

HOUSE OF ASSEMBLY

Tuesday 18 October 2005

The **SPEAKER (Hon. R.B. Such)** took the chair at 2 p.m. and read prayers.

SITTINGS AND BUSINESS

The **Hon. M.J. ATKINSON (Attorney-General)**: I move:

That the sitting of the house be continued during the conference with the Legislative Council on the Statutes Amendment and Repeal (Aggravated Offences) Bill.

Motion carried.

ASSENT TO BILLS

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

Correctional Services (Parole) Amendment,
Dog Fence (Miscellaneous) Amendment,
Superannuation Funds Management Corporation of South Australia (Miscellaneous) Amendment.

GLENELG RIVER SHACKS

A petition signed by 1 824 residents of South Australia, Victoria and visitors to the area, requesting the house to urge the Minister for Environment and Conservation to allow long term tenure and transfer rights of Glenelg River shacks at Donovan's, Dry Creek and Reed Bed, providing owners can meet state government environmental, building and other requirements, was presented by the Hon. R.J. McEwen

Petition received.

PAYROLL TAX

A petition signed by 680 residents of South Australia, requesting the house to urge the government to broaden the current definition of charities with regard to payroll tax to provide tax relief to charitable non-profit organisations providing services to the community in the area of conservation and animal protection, was presented by Mr Scalzi.

Petition received.

CRIME PREVENTION FUNDING

Petitions signed by 455 residents of South Australia, requesting the house to urge the government to increase funding for local crime prevention initiatives and ensure that these programs be financially and administratively accountable and that their aims and objectives are determined through community consultation, were presented by Mrs Hall and Mr Scalzi.

Petitions received.

QUESTIONS ON NOTICE

The **SPEAKER**: I direct that the written answers to the following questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: 571 and 574.

ARTS, FUNDING

571. **Mr HAMILTON-SMITH**: How much funding has been provided in 2005-06 on infrastructure or similar support to independent arts and what are the government's plans in this area?

The **Hon. M.D. RANN**: I have been advised of the following:

In 2005-06 support for independent artists is being provided by Arts SA through a number of funding programs.

Arts SA's Project assistance supports the State's independent arts sector by offering grants to assist professional development, creation of new work and presentation of projects. There are two funding rounds each year, closing in March and September.

In 2005-06 the Project assistance budget allocation is \$1.111 million. This includes: Project assistance (\$863 000), Major Commissions (\$200 000), Short notice grants to artists (\$11 000) and Recording assistance (\$37 000).

In July 2005 Project assistance of \$421 000 was provided to the independent arts sector following assessment of the March 2005 round (funds allocated from the 2005/06 budget). In January 2006 the remaining project assistance funds for 2005-06 of \$442 000 will be provided, following assessment in November 2005.

In addition, the Live Music grants program has a budget of \$150 000.

Independent artists are also supported as a result of the Government's funding of arts infrastructure and service organisations. For example, organisations such as Ausdance, Ausmusic, the Community Arts Network, Craftsouth and the SA Writers' Centre provide advice, networking and training for artists as their core business. The Industry Development (Organisations) budget allocation for 2005 is \$3 166 425. These organisations will be advised of their 2006 funding in the near future.

I must emphasise that while these programs and organisations support independent artists directly, many other organisations offer development, employment and presentation opportunities to South Australian independent artists (actors, dancers, musicians, visual artists, writers, designers etc.) through their programs.

South Australia's many festivals provide valuable audience development and marketing exposure for independent artists as well as arts companies.

Special initiatives such as the Bakehouse Theatre initiative (\$70 000 in 2005) have supported independent theatre practitioners.

Young, emerging and regional artists are also assisted through the funding programs of the South Australian Youth Arts Board (\$147 000) and Country Arts SA.

Over the next two years, in response to the strong message delivered by the arts sector at the 2003 Arts Summit, the Government has committed an additional \$600 000 to programs and initiatives, which will benefit independent artists.

Indigenous artists will benefit from a specific development program to be established as part of Arts SA's Indigenous Arts Strategy, for which \$50 000 per annum has been allocated.

Independent artists will be presented to audiences throughout the metropolitan area through the new *Out of the Square* pilot touring initiative, valued at \$150 000 per annum for 2 years.

574. **Mr HAMILTON-SMITH**: What is the government's future funding commitment to the Australian Dance Theatre over the next four years?

The **Hon. M.D. RANN**: I have been advised of the following:

In 2005, the Australian Dance Theatre will receive grant funding of \$871 153. This funding will be indexed at a rate of 2.5 per cent per annum over succeeding years. In addition, funding to the Australian Dance Theatre is augmented by occasional one-off, special purpose funding. For example, in 2005, the South Australian Government is providing a one-off grant of \$25 000 to assist the Australian Dance Theatre to tour *Held* to the prestigious Théâtre de la Ville in Paris in November. In this case, SA Government funding has been used to lever matched funding from the Australian Council. Beyond 2005, any change in currently budgeted funding for the Australian Dance Theatre would need to be considered through each succeeding year's State Budget process.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

Public Employment, Commissioner for—Report 2004-05

- Remuneration Tribunal, Report and Determination of the—Members of the Judiciary, Members of the Industrial Relations Commission, Commissioners of the Environment Resources and Development Court (No 3 of 2005)
State Emergency Management Committee—Report 2004-05
- By the Treasurer (Hon. K.O. Foley)—
Asset Management Corporation, South Australian—Report 2004-05
Distributor Lessor Corporation—Report 2004-05
Essential Services Commission of South Australia—Report 2004-05
Funds SA—Report 2004-05
Generation Lessor Corporation Report 2004-05
Government Financing Authority, South Australian—Report 2004-05
Lotteries Commission of South Australia—Report 2004-05
Motor Accident Commission—Report 2004-05
Motor Accident Commission Charter
Motor Sport Board, South Australian—Report 2004-05
Parliamentary Superannuation Scheme, South Australian—Report 2004-05
RESI Corporation—Report 2004-05
SAICORP—South Australian Government Captive Insurance Corporation—Report 2004-05
Superannuation Board, South Australian—Report 2004-05
Transmission Lessor Corporation—Report 2004-05
Treasury and Finance, Department of—Report 2004-05
Venture Capital Board—Report 2004-05
Regulations under the following Acts—
Southern State Superannuation—Death Insurance Benefits
- By the Minister for Police (Hon. K.O. Foley)—
Police Superannuation Board—Report 2004-05
South Australia Police—Report 2004-05
- By the Minister for Transport (Hon. P.F. Conlon)—
Regulations under the following Acts—
Motor Vehicles—Prescribed Licences
Passenger Transport—Airport Service Fee
- By the Minister for Energy (Hon. P.F. Conlon)—
CodeRegistrar for the National Third Party Access Code for Natural Gas Pipeline Systems—Report 2004-05
Electricity Supply Industry Planning Council—Report 2004-05
Technical Regulator—Electricity—Report 2004-05
Technical Regulator—Gas—Report 2004-05
- By the Attorney-General (Hon. M.J. Atkinson)—
South Australian Classification Council—Report 2004-05
Statutes Amendment (Relationships) Bill 2004—
Government's Response to the Recommendations of the Twenty-First Report of the Social Development Committee
Summary Offences Act 1953—
Dangerous Area Declarations (Section 83B)—1 April 2005 to 30 June 2005
Road Block Establishment Authorisations (Section 74B)—1 April 2005 to 30 June 2005
Rules under the following Acts—
Coroners—Practice and Procedure
Legal Practitioners—
Renewal of Practising Certificate
Renewal of Practising Certificate Erratum
- By the Minister for Health (Hon. L. Stevens)—
Mallee Health Service—Report 2004-05
Mt. Barker & District Health Services Inc.—Incorporating Mt. Barker District Soldiers Memorial Hospital & Adelaide Hills Community Health Services—Report 2004-05
Naracoorte Health Service Inc—Report 2004-05
Podiatry (Chiropody) Board of South Australia—Report 2004-05
Regulations under the following Acts—
Fire and Emergency Services—General
Health and Community Services Complaints—
Definition of Community Service
By-Laws under the following Act—
South Australian Health Commission—
Board, Central Northern Adelaide Health Service for the Modbury Hospital
Board, Southern Adelaide Health Service for the Flinders Medical Centre
- By the Minister Assisting the Premier in the Arts (Hon. J.D. Hill)—
Carrick Hill Trust—Report 2004-05
History Trust of South Australia—Report 2004-05
Libraries Board of South Australia—Report 2004-05
State Theatre Company of South Australia—Report 2004-05
The State Opera of South Australia—Report 2004-05
Windmill Performing Arts Company—Report 2004-05
- By the Minister for Administrative Services (Hon. M.J. Wright)—
Regulations under the following Acts—
Freedom of Information—Exempt Agencies
- By the Minister for Education and Children's Services (Hon. J.D. Lomax-Smith)—
Development Act 1993—Removal of a Significant Tree at the Norwood Morialta High School—Section 49(15)(a)—Report
- By the Minister for Families and Communities (Hon. J.W. Weatherill)—
Families and Communities, Department of—Report 2004-05
Supported Residential Facilities Advisory Committee—Report 2004-05
- By the Minister for Housing (Hon. J.W. Weatherill)—
HomeStart Finance—Report 2004-05
- By the Minister for Agriculture, Food and Fisheries (Hon. R.J. McEwen)—
Primary Industry Funding Schemes Act 1998—Marine Scalefish Industry Fund—Report 2003-04
Regulations under the following Acts—
Aquaculture—General
Fisheries—
Charter Boat Fishery
Pilchard Fishery Transit Form
Pilchards
Vessel Monitoring Scheme
- By the Minister for State/Local Government Relations (Hon. R.J. McEwen)—
Boundary Adjustment Facilitation Panel—Report 2004-05
Local Government Finance Authority of South Australia—Report 2004-05
Regulations under the following Acts—
Local Government—
Cemetery
Exhumation of Human Remains
Rules under the following Acts—
Local Government—
Superannuation—
Conversion to Cash Option
Employer Contributions
Local Council By-Laws—
District Council of Le Hunte—
No. 3—Local Government Land
No. 4—Permits & Penalties
- By the Minister for Forests (Hon. R.J. McEwen)—
Forestry SA—Report 2004-05
- By the Minister for Consumer Affairs (Hon. K.A. Maywald)—
Regulations under the following Act—

Liquor Licensing—
Golden Grove
Renmark

By the Minister for Science and Information Economy
(Hon. K.A. Maywald)—

Playford Centre—Report 2004-05.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

Mr CAICA (Colton): I bring up the annual report 2004-05 of the committee.

Report received and ordered to be published.

NATURAL RESOURCES COMMITTEE

Mr RAU (Enfield): I bring up the annual report 2004-05 of the committee.

Report received and ordered to be published.

QUESTION TIME

EYRE PENINSULA BUSHFIRES

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the minister representing the Minister for Emergency Services. Given the minister's statement to the house yesterday that on Monday night 10 January he was briefed on 'extreme fire conditions all over South Australia', why did the minister not convene a meeting of the Emergency Management Council, as the Premier did in similar conditions in February 2004? On 13 February 2004, almost a year before the tragic Wangary fire, the Premier and the then minister for emergency services issued a joint media release stating that the Premier had convened a meeting of the Emergency Management Council ahead of the following day's predicted extreme weather conditions. At the time, the Premier said:

The Hon. K.O. Foley: What a silly question, Kero.

The SPEAKER: The Treasurer is out of order!

The Hon. R.G. KERIN: A silly question? It is about time we got some answers. A silly question?

The Hon. K.O. Foley: We handle emergencies pretty well.

The SPEAKER: Order! The Treasurer is out of order and he will be warned in a minute.

The Hon. R.G. KERIN: Obviously he is very sensitive, sir.

Mr BRINDAL: On a point of order, sir: I distinctly heard the Deputy Premier interject on the leader. I did not hear you say that interjections were disorderly. I ask if the standing orders have changed.

The SPEAKER: I warned the Treasurer twice, if the member for Unley was listening. The leader.

The Hon. R.G. KERIN: Thank you, sir. We will try again. At the time, the Premier said:

Mr Koutsantonis: Keep on trying, Kero.

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

The Hon. R.G. KERIN: At the time, the Premier said:

Every second is vital and in the sort of conditions we are expecting tomorrow, the CFS says if it can't control a fire in the first five or 10 minutes, then it will be extremely hard to stop it from doing an enormous amount of damage.

That statement was made at a time when no fire was burning. On 10 January this year, fires on the Eyre Peninsula, at Mount Lofty and in the South-East were raging. The Smith report shows that the government was aware that the following day was expected to be one of the worst fire days on record.

Mr Koutsantonis: They are muscling up again.

The Hon. P.F. CONLON (Minister for Transport): Here we go, we're muscling up. The simple truth is that there are many high fire risk days throughout a summer—that's Australia.

Mr Williams interjecting:

The Hon. P.F. CONLON: You can argue all you like—it is a matter of established fact. We will get you the details from the Bureau of Meteorology. There are many extreme fire risk days every summer.

An honourable member interjecting:

The Hon. P.F. CONLON: Not like that one. In fact, the day that they referred to—

Mr Williams interjecting:

The Hon. P.F. CONLON: This is them being tough, sir. It looks more like rude to me. I really do not know why they torment a nice fellow like me when I am just trying to educate them.

Members interjecting:

The Hon. R.G. KERIN: On a point of order, sir—

The SPEAKER: Order! The chair will bring the house to order first. The house will come to order.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! No, the house will come to order. Members ask questions, presumably, to get an answer. If you cannot hear the answer, the whole process would seem to be redundant. The minister will answer the question; he is trying to.

The Hon. P.F. CONLON: The day that the Leader of the Opposition refers to was the most extreme day we had seen in this state for many years. From memory the forecasts were for 45° temperatures and 80 knot winds. Now that was not the case on 10 January, and I repeat that, if you read Rob Smith's report, he points out that many, many times these predictions of extreme fire danger do not result in that, and you simply cannot—

Members interjecting:

The Hon. P.F. CONLON: I suggest that you read the report. I will come back to this. The Leader of the Opposition may be well connected with those upstairs—and I do not mean the Legislative Council, I mean with those who can dispose of the weather—but if you go to a section of Rob Smith's report, he will tell you that many, many predictions of extreme high fire danger days do not result in that. The Leader of the Opposition was out on this very subject again saying that we refused to answer questions. I have confirmed again with the chief officer of the CFS his advice to me about aerial firefighting being offered to the Eyre Peninsula. He confirmed it again today. Before you waste any more time asking that, I can again say that the CFS confirmed that that was offered. The circumstances are that, if we were going to call a meeting every time there was an extreme high fire danger day, we would do it some 20 or 30 times a summer on average. It is just a silly lack of understanding. But don't get it wrong—what this cheap mob is doing—this is their idea of getting tough—to climb back into politics on the back of people's tragedy, to try and climb back into politics on the back of a tragedy; that is their idea of being tough.

Members interjecting:

The SPEAKER: Order! Does the member for Hammond have a point of order, or is he making another point?

The Hon. I.P. LEWIS: Mr Speaker, quite simply, my point of order is that the material, if you can call it that, being provided to the house is debate and not a response to the question.

The SPEAKER: It was getting into debate. I call the member for Norwood.

Mr BROKENSHIRE (Mawson): I have a supplementary question.

The SPEAKER: I have called the member for Norwood now.

Mr BROKENSHIRE: Sir? I have a supplementary question.

The SPEAKER: I call the member for Norwood.

The Hon. K.O. Foley interjecting:

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

NORTH TERRACE SOLAR PRECINCT

Ms CICCARELLO (Norwood): My question is to the Minister for Environment and Conservation. Can the minister advise the house of the government's progress in installing solar power in South Australia?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Norwood for her question, and I acknowledge her great interest in these issues. I am pleased to provide information to the house as to the government's progress in solarising South Australia. In August this year, 18.6 kilowatt-peak of solar panels was installed on the roof of the State Library. This \$250 000 project has the capacity to produce 28 664 kilowatt hours of electricity every year, which would save 34 tonnes of greenhouse gas emissions annually. These new 116 solar panels signal—

Mr Williams interjecting:

The Hon. J.D. HILL: The member for MacKillop says that it is a waste of money. He says that putting solar panels on our roofs is a waste of money. It is good to see the opposition's position on renewable energy. These 116 new solar panels signal the completion of the North Terrace Solar Precinct—a landmark project, helping to make Adelaide a green city. Solar panels have already been installed at the Museum, the Art Gallery and right here at Parliament House. Before we came to office, under the former government, I am pleased to say that solar panels were also installed at the Adelaide Zoo. The total project now has the capacity to produce 129 265 kilowatt hours of electricity each year. That will save 143 tonnes of greenhouse gas emissions a year.

Recently, new solar power lights were installed in Victoria Square and the Festival Centre Plaza. The Festival Centre lights are shaped like Mallee trees and give a dazzling coloured light show at night. South Australia now has 44 per cent of the grid connected solar power in Australia. I emphasise that—44 per cent. We are well ahead of every other state in Australia in this regard. As well as installing solar power at our cultural institutions, the government is also installing solar power at 250 state schools over a 10-year period; 37 have already been installed. We are also installing solar power at the new Adelaide airport terminal, which will provide a very strong statement to passengers coming into South Australia for the first time.

A very powerful project is being developed by business in South Australia to apply to the federal government's Solar

City grant fund. By installing solar power, the government is showing leadership on climate change, building on South Australia's strong record on wind power, and it is helping to achieve our State Strategic Plan target to have 15 per cent of our electricity coming from renewable energy. In 2008, Adelaide will host the third International Solar Cities Conference.

The Hon. I.P. LEWIS (Hammond): I have a supplementary question. If we assume a depreciation rate of 12.5 per cent and an interest return on capital of 8 per cent, no maintenance costs or other repairs involved, what is the cost per kilowatt hour for the electricity so generated?

The Hon. J.D. HILL: That is, I think, a hypothetical question because a number of assumptions are built into the question itself. However, I am happy to get a report for the member on the cost of power generated by solar—

The Hon. P.F. Conlon: I will get that for you. I will supply it to you.

The Hon. J.D. HILL: The Minister for Energy will happily supply that to me.

PUBLIC SERVICE, SALARIES

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Premier. Why has the number of public servants, whom the Premier and Treasurer referred to as 'fat cats', more than doubled since this government came to power? Under the former (Liberal) government the number of public servants earning more than \$100 000 a year—

Mr Koutsantonis: Same old Kero.

