I am certainly not persuaded that a management strategy is excused from dealing with a lease or licence that falls within any exception prescribed by the regulations. I emphasise that it states 'any exception prescribed by the regulations'. The management strategy does not have to deal with it. Why should it not have to deal with it? It is on the Parklands. That part of the last phrase in that paragraph should be deleted.

The Hon. CARMEL ZOLLO: The government opposes this amendment. This amendment would remove the flexibility of being able to remove by regulation the requirement for the management strategy to report on certain leases or licences. This is required so that burial rites at West Terraces Cemetery do not need to be reported. In addition, over time—

The Hon. Ian Gilfillan: Why shouldn't it be in the strategy?

The Hon. CARMEL ZOLLO: Perhaps I will just finish this. In addition, over time, other leases and licences may come to the authority's attention that it does not see a need to report on as they are irrelevant or already on the public record. For example, certain subleases may not need to be reported, as reporting on the head lease in the management strategy is all that is required to record the degree of alienation of park land. As any such exemptions being sought have to be prescribed under regulation, there will be capacity for parliamentary scrutiny and, ultimately, disallowance. Consequently, the amendment is opposed.

The Hon. IAN GILFILLAN: I want to go back to what I felt was a rather spurious explanation by the government, because it does not support my amendment, talking about some sort of obfuscation. 'The management strategy must'—that is the injunction of the legislation—'identify any land'. That is all it needs to do; it only needs to identify any land. But it is not allowed to identify any land that is under a lease or licence that falls within any exception prescribed by the regulations. Why? It is another example of this lovely little bit of cushion that this timid government—and it does not matter which party it is; it is very timid with the Parklands—creates for itself because it dares not expose itself to having to do something that might marginally be uncomfortable. I cannot even see a marginal discomfort about this. The authority which is being set up to be the supervising body of the Parklands is instructed to establish a management strategy and it must identify land, but it must not identify which is prescribed in a regulation. It is pathetic.

The Hon. T.G. CAMERON: I think we know the reason—it is another 'opt out' clause. As one continues to read through the amendments standing in the name of the Hon. Mr Gilfillan, they could almost be summed up as an attempt to delete the options the government is giving itself to avoid its obligations under its own act. I do not think that I could put it any other way.

The Hon. T.G. CAMERON: Will the government in one or two simple sentences outline why it is opposed to this amendment?

The Hon. CARMEL ZOLLO: Whilst I seek further advice, I think it is important to repeat what I said earlier. The amendment has the effect of removing the flexibility of being able to remove by regulation the requirement for the management strategy to report on certain leases or licences.

The Hon. Ian Gilfillan: 'Identify', not 'report'.

The Hon. CARMEL ZOLLO: Okay. This is required so that burial rites at West Terrace Cemetery do not need to be reported. We seem to disagree on that. In addition, over time other leases and licences may come to the attention of the authorities on which it does not see a need to report as they are already on the public record. I cited as an example certain subleases that may not need to be reported on in the same way as the head lease in the management strategy. That is all that is required to record the degree of alienation of parklands. There is not much more that I can say. This is a reserve power to exclude certain areas that may not need to be included.

The Hon. IAN GILFILLAN: There seems to be a degree of obduracy here, which does not surprise me entirely. The minister keeps using the word 'report'. I read i-d-e-n-t-i-f-y as 'identify', which normally means 'to recognise a fact'. Perhaps the minister can explain what the government means by the word 'identify'.

The Hon. CARMEL ZOLLO: The management strategy is a reporting tool for identifying these lands. So, there is not any huge difference in what we are both saying.

Amendment negatived.

The Hon. IAN GILFILLAN: I move:

Page 14, lines 15 to 17—Delete paragraph (e).

I do not resile from any of these amendments, which are along the same theme. This is an attempt to provide the possibility for white-anting the purposes through regulations. We have a lot of trouble with regulations that do not disclose all the details or the intention. Paragraph (e) is another instruction to the management strategy. It provides that the management strategy must 'be consistent (insofar as is reasonably practicable)'—we know how specific that is—'with any plan, policy or statement prepared by or on behalf of the state government and identified by the regulations for the purposes of this section.' I hope the committee has got the impression that we have no sympathy with this approach. We believe these are escape clauses which soften the cutting edge of meaningful legislation, so we believe these words should be deleted.

The Hon. T.G. CAMERON: Will the minister explain why an eminently sensible provision—'be consistent . . . with any plan, policy' etc.—includes the words 'insofar as is reasonably practicable'? Why did the government insert those words into the middle of this paragraph? Is it another opt-out

clause to allow the government to do what it likes at some time in the future?

The Hon. CARMEL ZOLLO: Perhaps I will respond in general to the Hon. Ian Gilfillan. The government opposes the amendment. It seeks to delete clause 18(3)(e) and removes the flexibility for future governments to prescribe plans or policies as key strategic documents which need to be taken into consideration for the development of the management strategy. It is envisaged that future governments may wish to prescribe documents, such as the State Strategic Plan, or develop key biodiversity, tourism or heritage strategies, which would benefit from being considered in future plans. Consequently, these could be prescribed documents. Any such arrangement involves regulations and, again, there will be the capacity for parliamentary scrutiny and, ultimately, disallowance. Consequently, we oppose the amendment.

In response to the Hon. Terry Cameron, in preparing the management strategy the authority will have to comply with the management arrangement of this bill and other documents as identified in (3)(e). The responsibilities within this strategy would have to prevail.

The Hon. CAROLINE SCHAEFER: The opposition opposes the amendment for the reasons outlined by the minister. I think that we are perhaps beginning to lose the point of the bill—that is, to set up an authority which will develop an overall plan for the administration of the Adelaide Parklands. If I have interpreted it correctly, it is not necessarily a bill for the administration of the Parklands but, rather, for the establishment of an authority to develop plans for the Parklands.