The SPEAKER: The member for West Torrens is on thin ice.

The Hon. M.D. Rann: He wants us to sack the prosecutors.

The SPEAKER: The Premier is also out of order.

The Hon. R.G. KERIN: Under the former (Liberal) government the number of public servants earning more than \$100 000 per annum was 782 as of 30 June 2002. Yesterday's Auditor-General's Report shows that that number has increased by 859 to 1 641, or by 110 per cent, since the Labor government took office. This is despite a promise made before the election to cut the number by 50.

The Hon. K.O. FOLEY (Deputy Premier): I tell you what: I know where 69 of them are. They are in this parliament. Sixty-nine of them are in this parliament, because MPs—

Members interjecting:

The Hon. K.O. FOLEY: They are not in that: it is an additional 69? Maybe they are not in the parliament and they are not in that calculation, but when we came to office the average salary of an MP backbencher was \$96 800. People get pay rises, and on 1 July 2003 the backbenchers' salary in this parliament tipped over the \$100 000 mark to \$100 760. The opposition wants us to get rid of public servants—

Ms CHAPMAN: As interesting as this information may be, it is nothing to do with public servants. We are not public servants.

The Hon. K.O. FOLEY: Politicians can earn \$100 000 but a public servant cannot. Politicians can take home their \$105 000 or \$103 000, the member for Bragg can earn \$100 000, but let us not pay a school principal.

The Hon. R.G. KERIN: On a point of order as to relevance, I was referring to the broken promise, nothing else.

The Hon. K.O. FOLEY: The member for Bragg can earn \$100 000 but a principal or a deputy principal of a school cannot; a senior police officer cannot; a prosecutor cannot; a senior public servant cannot. What a pack of hypocrites, Mr Speaker!

Mr BRINDAL: On a point of order, I submit to you that the Deputy Premier—

Members interjecting:

The SPEAKER: Order! it is impossible to hear the member for Unley.

Mr BRINDAL: The Deputy Premier canvasses debate. No members of this house set their own remuneration and it is not a matter that—

The SPEAKER: Order! It is not a point of order, but the Treasurer needs to focus on the question.

The Hon. I.P. LEWIS: On a further point of order, the Deputy Premier referred to other members in this place as hypocrites. Indeed, sir, I recall that you have named the member for Schubert for doing so and I ask you to now name the Deputy Premier.

Members interjecting:

The SPEAKER: Order! It is inappropriate language to be used in here and the—

The Hon. K.O. FOLEY: I apologise and withdraw. But it is a bit like the pot calling the kettle black. The simple facts are these.

The Hon. R.G. KERIN: On a point of order, the question was quite simple. It was about a broken promise by the Treasurer.

The SPEAKER: Order! That is not a point of order to make.

The Hon. K.O. FOLEY: Wages go up. The simple fact is that the Leader of the Opposition or the member for Bragg is happy to earn \$100 000 a year but a school principal cannot earn \$100 000 a year. The member for Bragg can earn \$100 000 but a senior police officer cannot. The member for Bragg can earn \$100 000 but a prosecutor at Crown Law cannot.

The SPEAKER: Order! The Treasurer will resume his seat.

The Hon. K.O. FOLEY: Not only do they want their subsidised food, but they want their salary as well!

The SPEAKER: The Treasurer will resume his seat. The Treasurer will be named if he tries to speak over the chair. The Treasurer was getting repetitious: he had already made that point about the school principals. There is a limited number of them.

The Hon. K.O. FOLEY: I am having fun, Mr Speaker, because it is an easy question, a lazy question. My advice to the Leader of the Opposition is: get serious. Go and pack in your \$100 000—

Members interjecting:

The SPEAKER: The house will come to order!

The Hon. K.O. Foley interjecting:

The SPEAKER: The house will come to order! I warn the Deputy Premier. When the house is called to order any member who defies the chair risks being named on the spot.

The Hon. D.C. KOTZ: Mr Speaker—

The SPEAKER: I am not recognising the member for Newland until the house comes to order. Members' behaviour is slipping again; they need to be mindful of why they are in here. The member for Newland, do you have a point of order?

The Hon. D.C. KOTZ: Yes, Mr Speaker. I require a point of clarification on your ruling about the word 'hypocrite'. It is my understanding that previously a person was named

because of using that word, which you have said is inappropriate. I would like clarification on whether it is totally unparliamentary, as it was ruled previously, and one of our members was actually removed from the chamber. Regardless, if it is inappropriate, the Treasurer has not made an apology or withdrawn, and I ask you to consider that, sir.

The SPEAKER: Order! The member has made her point. If it is directed at an individual it is strictly unacceptable. If it is a generalised reference, that is not considered in the same light, but it is still unwarranted, unnecessary and not helpful, and the Treasurer has apologised.

The Hon. K.O. FOLEY: I am happy to apologise again, and withdraw. I am deeply sorry; you can't believe how sorry I am.

MURRAY MOUTH, BOAT ACCESS

Mr CAICA (Colton): Can the Minister for the River Murray advise the house what progress has been achieved regarding boating access to the Murray Mouth?

The Hon. K.A. MAYWALD (Minister for the River Murray): Members may recall that on 13 September we announced that the state government was in—

Mr Venning interjecting:

The SPEAKER: The member for Schubert will be able to inspect the river mouth if he is not careful, and he will be able to do it very soon. The Minister for the River Murray has the call.

The Hon. K.A. MAYWALD: Members may recall that on 13 September we announced that the state government was investigating the possibility of providing ongoing boat access to the Murray Mouth. We have been pursuing this extended access for boaters for some time. In fact, earlier this year cabinet approved the expenditure of up to \$380 000 in September to provide access subject to the success of a trial with respect to how we might operate permanent access. As members of this house would realise, when the dredging of the Murray Mouth commenced in October 2002, it was on the basis that it would be required for only a few months when it was expected that the drought would break and there would be sufficient River Murray flows to scour the mouth within months of that commencement.

When dredging began, in order to keep the general public away from the potentially dangerous dredging plant and equipment, a total exclusion zone was gazetted in the vicinity of the Murray Mouth. This was done after considerable consultation with the local community and with the agreement of the Alexandrina Council on the basis that the mouth must be kept open and the inconvenience of the exclusion zone would be for a short time only. However, the drought continued for much longer than could have been imagined and, consequently, the dredging has continued. In recognition of the status of the Lower Lakes and the Coorong as a key recreational and tourism region and of the benefits that this provides to the area, the state government arranged temporary access to the mouth over the 2004 October long weekend and the new year, Easter and October long weekends in 2005.

During this time, the government has been keen to increase access to the mouth, and has worked with the Murray-Darling Basin Commission, which is funding the dredging program to provide greater access for the community. Earlier this year, the government negotiated with the commission to carry out trials of relocatable exclusion zones around the dredges to permit greater access. I am now pleased to advise that the trials carried out during late

September and October—yes, already completed trials—have been extremely successful, and that, as a result, boat users will have access to the Murray Mouth on ongoing basis from 4 November this year until the end of the peak boating season just after Easter in 2006.

Under the new system boat operators will be excluded from a small area immediately around the dredging plants and will navigate past the Murray Mouth at their own discretion—the same situation that existed prior to the dredging commencing. I would like to commend the joint efforts of the Murray-Darling Basin Commission, SA Water and the Department of Water, Land and Biodiversity Conservation, as well as the Alexandrina Council and the community of Alexandrina Council in achieving this excellent outcome for South Australia's boat users and the communities of the Lower Lakes and the Coorong region.

Members interjecting:

The SPEAKER: The member for Mawson is out of order!

HOSPITALS, FLINDERS MEDICAL CENTRE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health explain why an elderly woman with a blocked bowel was not seen by a doctor in the 3½ hours between her arrival by ambulance at the Flinders Medical Centre emergency department and her subsequent death? It is a tragic case indeed. At 2.15 p.m. on 2 October this year, an elderly woman from Belair was diagnosed by her doctor as having a blocked bowel. An ambulance was called and she arrived at the Flinders Medical Centre emergency department at about 4 p.m. The woman died at 7.30 p.m. Her distraught family have informed me that, during the 3½ hours that she was kept waiting at the emergency department, she was not seen by a doctor. The family were with her throughout. Mr Speaker, I think you will agree this is an absolute disgrace.

Members interjecting:

The SPEAKER: That is comment. The Minister for Health.

The Hon. L. STEVENS (Minister for Health): Thank you, sir. I will certainly get a report on that matter.

MERCURY 05

Mr RAU (Enfield): Can the Minister for Police provide the house with an update of Australia's largest anti-terrorist exercise, Mercury 05, and other initiatives in which the state government is working closely with the Prime Minister?

The Hon. K.O. FOLEY (Minister for Police): I think it is fair to say that, putting politics aside, this government has a constructive working relationship with the federal government on a number of issues. With respect to Mercury, I will just briefly update the house. As members are aware, we are currently participating in a multi-jurisdiction—that is, all states and territories—counterterrorism exercise code named Mercury 05. Mercury 05, as we have heard before, is a simulated terrorist attack to test our preparedness for prevention, response and recovery arrangements. Whilst exact details of the simulated attack are confidential, I can inform the parliament—

Ms Chapman: Unless you are on the phone.

The Hon. K.O. FOLEY: I noticed last night that the Prime Minister in Canberra, from memory, had all the TVs in there when he was making a call from the other end. You

know, John Howard one end and Mike Rann the other. Anyway, it is funny that.

The Hon. R.G. KERIN: On a point of order, sir: I think the Treasurer ought to stick to telling the truth.

The Hon. K.O. FOLEY: He has to withdraw that, or move a substantive motion that I have misled the house.

The SPEAKER: That is a reflection by the leader.

The Hon. R.G. KERIN: I want him to withdraw the wrong information he just gave, sir.

The Hon. K.O. FOLEY: No, I want him to withdraw or move a substantive motion charging me with misleading the house.

The SPEAKER: That is a reflection and the leader needs to withdraw that.

The Hon. R.G. KERIN: You are jumping to a conclusion because what I said was—

The SPEAKER: The leader needs to withdraw.

The Hon. R.G. KERIN: I will withdraw, sir, but I made no accusation.

The Hon. K.O. FOLEY: I would like it to be an unqualified withdrawal, sir.

The SPEAKER: No, the leader has withdrawn.

The Hon. K.O. FOLEY: As I said, I saw the vision on television last night. If I am wrong, I may well have seen something others did not, but it looked to me like the Prime Minister did that—but let us move on. Whilst the details are confidential, I can advise the house that a simulated siege is currently under way at the site of the Port Stanvac oil refinery, and the readiness of our hospitals, in particular, to react to a state of alert is being tested. It is very important that we test how our hospitals can respond if an unfortunate incident should occur. But, as I said, a phone hook-up between the—

The Hon. D.C. Kotz interjecting:

The SPEAKER: The Minister for Police will ignore interjections.

The Hon. K.O. FOLEY: Enjoy your retirement, member for Newland, as much as we will enjoy your retirement. Following a telephone hook-up between premiers and the Prime Minister yesterday, a decision was made to raise the national threat level—

Members interjecting:

The Hon. K.O. FOLEY: I'm worried now—to extreme and to declare a national terrorist incident in South Australia for the purpose of the simulation. The important point I would also like to reinforce is that there is a constructive working relationship—albeit with political differences—between the Prime Minister and the Premier and between our government and the federal government. That is why I was a little puzzled that the opposition leader seemed to have a different view of the Prime Minister from us in the government.

The Leader of the Opposition is on the public record as saying that Prime Minister John Howard 'needs a break'. In a newspaper article, he was quoted as saying, 'With the job he's got,' that is, John Howard, 'and the age he is, he needs to have a break.' That is what the Leader of the Opposition said about our Prime Minister. In fact, what he said was—

The Hon. R.G. KERIN: I rise on a point of order, sir. The Deputy Premier is reading a quote from the holiday period and is applying it to now. It is totally out of context, and I think that is—

The Hon. K.O. Foley: No.

The Hon. R.G. KERIN: Sir, I ask you to rule. It is a misleading of the house.

The SPEAKER: The minister is debating the question now.

The Hon. K.O. FOLEY: To put it into context, this is how the paragraph reads:

Mr Kerin said it was difficult to counteract the Government's grip on the media in the lead up to an election. He did not think the Prime Minister would be able to spend much time in South Australia to support his campaign.

Mrs REDMOND: I have a point of order, sir.

The SPEAKER: The answer has little to do with the question.

Mrs REDMOND: That was the point of order, sir, namely, standing order 98 and the relevance of the answer.

The SPEAKER: The Minister for Police needs to conclude the answer.

The Hon. K.O. FOLEY: The important thing is that I think this is an incredible foray into national politics, with the South Australian Leader of the Opposition saying, 'With the job he's got,' that is, John Howard, 'and the age he is, he needs a break.' Fancy the Leader of the Opposition giving John Howard advice! Give me a break!

The SPEAKER: The Minister for Police will resume his seat. He has concluded his answer.

The Hon. R.G. KERIN: Sir, six times today you have warned the Deputy Premier. When does he get named?

The SPEAKER: He was getting very close to being in serious trouble then.

HOSPITALS, FLINDERS MEDICAL CENTRE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My questions are again to the Minister for Health and are again on the same issue I raised a moment ago:

1. Had the Flinders Medical Centre told the minister of this tragic event involving the death of this elderly woman?

2. Why had the minister not had the matter already investigated when she had been previously informed of this death and the circumstances surrounding it?

Mr Brokenshire: Come on; answer the question!

The SPEAKER: Order!

The Hon. L. STEVENS (Minister for Health): Thank you, sir. I have been informed that my office rang the Flinders Medical Centre this morning in relation to this matter. I will get more details for the house as soon as I can. But I would like to point out that every year in health services in our public health system my department advises me that we have about 2.4 million patient contacts.

The Hon. R.G. KERIN: I rise on a point of order, sir. The deputy's question was clearly whether or not she had been informed.

The SPEAKER: The minister is entitled to give some background to the answer.

The Hon. L. STEVENS: Thank you, sir. I think it is important to put this in context. I have been advised by my department that every year—and certainly in the last year—about 2.4 million patients have contact with the public health system in South Australia. Overwhelmingly, those contacts have been positive. In this particular case, obviously a tragedy has occurred. I will get a report for the house as soon as I can.

The Hon. DEAN BROWN: I have a supplementary question, sir. Had the Flinders Medical Centre told the minister of this tragic event? That is what I want to know:

had the Flinders Medical Centre told the minister and her staff of this tragic event?

The SPEAKER: The deputy leader does not have another question. The minister has some flexibility in how she answers. Ministers have always had flexibility; and the minister has indicated she is getting an answer.

The Hon. DEAN BROWN: I have a point of order, sir. That is a supplementary question I am asking of the minister. I am asking for an answer to that supplementary question.

The SPEAKER: The honourable member first said he was making a point of order. Is he or is he not asking a supplementary question? Does the honourable member wish to ask a supplementary question?

The Hon. DEAN BROWN: My supplementary question is: when did the Flinders Medical Centre tell the minister of this tragic event?

The Hon. L. STEVENS: I have just said to the house that I will get a report as soon as I can.

Mr Brokenshire interjecting:

The SPEAKER: Order! If the member for Mawson makes that accusation he has to back it up with a substantive motion. I call the member for Reynell.

Mr WILLIAMS: Sir, I am seeking your clarification. You just told the house that the minister has some flexibility and latitude with respect to the way in which she answers the question. Sir, can you please direct me to the standing order that gives the minister that flexibility? My reading of the standing order is contrary to the direction you just gave to the house.

The SPEAKER: Ministers have always had some degree of flexibility. They may not have the answer immediately to hand. The answer could be no. The member for Reynell.

CARERS AWARENESS WEEK

Ms THOMPSON (Reynell): Thank you, sir. My question is to the Minister for Families and Communities. How is the government recognising the contribution that carers make to our community?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): This is National Carers Awareness Week. In addition to the very important piece of legislation which is presently before the other place and which recognises carers, in the last budget we have contributed a large proportion of the disability services budget to assisting the needs of carers. Part of that \$92 million package was directed at support not only for people with disabilities or illnesses but also at those who care for them.

Today we provided some funding to assist carers conduct a conference which is being held in Adelaide. I had the privilege of opening that conference. The conference was very well attended by carers, service providers, professionals and government agencies to discuss how we can better improve our response to carers. At the opening, we heard from an inspirational woman named Paola Mason, who described her life as a carer from a very young age for her mentally ill mother. It was a very moving presentation from a woman now in her 40s, who documented a life of caring for her ill mother. She not only acted as an interpreter for her Italian-born mother but also struggled to cope, first, with an initial understanding of her mother's illness and, then, how she felt. Certainly, she received no real assistance from the various service providers with whom she came into contact. There was no acknowledgment or financial assistance for her role yet she was absolutely crucial in maintaining her

mother's capacity to live in the community. Paola's story reminds us that younger carers are part of the untold story of the caring community in our state. Of course, we acknowledge that specifically in our carers charter and the Carers Recognition Bill, which is presently before the house.

It is appropriate this week that we acknowledge the massive contribution that an estimated nearly 250 000 carers make to the South Australian community. We know that in the past they have not received the recognition they deserve. It is very important in this important week that we raise the profile of this massive contribution.

HOSPITALS, FLINDERS MEDICAL CENTRE

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is to the Minister for Health on the same tragic death. Did the Flinders Medical Centre inform the minister of this tragic event when her staff contacted the hospital this morning? In answer to my earlier question, the minister said that her staff telephoned the hospital about this death this morning.

The Hon. L. STEVENS (Minister for Health): A member of my staff spoke with the family this morning and certainly expressed my condolences and concern in relation to the issue. The staff member also contacted Flinders Medical Centre. They have been asked to investigate and report to me and the chief executive as soon as possible.

HOSPITALS, REDEVELOPMENT

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is again to the Minister for Health but on a different matter. Why has the Labor government deliberately excluded all 66 country hospitals, servicing a third of the state's population, from any redevelopment work and construction for the next six years? I have been given the minutes of the health portfolio executive meeting and full details of the government's 10-year capital works program for health. The program shows that no construction would occur to redevelop any of the 66 country hospitals until 2011-12 at the very earliest. In other words, a third of the state has been cut out by this Labor government because it does not have seats there.

The SPEAKER: Order! The Deputy Leader—

Ms Rankine: They did nothing.

The SPEAKER: Order! The member for Wright will come to order. The deputy leader was going beyond the rules of question time.

The Hon. L. STEVENS (Minister for Health): Country hospitals have never had better budgets than under this government—absolutely.

Ms Chapman: That's not what they say.

The Hon. L. STEVENS: That is exactly what they say. They have never had better budgets than those which they are receiving under the Rann government.

Mr WILLIAMS: Mr Speaker, I rise on a point of order. This question is specifically about capital works: it is not about recurrent budgets. It is about capital works and the country hospitals which are falling down.

The SPEAKER: Order! That is not a point of order. The member is commenting.

The Hon. L. STEVENS: I might add that the member for MacKillop has benefited in his own community in terms of capital works in relation to the Millicent hospital. However, sir—

Mr Williams interjecting:

The SPEAKER: I warn the member for MacKillop.

Mr Venning: And I haven't got a new hospital at all.

The Hon. L. STEVENS: You certainly need one!

The SPEAKER: The member for Schubert might require some attention in a minute!

The Hon. L. STEVENS: Capital works in terms of health were absolutely disregarded by the former government. Let us talk about the Margaret Tobin Centre at Flinders Medical Centre, which was announced by the deputy leader—not funded, not built, but now being built by us. That is a story that continued right across the state, and particularly in the metropolitan area.

The Hon. DEAN BROWN: Mr Speaker, to my knowledge ministers cannot deliberately misinform the house of facts. The budget documents clearly show that in fact the previous government—

The SPEAKER: Order! If the deputy leader—

The Hon. DEAN BROWN: —spent something like \$50 million more a year on capital works than this government.

The SPEAKER: Order! The deputy leader will not speak over the chair or he will be named. If he suggests or alleges that the minister is misleading the house, he should deal with that in the proper way.

INTERNATIONAL STUDENTS

Ms BREUER (Giles): My question is to the Minister for Employment, Training and Further Education. How many international students have chosen South Australia as their study destination?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): South Australia is experiencing a boom in the growth of international students. The new figures from Australian Education International show that the number of international students in this state rose by 15.5 per cent in 12 months to August compared to the national average of 6.1 per cent. South Australia has now achieved at least double the national average rise in international students for almost three years. By December, South Australia will have a record 17 500 international students studying here. They come from around 130 nations and will inject over \$300 million into the state's economy annually. We believe that they will also support something like 2 000 local jobs, so this is very important for South Australia.

Recent overseas delegations have been flooded with inquiries from overseas students who see South Australia as offering an outstanding opportunity to get the best education, live in this beautiful state, and also be part of the friendly and generous community. The biggest growth in students coming to South Australia is China and India. China is still our leading source country with a 50 per cent rise in students coming to South Australia from China over the year to August. While India comes from a lower base in numbers, there has been a huge 63 per cent rise in students coming from that country in the last 12 months, and it was pleasing to see that increase, as I was there in August last year with representatives from the state's three universities and also TAFE. The contact now between South Australia and the different centres in India has been growing considerably.

The top 10 source countries for students coming to Australia are in order: China, Malaysia, Hong Kong, India, South Korea, Japan, Singapore, Taiwan, Thailand and the United States. Our share of the Australian market is now

5.3 per cent, up from 4.5 per cent in 2003. We are well on track to achieve our South Australian Strategic Plan target of 9 per cent of the national market by 2013.

MENTAL HEALTH

The Hon. I.F. EVANS (Davenport): Will the Minister for Health explain how she expected the Mental Health Unit to recover missing files when neither the minister nor her office advised the unit that the files were missing? Yesterday the minister confirmed to the house that a member of the public who had the files wrote to her six months ago in an attempt to hand back the files. The minister said, 'The Mental Health Unit unfortunately did not follow up on that matter.'

The Hon. L. STEVENS (Minister for Health): As I said yesterday, my chief executive has been instructed to launch an investigation into this matter. He informs me that the investigation is being led by the Chief Medical Officer in conjunction with the department's audit committee and within the parameters that have been discussed with the Auditor-General's office. The real disgrace, though, in all of this, is the fact that the member for Davenport held onto patient files to use them as a political stunt. That is the real disgrace.

The Hon. DEAN BROWN: On a point of order, sir: clearly the minister is now trying to debate the question and that is prohibited under standing order 98.

The SPEAKER: I think the minister is debating.

TOURISM

Mr SNELLING (Playford): My question is to the Minister for Tourism. What are the most popular tourist attractions in South Australia?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for his question about the popular attractions of South Australia. It will come as no surprise to this house to hear that we have many attractions, particularly in the CBD and the city of Adelaide that attract local, interstate and international visitors. For those of you who love Adelaide, it will come as no surprise that the most visited attraction is the Central Market, with 8.5 million visitors in the last year. Putting aside that location, which clearly has many domestic and residential visitors, a survey commissioned by the Tourism Commission locates the most popular sites as those in the city, with 1 021 300 people attending the State Library; 982 500 people visiting the Botanic Gardens; 653 800 attending the Museum; 500 100 visiting the Art Gallery; and 372 800 attending the Adelaide Zoo. These attractions are within easy walking distance of each other, are mostly free, and add to the excitement of the cultural experience of Adelaide.

The other popular visitation sites across the state include 16 regional attractions, which were attended by more than 80 000 people each. It would not surprise people to know that the most popular of these were Belair National Park, Mount Lofty Summit, Morialta Conservation Park and the Mount Lofty Botanic Gardens.

In order to encourage South Australians and their visiting friends and relatives to visit some of these easily accessible destinations, we recently produced our Must See Must Do tourism guide, which I encourage all members of parliament to have in their electorate offices and their homes, because it is a useful guide of things to do. Many of them are free and easily accessible, and they showcase the best, not just for our

own families but for our visiting friends and relatives from interstate and overseas.

Mr SCALZI (Hartley): I have a supplementary question. How many visitors and schools visit Parliament House?

The Hon. J.D. LOMAX-SMITH: That is a fascinating question, but it is not one for which we have documentation. I suggest that the member ask either the Speaker or the President of the Legislative Council because I am sure that that data is available. I am equally sure that, as the Speaker has said, there is an enormous opportunity to enhance that visiting number by improving the quality and quantity of souvenirs and marketing the tours more extensively.

MENTAL HEALTH

The Hon. I.F. EVANS (Davenport): My question is to the Minister for Health. When did the minister's department first become aware that there were mental health files missing in April?

The Hon. L. STEVENS (Minister for Health): As I just said, a full investigation into this matter is under way, and that matter will be looked at in terms of that investigation. Again, I think everyone needs to focus on the person here who is the real disgrace, namely, the member for Davenport, who had the files and refused four times to return them to the appropriate person—

The Hon. R.G. KERIN: On a point of order regarding relevance: the question was purely about when the department knew, not about the rest of it.

Members interjecting:

The SPEAKER: Order! The house will come to order. Members are getting a bit excited about something next year, I think. It must be the Festival of Arts. I call the member for Florey.

LOITERING

Ms BEDFORD (Florey): My question is to the Attorney-General. Can the Attorney-General inform the house whether he has investigated recent calls by the Kerin Liberal opposition to reintroduce loitering laws in South Australia? Does the Attorney-General intend to reintroduce those laws?

The Hon. M.J. ATKINSON (Attorney-General): I was a little bemused by a news release issued by the Hon. R.D. Lawson QC, MP to which the honourable member refers. On 2 October, the shadow attorney-general issued a media release saying that, until the 1970s, police officers had the authority to move people on and, if they refused to do so, they could be charged and taken into custody. The press release said that a future Liberal government would give police the power to direct loiterers to move on. Now that is a policy initiative! The shadow attorney-general also appeared on talkback radio on 5 October, stating:

Previously, police officers were able to move people on. . . if they refused to move on, they could be arrested—what they did—

that is Labor—

was change the law to make it more difficult for police to actually ask people to move on.

It will come as a big surprise to the Leader of the Opposition that not only do we still have the broadest loitering law in Australia, giving police more power than any other police force in any state or territory of the commonwealth, but also last year more than 600 people were convicted of failing to cease loitering in South Australia. I would say that, if the

Hon. R.D. Lawson is right about this one, there are 600 people with pretty good grounds for appeal. The truth of the matter is that the loitering laws really have not gone away at all.

Members interjecting:

The Hon. M.J. ATKINSON: Listen carefully, Kero: 600 people last year were convicted of loitering in South Australia.

The Hon. R.G. KERIN: On a point of order, you just deliberately ignored him defying the chair with personal names.

The SPEAKER: Order! Yes, the Attorney should not use any nickname. I think the Attorney has just about loitered long enough on this question.

The Hon. M.J. ATKINSON: I certainly withdraw the epithet 'Kero', and apologise. It is an urban myth that the Dunstan government abolished the loitering law in South Australia.

Members interjecting:

The Hon. K.O. FOLEY: Sir, if the Attorney-General has to withdraw the use of the word 'Kero', I think the use of the word 'dope' by the Leader of the Opposition is most unfortunate.

The SPEAKER: It is up to the Attorney to take offence if he—

The Hon. M.J. ATKINSON: I am offended, sir.

The SPEAKER: I think the Attorney has concluded his answer.

The Hon. M.J. ATKINSON: No, there is a lot more on loitering. Dame Roma Mitchell's Inquiry into Criminal Law and Penal Methods in South Australia did recommend in 1973 the abolition of the loitering law but the government of the day did not accept the recommendation. The loitering laws in South Australia go back to 1916. They were introduced by a Labor government—Crawford Vaughan's Labor government. The law is associated with vagrancy legislation, and this means that the law probably goes back even further. As I say, last year more than 600 people were convicted in South Australia of failing to cease loitering.

If you look at the statistics from the Office of Crime Statistics here in Adelaide, you will see that hundreds of people are convicted of failing to cease loitering every year in South Australia under this and the previous government. So, when the Leader of the Opposition and the shadow Attorney-General said that loitering laws had been abolished, they were just plain wrong. The shadow Attorney-General in his press release says:

The Summary Offences Act regulates the grounds under which police may ask loiterers to move on. However, at present those grounds do not give police sufficient power to respond to a person who is loitering in a public place but who is not committing or threatening to commit an offence.

This is a very interesting statement:

Loitering means no more than hanging about.

Many members opposite due to lose their seats in a few months would be familiar with the idea of hanging about. Section 18 of the act gives the police wide powers to order people to cease loitering. I will read it for the leader. It provides:

Where a person is loitering in a public place or a group of persons is assembled in a public place and a member of the police force believes or apprehends on reasonable grounds. . . the member of the police force may request that person to cease loitering or request the persons in that group to disperse, as the case may require. . . A person of whom a request is made under subsection (1) must leave

the place and the area in the vicinity of the place in which he or she was loitering or assembled in that group.

Certainly, police have sufficient power to respond to a person who is loitering in a public place. We have a leader of the opposition trying to say that former Labor Premier Don Dunstan abolished the loitering laws, and a shadow attorney-general trying to claim that we do not have an anti-loitering law in South Australia, when, in fact, we have a specific anti-loitering law, and last year more than 600 people were convicted of it.

PUBLIC SERVICE, SALARIES

Ms CHAPMAN (Bragg): My question is to the Minister for Education. Why has the number of public servants on \$100 000 plus per annum in the Education Department doubled in the past 12 months from 200 to 409, and how many of those 409 are classroom teachers?

Members interjecting:

Ms CHAPMAN: What's your salary, Treasurer? I think you are taking the question.

Members interjecting:

Ms CHAPMAN: The opposition is not aware of any classroom teachers who earn more than \$100 000. In fact, the highest pay level for classroom teachers is currently \$65 000, and deputy principals are on just over \$70 000 per annum.

The Hon. K.O. FOLEY (Treasurer): As I said before, the member for Bragg is happy to take home her \$100 000 per year; she is happy to get her taxpayer subsidised meals in this place—

The SPEAKER: Order! the Treasurer is repeating the same answer he gave before. Does he have a new answer?

The Hon. K.O. FOLEY: Yes, I do, sir. She is happy to take her free air travel around the world; she is happy to take her car—

Members interjecting:

The SPEAKER: Order! The Treasurer—

The Hon. K.O. FOLEY: —but let's not have a principal—

The SPEAKER: Order! The Treasurer will resume his seat. I think I have heard that before. The member for Heysen.

TEENAGE DRUNK DRIVER

Mrs REDMOND (Heysen): My question is to the Minister for Families and Communities. Will the minister inform the house what steps his department took to ensure that the teenage drunk driver who killed a motorcyclist was protected from himself and that the community was protected from him before he took to the roads drunk and in a stolen car? The teenager in question was a ward of the state, had a long history of drug and alcohol abuse and was on bail. Case notes show that he was also suicidal and had reading and writing difficulties.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for her question. I preface my remarks by saying that there are at least three reasons why I cannot go into many of the specifics of this matter: first, the Child Protection Act; second, a suppression order that governs this matter; and I also understand that the DPP is presently considering the possibility of an appeal in relation to this matter. We are also in this case dealing with a particular tragedy, and I think it is appropriate that the first thing we do before answering a

question of this sort is extend our sympathies to the Miller family for their appalling loss.

In terms of our government's policy in relation to children in our care, we accept that we have the role of parent. We accept that we have responsibilities as a parent for those children when they are in our care. In relation to that policy, we have backed that up with dollars. We have backed it up with an extra \$210 million into our child protection system, a goodly proportion of which is going into that system of protecting guardianship children and the services that are provided to them. I cannot talk about the individual case, but I can say that the difficulties of teenagers' behaviour, especially those teenagers who have been the subject of abuse and neglect and who may themselves be the subject of other difficulties around drug and alcohol abuse or, indeed, mental or psychiatric illness or intellectual incapacity, are amongst the most difficult and perplexing issues for government to deal with.

Our responsibilities are, of course, to engage with those young people and provide the relevant services to them. There is a particular difficulty associated with those young people who will not engage with our services, and that issue has been the subject of some recent debate before the Mullighan inquiry, and we fully expect that Commissioner Mullighan will report to us about those matters. It is a tragic case, and I extend my sympathies to the family. We recommit ourselves to our policy of providing the appropriate services to children in our care.

MEMBER FOR UNLEY

Mr BRINDAL (Unley): I seek leave to make a personal explanation.

Leave granted.

Mr BRINDAL: Following consultations with my wife and family and friends, and notwithstanding the strong and enthusiastic encouragement that I have had from so many people to continue in the service of South Australia in this parliament, I wish to advise this house that I will not be seeking election in any capacity at the next election. I am confident that I will be able to explore my reasoning in the next few weeks.

SMALL BUSINESS WEEK

The Hon. K.A. MAYWALD (Minister for Small Business): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: Last week the inaugural Small Business Week took place across South Australia. This event was an initiative of the Small Business Development Council. Its objective was to provide opportunities for small business to come together and network, to share stories of challenges and achievements, and to learn from leaders in their field. Small Business Week provided exposure to services available to small business from the state government and other service providers, including the Business Enterprise Centre and Regional Development Board networks. Small Business Week also engaged small business with the aims and objectives of South Australia's Strategic Plan.

This event was an outstanding success. From the conference and expo in Adelaide to events held across the regions, Small Business Week has proven to be a popular and positive experience for small business operators. The conference and expo held in Adelaide on 9 and 10 October 2005 showcased a series of key speakers who provided the some 500 participants with excellent tools for business growth and generously shared their highs and lows in their own work life. From Bob Pritchard to Peter Switzer to Dorinda Hafner, these speakers encouraged and inspired their audience. Workshops throughout the two-day conference reinforced the messages being expressed by the keynote speakers, with feedback from participants being extremely positive. Sponsors and operators who set up displays at the expo were also very well attended.

Throughout the remainder of the week, local events were held across the state. I wish to place on the record my appreciation for the work of the excellent teams in the Business Enterprise Centre and Regional Development Board networks, for their enthusiasm and energy in putting together some outstanding programs. Both the BECs and the RDBs worked hard to present events which were relevant to their business community and provide advice and information which would be useful to the event's participants. Approximately 1 500 people attended these events. Key events across the week included home-based business seminars, high impact marketing for small business, motivation and regional business success, to name but just a few.

South Australia has been chosen to host next year's national Small Business Development Conference, which is expected to attract more than 200 delegates. This conference will be held during the 2006 Small Business Week. Setting the backdrop for this year's inaugural event is the recent release of the August Sensis Business Index, which indicates that business confidence in South Australia has improved strongly during its three month survey period, to be the second highest for any state or territory. Significantly, the survey also indicates that business confidence in regional South Australia more than doubled in the survey period. With \$1 million being invested over four years for Small Business Week, I am sure that future events will be just as popular as this year's. I wish to thank the members of the Small Business Development Council for their strong commitment to this event, the BEC and RDB networks for their hard work in putting together events in their community, and staff at the Department of Trade and Economic Development for making Small Business Week 2005 an outstanding success.

GRIEVANCE DEBATE

HEALTH, CAPITAL WORKS PROGRAM

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I wish to grieve about the issue I raised in question time today concerning the fact that I have been given the health portfolio executive meeting minutes and full details of this Labor Government's 10-year capital works programs for the health area. In going through all of these spreadsheets, which outline the capital works program for the next 10 years and beyond, it is interesting to see that this Labor government has deliberately excluded all 66 country hospitals, servicing a third of the state's population; in other words, because the country areas, with the exception of Whyalla, are all represented by non-Labor members of parliament. I think it is

quite discriminatory to say, 'Here we are, a Labor government, but, for the next six years, there will not be any new construction redevelopment across our 66 country hospitals.' That is a disgrace and a direct discrimination against the country people of South Australia. I would like to touch on that issue in more detail, because it affects a whole range of areas here in South Australia.

When I raised this point in question time, the minister prattled on, as she does, about what a marvellous job they are doing in terms of construction work in hospitals. The fact is that in the last couple of years this government has been spending about two-thirds of what the previous government spent on its capital works. I highlight that we spent \$147 million. In the year before last, this government spent only \$90 million. In fact, \$35 million of the money allocated for capital works was not even spent by the government, even though there is a huge need for it in country hospitals. It is interesting to go through this because, apart from those projects that have been announced and are well under way already—and they include Murray Bridge (started by the previous government) and aged care projects at Millicent, Kapunda and Port Pirie, all of which have been delayed significantly by this government—no new projects or construction are due to start in the next six years.

I wonder what the member for Giles thinks about that, because country hospitals in her area, such as Roxby Downs, would hope to be redeveloped. I know that they would like to spend some money at Whyalla Hospital and at various other hospitals, such as Oodnadatta. The member probably does not know this, but I can tell her that her own government's 10-year program does not allow any construction money to be spent on country hospitals over the next six years. In fact, the hospital at the top of the priority list is at Naracoorte. The papers show that no construction redevelopment will be started at that hospital until late 2011, and that is at the top of the priority list for the country areas, according to this Labor government.