Amendment negatived.

The Hon. IAN GILFILLAN: I move:

Page 15, after line 3—Insert:

(9a) A House of Parliament may resolve to disallow a proposal pursuant to a notice of motion given in the House within 14 sitting days after a copy of the management strategy (with any amendments) is laid before the House under subsection (9).

This inserts new subsection (9a) after subsection (9), which provides as follows:

(9) The Minister must, within 6 sitting days after a proposal is adopted under subsection (8), cause copies of the management strategy (with any amendments) to be laid before both Houses of Parliament.

It is a step forward. I do not even grudgingly acknowledge that, as we have had very few steps forward in dealing with the Parklands in the time I have been involved with them. At least the management strategy would be laid before both houses of parliament, but our amendment allows those houses of parliament to have some scrutiny of and influence on that management strategy. I am not in the least bit concerned about that, because we are bringing parliament into the involvement with this in a way that is much more specific than it has been in the past.

So, the fact that this management plan comes before both houses of parliament (and, as with a regulation, is subject to a disallowance motion) means that the scrutiny is much more specific to that management strategy and that there is the capacity for either house of parliament to disallow. I believe it is a constructive step.

The Hon. CARMEL ZOLLO: I indicate that the government opposes the amendment. As we have heard, it seeks to insert an additional approval step through parliament for the management strategy following adoption by the council and the minister. It may be appropriate for parliament to have some sort of approval role if the management strategy were some sort of statutory instrument, such as the Development Plan (against which planning approvals are assessed), or triggered the raising of a levy, such as certain classes of plans under the NRM Act. However, as its name suggests, the management strategy is only a strategic document developed within the context of and pursuant to the principles of the Parklands legislation. Consequently, it is more akin to the planning strategy under the Development Act and, like the act, should not be subject to further approvals by parliament. We oppose this amendment.

The Hon. CAROLINE SCHAEFER: Would not most changes to the plan be introduced by way of regulation?

The Hon. CARMEL ZOLLO: We are talking about a management strategy, not the plan.

The Hon. IAN GILFILLAN: I indicate that clause 18(8) provides that the minister and the Adelaide City Council must confer on the report and the proposal. It may then adopt the proposal with or without amendment. It is quite a significant decision. The strategy plan is not just a waffly document. These two entities have the capacity, by virtue of this legislation, to adopt the proposal with or without amendment. Our amendment goes one step further in that the parliament itself has the power then to ratify or reject those decisions that were made on behalf of the people of South Australia by the minister and the Adelaide City Council. In many cases—I would say in the vast majority of cases—it would be in information that was received by parliament, and there would be no particular concern one way or the other. However, were there to have been public unrest from some community, or some areas, and there had been campaigning and lobbying and either house of parliament, in its wisdom, saw reasons to disallow—

The Hon. T.G. Cameron: Like the parklands preservation society?

The Hon. IAN GILFILLAN: The Hon. Mr Cameron, there is nothing like the Adelaide Parklands Preservation Association. However, I rest my case. I believe that this is a reasonable extension. Once again, I grudgingly recognise that the former minister, in discussing this matter, indicated (as did the minister in this place) that the government has tentatively looked at some way of parliamentary involvement, and I am suggesting through this amendment that the simplest way is the way in which we deal with a plethora of regulations—by giving a capacity for disallowance. It seems to us to be a very sensible measure.

The Hon. CARMEL ZOLLO: I wish to comment on what the member said. If there is community concern, people can take their concern to the minister rather than the parliament.

Amendment negatived; clause passed.

Progress reported; committee to sit again.

TERRORISM (POLICE POWERS) BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 3027.)

The Hon. R.D. LAWSON: I indicate that the Liberal Party will be supporting the passage of this bill. It is important to set this bill in its particular context because bills of this kind necessarily must strike a balance between, on the one hand, the harm that the bill seeks to prevent, and, on the other hand, the rights of individuals, especially hard won and cherished rights. The context of this bill goes back to the

attack on 11 September 2001, the terrorist attack in New York. Following that and as a response to it, on 5 April 2002, the Council of Australian Governments agreed to establish better coordination between agencies of the commonwealth and the states on terrorism issues. Later that year (12 October), the Bali bombing occurred, a dastardly terrorist act killing 202 people, including many Australians.

A little over a month later (21 November 2002), the Terrorism (Commonwealth Powers) Bill was introduced into the South Australian parliament. That bill was necessary because the commonwealth parliament did not have specific constitutional power to deal with the general area of terrorism; and this parliament passed that bill in December of that year. It became the Terrorism (Commonwealth Powers) Act 2002. It defined terrorist acts as 'an action or threat which is done or made with the intention of advancing a political, religious or ideological cause and with the intention of coercing or influencing by intimidation a government or intimidating the public or a section of the public', and in addition to which 'causes death, serious harm or serious damage to property, creates a serious risk to health or safety, or seriously interferes or disrupts information systems, telecommunication systems, financial systems, essential government services and utilities and transport systems'.

In the years that followed that act, similar state acts were passed and the commonwealth parliament enacted a large suite of legislative measures to address terrorism. They include detention for up to seven days for persons who are not suspected of having committed any specific crime for the purposes of interrogation and for the purpose of interrogation persons who are not themselves suspects. These are serious measures but already exist in the law of Australia. There was a series of laws to similar effect. The Border Security Legislation Amendment Act 2002 dealt with border surveillance, the movement of people and goods and strengthening powers of the Australian customs service. Security Legislation Amendment (Terrorism) Act 2002 inserted new offences into the commonwealth criminal code. For example, engaging in a terrorist act; providing or receiving training connected with a terrorist act; possessing things connected with terrorist acts; selecting or making documents likely to facilitate terrorist acts; and performing other acts in the preparation for or planning of terrorist acts.