In the Barossa Valley, we know that under a Liberal government construction would have started this year but, under this Labor government, nothing is planned for the Barossa Valley. There is no commitment for funding, and it does not even show up on the radar until about 2014; even then, there is no commitment to funding. You can go right through the state—from Eyre Peninsula and Yorke Peninsula to the Mid North, the Far North and places such as Hawker and Quorn. Jamestown Hospital has been crying out for funds to be spent, but no money at all has been allocated to it. You can go through the South-East, the Riverland and the Mallee to my own area of the Hills Mallee, and you will find that no money whatsoever is to be spent there. It is an absolute disgrace, especially considering the fact that these documents I have show that 72 per cent of hospital buildings in this state are over 25 years old or more.

H²O YOUTH GROUP

Mrs GERAGHTY (Torrens): H²O is a youth group that began in October 2003, with its first session being held on 6 November that year. It all started with the tragic death of a young teenager. Daniel was a lovely young man with a wonderful personality and a beautiful singing voice, and he was very caring and gentle. He was a delight to speak with, and I enjoyed many conversations with Daniel. He also had a great sense of humour.

But sometimes the lives of young people turn suddenly and they find themselves in a darkness and they lose sight of ways to turn back on the light that makes their life happy and bright again. Daniel is greatly missed, but from his tragedy has grown something that is meaningful and a living memory to him. After Daniel died, NECAP (of which I spoke yesterday) received a legacy from Daniel. So, in his memory H²O was set up to help young people who are at risk or may be at risk.

From a small beginning—just 10 people, some of whom were Daniel's friends—we now have a very vibrant youth group. The benefit for these young people is that they are listened to in a family interactive environment. They are encouraged to take ownership of the activities of the group and take responsibility for themselves and the things they do. There are outings, fundraising, participation in fetes and general activities that engage young folk. They have painted a mural on our local creche wall—a wall that was very tired but now looks alive and is certainly a treat to see.

All this is through the dedication of Vanessa Whall and Jon Hillock, who are committed to helping the youth who are part of the group. There are just so many benefits to the service they give. Currently, they are working with 54 years 6 and 7 students from Gilles Plains Primary School in their design technology class through their social inclusion work with ACCHS. Mentoring these students is just another valuable role that is undertaken by H²O and which is really making a difference.

Vanessa and Jon have shown a great deal of initiative in the way in which they have grown H²O. They do so enthusiastically and with much love and care for the youth with whom they work. They encourage these young folk to express their feelings, empower them to make decisions with some guidance and give them the confidence to do so. Vanessa and Jon provide activities which interest members of the group and encourage them to make informed decisions, which has improved their confidence and self-esteem. It has been exciting to see H²O grow and progress, and it is a real credit to both Vanessa and Jon. They are dedicated to their work with our youth and they are to be congratulated—

The Hon. I.P. LEWIS: I rise on a point of order, sir. I cannot hear what the member for Torrens is saying as a result of the quarrel which the Minister for Infrastructure is attempting to have and/or induce with the member for Morphett.

The Hon. P.F. Conlon: I remember when you were important!

The SPEAKER: Order!

The Hon. I.P. LEWIS: He accused the member for Morphett of being a liar.

Mr Scalzi: Everybody's important.

The SPEAKER: Order, the member for Hartley!

The Hon. P.F. Conlon: Eh? What's that, Joe? Sir, did you hear that language? It's terrible.

The SPEAKER: I did not hear it. The member for Torrens.

Mrs GERAGHTY: Thank you, sir; this is difficult enough. As I was saying, they are to be congratulated for making H²O what it is. From a tragedy and sad loss has come a shining light, which we hope will ensure that any young person, who participates in H²O and has the opportunity to express their feelings and anxiety in a supporting and caring environment, will not find themselves feeling alone or that there is little hope for their future. Preventing the loss of just one life, or turning around a young person who feels angry at their world or is frustrated and cannot see a future for

themselves, is worth every effort. Vanessa and Jon make that effort in so many ways because they really care. Along with so many others, I thank them for all they do, but mostly for being themselves because it is their care and concern that has made H²O so successful. This is also a wonderful legacy in memory of Daniel; and I must say that we do miss him.

RANN LABOR GOVERNMENT

Mr VENNING (Schubert): Today I raise my serious concern about the way in which the Rann Labor government has conned and deceived the public of South Australia, and how it has ensured that the media only reports positively about what it does. We have in South Australia a government which talks action but does nothing and which claims all the state's successes but cannot make decisions. This is a government that has inherited an economy very much on the rise but cannot maintain the momentum; a government that has had more money at its disposal but has nothing to show for it; and a government which says that it governs for all South Australians but totally ignores three-quarters of the state. We heard in question time today how the government will not spend anything on country hospitals for at least the next six years—an absolute disgrace—

Ms Ciccarello: Do you believe what Dean says?

Mr VENNING: I did see the documentation, and I believe it was genuine documentation. I read it myself. This is a government that says it believes in reform but cannot make decisions, which means nothing is done. It is a government which says that it is all about economic management. It set up the Economic Development Board. The economy has stalled and the exports are down. It is a government that says it promotes development, yet it leaves PARs sitting on ministers' tables for over 18 months.

The Hon. I.P. Lewis: A disgrace—23 to be exact in my case.

Mr VENNING: The member for Hammond reminds me—23 months. All members have experienced this. It is not just me, it is all members—and probably includes its own members. It is a government which said that it would put an end to publicly funded political advertising, and then blatantly embarked on the most extensive taxpayer funded advertising campaign ever; and it has the hide and temerity to say that it got it wrong for criticising the former government for doing the same thing.

I have constant delays with almost all my dealings with the Rann Labor government, which proves to us that this government's decision making process is in absolute tatters. The Premier—the prince of spin, the headline hunting Premier—who only says what people want to hear eventually will have to face the reality of his and his government's inability not only to make the right decisions but also to make a decision at all.

Today I received correspondence from ministers on issues which I raised with them 18 months ago. They are all cleaning up their offices because there is an election coming. Some of this stuff is 18 months old. I had forgotten about it, written it off as hopeless, and here I am receiving responses now. I can think of dozens of such issues with which I have been personally involved and to which the government has not responded either yes or no—just nothing. I refer to issues such as PAR delays, lights on highways, heavy vehicle bypasses, hospital upgrades and road conditions—and the list goes on. No doubt every member of this house could recite the same list. It goes on and on.

The Rann Labor government is a dishonest government. It said that it would sack all the consultants whom the previous government employed, but then employs 25 per cent more—and we heard that today in question time—and calls them 'contractors'. How dishonest is that? How deceiving is that? That is deception. That is spin, absolute spin. Four years ago, the then Deputy Leader of the Opposition, the member for Hart, stood up in this place every day and quoted from leaked government documents. We listened to his carping negative criticism particularly about government funded advertising, the amount of money wasted on consultants, ministerial extravagances, the Hindmarsh Stadium, the sale of ETSA and so on. What has he done? After nearly four years in government, his performance has been worse on every count—and now he admits he got it wrong before.

I cannot believe that more South Australians cannot see through all this. The media certainly has not—and why hasn't it? The government either silences the more critical journalists by employing them, heavying them, makes threats of their being cut off the press conferences list or asks them along on an overseas trip or two. The Rann Labor government is a government not only of spin but also of hollow rhetoric. What is spin? I remind the house that spin is a way to deceive—and that is what it is doing. They came into office saying that they were going to be strong on drugs and put out the drugs newsletter. That was good. But what have they done since? Nothing! We have a drug bill before the house tonight, two years too late. How many people have lost their lives in the meantime?

It would be funny if it was not so serious. It is dead serious. This government has all the people of South Australia conned. It is high time some of the people in the media woke up to what is going on, looked at their professionalism and told the people of South Australia how it really is.

FLINDERS UNIVERSITY

Ms THOMPSON (Reynell): Sir, I know that you know how passionate I am about ensuring that educational opportunities are available to students in my area, so that all people in the state have the opportunity to make the most of their skills and talents, and to contribute to this state, as well as having jobs that are rewarding and well paid.

In pursuit of that passion, I do things like picking up the Flinders University Annual Report, which is available to all members of parliament. In the 2004 report, I noticed the very pleasing statement that over the period 1997 to 2004 Flinders achieved a steady increase in the access rate of students from socioeconomically disadvantaged backgrounds of all ages. This improved from 16.2 per cent in 1997 to 20.26 per cent in 2004, while the national average for these years was 15.07 per cent in 1997 and 14.84 per cent in 2004.

I contacted the university to ascertain what it was doing to contribute to this very pleasing outcome, and I was advised of a range of programs that Flinders is undertaking to support people from a range of backgrounds to enter university and share in the wealth, both financial and in living skills, that is to be had from participating in university education.

I am pleased that Flinders is using a range of approaches because I think that, in the area of equity matters, one size does not fit all. There are special schemes for indigenous Australian access to the university, and for rural and isolated students, but I am particularly interested in those relating to the southern suburbs. A couple of programs are particularly

targeted to the southern suburbs, which is Flinders' catchment area. One of them is the Southern Program for Improved Participation in Education, commonly known as SPIPE. Established in 2003, this program involves cooperation between Flinders University and a range of business, government, school and community organisations in the southern suburbs. It aims to widen the participation in all levels of education—not just university—by exposing people to the benefits that are to be had from university.

One of the initiatives under this broad umbrella program is the inspire peer mentoring project, in which, as at 10 October, there were 92 active mentors working on 40 different projects in 22 schools/alternative education centres in the City of Marion and the City of Onkaparinga. It is important to mention the alternative education centres, because there are a number of initiatives in the South which help students who are not necessarily doing well at school, and the fact that they are now interacting with university students, and very much extending their career horizons, is particularly pleasing.

The aim of the peer mentoring program is to let young students from non-traditional uni backgrounds see what life at university is all about, and to let them meet somebody from a university whom they can contact when they enrol and who can even help them with things like which subjects to study, and what actually happens when you are at university—because if you have never been to university, and no-one in your family has, just the process of enrolling is very daunting indeed.

There is also a special program to support students from the southern schools studying law. Another extremely pleasing initiative is that the very famous Flinders Foundation Course is this year being conducted at the Christies Beach High School on an outreach program in the mature learning area, and I think 15 students are involved in that. Flinders University is to be commended on the wide range of actions that it is taking to achieve an aim that this government holds very dear.

Time expired.

HEAVY VEHICLES

The Hon. G.M. GUNN (Stuart): I am pleased that the minister for education is in the chamber. One of the things that she can look at before she goes is the action of her department in closing down the facilities at the preschool at Melrose, which has been brought to my attention by concerned constituents. It is a relatively new facility which was opened only a few years ago. It is very good. I would be most grateful if the minister would intervene. I have supplied the documents to the minister's office. I am sure that those responsible for taking these decisions are probably dreaming up an answer to try to convince the minister of the wisdom of their ways. I would suggest to them that that would be fairly difficult because it is a nonsensical decision.

The matter that I want to raise is the recommendation made by the National Transport Commission regarding the registration fees of heavy vehicles. This latest document, dated 17 October and provided to me by the federal Minister for Transport and Regional Services, Warren Truss, details the recommendations just released. The registration fees for most classes of vehicles are virtually unchanged or slightly increased. However, the fees for B-doubles and road trains will increase by about one-third over two years. A B-double (9 axle) currently pays \$7 565; in July 2006, they will pay

\$8 400; in July 2007, they will pay \$10 410—an increase of about 37 per cent. A double road train currently pays \$8 233; in July 2006, they will pay \$9 100; in July 2007, they will pay \$11 110—an increase of 34.9 per cent. A triple road train currently pays \$9 903; in July 2006, they will pay \$10 850; in July 2007, they will pay \$12 860—an increase of 29.9 per cent.

These recommendations are quite unreasonable. They will have a detrimental effect on rural people, in particular. I call upon the South Australian Minister for Transport to reject these increases out of hand. These proposals will create hardship and difficulty for the transport industry and my long-suffering constituents, particularly in the isolated parts of the state, because it will just increase their cost of living and the costs to their businesses. These are foolish bureaucratic recommendations by people who have obviously spent too long in Canberra and not long enough in the real world. I am very pleased that minister Truss brought these to my attention. If these organisations want to plunder isolated people's pockets, I suggest they start on the pockets of the people in Canberra and leave the rest of us alone who want to get on with the business of doing good things for Australia and South Australia and not continually have unnecessary red tape and bureaucratic charges inflicted upon them. It does not matter what it is today. You have self-seeking bureaucrats who want to protect their own niche by creating charges, requirements and permits so that they can be self-perpetuating to keep themselves going.

Another good example is that some years ago you had to do a course for chemicals. It was going to be a one-off thing for farmers; now, they have to do it every four or five years. The other day a farmer said to me that he had to pay \$400. He learnt nothing; it was the most boring afternoon that he had put in, and it was an unnecessary imposition on his time and pocket. It is hard enough for some of these people—

The Hon. M.J. Atkinson: Not long to go now, Gunny.

The Hon. G.M. GUNN: Look; because you people have public funding for Labor Party candidates—

The Hon. M.J. Atkinson: Whatever the reason, not long to go.

The Hon. G.M. GUNN: The Attorney-General of this state ought to be ashamed of himself and his conduct. He is meant to be Her Majesty's first law officer; yet, he is probably the architect of some of the most disgraceful misinformation. He has organised to have the taxpayers fund a full-time Labor Party candidate in Stuart. Also, they created another office down at Mount Gambier. If the honourable member thinks that is fair, reasonable and in the public interest, he ought to be ashamed.

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

The Hon. G.M. GUNN: Because your mate in the union plummeted last time, they offered to cut the money off. Now you have got the taxpayers to do it. You ought to be ashamed of yourself, of your conduct. I have never been subject to having been stood down and investigated: you have.

ABORIGINAL COMMUNITIES, CREDIT PRACTICES

Ms BREUER (Giles): We are going to miss the member for Stuart after the next election. I want to speak of a matter of concern to me, and I would think the member for Stuart would also be concerned about this as it is probably happening in his electorate. It is an issue that has been brought to my

attention by a number of people in Coober Pedy, but it covers a lots of the outback areas. It relates to the Aboriginal communities in those areas and to shopkeepers holding their credit cards and their PIN numbers. This issue has been around for many years, but there still seems to be no legislation covering this, to make it illegal for someone actually to hold someone's card and know their PIN number.

What actually happens is that the card is held by the shopkeeper at the shop, a person comes in and buys their goods and it is entered on their card with the PIN number being used. Very often, these Aboriginal people have very limited skills in this area. Often they cannot read, they cannot understand what is happening and they have no idea of how much money is actually being taken out of their account. Sometimes they are charged exorbitant prices. I know of one old chap who was charged, without his knowing, \$89 for a six-pack of beer and for a carton of beer he was charged \$200. I also know of a young woman who had not seen her card for something like 18 months, she had not had any money for that 18 months and had only been able to get goods at the store.

This is an appalling practice and if it happened in any of our southern communities there would be absolute uproar, but it seems to be ongoing in many of these communities. People never see their money and they are easily abused in this way. It is happening with young people in communities and also very much happening in some of the aged care communities, where their card is taken and held. I know there are often some issues of bills being paid in these communities and it may be difficult to get the money back from people. However, this practice is a disgraceful one. I am sure that there are other ways in which people could get their bills paid; for example, if there was some way that it could be enacted that people would actually get a deduction taken from their wages and paid to shopkeepers, etc.

But to take someone's card, use their PIN number and clean out their account every fortnight is an absolute disgrace. I will be speaking to the Minister for Consumer Affairs on this and I am hoping that in some way we can get something through whereby it is illegal to do it and people can be prosecuted. I believe that in some communities hundreds of cards are held by different shop owners, and it just amazes me how much money is going out of those accounts.

The other thing that I want to note this afternoon is that last week I held in Whyalla a dinner that I hold annually, a fundraiser for breast cancer research. This was an absolutely wonderful night. Over 160 women attended and over the night we raised something like \$2 600 plus an extra \$500 minimum that came from the sale of bracelets, one of which I have been proud to wear for a number of weeks. They are very much the rage with young people. You wear a rubber bracelet that represents a charity of some sort, in this case the Breast Cancer Network, and we sold over 100 of these bracelets at \$5 each for the night. The dinner was attended by Her Excellency Marjorie Jackson-Nelson, who was in Whyalla on that day and who consented to attend the dinner. I am sure that she was a bit of a drawcard, because we had a huge turnout and everyone was absolutely charmed by Her Excellency.

We were delighted when she won a prize in the raffle and we all stood round to see what she picked, and she picked a present for her grandchildren. It was a wonderful night and wonderful to have her there. She is a very charming lady and really represents this state well.

I was also very pleased to have there the Hon. Stephanie Key, Minister for the Status of Women, to speak at the dinner, and everybody was very charmed by her. In the past, I have had there the Hon. Jane Lomax-Smith, the Hon. Rosemary Crowley, and the member for Norwood, Vini Ciccarello. Each year we have a different guest, and it is always great to have some of my colleagues there. I thank the women in Whyalla for their great efforts on that night.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT (JURISDICTION) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Environment, Resources and Development Court Act 1993. Read a first time.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill fulfils a promise made before the last election that the Government would remove impediments to serious environmental offenders receiving the kinds of penalties Parliament intended.

At present, when dealing with serious minor indictable charges, the Environment, Resources and Development Court (the ERD Court), sitting as a court of summary jurisdiction, can neither impose a sentence that reflects what Parliament thought appropriate for the most serious offending nor remand the defendant to a superior court for it to impose a greater sentence. This problem has arisen because the maximum penalties prescribed for the most serious minor indictable environmental offences have, over time, been increased to a level far greater than can be imposed by any summary court, including the ERD Court.

The ERD Court is primarily a civil regulatory court. It is by reliance on civil and administrative remedies, rather than on criminal sanctions, that the aims of the *Environment Protection Act 1993* are achieved. The Government is committed to a greater reliance on civil enforcement than ever before, with the institution, from 1 July, 2006, of civil penalties to be enforced by the Environment Protection Authority.

The ERD Court has a minor, incidental summary criminal jurisdiction like that of a Magistrates Court. In its criminal jurisdiction, the court may try and sentence summary or minor indictable environmental offences, and it shares this jurisdiction with the Magistrates Court. Environmental offences may be set down for hearing in the ERD Court or in the Magistrates Court.

For present purposes, offences are classified as summary or minor indictable offences in this way. Summary offences are those that have a maximum fine of no more than twice a Division 1 fine (i.e. no more than \$120 000), and, if they have a penalty of imprisonment, it is for a maximum of two years or less. Minor indictable offences are those that are not punishable by imprisonment but have a maximum fine of more than twice a Division 1 fine (i.e. more than \$120 000), or those for which the maximum term of imprisonment is no more than five years. A person charged with a minor indictable offence may elect to be tried by the District Court, and this will be by jury, but will otherwise be tried summarily.

Summary criminal courts, such as the Magistrates Court and the ERD Court, must sentence minor indictable offences as if they were summary offences. Limits are set for the sentence a summary court may impose for a minor indictable offence. The Magistrates Court may not sentence a person convicted of a minor indictable offence to more than two years imprisonment, or impose a fine of more than \$150 000. The ERD Court, like the Magistrates Court, may not sentence a person convicted of a minor indictable offence to more

than two years imprisonment. However, the maximum fine it may impose (\$120 000) is slightly less than for the Magistrates Court.

Sometimes the maximum penalty prescribed for a minor indictable offence may be greater than the sentence limit of the summary court that hears submissions on sentence by a person convicted of that offence.

At present, only the Magistrates Court, and not the ERD Court, can do anything about this. If a magistrate thinks the offending merits a penalty that is higher than the Magistrates Court's sentence limit, he or she may remand the offender to the District Court for sentence. The District Court may then sentence the offender within the prescribed maximum penalty.

The ERD Court, by contrast, has no authority to remand the offender for sentence in the District Court. This means that people do not face the kinds of penalties Parliament intended if they are prosecuted in the ERD Court.

Aside from the ERD Court having a lower sentence limit than the Magistrates Court, and not having the Magistrates Court's ability to remand an offender for sentence in the District Court, there is another anomaly in the present system, and the Bill also deals with this. The anomaly is that a defendant to a minor indictable environmental charge that is brought in the ERD Court has no option of trial by jury, as would a defendant to any minor indictable charge brought in the Magistrates Court. In other words, a defendant to a minor indictable charge brought in the ERD Court is deprived, by the prosecutor's choice of forum, and for no reason of legal principle, of the right to choose to be tried by a jury and, in that case, to have the prosecution make a case to answer before the court decides whether to commit the case to the superior court for trial.

This anomaly is of most concern when the defendant is charged with a serious environmental offence. The most serious environmental offence in South Australia has a maximum penalty, for a corporate offender, of a fine of \$2m, and, for a natural person, a fine of \$500 000 or imprisonment for up to four years, or both. It is a minor indictable offence because it carries a maximum penalty of imprisonment that is less than five years. But by any other standard it is an extremely serious offence and a person convicted of it becomes liable to civil orders to:

- make good the damage;
 - restore the environment;
 - pay the costs incurred by public authorities in preventing or mitigating the environmental harm caused or making good any resulting damage;
 - compensate for injury, loss or damage; or
 - pay an amount equivalent to the economic benefit gained by the commission of the offence;
- or any combination of these orders.

It is therefore particularly important that people accused of serious environmental offences should be given the standard procedural and evidential safeguards afforded to defendants to non-environmental criminal charges of equivalent seriousness. A defendant to a serious minor indictable environmental offence should have, at the very least, these standard entitlements:

- to be tried by a court that routinely tries criminal cases and is experienced in applying the rules of evidence and criminal procedure;
- to have the opportunity to be tried by a judge and jury;
- to be able to know the case against them before trial;
- to be able to ask the court to assess the strength of that case and say whether it should be answered; and
- to have the opportunity to be sentenced by a court that imposes sentences for a wide range of criminal conduct, including comparable criminal conduct.

It is not appropriate to give the ERD Court the powers and functions of a superior criminal trial court, because they are not necessary for a court that does not try major indictable offences and has such a small criminal workload.

The Bill provides a better solution in these amendments to the *Environment Resources and Development Court Act 1993*.

Summary and minor indictable environmental offences are to be brought in the ERD Court only. At present, the ERD Court has jurisdiction to try a charge of an offence conferred on it by the *Environment Resources and Development Court Act 1993* or any other Act, but the law allows those charges to be brought in either the Magistrates Court or the ERD Court.

The ERD Court is to continue to try offences summarily, as if a Magistrates Court. It will continue to operate, in its criminal jurisdiction, at the level of a Magistrates Court. Its criminal jurisdiction is to continue to be limited to summary and minor

indictable environmental offences. Trials of these offences in the ERD Court will continue to be by an ERD Court judge, and, as now, the ERD Court may not empanel a jury. The procedures and evidentiary rules that apply to a summary criminal trial in the Magistrates Court will also apply to a summary criminal trial in the ERD Court.

A defendant to a charge of a minor indictable environmental offence may elect, before the ERD Court, for trial in the District Court. When a defendant to a charge of a minor indictable offence is committed for trial in the District Court, section 7(2) of the *Juries Act* prevents him or her opting for trial by judge alone. The new section 7(3b) of the *Environment and Resources Court Act 1993* spells this out. With the enactment of this section, the options for a defendant charged with a minor indictable environmental offence will be (a) trial by judge alone in the ERD Court or (b) trial by jury in the District Court. In this way the defendants to minor indictable environmental offences will have the same entitlements as defendants to any other kind of minor indictable offence.

The ERD Court's power to impose a sentence for an environmental offence will remain the same as that of the Magistrates Court except that the fine limit is to be raised to \$300 000. The ERD Court will continue to be restricted, like the Magistrates Court, to sentences of imprisonment of no more than two years, but may impose a greater fine than the present limit of \$120 000.

The ERD Court may remand a defendant for sentence in the District Court if of the opinion that the sentence should be greater than its sentence limit permits. This means that the ERD Court may remand a defendant to a minor indictable offence to the District Court for sentence if it thinks the offending so serious that the offender should receive a greater penalty than two years imprisonment or \$300 000 and the maximum penalty prescribed for the offence makes this possible. This gives the ERD Court a similar discretion to that of the Magistrates Court, albeit that its sentence limit will be higher. It allows appropriate penalties to be given by an appropriate court for serious environmental offending.

An appeal from a conviction or sentence for a minor indictable environmental offence by the ERD Court (where the defendant is tried summarily by a judge) will continue to be governed by section 30(4) of the *Environment Resources and Development Court Act 1993*. Section 30(4) gives parties to criminal proceedings in the ERD Court the same appeal rights as parties to a criminal action under the *Magistrates Court Act 1991*. The appeal will lie to a single judge of the Supreme Court. An appeal from a conviction or sentence for a minor indictable environmental offence by the District Court (where the defendant is tried by a jury) will continue to lie to the Full Court of the Supreme Court.

By increasing the sentencing capacity of the ERD Court and allowing it to remand defendants to the District Court for higher sentences, this Bill will further deter potential environmental offenders and punish appropriately those who do offend, and in the way that Parliament intended when setting high maximum penalties for the most serious minor indictable environmental offences. It will ensure that those charged with these serious offences have the same quality of justice as defendants to non-environmental offences.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Environment, Resources and Development Court Act 1993*

4—Amendment of section 7—Jurisdiction

This clause amends section 7 of the *Environment, Resources and Development Court Act 1993* to specify that the Court does not have jurisdiction in respect of major indictable offences and to provide that where jurisdiction is conferred on the Court in respect of a summary offence or a minor indictable offence, any proceedings for the offence must be commenced in the Court and will be dealt with in the same way as the Magistrates Court deals with such a charge. The monetary limit on the Court's jurisdiction in respect of indictable offences is increased to \$300 000 (up from \$120 000), with a power for the Court to remand a defendant to the District Court for sentence if, in any particular case, it is of the opinion that a sentence in excess of its jurisdictional limits should be imposed.

5—Amendment of section 15—Constitution of Court

This clause amends section 15 of the Act to provide that the Court must be constituted of a Judge if it is dealing with a charge of a minor indictable offence. If the Court is dealing with a charge of a summary offence, the current requirement that the Court be constituted either of a Judge or a magistrate continues to apply.

Mrs HALL secured the adjournment of the debate.

LOCAL GOVERNMENT (LOCHIEL PARK LANDS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 14 September. Page 3365.)

The SPEAKER: I declare that this is a hybrid bill within the joint standing order private bills No. 2 provision.

The Hon. P.F. CONLON (Minister for Transport): I move:

That the joint standing orders be so far suspended as to enable the bill to pass through its remaining stages without the necessity for reference to a select committee.

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

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

Motion carried.

The SPEAKER: The second reading debate will now proceed. The member for Morphett.

Dr McFETRIDGE (Morphett): Thank you, Mr Speaker. I can give an undertaking right from the start that the opposition will not be opposing this bill. In most circumstances, a hybrid bill such as this would have been referred to a select committee. It was my clear understanding that the Campbelltown council wanted it referred to a select committee. That was my clear understanding. The latest information I have received is that the council is no longer worried about its going to a select committee for a couple of reasons, one being that the minister gave an undertaking last night to the Campbelltown council and the Local Government Association to look at amendments to the bill between houses. In fact, I received an email from the Local Government Association saying that it had had a meeting with Mr Conlon last night and it was agreed to place in *Hansard* in the House of Assembly that further discussions are to be undertaken with the council and the LGA regarding the bill. A few moments ago, in the house—

Members interjecting:

The SPEAKER: The member for Morphett is not being shown any courtesy. I advise the member for Stuart and the member for Schubert that we cannot hear the member for Morphett—and the Attorney is not helping either. The member for Morphett has the call.

Dr McFETRIDGE: Thank you, Mr Speaker. A short time ago in the house the minister asked me whether the opposition would be putting this to a select committee and I indicated we would be. He accused me of not telling the truth after a meeting with the Local Government Association. I do not believe the Local Government Association is the font of all wisdom on local government matters. It is very good but it does not know everything about local government matters.

Unlike the minister over there, the LGA is not of one mind. It was my information that, after the meeting last night

with the Local Government Association and the Campbelltown council, that the Campbelltown council was still keen to have a select committee. That was my information at the time. When the minister asked me that question, that was the information I had. That was my true belief and, for the minister to say anything other than that and to disparage my honesty in this place, I find deeply offensive. I am a big boy and I will not be bullied by anyone over that side, particularly not the member for Elder, the minister. I am more than happy to put on the record now that my latest information is that the Campbelltown council does not wish it to go to a select committee. However, it does have some concerns and it is probably more trusting than I that the minister will handle the issue—

The Hon. M.J. Atkinson: So you did not even have to leave the chamber to get that information, did you?

Dr McFETRIDGE: I did actually. I hope that the minister does consult with the council because that was its main concern, that there had been very little consultation with the council over this bill. The bill is a unique piece of legislation in that it is a hybrid bill. I understand the meaning of that to be that some section of the community will gain some benefit as a result of this legislation being introduced. It is my understanding that the people who will benefit from this are the ratepayers of Campbelltown. That seems a bit strange because the whole concern was that if the perceived benefit in having open space handed back to the city of Campbelltown was to be of benefit, why was Campbelltown council objecting to it? There are issues about cost shifting to local government in many areas and it would have been a tragedy if this issue was another example of that. The government has given the Campbelltown council an undertaking to examine the issue and we live in faith.

Lochiel Park is a unique piece of property in Campbelltown. The area was originally settled for the purposes of horticulture and agriculture and the original house, Lochend House, is still on the property. There is another large home there, Lochiel House. Both of these are on the State Heritage Register and will be preserved for posterity, not only by being on that register but also by this bill passing through this house.

In 1947, the government purchased land for the then social welfare department, and for many years it was used by that department and for other government purposes. Until recently, TAFE and MFS facilities were on the land and, when they became redundant for further development of the MFS training and TAFE facilities, the property was left vacant. The former government examined various options for the land, and I understand that one of those was a housing development of nearly 150 houses.

This measure will enshrine in legislation some areas to be held in perpetuity for the enjoyment of the locals, as has happened in some areas of my electorate of Morphett. It is good to see that the government is making this legislation to preserve the open areas of Lochiel Park which, I understand, were ovals and former gardens with some native vegetation. The area where the TAFE and MFS buildings were previously will be used as housing development, and I think that 80 blocks of land will be made available after the Land Management Corporation has put in suitable infrastructure and offered tenders for the development of the property.

Some questions have been raised about the property, and I hope that the minister can give us some indication of the latest assessment. Certainly, in 2002, the Torrens Catchment Water Management Board was concerned that, under this

current plan, the levels in the area being set aside for wetland were not suitable and may cause some problems. The management of the natural forest is another issue raised by resident groups, ratepayers and the council. The housing development will comprise a number of different blocks, varying from about 200 square metres to nearly 500 square metres in size.

I understand that the aim is to create an environmentally sustainable development of the highest standard, using recycled materials, recycling of most of the waste water and minimising power used by the homes, to ensure that the whole development will be not only an example to other urban developers but also to the state and the whole nation. The ideals behind this development are admirable. No doubt, the government will say that it has saved 100 per cent of the open space, and it is good that it has been able to make more open space available.

I understand also that the huge debt the former government was placed in after the collapse of the State Bank put pressure on some of the decisions being made by the former government, and perhaps some of the decisions made at the time were not the best for that area of land. Now it has access to more funds, particularly from huge amounts of GST, and with the state coffers overflowing, it is admirable that the government can now set aside this area of land for public use. It is no good for anybody in this place to try to rewrite history and deride the former government for decisions made under what I consider to be fairly difficult circumstances and tight financial constraints.

As I said, the opposition will support the bill and will not move any amendments. We will not put it to a select committee. I have no reason to push this issue, although it is a hybrid bill, because my latest information is that the Local Government Association and, more particularly, the council involved are satisfied that the negotiations promised with the government will continue between the houses. I commend the bill to the house.

The DEPUTY SPEAKER: The member for Hartley.

Mr SCALZI (Hartley): Thank you, Mr Deputy Speaker.

The Hon. M.J. Atkinson: Here we go.

The DEPUTY SPEAKER: Order! The member for Hartley has the call.

The Hon. M.J. Atkinson: Not long to go now, Joe.

Mr SCALZI: Do I have your attention now, Mr Attorney? At the outset, I rise to say that I support the bill, and I do so because the community has finally had a decision on what has been an eyesore for the area for almost four years. Since the 2002 election, I have continually raised the issue in this house to ensure that the government honours its pre-election promise. If you read all the questions I have asked and contributions I have made from 13 May 2002 to 1 July and until 22 September, I have raised the issue 25 times and asked 12 questions on behalf of the constituents of Hartley. I am sure that if the matter had not been raised and the government had not been questioned—

The Hon. P.F. Conlon interjecting:

The DEPUTY SPEAKER: Order!

Mr SCALZI:—and, of course, without the support of the Space Group, June Jenkins and Margaret Sewell, and other groups, perhaps we would not have had the outcome. If we go back to the period immediately after the last election, on 13 May I asked the Premier whether he would keep the promise to save 100 per cent of Lochiel Park as community

space. The Premier stated that the Land Management Corporation was looking into this matter and he would report back. On many other occasions that questions were asked, we never got direct answers. As late as the budget estimates, when we looked for the project on Lochiel Park, we could not find anything in this year's budget with reference to Lochiel Park. Perhaps the minister might want to refer to some newspaper articles in the local Messenger. On 6 July the headline states, 'Forgotten project'. The minister might wave at me, but let him know that those waves have gone astray since 1993 and, God willing, they will continue to, because people know who represents the area and who plays just plain politics—as the minister does.

Of course, when the Premier made a commitment—and we could argue about what is 100 per cent and what is 70 per cent; I do not want to go on about that—in many of those references I do not believe the government with its process has been honest. The Minister for Infrastructure has not been open in informing the community of what was going on at Lochiel Park. I remind the house of the letter from the Premier:

The Liberals have made their position clear. If they are returned to government, the Lochiel Park site will develop with private housing with some house blocks as small as 210 square metres. If the Liberals are re-elected to government and Hartley remains a Liberal seat, they will claim they have a mandate to do so. We will place a one year moratorium and the Land Management Corporation plan to develop Lochiel Park immediately halting housing development. We intend to save 100 per cent of Lochiel Park for community facility and open space, not private housing development as the Liberals have proposed.

It is not quite the whole truth because, as we know, there are 81 housing allotments on the 15 hectare site—which was the original proposal. I am pleased that finally we have a decision. It is on the eve of an election, and one would have to ask why wait all this time; why let the community put up with the vandalism, graffiti and uncertainty for four years? Then coming into an election there is a proposal. Well, I welcome the proposal, but perhaps the minister can tell us why he failed to deal with the phone tower next to that housing development; and why he was not able to negotiate with the gun and rifle club adjacent to the development. We do not hear about that.

What I want to put on the record—because it is important, and I agree with the shadow minister—is that we have not supported a select committee on this issue, although it is a hybrid bill. However, it is important to note in this house the letter written to the minister by Campbelltown council, which I believe sums up the issues that the Campbelltown council has with this development. I understand that at a meeting last night the minister gave a commitment to deal with those issues. Nevertheless, I want to put on the record what those issues are. I trust that the minister will honour that commitment, because he did not invite the Campbelltown council to the launch, nor the local member, when it was announced, but there were press releases, with the Labor candidate, going out for political expediency. One can expect that on the eve of an election. So do not try to be pristine, Mr Minister. The letter states:

Dear Minister,

At its meeting on Tuesday, 4 October 2005 the council considered correspondence dated 20 September 2005 and 30 September 2005 from the Land Management Corporation (LMC) concerning the abovementioned project. That was the first opportunity given to the council to formally consider the project and it is disappointing that matters were allowed to progress so far before the council was consulted.

I appreciate your appointment of two council representatives on the Lochiel Park Advisory Committee (and the appointment of Cr Margaret Sewell as the Community Representative) but the members of that advisory committee were committed to keeping the discussions confidential. Officers of LMC also had some discussions with council staff, but at no time prior to receipt of the abovementioned letters was the council invited to formally comment on any aspect of the proposals.

I should hasten to note that the council supports the government's concepts for this site. The development of a 'green village', incorporating ecologically sustainable development principles, excellence in urban design and integrated water management in a setting of enhanced biodiversity is indeed exciting.

The council has no doubts that the Premier's ambition, 'I want South Australia to become a world leader in a new green approach to the way we all live' will take a substantial step closer to achievement with the completion of this project.

There are however, a few matters of concern to the council.