This act also empowered the federal Attorney-General to declare prescribed organisations which the United Nations Security Council had identified as terrorist organisations. The third act also passed in 2002 was the Criminal Code Amendment (Anti-Hoax and Other Measures) Act 2002. It expanded offences relating to the use of postal or similar devices to perpetrate hoaxes, make threats, or send dangerous articles. Next, the Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002, which contained offences for international terrorist acts that use explosive or legal devices. This act was passed to comply with Australia's obligations under the international convention for suppression of terrorist bombings.

The next of the 2002 acts was one entitled the Criminal Code Amendment (Espionage and Related Matters) Act 2002. It increased the penalties for offences of espionage and related activities, and expanded the range of activities which may constitute espionage to include situations where persons communicate or disclose information with the intention of prejudicing security or defence, or to advantage the security or defence of another country. Sixthly, the Criminal Code Amendment (Offences Against Australians) Act 2002 made it an offence to murder or intentionally or recklessly cause serious harm to Australian citizens outside of Australia, thereby extending the reach of Australian criminal law.

Again, in 2002, there was the Telecommunications Interception Legislation Amendment Act, which was followed by another piece of legislation two years later—the Telecommunications Interception Amendment Act 2004. Both of these acts extended the availability of telecommunications interception warrants to additional serious offences, including terrorism-related offences. Finally in 2002 there was an act entitled the Suppression of the Financing of Terrorism Act, making it an offence to provide or collect funds for terrorist activities, imposing reporting requirements on cash dealers, and enhancing the ability to share financial transaction reports with foreign countries and agencies. This act was in part-compliance with Australia's obligations under the Resolution on International Cooperation to Combat Threats to International Peace and Security Caused by Terrorist Acts and the International Convention for the Suppression of the Financing of Terrorism.

Then in 2003, the following year, there were five important acts: the Criminal Code Amendment (Hezbollah) Act, the Criminal Code Amendment (Hamas and Lashkar-e-Tayyiba) Act 2003, and the ASIO Legislation Amendment Terrorist Act, which enhanced ASIO's power to obtain a warrant to question and detain whilst questioning persons involved in or who may have important information about terrorist activity. This act allowed for questioning for up to 24 hours, or 48 hours where interpreters were used, or for detention for up to seven consecutive days. There was another ASIO Legislation Amendment Act in 2003, and a Criminal Code Amendment (Terrorist) Act. In the following year, three acts were passed in the commonwealth parliament: the Criminal Code Amendment (Terrorist Organisations) Act, which amended the prescription process by extending terrorist organisations beyond those which the United Nations had so declared. This was introduced because of the long delays in listing Jemaah Islamiyah as a prescribed terrorist organisation.

The Anti-Terrorism Act 2004 extended the Australian Federal Police investigative powers and the investigation period for suspected terrorism offences and gave extra time to conduct international inquiries. This act also creates a difference between questioning for the purpose of investigating offences and questioning for the purpose of gathering intelligence. Finally, there was the Anti-Terrorism Act (No.2) 2004.

I give that long catalogue of commonwealth legislation to illustrate to the chamber the very complex situation with which our national parliament has been faced in dealing with terrorist issues. The states themselves have not been quiet. We are now debating the Terrorism (Police Powers) Bill. It was not introduced in this parliament until 19 October 2005. We are almost the last state to have adopted special measures in relation to police powers to deal with terrorism. Others were far quicker off the mark. The Terrorism (Police Powers) Act 2002 was passed in that year in the New South Wales parliament, and that legislation has been updated more recently. Queensland introduced the Police Powers and Responsibilities Act in 2002. Chapter 4 of that act deals with suspension orders and similar provisions. The Northern Territory has passed a Terrorism (Emergency Powers) Act. The Victorian parliament passed the Terrorism (Community Protection) Act 2003.

Western Australia, like South Australia, was slow off the mark. Indeed, the Western Australian Terrorism (Extraordinary Powers) Bill of 2005 was introduced only on 18 October this year, at around about the same time as the South Australian government introduced this bill into our parliament. Despite the apparently extensive catalogue of laws which the commonwealth parliament and state parliaments have passed, some gaps still remain. It must be said that many of the commonwealth pieces of legislation to which I have referred were emasculated by the actions of a hostile Senate.

There was a meeting of the Council of Australian Governments (COAG) on 27 September this year. It was a special meeting on the subject of counter-terrorism. The Prime Minister, Premiers and Chief Ministers of the states and territories, together with the President of the Australian Local Government Association, issued a communique setting out the agreed outcomes of those discussions. That communique included the following statement:

> COAG noted that in 2002 when leaders agreed to new national investigative powers, state and territory leaders agreed to enact legislation to give effect to measures which, because of constitutional constraints, the commonwealth could not enact.

I mentioned before that the South Australian parliament did enact the Terrorism (Commonwealth Powers) Act in that year. The communique continues:

> . . . including preventative detention for up to 14 days and stop, question and search powers in areas such as transport hubs and places of mass gatherings. COAG noted—

and this is an important point—

> that most states and territories already had announced stop, question and search powers.

However, South Australia had not either enacted or announced additional stop, question and search powers; and, of course, it is that absence which is now being remedied by this bill. Advice tendered to Australian governments was that there remain gaps in the South Australian law. COAG agreed that the following gaps in current state laws needed to be addressed in this state in particular. First, in this state police do not presently have power to conduct door-to-door searches. Currently, their only power under a search warrant is to search a particular person, place or vehicle where they have 'reasonable cause to suspect that it will reveal evidence of the commission of a particular offence'.