And if it did not have those concerns, the council would not have demanded a meeting with the minister, nor would the minister have had the meeting last night, given that commitment between the two houses. The letter continues:

Throughout all discussions, council's representatives have made it clear to LMC that, before the council will accept 'care, control and management' of Lochiel Park Lands, all cost implications and benefits must be known and the Campbelltown community must not be subjected to any unreasonable ongoing financial burden. It was also assumed that these issues would be negotiated prior to any commitments being made. However, paragraphs (13) and (14) of clause 11 contained in the Local Government (Lochiel Park Lands) Amendment Bill 2005 remove that opportunity for negotiation (following 24 months after practical completion) and make it clear that between 24 months and 30 months after practical completion of the project, the Lochiel Park Lands will be placed under the care, control and management of the council. As they stand those provisions will apply regardless of the views of the council of the day and regardless of the intentions of the state government of the day.

Council's representatives have also made it clear to LMC that any land grant to extend the curtilage of Lochend House must be free of cost and unencumbered so as to provide an opportunity for the council to enhance the future community use of that historic building. LMC have advised council staff that the offered area of 6 000 square metres is 'not negotiable' (although adjustments to the shape have been agreed) but again from the abovementioned bill, the precinct will continue to be described for 'Future Open Space Use' and that would significantly impair council's opportunities for development of the land.

The correspondence from LMC dated 30 September 2005 notes the estimated values of some infrastructure components of the project and infers that these should somehow be taken to offset the estimated cost of ongoing maintenance of the park lands. That approach ignores what has recently become very obvious to all spheres of government—that new infrastructure must be regarded as ongoing and long-term liability. Furthermore, the estimated maintenance cost of \$80 000 pa includes no allowance for regular rehabilitation of the wetlands (which is understood to be a likely requirement) and the reference to 'transport initiative' with an allocation of \$180 000 is not explained. The letter also fails to note that much of the infrastructure proposed is required to achieve the state government's objectives, and will be installed whether or not the council accepts care, control and management of Lochiel Park Lands. I do note, however, that the project will provide an access road and car park to service Lochend House.

Again I confirm that the council fully supports the concept of Lochiel Park Lands and Green Village and is keen to work with the state government to ensure its successful completion.

In order that the matters mentioned above can be further resolved without delay to the project, I respectfully request a meeting with you at your earliest convenience.

Yours sincerely
Steve Woodcock
Mayor

If the meeting had not taken place last night and the minister had not given a commitment to deal with those outstanding issues, I would have called a division today to have a select committee.

The shadow minister has rightly contacted the LGA and the Campbelltown council and is now assured that the minister will honour those commitments. I support the project, but as the member for Hartley it is my duty on behalf of my constituents to do my utmost to ensure that they are not burdened with future rate increases from Campbelltown council as a result of state projects. If I did not insist on ensuring that this was properly debated, I would be negligent.

The minister can gloat and talk as much as he wishes. On the one hand, he sent letters to the Campbelltown community attacking the council regarding the increases in council rates but, on the other hand, the Labor government both in Hartley and Morialta is silent on this issue of what impact a state project would have on the rates of Campbelltown council.

Is it not amazing that, on the one hand, it questions the minute details of a council budget but, on the other hand, when it comes to the prospect of a state project having an impact (as clearly outlined in the letter by the Mayor of Campbelltown to the minister) it is silent? As I said, I support the bill. I stated this clearly when I appeared before the Public Works Committee. I note that the member for Colton, who is the chair of that committee, is present. I thank him for his courtesy. The Public Works Committee extended me the courtesy as the local member to comment on the project. I did not receive that same courtesy from the Minister for Infrastructure. He came into my electorate and did not even give me the courtesy which the Labor Party's hero, the late Don Dunstan, insisted upon, that is, if a minister goes into an electorate, the local member is to be notified. The minister did that, not only recently but also in 2003. Indeed, he went to a government youth facility without even notifying it, but he made sure that the media were there for political purposes and for the announcement—and he nods his head. The press releases were out, the letters were out—

The Hon. P.F. CONLON: On a point of order: it is absolutely incorrect for the member to suggest that I nodded my head. I did not, and he should not be attempting to indicate something that I did not do.

The DEPUTY SPEAKER: Order! The minister can either make a personal explanation or he can respond in the course of his reply.

The Hon. I.P. Lewis interjecting:

The DEPUTY SPEAKER: Does the member for Hammond have some advice to offer to the chair?

The Hon. I.P. Lewis: Not at all.

The DEPUTY SPEAKER: Then I request that he remain silent unless he is contributing to the debate.

Mr SCALZI: I will not comment on whether he nodded his head or not, but he certainly did not give me the courtesy of notifying me as the local member or the local council, so we could be there. Of that he is guilty, and it has been the subject of correspondence. I will finish with reference to the Public Works Committee. As my colleagues have stated, I support the project in principle and I have looked at the report. I thank the members of the Public Works Committee for their vigilance. I thank the minister for since giving me a briefing. I note that his staff are here, and I thank them for their courtesy.

I look forward to the completion of the project but I will still question whether there could be an unfair burden on the ratepayers of Campbelltown and my constituents when it comes to those costs, and I will look very carefully to make sure that the minister honours his commitment from this chamber to the next, to make sure that those questions are answered because, as the Messenger last reported in a

headline, 'Lochiel Cost Worry', those questions have to be answered. The minister can go on as much as he wishes but the reality is that it is a good project only if the constituents and the ratepayers of Campbelltown do not have to pay for it dearly in the future.

Mrs HALL (Morialta): I rise to support the bill that provides for the construction of the Lochiel Park Green Village, but I must say that I do so with some concerns, and I would like to put those concerns down on the record. As the minister would be well aware, Lochiel Park is not within the electorate of Morialta, so, essentially, I will be speaking on behalf of the portion of the Campbelltown council region that lies within the seat of Morialta, and we are talking about 18 000 Campbelltown council ratepayers and 46 000 residents in total. I am talking about those who live in the electorate of Morialta because it appears at this stage that it will be from those ratepayers that some of the future bill will be paid.

The reason I want to put some of these questions down on the record is that I took the trouble to read some of the findings of the Public Works Committee, and I know that most members try to read all reports. However, the Public Works Committee is quite instructive when one looks at the evidence that was given as it relates to this project. I think that there is an extraordinary number of questions—with all the goodwill in the world—that are yet to be answered by any member of government, and there is a lot of material in the evidence to the Public Works Committee that is clearly based on the assumption, 'Trust me. This is a Labor government. We will be able to fix it all up.' It confirms my view that spin is the number one criterion of this government, touched with a fair degree of arrogance and a fair amount of lack of substance.

However, my major concern relates to some of the questions which—with all the goodwill in the world, and despite fairly intensive probing by members of the Public Works Committee—some of the main witnesses were unable to answer. A lot of it related to future expense of ratepayers in the general area, future costs involving the wetlands and the forests, and the use of the 6 000 square metres that is to be given back to the council. As the member for Hartley has outlined in some detail, I am concerned that the consultation with the Campbelltown council was minimal. I pay tribute to the minister for meeting with representatives of the council last night and, as I understand it, a representative of the LGA. I was going to read the letter that the council sent to the minister, but the member for Hartley has already done that, so I will not repeat it.

However, my understanding is that, when the representatives left the meeting last night, they were very clear in their understanding that the minister had given them a commitment that the issues that they raised and their ongoing concerns would be dealt with once the bill had passed through this chamber and before it reaches our colleagues in the upper house. I know that the Campbelltown council and the representatives of the LGA were very clear in their understanding and, as the minister is nodding his head, I know that he intends to keep that promise and commitment to them.

The minister knows that it was the first and only discussion that actually took place with the mayor and, therefore, with the minister that I am talking about. The LMC met, as I understand it, with officers of the council and members of the advisory committee, and I am sure that the minister would be interested to know that, in fact, four elected members of

the council voted against the mayor's being given authority to come to talk to you about the issues, or so I understand. Let us look at the history of this—and I am not about to go back past 19 July of this year. We see that:

- the advisory committee signed off and endorsed the project;
- cabinet approved it on 29 August;
- the green village announcement was made by the minister and other people on 4 September;
- extensive evidence was given to the Public Works Committee on 14 September;
- on 21 September the Public Works Committee report was tabled in the House of Assembly; and
- last night the mayor and representatives of the Local Government Association met with the minister.

As I said, I will not reread the letter from the Campbelltown Council to the minister. However, I do think it is important to note that the LGA, under the signature of Wendy Campana, has contacted my colleague to say that the Local Government Association, as a group, was particularly concerned by the precedent that might have been established. I want to read in part the facts that she sent, as follows:

The key issues for the Council (and the LGA) is that there is no clear indication or arrangements in the Bill or to date for agreeing on the costs (likely) associated to the care and control of the land to be placed with the Council.

She then goes on to express concern over the small amount of formal discussion that took place with the council, and she refers to the matters that are involved in accepting the care and control of this land resting with the elected members of the council. She then goes on to say that she thinks it is very important to have 'appropriate arrangements in place regarding agreeing on the parameters and costs for "care and control"'. She states:

This provision is quite different to what we have seen in the past given the nature of the development, which is supported by the Council and its community. It is quite unique in that it includes wetlands, forest areas, etc. The LGA is keen to ensure that we avoid a precedent being set through these provisions that does not adequately protect the long-term financial interests of the Council and its community.

She then says that council is 'now comfortable' that the process is 'formally in place with the minister to have further discussions over the next week or so'.

I think it is important that the LGA has expressed its views and concern about the precedent that may or may not be established. As I understand it, the meeting went particularly well last night. However, despite the fact that I understand that the council supports the project, and certainly our party supports it, I think some huge question marks hang over the cost of the maintenance of the village and its surrounds and that the cost is being passed on to the council. When I read the Public Works Committee evidence, I am quite sure that the minister would be concerned at the variations in the responses that were given to questions.

The first question as it relates to an annual figure of maintenance started off at \$50 000; then it went to possibly \$50 000 to \$60 000' and, by the end of the evidence, the figure was up around \$80 000. When a direct figure was asked for, it was \$230 000 over three years, so I thought that was not a bad variation of costs.

The other issue that particularly concerned me (and I know that the council raised these with the minister last night) was the 6 000 square metres of land that will be given to the council. My understanding is that they are particularly

interested in some options for which they may need specific approval, including a kitchen and new toilet facilities, because their objective is to make Lochend House a more user-friendly facility.

However, the LMC certainly had different views about what they should or should not be able to do with the 6 000 square metres, and I think that that is something that the minister, with his inimitable negotiating style, will be able to resolve. I certainly believe that the council is genuine in its interest.

As has been said by my colleagues the members for Morphett and Hartley, the Campbelltown council quite rightly is not interested in writing out a blank cheque for something that has been, one could say, forced upon them. However, that would be unkind, because they are supportive of the project.

The other area of concern that I have—and it is a real one—is that a timeline has not been set down for the handover of the project and, again, when you read the evidence in the Public Works Committee, it ranges from 24 to 30 months, and then it says that it may be 36 months. That brings me back to the central concern about the ongoing costs. If all the ratepayers in the Campbelltown council district will have to pick up the tab for the ongoing maintenance of this, some issues as they relate to costs will need to be resolved. Again, as to the issue of costs, when you look at the Public Works Committee report and evidence, you see that it talks at great length about the benefits, but it is pretty loose on costs. So, I am sure that the minister would be astonished to discover that I am a little cynical about some of the content in this evidence.

The Hon. P.F. Conlon interjecting:

Mrs HALL: Yes; there is absolutely no doubt that the politics of this—as we all understand, a few months out from an election—will be focused on the great benefits. I believe that the questions about the ongoing costs are something that we should be looking at, because I do believe that they are unresolved issues. We talk—and again this comes straight from the evidence—about the people who are going to be involved in the building of this wonderful green village. It goes from talking about the need for prominent builders to be involved to two or three builders to be involved, or maybe it is a fact that they have not decided how many builders will be involved, because there is going to be an open registration of interest process. I think that does need to be resolved.

In Public Works, again, we talk about the Torrens Catchment Board saying that it is not appropriate for a wetlands, then all of a sudden the Torrens Catchment Board has changed its mind and said, ‘Yes, that’s okay.’ When it was intensely questioned on that, there were no answers. The member for West Torrens, indeed, asked a number of questions about the percentage of public housing and affordable housing that was to go into this project, and there was quite an extraordinary range of responses, which I suspect even surprised the member for West Torrens. I suspect that is something that he can resolve internally. However, there was a great variation on the block price.

On the target return for the LMC they were very specific: they wanted a 15 per cent return on that, but then they went on to talk about the CSA, which was \$9.35 million, (page 11) and they outline the rest of the costs as being \$15.4 million for the actual project cost. However, they then say, ‘Excuse me, there is \$15 million worth of land’, which brings it up to a \$30 million total project cost. That looks a little different when you look at the report that has been tabled in the

parliament, so I would urge the minister, in his spare time, to look seriously at the evidence that was presented to the Public Works Committee, because it is varied, it is interesting, and it is fair to say that it does not actually match up when you follow it through.

There are a couple of other issues that I think the minister must have made clear last night to the council members. One is the constant reference throughout the initial evidence and the report that the council had signed off on that. Clearly, it had not, and if I was a member of that council I would be pretty concerned about the long-term implications of the maintenance costs. Campbelltown council has actually been very cooperative with a number of governments over the years in taking care and control of a number of very significant areas, one of which was the Thorndon Recreational Park, which I am sure the government will be opening at some appropriate time in the next few months. It was also involved in negotiations as to how that was to be resolved, and it has been very cooperative.

However, the one thing that I think the minister would be particularly interested in, and I am sure the people who are going to purchase these houses would be particularly interested in, was this wonderful comment that, ‘if the wetlands are designed correctly, which they will be, there should be no problem with mosquitoes.’ I thought that the minister might like to pursue that, because I would have thought that that might be a bit of a problem for all those people who live around the area. I conclude my remarks by saying that, when you look at the host of words that have been written and announced about this project, I would have to say there is not a great deal of consistency. I am quite sure that any accountants would be mortified if they tried to match together all the sums.

I want to congratulate my colleague the member for Hartley on his persistence in working with the community that he represents and with council and members of the various committees, and I note that he has said that he supports the project. I do think that the community within the Campbelltown council area has every right to expect and, indeed, demand answers to these questions and, given the minister’s commitment, I am quite sure that he is going to provide them.

The Hon. P.F. CONLON (Minister for Infrastructure): I put on the record my thanks for the contribution by the member for Morialta, which was intelligent and well thought out as usual. However, I want to place on the record just what has happened in this debate today, because right up until the moment the debate commenced, members of the opposition—and I do not refer to the member for Morialta—were going to attempt to hide behind the council to refer this to a select committee. I had a conversation with the opposition shadow on this just moments before the debate was brought on, and I said, ‘You won’t be supporting it going to a select committee now that you’ve spoken to Wendy Campana.’

The opposition spokesperson first attempted to misrepresent the views of the Local Government Association by saying that it still supported it going to select committee and then, having been caught out, we saw what actually occurred minutes later, after I again went out and spoke to Wendy Campana and asked her to reinforce with the people, and I understand she also had the Campbelltown council ring. There is absolutely no doubt and I place on record—and he can do anything about it that he wants—the attempt to misrepresent the position of the LGA by the shadow spokes-

person to get it to a select committee. Why would the opposition members want to get it to a select committee? That is easy: because by getting it to a select committee at this stage in the electoral cycle they can ensure that parliament never passes this bill.

Mr Scalzi: Nonsense!

The Hon. P.F. CONLON: The honourable member says 'nonsense'. We have three weeks' sitting days left after this and members opposite want to refer it to a select committee; and why? To prevent it ever passing. One can only conclude that that is because they live in the hope that they will win the next election and can return to their original ambition for the land at Lochiel Park, which was to subdivide all of it bar some 19 per cent that the member for Hartley claimed was the best he could do there. That is what he claimed.

To listen to the contributions of the opposition—and I exclude the member for Morialta because I think her contribution had value—you can tell that it is terribly disappointed that we have not only been able to keep our promise to the people of that area but we have been able to exceed it in terms of benefit. If you listened to them, you would swear that we were building a new male prison out there. In fact, we are keeping a promise to preserve 100 per cent of the open space, and we are heeding the recommendation to develop housing where buildings are at present, preserving 100 per cent of the open space. To exceed that, we are building a world-class, modern, model green village that people will come from around the world to see. That is a very substantial cost and commitment from this government.

If that is not enough, we have exceeded it by putting in an urban forest consistent with Mike Rann's continued undertakings to improve forestation in our urban areas. We are going to put in an urban forest, and if that is not enough, we are going to put in two wetlands which will catch stormwater from 560 000 acres of currently developed land—the single greatest improvement to the Torrens catchment that I can think of for years and years of contribution from this government. It is an absolutely outstanding world-class project. People will come from around the world to see it, and it will improve the quality of water going into the Torrens by an immense amount—560 000 acres—and they are worried about mosquitoes.

You can tell who is on the big plan; you can tell who is on the little plan. It is not surprising that the opposition has, right up until the death knock, attempted to defeat this legislation, not by frontal attack, because then people will know what it is on about, but by trying to slide it off to a select committee—trying to get it away from a select committee so that it would not get through. It is not surprising, given the complete negativity with which the member for Hartley has approached this project from day one. From day one he has been nothing but negative about the government's promise first to preserve 100 per cent of open land then to observe a moratorium while we went to public consultation. Promise kept, and he complained about that. Then to come up with not only the preservation of 100 per cent of the open land but also with the other improvements I can talk about.

It is not surprising that the member for Hartley is not happy with that, because he talks about being on the record. Well, he is on the record about what he thinks should happen there. On 15 May 2002, he stated:

I fought hard to get to 20 per cent, but I am not in the business of making promises that I cannot keep.

That is what Joe wanted—20 per cent. He went on on 15 July 2002 to say:

I faced the music in front of 350 people and I said I was happy I got them 20 per cent.

I can tell you the Labor candidate in Hartley, Grace Portolesi, would never have been happy to get 20 per cent; she wanted 100 per cent, and she has 100 per cent, and there is a very stark decision for the people of Hartley at the next election: the person who was happy to get them 20 per cent or the person whose party fought to get them 100 per cent. I think it was a pretty clear choice for them.