So, there are limited police powers. Certain inspectors in South Australia have very extensive powers in relation to search and seizure. For example, under the measures dealing with fruit fly, for 50 years in this state fruit fly inspectors have had the power to stop, question and search vehicles without warrants and without any suspicion of any offence having been committed. That is a power that has been granted to them by statute in this state. Presumably, the reason is that, at the time the South Australian parliament abrogated those common law rights, it was considered that fruit fly represented a very real danger to the economy of this state and to important industries within the state.

The Hon. Caroline Schaefer: And it still does.

The Hon. R.D. LAWSON: Yes, and it still does. I believe that similar considerations apply in circumstances such as we now face. Just as fruit fly represented a very real danger, extensive powers were given to address it. Now, with terrorism representing a very real danger in this country, it is appropriate that we clothe our police with necessary powers to address that issue.

Secondly, police in South Australia do not have power to stop and search, for example, all vehicles of a particular description. For example, they cannot issue a general warning to stop and search all purple-coloured 1975 Falcon motor vehicles: that is simply an order that cannot be issued. Presently, of course, the police do have power to set up a road block, but that is a very crude way of catching a 1974 Falcon and, even at a road block, police can stop, search and detain only if there is 'reasonable cause to suspect that unlawful activity is occurring or has occurred'. So, the police have limited powers. Thirdly, police do not have a general power to detain persons, except in very defined circumstances, for example, where a person is arrested for a specific offence or where a person is under suspicion on reasonable grounds of having committed a serious offence and there are reasonable grounds to suspect that a forensic procedure may produce evidence. In those circumstances, a person may be detained for the purposes of a forensic test.

Fourthly, police powers to cordon off large areas are limited. Police cannot lawfully bar entry to areas, refuse to allow people to pass and repass or require people to undergo, for example, decontamination. It is true that police can set up a crime scene, and they can book someone for entering that crime scene on the basis that they were hindering the police. But police do not presently have the power, for example, to close the City of Adelaide to the entry or egress of individuals; that is simply not a power that is easily available to police. The effect of this bill is to close each of those four gaps, but only to close them in very limited circumstances, that is, the case of an actual or imminent terrorist attack.

The trigger for the exercise of these powers will be what is called a 'special powers authorisation' or a 'special area declaration'. Those authorisations or declarations may be made by the Police Commissioner, and they must be confirmed by both the Minister for Police and a judge of either the Supreme Court or District Court. A special powers authorisation or a special area declaration can be made only by the Police Commissioner or, in his absence, officers of lower rank down successively to superintendent, if the commissioner or his deputies and all assistant commissioners are unavailable.

These special powers authorisations are not at large: they must nominate a particular target, group or place. A special area declaration is a device to give police extra powers in a special area, for example, for the purpose of cordoning off that area. The powers which will be available to police under a special powers authorisation are as follows. First, police may require a person to disclose his or her identity and to provide proof of identity if the officer suspects on reasonable grounds that the person is the target of an authorisation. So, that is a power to require a person to disclose his or her identity and to provide proof of identity.

This is a very serious power. We give this power to road transport inspectors: they are entitled to stop people for merely evading a fare, or suspicion of evading a fare. They are entitled to demand proof of identity. But here we hear people suggesting that we should not give to police, in the case of an actual or imminent terrorist power, the power to require people to produce their identity—something that we already give to not only traffic inspectors and fruit fly inspectors but also a wide range of fishing and other inspectors in this state. Next, under a special powers authorisation, police will be entitled to stop, detain and search persons if the officer suspects, on reasonable grounds, that the person is the target of an authorisation; and if the person is interviewed that interview must be videotaped. The person can only be detained for as long as is reasonably necessary to conduct the

search. As I say, this is not a power to detain people for any length of time beyond as long as is reasonably necessary to conduct the search.

Schedule 1 of the act contains rules for the conduct of searches, including strip searches, and these rules are consistent with current procedures and also with the Criminal Law (Forensic Procedures) Act. I think it is good that the act prescribes and proscribes the way in which searches can be conducted and requires, for example, in the case of searches of females, that a female officer conducts the search. It also requires that people's dignity be respected. Thirdly, police may stop, detain and search a vehicle if an officer suspects on reasonable grounds that it is the target of an authorisation. So here we are giving the police this draconian power, as some describe it—a power which, as I have indicated, is already enjoyed by, for example, inspectors under the act governing the control of fruit fly.

Fourthly, police may enter and search premises which are in an area that is the target of an authorisation. This will allow door to door searches. One can imagine in the case of an imminent terrorist threat or attack that police may have to conduct a door to door search to continue their investigations—and, more importantly, not only to continue their investigations but also to prevent the attack occurring. Fifthly, police may cordon off target areas and refuse entry or egress to and from such areas.

The other form of authorisation, that which is called a special area declaration, will confer the following powers. An airport, railway station, transport terminal, site of a special event or public area where persons gather in large numbers may be the subject of one of these special area declarations. The commissioner must be satisfied that the special area declaration is required because of the nature of the site and the risk of occurrence of a terrorist act. Within that area the police may stop and search persons and their baggage. Under both the special purposes authorisation and the special area declaration, police may seize, detain, remove and guard things which an officer suspects on reasonable grounds may provide evidence of a terrorist act or any other serious offence which is punishable by over five years.

There have been complaints about the powers given to the police under a special area declaration—the power to stop and search. Whilst the cries against this have been loud, in my view people tend to forget that you cannot go into a Woolworths or Coles store, or any supermarket, without subjecting yourself to the right of the checkout girl to inspect your bags. You cannot go to Football Park or Adelaide Oval during a big match and carry in a bag without some security guard, not a sworn police officer or a servant of the state, but some person engaged by the cricket association or the football league, rifling through one's bags, in that case, presumably searching for alcohol or other contraband. Once again, I believe we ought to be looking at these powers in the context of what happens now in real life.

There are important safeguards in this bill and we, in the Liberal opposition, would not be supporting the bill if it did not contain safeguards. The first and major safeguard is that there are very severe limitations on the circumstances in which these special powers can be invoked, and I will come to those in a moment. Second, there are quite severe time limitations on the duration of these special powers. Third, and we believe it is an important provision, the granting of the special powers must be confirmed by both a judge of the Supreme Court or the District Court and also the Minister for Police. Fourth, there are recording and reporting arrangements in relation to these authorisations and declarations. Fifth, also a legislative review mechanism and a sunset clause are in the bill.

First, let me deal with the limits on the exercise of the grant of this power. The circumstances in which a special powers authorisation can be made are very limited. They are that a terrorist act is imminent and that there are reasonable grounds to believe that the exercise of powers will prevent the act. That might be termed a preventative special purposes authorisation. This is a fairly high hurdle to clear. It must satisfy a judge and the minister that a terrorist act is imminent and there are reasonable grounds to believe that the exercise of these powers will prevent the act.

The Hon. Sandra Kanck: That is why they took my name and address last week.

The Hon. R.D. LAWSON: The Hon. Sandra Kanck said, and I am glad to have that interjection on the record, that her name was taken by a policeman outside of a place where the American Secretary of Defence was residing for one or two nights. That is under existing powers of the laws of this land as it stands.

The Hon. Ian Gilfillan: Which law?

The Hon. R.D. LAWSON: If there were no law authorising it, I presume the honourable member did not actually provide the name and address. The second severe limitation on these powers—and this is for another category, not a preventative but investigative special purposes authorisation—is that a terrorist act is being or has been committed and, moreover, there are reasonable grounds to believe that the exercise of these powers will assist in the investigation. This is a pretty serious issue that we are talking about here. Firstly, a terrorist act is in the course of occurring such as in the London bombing or has been committed, but that is not enough. You have to have, in addition to that, demonstrated reasonable grounds to believe that the exercise of these powers will assist in that investigation.

The second limitation on these powers is the duration. A preventative special powers authorisation can only last for up to seven days with the possibility of one extension for a further seven days. This is to prevent the occurrence of an imminent terrorist act. These extraordinary powers can be exercised for up to 14 days.

An investigative special purposes authorisation is one where the act has actually occurred and it is also believed that the order that will assist in the investigation can last for only 24 hours or up to a further 24 hours. These powers can be exercised only for a very limited time and, after the expiration of that time, the police will have to exercise whatever other powers they have under current legislation.

Thirdly, there is the element of oversight by not only the police minister but also by a Supreme Court judge, both of whom must confirm that proper grounds exist for issuing the authorisation. I believe it is important that we have not only a judge—someone who is independent of executive government—but also a minister who is responsible to the parliament and to the people of the state to actually put his or her name on these forms of authorisations, so there is a degree of not only independence but also accountability. Needless to say, whilst it has been suggested by some that any minister will sign whatever declaration you like for fear of a terrorist act occurring, I simply do not believe ministers will be too keen to create the disruption that might occur if one of those orders is granted and to be politically accountable for what it was that motivated him or her to say that there were

reasonable grounds to believe that the exercise of those powers would prevent a terrorist act.

Fourthly, there is the recording and reporting regime in the act. The authorisation must be in writing and must specify in writing the person, the vehicle or area that is the target of the authorisation. It is not possible to give some sort of amorphous direction, not record it and subsequently write it down. This will be required to be stated in a written document, and I do not believe that judges will be easily fooled into accepting propositions that cannot be justified.

After the special purposes authorisation ceases to operate, the Police Commissioner must provide a full report to the Attorney-General and also to the police minister, and the Attorney-General in this bill must, within six months, table the report in both houses. We simply do not accept that the six-month period is appropriate and will be moving an amendment to ensure that the report made by the Police Commissioner to the Attorney-General is tabled in parliament well before that time and in accordance with the usual parliamentary timetable.

The Hon. Sandra Kanck: What happens if parliament is not sitting for 5½ months?

The Hon. R.D. LAWSON: Hopefully that situation will not arise often. It is a situation we are facing at the moment with this government in its attempt to close down the parliament, but we will see about that. We on this side are determined to ensure that this parliament does sit more often than the government wants it to. There is also a provision that the act must be reviewed on the second and fifth anniversaries of its commencement and there is a sunset clause, which means it will be expire after 10 years.

The other protection clause is that parliament at any time can amend or repeal legislation of this kind if it is found to be ineffective. There are other miscellaneous safeguards. In urgent circumstances an authorisation may be given before ministerial and judicial confirmation, but in that event confirmation must be sought as soon as possible and an authorisation ceases to operate if it is not confirmed. Officers exercising powers under this act must, if requested, produce identification, state their name, rank and number.

Persons searched or detained can within 12 months request written confirmation of the fact that a SAD search occurred. Seized items must be returned but can be disposed of only if there is an order of the court. There is no legal challenge to the granting of a special areas declaration or a special powers authorisation, although they may be called into question under the Police Complaints and Disciplinary Proceedings Act 1985. One of the areas that has given us some concern about this legislation—

The Hon. Sandra Kanck: Oh good.

The Hon. R.D. LAWSON: The honourable member rather flippantly interjects, 'Oh good'. I assure the honourable member that my colleagues in the Liberal Party have given this matter close consideration. We do not consider that this is simply a matter of signing off whatever the Premier might have agreed with the Prime Minster. We have examined these issues and weighed them up and we believe on balance that they are appropriate. However, we note that, since this bill was introduced, another bill (the Terrorism (Preventative Detention) Amendment Bill) has been introduced by this government and is presently being debated in another place. That bill seems to have rather more refined provisions relating to judicial oversight than this bill. In committee, we will explore the reasons for that and ascertain the justification for having different judicial oversight regimes in these two measures. We believe there are grounds for arguing that different regimes are appropriate, but we want to see the government place on record its views and its advice in relation to those matters.