This is an outstanding world-class project. It was regrettable that opposition members attempted to hide behind local government and the council to scuttle this by sending it to a select committee. We know why they did that: it would leave them free to return to their plan. What this bill means, if passed here and in the other place, is that they cannot return to their plan without passing a law through two houses of parliament, and I am hopeful that no parliament would ever allow the resumption of parklands for development. With this bill we have attempted to place those parklands at Lochiel Park in the same position, the same protection and the same sort of respect that we currently give to the Adelaide Parklands.

The Hon. I.P. Lewis: God help us.

The Hon. P.F. CONLON: Of course, the member for Hammond does not like that idea. If you ask South Australians what part of Colonel Light's vision they admire most in coming to our city, they would say the Parklands. This is the first major contribution to that sort of vision that we have seen in a century.

Mr Scalzi interjecting:

The Hon. P.F. CONLON: And the member for Hartley is still going on; he still does not like it. We have saved 100 per cent of the open space there at a very significant cost to the government, and they say that they were only doing it because they couldn't afford to. Well, we have balanced the books and we are doing this. This will be a green village that I stress people will come from around the world to see. They say that they cannot get accurate figures on the long-term cost or on the long-term cost development. We have to give credit to the LMC for this. This is such a departure from anything we have seen in the past in terms of green development. It is the most advanced green development that it is hard to gauge, at this point, the market appetite for it.

My view is that it will be extremely popular because, I must say, if I were not devoted to my own electorate I would not mind living out in a green village amid an urban forest next to the River Torrens and the O-Bahn. I think that it is fabulous, and I can actually put up with the shooting club being next door because it is a fabulous development. I wish that I lived there if I could afford it, because I think they will go at a significant price because South Australians are the greenest people in Australia.

Mr Scalzi interjecting:

The DEPUTY SPEAKER: Order!

The Hon. P.F. CONLON: The member for Hartley wants us to put affordable housing out there; that is what he is yelling about. We are a great champion of affordable housing, but in my view we are attempting to build a model green village, and at present that is not an example of affordable housing, but I think it is also a very worthwhile objective—one to which we have committed. I place on the record my enormous gratitude and regard for June Jenkins and Margaret

Sewell who have worked so hard to protect this land from the objectives of the previous Liberal government and who worked with us to realise this very worthwhile objective.

In regard to the concerns of the council, I place on the record that I was disappointed to find that the council had not received all the information we thought it had. It was not my understanding that the council representatives on the committee were forbidden from telling the rest of the council, nor was it my understanding that when we talked to the council officers the information would not somehow filter through, but I accept that sometimes councils labour under difficulties, and I think the member for Morialta alluded to that.

What I would say is that it has never been an intention of this government to impose a burden. In fact, if you see the argument of the Liberal opposition that it should go to a select committee, that is because we are giving a special benefit to one council. That is why it is a hybrid bill, as I understand it. That was the argument on the one hand in the debate; apparently it is a burden. It is probably lacking a little in consistency from that point of view, but what I will say is this: because there is a long lead time before this is handed over to the council, we will make sure the council has comfort about ongoing maintenance costs. That will be done. I am absolutely certain, having had discussions with the council, that that is right.

The second item they are concerned about is one with which we are entirely sympathetic. The only reason that the 6 000 square metres—which is a pretty generous gift to council in itself, I must say—

Mr Scalzi interjecting:

The Hon. P.F. CONLON: They want it all right. It is a pretty generous gift in itself. But our only concern—

Mr Scalzi interjecting:

The Hon. P.F. CONLON: Joe said that they wanted more. They would not have got it from Joe, would they?

The DEPUTY SPEAKER: Order! The minister knows not to refer to the member for Hartley by his Christian name, and the member for Hartley knows not to interject. I was pretty strict with members on the government side interjecting on him and I expect him to show some courtesy to the minister while he speaks.

The Hon. P.F. CONLON: It is regrettable. The one regret I have in this whole process I will turn to in a moment. The only reason we imposed the open space restriction upon the land being given to the council is that, of course, having gone to the trouble of preventing development ourselves, we did not want to allow the council to do that. I can say that we are entirely sympathetic to developments that improve the use and facility of Lochend House. That is the entire intention. That is a little trickier than the other one but I am very confident we can resolve it because we will be doing it with people of goodwill.

The bottom line is that no council in South Australia could fail to be excited about having a project like this in their area. It will be rates revenue for them. There will be some obligations. As the member for Morialta said, Campbelltown council, regardless of the people there, the corporate body, has been able to deal with government on these sorts of things and I am very confident we can resolve that in the time between the two houses. As minister, I believed that we had a stream of communication going. We did go to the trouble of having a couple of council reps on the committee but, for whatever reason, the information was not flowing through as it should have. That is regrettable.

I say again that, for June Jenkins and Margaret Sewell, and all the people who campaigned to save this land from development, today is the day, in essence, for the passage of this bill through two houses. Not only have they achieved their objective, but what they have done is make sure that anyone else who wants to develop this land will have to have the political courage to try and turn parkland into development and I think that is going to be a bridge too far for any political party. I commend this bill to the house.

Bill read a second time.

In committee.

Clauses 1 to 4 and schedule passed.

Title.

The Hon. P.F. CONLON: I move:

After Local Government Act 1999:

; and to make a related amendment to the Development Plan under the Development Act 1993

By way of explanation, when this bill was introduced, the member for Unley took a point of order that he did not think the long title was quite long enough. In the essence of bipartisanship by which I live, we conceded that we could put in a little more explanation so that it adds the words 'and to make a related amendment to the Development Act under the Development Act 1993'.

Amendment carried; title as amended passed.

Bill reported with an amendment.

Bill read a third time and passed.

VICTORIA SQUARE BILL

Adjourned debate on second reading.

(Continued from 14 September. Page 3364.)

Mr BROKENSHIRE (Mawson): To summarise, this bill addresses some anomalies in Victoria Square in relation to roads and road closure, particularly in the centre, through the fountain, and in some corners of the square. In essence, this proposal is being made by the government primarily because it wants to run a tramline from Victoria Square and so that there are categorically no problems when it puts this proposed tramline through to King William Street and the railway station.

The Hon. P.F. Conlon: We could put it through the middle now if we wanted.

Mr BROKENSHIRE: The minister has said that if we do not support this bill, the situation at the moment is that they could put the extension straight through the fountain. We certainly would not want to do that. Indeed, we do not advocate that the tramline go down the centre of the square as a continuation of the current line and therefore require the removal of the existing fountain. This bill changes all that so that the government can run the tramline down the western side of Victoria Square, between the SGIC building and the square. Interestingly enough, I note that 18 trees will need to be removed for the project along the proposed alignment in Victoria Square.

The Hon. P.F. Conlon: Rats and mice.

Mr BROKENSHIRE: The minister says that these trees are rats and mice.

The Hon. P.F. Conlon: Except for one.

Mr BROKENSHIRE: Yes—except for one. I point out to the house that this minister is not the minister responsible for arbor, heritage, environment, native vegetation, or any of those things, but he has indicated that only one tree is not a 'rats and mice' type tree. Of course, in relation to infrastruc-

ture, I would like to know where the money has gone for the Britannia roundabout; I hope it is into transport.

The Hon. P.F. Conlon: Into transport. Kevin Foley didn't get it back I can tell you.

Mr BROKENSHERE: And he should not. I would like to know where that money is being spent, but that is for another day. One day the minister will answer a question in this house, as I answered every question this minister put to me when I was minister. However, the Britannia roundabout is a fundamental piece of infrastructure required for the citizens of the eastern suburbs, such as those in the seats of Norwood, Morialta and Bragg. It is ironic that, after the member for Adelaide panicked, we heard this government turn around and say that it had to stop the proposal for the Britannia roundabout because one or two trees would have to be removed. However, when it suits the government to assist the member for Adelaide, it is happy to remove 18 trees. I do not care whether the minister's definition of 18 trees is that some of them are 'rats and mice' trees and only one is significant. Little tree, big tree, mature tree—

An honourable member: From little trees big trees grow.

Mr BROKENSHERE: Yes. Those trees were planted for the right reason, and I struggle to understand how you can be so hypocritical in government as to use the excuse of not removing trees from the Britannia roundabout but then say that you can remove 18 trees because you want to put in an expensive tramline to assist who I am not quite sure at this stage. I put on the public record that, at an appropriate time, the opposition will agree to look at an extension of the tramline. That appropriate time would comprise two issues: one is when all the other backlog of infrastructure, which is building up at a rapid rate of knots, is addressed. This is important for economic activity and for outer areas, where there is not sufficient transport. That is when we would look at an extension of the tramline, and we would do so after a proper feasibility study and not because the Premier happens to be in Portland and thinks it is a good idea to crank up the benefits of a light rail system to the cost of, we are advised, approximately \$70 million to take it from Victoria Square to Brougham Place in North Adelaide.

The Hon. I.P. Lewis: How many millions would that cost?

Mr BROKENSHERE: Up to \$70 million.

The Hon. I.P. Lewis: I think it is a bit higher, but I'm not sure.

Mr BROKENSHERE: I am not sure, member for Hammond, but it is certainly in the tens of millions of dollars. This comes at a time when we have a backlog of 4 200 kilometres of road maintenance for our crumbling roads.

The Hon. P.F. Conlon: You know that Duncan McFetridge called for it.

Mr BROKENSHERE: I am speaking on behalf of the Liberal Party. The fact of the matter is that a backlog of 4 200 kilometres of road maintenance exists today for crumbling roads.

The Hon. P.F. Conlon interjecting:

Mr BROKENSHERE: The minister says, 'Do you know the difference between recurrent and capital costs?' Certainly I do. If the minister is suggesting that there is only a one-off cost to this extension, I do not know how he can say that when, if the rail tracks and services are to be extended, there are costs associated with that. There are costs when it comes to wages and maintenance. Every time a service is increased, there is a recurrent cost and a capital cost; so there will be both.

The point is that, when it comes to capital works, whether it is ultimately \$50 million or \$70 million to extend the tramline to Brougham Place, the \$70 million would address one-third of the present backlog of road maintenance in the state. Evidence, scientifically proven, says that if effort is put into road maintenance, road construction, guardrails, trimming of trees in appropriate areas, signage, overtaking lanes, road shouldering, and those types of things, fatal and casualty crashes can be reduced by up to 40 per cent. That is a significant reduction when it comes to road fatalities and crashes.

I need to remind the house that our roads are crumbling at an increasing rate of knots. I am advised that there are 375 kilometres of additional crumbling road in this state compounding each year.

The Hon. I.P. Lewis interjecting:

Mr BROKENSHERE: You do not have to get very far out of the Adelaide City Council area to see problems with road maintenance and infrastructure. In fact, I was coming through the minister's electorate this morning and I saw a classic example not far from the minister's office: I started to get into the traditional traffic crawl early in the morning.

Mr Koutsantonis: That is why we are building the South Road underpass.

Mr BROKENSHERE: Of course, we have the wise member for West Torrens saying, 'That is why we are building the underpass at South Road/Anzac Highway.' That is the problem with this bill. One day we might see \$83 million spent building an underpass under the Anzac Highway to the northern end of South Road—one day we might see the \$83 million spent. But that will not fix much, because it was not far after Castle Plaza Shopping Centre that the traffic ground to a halt. It grinds to a halt every morning. It was a crawl. I was doing less than 10 km/h between there and Blackforest Primary School. We have an interesting situation where we have to keep children safe, but the Blackforest Primary School, which is on a main arterial road leading into Adelaide, does not have an underpass or overpass to ensure the safety of those children. What happens is that beautiful young children are trained to push a button-activated crossing, hold across a rope to hold back the children, and every five minutes or so they are blocking the road and building up the traffic for people trying to commute to work.

If some of the money for the tramline—a small part of it—was spent there, it could free up an enormous amount of traffic, increase economic opportunity and take out a lot of road rage in the community in South Australia, because it would be doing something proactive with a sensible plan to address the fact that we are no longer a 20 minute city. I think one of the reasons why we have so much road rage in this state compared with other states is that all of a sudden our crumbling roads and lack of free-flowing roads are starting to frustrate the community. As a result we are seeing road rage and driver behaviour that we do not support.

If the government wants to address the matter of a potential opening of a road through the fountain in Victoria Square and the potential cut-offs, and the like, with respect to the road on the corners of Victoria Square, let it bring in a bill for that. As an opposition we will support that if it guarantees the protection of Victoria Square as a park, puts more of that land into parklands and gets rid of the anomaly with the road that is addressed in this bill. We will support that. However, we will not support this bill today because this bill is not thought out for the right reasons.

This bill is being put up because this government, in a desperate attempt to try to get a small percentage of votes, is prepared to spend up to \$70 million of taxpayers' money to extend a tramline. Of course, there are minority groups that would like to see the tramline extended. At an appropriate time the opposition would have a thorough investigation into the benefits of extending the tramline and where else that money might be spent to modernise passenger transport, and look at corridors that would allow and free up opportunities for thousands of people who may wish to leave their cars at home and commute but who are driving in at present.

It seems members of the government have woken up one morning and thought, 'We are going to extend the tramline from Victoria Square, initially to the railway station and then out to Brougham Place, and it will cost up to \$70 million.' We do not know the proper costings. We understand that the government has not done any road traffic study into the impact of road traffic movements in King William Street and North Terrace and through to Brougham Place. We are told that most probably we will lose the nice median strip—the nice grassed strip—and the flag poles in the middle of King William Street, which are so important for the festivals, and so on. Forever there will be an absolute change of character in King William Street, which will add to congestion and safety issues for pedestrians and motorists.

We have not been told what bus routes will be taken out of King William Street as a result of this tramline being extended. The minister does not have an answer to any of our questions. The reason is that it has not been planned properly. I believe that the points which I have just put on the public record are bona fide and they are important points which the community should look at to understand why we are opposing this bill on principle. By supporting this bill, we would be supporting the government's bad decision at this point to extend a tramline when so much other work needs to be done. The opening bridges at the port will cost \$100 million plus. In fact, they will cost more than \$100 million in time—and that is on the public record through the Public Works Committee.

If members factor in not only the construction of the opening bridges but also the ongoing maintenance and the forward projections for 30 years, the figures given to the Public Works Committee are well over \$100 million. So, \$100 million for the opening bridges is a conservative figure. If members talk to members of the freight industry who have done their homework, they will tell them that they are categorically sure that it will cost significantly more than \$100 million for those opening bridges. There is no reason for those opening bridges based on that cost. The only reason for those opening bridges is that the very bold, frank and honest federal member for Port Adelaide—

The Hon. P.F. CONLON: Mr Speaker, I rise on a point of order. The bill is about Victoria Square. We have spent a long time down the port. That is a long way from Victoria Square.

The SPEAKER: Order! The member for Mawson needs to focus on Victoria Square, as lovely as it is, and not be distracted by Port Adelaide, which is also very lovely.

Mr BROKENSHERE: What I am doing is using a parallel example to show where money is not going in the right direction to achieve the best efforts of economic improvement.

Mr Hanna: What about the war in Iraq?

Mr BROKENSHERE: That is nothing to do with me. My point is relevant, Mr Speaker, because I am giving an

example of how this government is wasting another \$100 million.

The Hon. P.F. Conlon: No, you are not allowed to tell him what is relevant—he tells you.

Mr BROKENSHERE: You tell him all the time.

The Hon. P.F. Conlon: He tells you.

Mr BROKENSHERE: I show more respect to him than you do. That is \$100 million there, plus \$70 million, which is \$170 million. If that money was redirected, we could catch up on that urgent backlog of road maintenance. The minister may doubt whether it is \$70 million or \$50 million, but I want him to show us what the figures are. I am saying up to \$70 million, but even if it is \$50 million, we cannot get a truthful answer from the government. We do know that the cost of the opening bridges is \$100 million. Whether it becomes \$150 million or \$170 million, we do know that that would go towards fixing up two-thirds of the busted, crumbling roads in this state, or we could put some of that money towards fixing up the crumbling roads in this state and some into building some of the roads which are urgently required. Some of those roads would only cost \$5 million (or thereabouts) and they could then become connector roads which would assist economic development and motorists.

The final point is that we have major problems in the southern and northern suburbs with people who are socially disadvantaged receiving even the most basic passenger and public transport. Of course, we also know the problems facing those in the provincial cities and the lack of guarantee from this government in relation to bus services for provincial cities such as Murray Bridge, Port Pirie, Port Lincoln, Victor Harbor, Goolwa—and the list goes on. The bottom line is that we are opposing this bill on principle because it is time this government had a proper plan to address the backlog in road maintenance and the problems we have with passenger transport. Remember that this was a government which came into office without any transport policy. It was going to have a transport plan, but we did not see anything about that for well over 18 months.

We have had three ministers for transport in 3½ years. On average, every year, this government has had a different transport minister. No wonder the whole approach to transport is ad hoc. No wonder there is no cohesive and comprehensive strategy and plan for transport. In a desperate attempt to try to illustrate that it is doing something, it wants to extend a tramline from Victoria Square to the railway station without addressing the social isolation of the southern and northern suburbs and without undertaking the \$70 million or \$76 million upgrade of the tramline from Glenelg to Victoria Square. Finally, after enormous pressure, I understand that the government will put out a transport plan late this year. After going into the last election without a transport policy, it has taken this government nearly four years to come up with a transport plan. Inside sources—

Mr Koutsantonis interjecting:

Mr BROKENSHERE: The member for West Torrens talked about the two tunnels. I think that it will cost \$183 million all up for two tunnels. Sources advise the opposition that they were not even in the Infrastructure Plan until about a week before it was released. Why? Because there was no plan, no vision and no initiative in that infrastructure plan. The government then said, 'Goodness me, we have to get something a bit sexy into this plan which we can sell to the media so that we can have a good story in *The Advertiser*. We had better think of something innovative.'

So, they thought about two underpasses, but they had not thought about overpasses on the existing tramline which is being done up and which is continually blocked with wigwam signals, or the major arterial roads, for example, Marion Road, Goodwood Road, South Road and Unley Road. Yet, the government is spending money willy-nilly like that, without a proper strategic approach, and it also wants to spend another \$50 million or \$70 million. Whatever the cost is, government members can tell us the truth. If it is not \$70 million and it is only \$50 million, I apologise, but even if it is \$50 million, we could do a heck of a lot of building and reconstruction work on our roads for that.

We have to look at the fact that there has been a lack of commitment by this government over the last four years before we can proceed with other initiatives such as tramline extensions for public transport. People tell me all the time that they would like to have just one bus service on a Saturday night, one bus service on a Friday night, and a couple of bus services during Saturday and Sunday so that their children and those who cannot afford vehicles in some of the outerlying metropolitan areas are at least able to access some of the facilities that those who live closer to Adelaide have the privilege of accessing on public transport whenever they want.