Interfering with police in the exercise of their powers under this law, refusing to provide name and identity, or obstructing and hindering police are offences which are punishable by two years' imprisonment or a $10 000 fine. There is provision for inter-force recognition. The Police Commissioner may appoint a member of the Australian Police Force or a member of the Australian Federal Police or a member of another police force who is a recognised law-enforcement officer who may exercise police powers for up to 14 days. Such police will remain under the control and command of the force of which they are a member.

We believe that we in this parliament should be ever vigilant about granting additional powers to police or inspectors of any kind. However, some opponents of this legislation overlook the fact that police and various inspectors already have very extensive powers to require names to be given, vehicles to be stopped and searched, to test for alcohol, to test for drugs, forensic procedures and the like. As I mentioned earlier, bags are searched when entering sporting venues; they are also searched when entering airports or boarding aeroplanes. The community balances that invasion of privacy, that invasion of the integrity of one's own personal property, with the risks inherent in not having those powers exercised.

We do not believe that the powers granted under this bill are either excessive or unwarranted, having regard to the fact that they can be exercised only in extreme circumstances. As the Council of Australian Governments has recognised, terrorism is different from most other criminal activity, and different legal mechanisms must be devised in an effort to address terrorism. There is no point in throwing one's arms in the air and saying, 'We have certain inviolate rights that cannot in any circumstances be vitiated, amended or adjusted. Nor should it be forgotten that, under federal law, federal police, ASIO agents, customs officers and others have very extensive powers under commonwealth laws, laws which they can exercise in South Australia.

In our view it is undesirable to have law enforcement agencies operating in the same environment with differing powers. We do not wish to replicate the situation that has arisen in the United States, for example, where the Federal Bureau of Investigations simply overrides and excludes state police in particular situations. This bill is designed to give the South Australia Police the powers that are now enjoyed in relation to these terrorism matters by most other state police forces—not yet in Western Australia, but soon to be.

One of the drivers of this bill is a desire to have a relatively uniform set of laws across the country so that state and federal officers can work together more easily across state borders; so that anti-terrorism training of officers can be standardised; and so that there is better cooperation across all jurisdictions. Nothing could be more productive of confusion and inefficiency than those officers going from various Australian states to some course on terrorism talking about different powers they can exercise in one state or the other. It is far better to have, as it were, a standard gauge on these issues rather than the different gauges which bedevilled our railway system for 100 years.

The question ought to be asked: are these safeguards adequate? The first-line safeguard is the requirement for both ministerial and judicial confirmation. Both are important. I

think it is worth repeating—I know I have said it before—that confirmation of these orders cannot be given unless the police can satisfy the minister and the judge, first, that there are reasonable grounds to believe that a terrorist act is imminent or has occurred and, secondly, that the exercise of these powers will substantially assist in the prevention or, as the case may be, investigation of a terrorist act.

A cynic might say that ministerial and judicial confirmation are mere window-dressing, and that no minister or judge would ever refuse an application by the Police Commissioner. However, the bill itself imposes stringent conditions. What else can we as a parliament do but lay down the conditions? We should not assume that a minister and a judge will not be diligent and will ignore the law that we are laying down. We should assume that they will, in the honest exercise of their duties, comply with the rules we are laying down here—and they are stringent rules. Moreover, this is emergency legislation. If the occasion of its use ever arises, it is unlikely that there will be time for lawyers' arguments, court cases, appeals and the like. We are talking here about an imminent terrorist attack.

This bill is quite separate from the Terrorism (Preventative Detention) Amendment Bill, which is now being debated in another place. Different considerations apply to this bill from those which apply to that bill. I emphasise that the preventative detention bill, which is now being debated in South Australia and which has been introduced in New South Wales and also in the commonwealth parliament, is a new piece of legislation. However, this police powers bill has already been in operation in New South Wales, substantially in the same terms for three years.

The Hon. Sandra Kanck interjecting:

The Hon. R.D. LAWSON: The mechanism in the New South Wales bill in relation to ministerial and judicial confirmation is the same as that appearing in our bill. There were some doubts about the constitutionality of this bill. I think those doubts, expressed in the newspapers by solicitors-general and others, were more in relation to the preventative detention bill. We are confident—and I am sure there is no evidence that the government has received to the contrary—that this bill will not contravene the constitutional principle against vesting non-judicial functions in courts exercising federal jurisdiction. The High Court has not struck down legislation that allows judges to issue search warrants or authorise telephone interceptions. The power vested in the judges in this bill is a power of a similar nature.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order!

The Hon. R.D. LAWSON: We believe that the bill requires some amendments, in particular the provision for the Attorney-General to have up to six months to report after the receipt of a report from the Police Commissioner. During the committee stage, we will move amendments to ensure that that report is tabled in the parliament earlier. We also believe that it is appropriate to ensure that the editing of the report (which can be done in the interests of national security) is done only if approved by the Ombudsman, some person independent of the Attorney-General, who might be tempted to politically sanitise such a report. We also believe that the provisions can be strengthened by the report of the Commissioner being more fulsome in its description of the extent to which members of the public, businesses and the community generally are inconvenienced or suffer loss or damage in consequence of actions taken under these extraordinary powers.

So, after anxious consideration, we support the second reading. We acknowledge that others have taken a different view. For example, the Law Society has submitted an extensive list of recommendations in relation to the bill. The society's position really is to strengthen the judicial supervision. It prefers a judge to issue the declaration in the first place and not the Commissioner of Police. We do not agree with that proposition. We believe that matters such as identification of imminent terrorist acts, or the requirements to have special measures to investigate terrorist acts, are peculiarly within the province of the Commissioner of Police, and it is entirely appropriate that the initiator be the Commissioner and that the judge and the minister be the confirming parties.

There is a recommendation in relation to the bill from the Law Society I do not quite understand with respect to the regulation making power and the suggestion that the bill provides for matters to be contained in regulations and not in the bill. I ask the minister to mention that matter in his second reading response.

The ACTING PRESIDENT: Order! I am sure that there is a fascinating conversation going on to my left, but I do not think that it is helping the honourable member on his feet very much.

The Hon. R.D. LAWSON: They are discussing the privative clause, which is the matter to which I next turn. This is an objection of the Law Society to clause 25 of the bill. I believe that it is a serious complaint that ought be examined, and we will explore it at the committee stage. However, we do not accept that the limitation on judicial challenges is appropriate. As I mentioned earlier, we take the view that with these orders—which are of a very short duration, and which give police powers for up to 14 days in one case, and up to 48 hours in another case—we should not invite judicial challenge in these circumstances. There is simply not time, although we will be exploring once again in committee the difference between this bill and the preventative detention bill, which confers on persons who are detained rights to challenge, rights to lawyers, and rights for immediate review.

The Law Society also suggests a matter, which we considered within the Liberal Party room, that the bill should provide expressly for a remedy against the state in relation to treatment of persons who are the subject of the powers under this bill. Ordinarily, citizens who are inconvenienced by police investigations are not given a right to compensation. If somebody is murdered out the front of my shop, and the police declare that a crime scene and inconvenience my business, I am not entitled to sue the state for the loss of that business if the police have acted reasonably. That is not a remedy that we give to people in the ordinary course of criminal investigation, and it is not conferred here in relation to these exceptional powers. However, we do note that in the preventative detention bill there is a provision for compensation, and the government will have to explain to the community and the parliament why different considerations apply to this bill. I can assure members of the Law Society that we have considered that particular list of recommendations.

A very extensive paper was produced by the Human Rights Committee of the Law Society, a 23-page document, which points out the international instruments to which Australia is a party, and which argues that this bill in some respects contravenes some of those human rights principles.

Once again, this is a matter to which we have given serious consideration, but it is worthy of note—and we are not at all dismissing the concerns of the Human Rights Committee—that all of the instruments dealing with human rights contain exclusions and exceptions which allow states in exceptional circumstances to take appropriate self-defensive measures. I believe that the best expression of that limitation is contained in a document quoted by the Law Society Human Rights Committee, namely, the Digest of Jurisprudence of the United Nations and Regional Organisations in the Protection of Human Rights While Countering Terrorism. That digest states in part:

> No one doubts that States have legitimate and urgent reasons to take all due measures to eliminate terrorism. Acts and strategies of terrorism aim at the destruction of human rights, democracy, and the rule of law. They destabilise governments and undermine civil society. Governments therefore have not only the right, but also the duty, to protect their nationals and others against terrorist attacks and to bring the perpetrators of such acts to justice.

I emphasis that passage again:

> Governments therefore have not only the right, but also the duty, to protect their nationals and others against terrorist attacks and to bring the perpetrators of such acts to justice.

This bill is an act in pursuance of that right. The same document continues at paragraph 4, as follows:

> Human rights law has sought to strike a fair balance between legitimate national security concerns and the protection of fundamental freedoms. It acknowledges that States must address serious and genuine security concerns, such as terrorism.

I think that is worth repeating: human rights law has sought to strike a fair balance. We believe that this bill strikes a fair balance. The same paper refers to the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and also the American Convention on Human Rights. In relation to those three conventions, the digest continues:

> [They] mandate that certain rights are not subject to suspension under any circumstances. The three treaties catalogue these non-derogable rights. The list of non-derogable rights contained in the International Covenant for Civil and Political Rights includes the right to life; freedom of thought, conscience and religion; freedom from torture and cruel, inhuman or degrading treatment or punishment, and the principles of precision and of non-retroactivity of criminal law. . .

I think it is important to note that this bill does not derogate from those fundamental rights and freedoms. It does not derogate from the right to life, the right to freedom of thought, conscience and religion, freedom from torture and cruel, inhuman or degrading treatment or punishment; nor is it retrospective in its operation. Whilst it is important to point out those important and non-derogable human rights, we simply do not believe that the concerns of the Law Society Human Rights Committee are justified in relation to this measure. We will be supporting the second reading.

The Hon. R.K. SNEATH secured the adjournment of the debate.

MILE END UNDERPASS BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 3028.)

The Hon. CAROLINE SCHAEFER: This bill is necessary to enable the replacement of the Bakewell Bridge. It is understood, I think, by one and all that the Bakewell Bridge is unsatisfactory, unsafe and inadequate. The other reason why the Liberal Party would not oppose this bill is that it is quite historical, in that it is only the second road infrastructure project that this government has put forward in its entirety on its own. Every other road infrastructure project that this government has put forward is merely a continuation of an already started Liberal project. So, in four years, this gives it number two.

The Mile End Overway Bridge Act 1925 (which, as an aside, probably indicates why it is time for a new act) created a road from West Terrace through the Parklands to Henley Beach Road and over the railway lines via an overpass bridge. As the road was specifically created by this act, it cannot be closed under the existing legislation, and the bridge cannot be legally removed without the closure of the roads. This Mile End Underpass Bill repeals the act and enables:

1. The closure of the road over the Bakewell Bridge.
2. The demolition of the bridge.
3. The replacement of the bridge with an underpass.
4. The re-establishment of the road, including a strata of land under Australian Rail and Track Corporation and TransAdelaide land.
5. It allows the Commissioner of Highways to undertake work in the Parklands and on ARTC and TransAdelaide land for the purposes of the project.

The bill defines the underpass project and establishes an underpass construction area, also defined in the schedule to the bill, in which the commissioner may carry out the project. The underpass construction area is a strip of land around Glover Avenue, which is partly in the Parklands, partly on ARTC land and TransAdelaide land in the Adelaide City Council area, and partly on Henley Beach Road in the City of West Torrens. The Highways Act 1926 does not apply to the Adelaide City Council area. The bill therefore allows the commissioner to assume care, control and management, and exercise his powers under the Highways Act 1926 within the underpass construction area, but only for the duration of the project and for the purposes of the project.

The bill does not take any of the Parklands for use as road. However, I understand that the Hon. Ian Gilfillan, in particular, has some concern about the realignment of the roads taking Parklands, so I am assuming that it is one of those occasions when some is taken and some is given back. Glover Avenue, as it currently exists in the Parklands defined in the schedule to the bill, will remain in this location. The bill specifies that the commissioner may only carry out the following works in the Parklands:

1. Temporary works.
2. Roadworks as defined in the Highways Act, in relation to Glover Avenue.
3. Construction of footpaths and bikeways.

The bill allows access to the railway land for the duration of the project for the purposes of constructing the underpass. The commissioner must consult with ARTC and TransAdelaide with a view to ensuring their businesses are not subjected to unreasonable disruption or inconvenience. It also provides for an agreement with ARTC for the management of the interaction between the project works and the business operation of the railways, and compensation for losses incurred by ARTC as a result of the works on its lands. The Liberal Party supports the bill.

The Hon. R.K. SNEATH secured the adjournment of the debate.

AVIAN FLU PANDEMIC

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a ministerial statement on pandemic influenza made by the Minister for Health.

TRANSPLANTATION AND ANATOMY (POST-MORTEM EXAMINATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 November. Page 3059.)

The Hon. SANDRA KANCK: When I read the minister's second reading explanation for this bill, I thought it was an eminently sensible bill and one that would be non-controversial. Obviously it follows from the discovery at a number of our hospitals that children in particular, but all sorts of people, had tissues, organs and various parts of their bodies used to further the cause of medical research. So, the intentions were good, but it caused a lot of grief to families to find that out. One of the issues that have been of interest to me in particular has been the taking of pituitary glands from any bodies that, in turn, were used by the Commonwealth Serum Laboratories to extract human growth hormone, and subsequently we know that that in turn has caused CJD in some people. My sister is one of those people who had human growth hormone and who therefore is at risk of CJD, so I have had a special interest in this particular issue.

As I say, I thought the bill was sensible and non-controversial. However, I have been lobbied and I think probably most other parties and Independents in this place have already been lobbied as well, not so much against the bill but for the bill and to further improve it. I have read the *Hansard* of the lower house debate and I believe that similar arguments were raised there about the need to ensure that people intending to donate organs have, as far as is possible, given fully informed consent. Clearly, given the grief that has emerged out of the knowledge that body parts were used without consent in the past, it is quite essential that people and their families must know what it is they are consenting to. For instance, it is perfectly possible that you or I could indicate that we want to donate a kidney, but there would be very few people who consider what will happen to the rest of the body after they are dead.

They certainly would not be wondering whether or not blood samples, tissue samples, bone samples and so on are likely to be taken from their body and retained, yet that is exactly what happens with an autopsy. Most people who are looking at their future, including their death, are hoping for and anticipating that they will have a peaceful death. It is clearly not within most people's thought patterns to even consider that their body would be subjected to an autopsy. In talking with the lobbyists who want to improve this bill, it appears that the UK legislation is probably what we should be using as the model, because this is a bill that looks at the removal, retention and use of body parts, tissues, bones, etc. It seems a rather stupid thing to retain tissues—blocks, slides, whatever form they are kept as—and then not use them.

There would be a few examples such as in museums or places such as that and perhaps some medical schools where things might be kept in jars for display, but mostly, if you retain these slides and blocks, then it is fairly obvious that you will use them. Therefore, legislation should reflect the three activities, that is, the removal, the retention and the use of tissues and body parts, etc. The design of the consent form is a crucial part of resolving this issue, and ideally I believe it should be part of the bill. For example, in my voluntary euthanasia bill I included as separate schedules thereto the forms that would be completed and signed by the doctor, by the patient and by the witnesses, so that there could be no doubt in anyone's mind what the intention was, what the responsibilities were of the people who would be completing and signing the forms, and what sort of information was sought.

We are in a situation here where apparently the regulations will be used to design the consent form, so we are in one of these modes where I guess it is, 'Trust us. We will get it right with the regulations.' I certainly hope that if this is the path we are going down it will not be included as a schedule and that there will be very wide consultation by the health minister to ensure that we do get this consent form right so that the consent that people or their families give in regard to use of body parts is as fully informed as it possibly can be.

As I say, I read the House of Assembly *Hansard*. The Hon. Dean Brown moved amendments, and the people who have lobbied me about this bill say that they hope those same amendments will be introduced by the opposition in this place. They believe that if those amendments were to be approved by the Legislative Council that would most likely meet most of their concerns.

I also understand that the Hon. John Hill undertook to meet with the opposition health spokesperson between the bill passing the House of Assembly and its coming to the Legislative Council, to see whether those small but really quite significant differences could be resolved in that passage between the two houses. I look forward to hearing, as we progress with the bill, whether or not solutions have been found. I indicate Democrat support for the second reading.

The Hon. R.K. SNEATH secured the adjournment of the debate.

ADJOURNMENT

At 11.23 p.m. the council adjourned until Wednesday 23 November at 2.15 p.m.