This is about priorities; this is about proper planning; this is about being responsible; and this is about showing that this government has put this out there with little planning, little strategy, and a lot of spin—and it does little to address the state's enormous and increasing backlog. So, on principle, we oppose this bill for the reasons that I have highlighted to the house this afternoon.

The Hon. I.P. LEWIS (Hammond): My contribution will be relevant to the substance of the proposition that we have before us in that it extends the ridiculous expenditure that was made on that piece of land connecting the central business area of our capital city to Holdfast Bay, and continuing to use it for trams—so-called light rail—and by any name it is just a disaster and, in this city, quite unwarranted. The contribution of greenhouse gas per passenger kilometre of tramlines is higher than per passenger kilometre on buses. The cost of fuel—electricity—is greater, because that has to be generated somewhere, and reticulated by high tension wires to the tramline, and then through a transformer to a form which the trams can use. There are power losses in reticulating it anywhere, just as there are to get it to your hot water service, or your toaster at home, or your fridge, or anything else.

In the case of the tramlines, people think that the only cost is the cost of the electricity according to contract. Well, that is a false cost. Just because the price of the electricity is subsidised by nefarious government activity in deciding what it shall be rather than the operators of the trams meeting the generators and reticulators of electricity in the market place like everyone else, they say it is cheaper. That is a lot of codswallop, claptrap, and the bloody Public Works Committee failed in its duty. It should have examined those aspects; it should have examined what the greenhouse gas contribution per passenger kilometre was between the alternative technologies. It should have examined what the cost per passenger kilometre was in dollar terms between the competing technologies, and it did not do that.

It would have been far more sensible to have taken the trams out of that corridor and put buses in there. You do not need an O-Bahn channel, you just put some guard rails down

the side and let the bus drivers drive the damn buses, in the way in which they are paid to anyway, down the corridor, and that is a lot cheaper than an O-Bahn but every bit as effective because of its greater flexibility. Instead of requiring feeder buses to put passengers on the ruddy trams, the buses themselves—once the passenger has alighted upon them—can do as they do in the O-Bahn, that is, simply drive onto the carriageway from the suburban streets and roadways, and bring the people into Victoria Square. You cannot take a tram off the lines; it has to stay where the tracks run, but you can take a bus off the lines. If something happens on the line, then the whole ruddy line and the system is out of order, whereas with a bus you can simply remove it.

Mr Hanna: You would know about going off the rails.

The Hon. I.P. LEWIS: Yes, and the honourable member for Mitchell certainly understands what it is to go off the rails. The government has done that in this instance by putting itself on light rail. It is nostalgia, not reason, that has driven it, and it is a desire to be fashionable, not accurate, that has driven it—and not relevance. That is the reason we have the policy; that is the reason we have the mess; and that is the reason we have the bill. The bill is not going to save anything—not this government anyway. That is its hope: that it will be able to put glossy pictures around the seat of Adelaide to shore up support for itself, not just in the upper house but more especially in the seat of Adelaide—to win Adelaide. That is what it is about.

There will be no works undertaken before the election; I will bet you on that. If anyone wants to give me a dollar on that, I will give them \$1 000; a thousand to one there will be nothing but glossy papers put out and they will cost hundreds of thousands of dollars and circulated everywhere as to what a great thing it is going to be to have trams. But the truth, just like the truth about the electricity that is generated by the solar panels on the roof of this building is that it is uneconomic by a long chalk.

People come to me and say, 'Diesel has gone up a lot lately.' Yes, given the fact that the busway can be operated by buses that run on fuel that is automatically combustible under compression, you can simply use compressed natural gas, you do not have to use diesel, and you do not have to pay the federal government's excise in the process, because the state owns the busway.

Indeed, there ought to be more buses on compressed natural gas. They are a lot cheaper and you simply build the tanks into the chassis construction of the bus. You can quickly refuel them in any case. I think that was one of the good things that Frank Blevins did. The unfortunate thing that he did at the same time was to perpetuate the biggest lie of the 20th century; that is, if you plant trees, you can ameliorate, and effectively neutralise, the greenhouse effect of burning fossil fuels in internal combustion engines, or anywhere else for that matter. That is just a big lie, and it is the worst lie of the 20th century. It goes on to this day when I hear members prating about the benefit of planting trees. In the previous bill we heard them talking about urban forests. It is all bullshit. A tree grows, falls over, dies and rots, and all the carbon that was fixed, when it is digested by insects, bacteria and fungi, goes back to the atmosphere.

If trees and vegetation are going to do anything to ameliorate the greenhouse effect, we must be making coal through the process of peat in the first instance, and I do not see that happening anywhere. So, that is a lie, and the government perpetuates it by trying to convince our children that what they should do is ride on trams, plant more trees

and save the world from the consequences of climate change. It is nonsense—it will not happen. Indeed, it will be an additional burden of expense that they ought not to have had.

What the member for Mawson had to say about a plan was very relevant. He should have gone further, though. I support the sentiments that he has expressed on behalf of the opposition: that the bill is ridiculous because the technology is ridiculous. To illustrate my opposition to it, on the basis of its stupidity, I, too, will vote with them. No sound case can be made for light rail without there having been an illustration of the fact that the costs are lower and the benefits are greater, and, demonstrably, they are not. We certainly have better patronage rates and lower passenger kilometre costs where we have a dedicated transport corridor in the context of the O-Bahn.

I repeat that we do not have to have a concrete channel in which to run the buses: we can simply have a guard rail on either side to stop the buses from careering off if the driver goes to sleep or loses control in some form or other. They just bounce along as they do now down the concrete carriageway. In the O-Bahn they will bounce along between the guard rails either side of the busway. The speed with which the buses can commute from Glenelg into the city is greater than the speed at which the trams can do it, and the safety with which they can do it is greater. It is not the people in the trams or the trams themselves that get busted up badly in a bingle: it is the other vehicles they run into.

As for extending the ruddy tramline from where it is now, it is bad enough to go back and put it there for another 80 years, but the worst thing is that we are now going to extend it and clutter up King William Street. The volume of traffic then which can move along King William Street, aside from the trams, will be substantially reduced. The ease with which people in wheelchairs, for whom we have made it possible to get around by having buses which pull into the kerbside and buses which, as the Speaker uses the term, we have designed to kneel and allow people with disabilities to get on and off those buses easily, is gone. You cannot make a tram kneel. They will be extremely difficult to use for people with disability to get on and off, and, as we all get older and have a greater number of hip and knee replacements, like some honourable members in this chamber have, or fused ankles and so on, as a result of injuries suffered at an earlier time in life, a greater number of older people, in consequence of the effluxion of time and its effects on sensory perception and response rates, will have to travel on public transport. They will increase in huge numbers, especially as baby boomers like myself and those who are within seven or eight years of my age, like most members in this chamber, become old and infirm and unable to drive, and they will have to use public transport.

Trams are a bad form of public transport for old people. More old people get knocked around in Victoria than here in Adelaide—equivalent trams and buses. The trams knock them around at a greater rate than buses do. Trams make it difficult for those people, as they get older, to travel on public transport than is the case using the buses of the kind that we have put on Adelaide's metropolitan roads and streets to date.

All in all, the whole project fails, simply because it is about nostalgia and not about good sense. That is sad. The other things that I want to say are regarding the effect it has on the ambience of Victoria Square and the symmetry that was given to it by Light on the suggestion of Kingston. That is regrettable, and it only becomes necessary because of this exercise in futility in which the government seeks to indulge

itself in extending the ruddy tram way down King William Street northwards to North Terrace.

God help us if we ever go across the river. I can see the ridiculous situation arising, as I implied by interjection to the member for Mawson, where the government next will want to build an opening bridge for the tram across the river to take the people to the Adelaide Oval just to prove that it can have an opening bridge. Of course, there will be pedestrian access on the bridge as well, but when a rowboat or a long-necked swan comes along, we will have to hoot the horn and raise the bridge. The trams and the pedestrians will have to stop. That is, on my observation of things, the kind of thing that the government engages in as transport policy.

That is the way it has behaved in Port Adelaide. There will never be a freighter come up that river needing the bridge to be open. It is just a waste of money, the same as this tramline going down King William Street will be a waste of money. There is no cost benefit in it whatever to the public. To take it down there implies that there is some desirability in having it go down North Terrace, across North Terrace and King William Road to North Adelaide. That will complicate the fashion in which it will otherwise be possible for us to make safe entry to the Festival Centre, because at present the idiots in Transport SA and the Festival Centre itself, particularly the Festival Centre, decided not to split the grade and bring the traffic heading south along King William Street into the Festival Centre through an underpass beneath the outbound traffic but simply to try to provide for a right-hand turn lane by the Festival Centre, thus requiring the traffic leaving the city to negotiate another set of traffic lights, another blockage, quite unnecessarily, and to require the pedestrians to cross King William Road at the surface rather than enabling them to do so through a tunnel.

Put the tramline down there and that will complicate the adjustments and the costs to which I refer and which are inevitable in their necessity. It will complicate it and increase the cost that much more and produce no great benefit. Indeed, it will produce no benefit but great dis-benefit as a consequence of the decision to be made. In the absence of any factual information from the government and in the absence of any diligence on the part of the Public Works Committee to provide factual information of the kind the government has refused to provide and failed to provide, I conclude quite simply that the government is doing it out of political expedience, out of indifference to its real political responsibilities, where it could otherwise have applied the funds that it is now going to waste, and at greater cost, in terms of life and limb, as a consequence, because those problems to which the member for Mawson referred in his speech, about country roads, will be exacerbated and the money available to address them stretched out into the future to the point where, as I said by way of interjection, the South-East Freeway on its inside lane in both directions is doing what in simple terms is called crumbling by traffic engineers.

Some of the potholes in that freeway now, on the established level of the road, are eight inches below where they should be. That is how bad it is, yet we are building trams, which will cost us more to carry each person who travels on them every metre they travel than would otherwise have been the case had we used our wits and done things more wisely rather than out of a sense of fashion and nostalgia.

Ms CHAPMAN (Bragg): I have listened carefully to contributions already made in this debate and they quite clearly set out the reasons why this proposal violates any

economical or environmental sensibility for progressing with such a proposal. As a transport proposal it is ridiculous, and environmentally I suggest there has been a level of vandalism that has been clearly identified by other speakers. I wish to comment on two things in particular. First, on the question of vested interest, I disclose to the house that I am the proprietor of a premises which the proposal will directly run against, and that is on the north-western corner of Victoria Square, commonly known as the Harbours Board building.

It is a heritage listed building and on my understanding still remains on the streetwalk as an important building for the purposes of ensuring that we have maintained a heritage for South Australia. The house may not be aware that it is the building that, from the records that I have been provided by the Mortlock Library, accommodated the first female public servant in South Australia. Unquestionably it is of significance, but it is only one of many that is of significance in line with this proposal, whether we take the Supreme Court house at the south-western corner to the newer Supreme Court house, formerly the Moore's building, the Hilton hotel, the SGIC building, smaller buildings (one of which I have referred to) and, indeed, the heritage building of the MLC, all of which are in the direct path of this proposal.

They are matters that need to be considered, and to date I have not heard anything to indicate to me that there has been any serious consultation with those who occupy those dwellings, whether it is to have notice that it may reflect on their trade, on their amenity, or on their access and the like. These are all matters that in any legislation that is proposed ought to have been consulted on. To my knowledge and from brief inquiry with other landowners across the proposed area, that consultation has been zip. It is quite unacceptable for a government, as has already been identified by other speakers, to use it as an election proposal for the purposes of grandstanding as to what it will do in the seat of Adelaide at the next election.

All that is exposed more and more by the fact that it has been kept concealed. However, the matter I particularly want to raise, apart from the complete lack of consultation on this bill, is that, as has been already acknowledged by the government, this bill will have a direct effect on the existing vegetation and on the statue of Sir Charles Cameron Kingston. The government acknowledges that, at the very least, for this proposal 18 trees will need to be removed. I would like to just highlight to the house that the alleged commitment by this government in relation to trees is very much two-faced. We have had a situation where the government has abandoned a project in relation to the Britannia Roundabout ostensibly on the basis that it has discovered that there is going to be a significant number of trees that would need to be removed or would be damaged as a result of such a proposal. In that instance, the government simply abandoned it. On the flip side, though, the government is prepared to bulldoze trees in the heritage garden of the property adjacent to the Glenside Hospital for the South Australian Housing Trust development proposed for that site.

The government is prepared to completely annihilate the original heritage garden, of fruit trees and the like, that operated from the original Glenside Hospital site. They are just going to be obliterated, and yet, on the other hand, they will say, 'We're all tree hugging now; we love trees. At the Britannia roundabout, those trees are more special than the trees at Glenside, and they're certainly more special than the 18 trees that are going to be bulldozed for the purposes of this proposal.' Even today, we received notice in the house of the

government's preparedness to override the Campbelltown Council to bulldoze a significant tree on the grounds of the Norwood Morialta High School.

This government is quite two-faced when it comes to real green issues in relation to trees. Trees that are irrelevant for the purposes of winning elections get bulldozed. Trees that are important for the purpose of winning elections, well, of course, they have to be saved. So we have a complete double standard in relation to the alleged commitment of this government. The government does say that the proposal will enable the return of what is currently a designated roadway that is closed off to be transferred back to parkland. That is a complete sop to those who are interested in the preservation and protection of parkland. There is no proposal whatsoever to otherwise open up this closed roadway. That is a complete sop to those interested in this area, and that is also of concern.

I place on the record that it is an important icon, that is the fountain that allegedly is to be protected by this proposal, to ensure that that fountain on that closed road will be protected. People who have been involved in that are important South Australians from Dowey to Tillet, who, in fact, provided the building of that important landmark. But this proposal is not only inconsistent in relation to its commitment to natural and important building heritage for South Australia but it has been done without any adequate consultation, if any, in relation to those who currently occupy premises or, indeed, future road users.

In relation to the road users, I have had a look at this plan, and whilst it is in its embryonic form it does concern me that, on any assessment, any extension of a tram line into either the western, eastern or central area will restrict what is already a busy roadway. To simply introduce yet another traffic impediment and problem into that area is only asking for more trouble. I thank our lead speaker for the opposition on this matter. I thank the member for Hammond for also highlighting some very important aspects, which I will not traverse but which I indicate I fully endorse. I would hope that members of the government will actually realise what a furphy this is and oppose the same.

Mr BRINDAL (Unley): I would like to join the shadow minister and my colleague the member for Bragg in roundly saying what a load of rubbish I think this bill represents. In the rather brief—

The Hon. P.F. Conlon interjecting:

The DEPUTY SPEAKER: Order!

Mr BRINDAL: In the rather brief time when I enjoyed the privilege of being the candidate for Adelaide this was a matter that attracted some attention, as the members opposite can understand, and I could not find anybody in Adelaide who actually thinks this is a good idea.

The Hon. P.F. Conlon: You had better go and talk to the council.

Mr BRINDAL: Well, good. If the minister is so confident that he is doing the right thing—and one presumes that he must be because he is actually bringing a bill into this house that says this is a good idea. Well, at present my information—and I hope the minister will correct me—is that there are severe difficulties with having the tram tracks at road surface level because of the provision of infrastructure in King William Street being rather close to the surface. So, it is not just a matter of dig out three or four feet and put the rails there. There is a good chance that the rails will be above pavement level, which means—and the minister is free to debunk all of this—that the garden beds down the centre of

King William Street will disappear, the flagpoles will disappear, and we will go back to a situation whereby—and fortunately, and unfortunately, for me I am older than many members of this house and I remember when King William Street went straight through Victoria Square and where the trams went straight along that thoroughfare, and it was not a boulevard of the astounding beauty and charm that this boulevard is.

In the cause of doing something, this government has announced it will bring the tram from Victoria Square, swing at around in front of the buildings, as I understand it, on the western side and then bring it down King William Street. For what purpose? The purpose, I believe, at this stage and in this bill is to get the tram to the train station. Interestingly, those few trains that are left, run from the beach suburbs into the city. The tram runs from a beach suburb into the city. It is interesting, I think, that the people at Port Adelaide or Grange might contemplate catching the train so they can conveniently catch the tram so that they can go down to the Bay because they prefer the beach at the Bay to the beach at Grange or Port Adelaide.

Mr Caica: Hardly!

Mr BRINDAL: I know. The member for Colton wonders why anyone would contemplate going to Glenelg when he has the best beach in his electorate. Quite right. If the tram was to connect with a train that went, say, to the north-eastern suburbs, the idea of a through journey might make more sense. This is a loop that I think is quite nonsensical. It is a loop that is doubly nonsensical because one of the things—and I think it might have been a Labor initiative introduced into this city—was the concept of the free City Loop bus service. I can see when I walk past that it is well patronised, is well accepted and is speedy, efficient and convenient. So anyone who wants to get from, say, the Adelaide Railway Station to the Central Market or to the courts can catch a free City Loop bus, which is not costing us millions of dollars in infrastructure, is not destroying the character and amenity of North Terrace, and basically has flexibility, as the member for Heysen says.

We could have, and we in government should have, rather than just upgraded the tram, looked more seriously at turning the Glenelg tram right-of-way into an O-Bahn. In hindsight, that would have made more sense. As a member of the Public Works Committee, as the chairman will know, I was somewhat bemused, when we came to consider the intricacies of the tramline, just how some of the mathematics did not work. They were mathematics into which we were locked by a previous Liberal government who wanted to upgrade the tramline and this Labor government. This parliament seems to have been incapable of thinking of modern and viable alternatives, despite the fact that we have got an O-Bahn which, I think, is fairly universally acknowledged to be a public transportation corridor that actually works and produces results conducive to this city. We went past that and decided to upgrade the trams and now we are looking for something to do with the trams that we have upgraded.

The first part of this plan is to destroy King William Street and, make no mistake, it will destroy King William Street; bring them back down to the Adelaide Railway Station and eventually—and we have seen phase 2—take them out to the Women's and Children's Hospital. I know of no elector in North Adelaide who said to me, 'We need a tram service out to the Women's and Children's Hospital.'

Mr Koutsantonis: You were only there a couple of months.

Mr BRINDAL: The member for West Torrens said I was only the candidate for a couple of months and he is quite right, but I can assure the member for West Torrens, through you, Mr Speaker, that in a couple of months I was capable of assimilating more information than he has probably done in his entire parliamentary career.

Mr Koutsantonis: I am still here.

Mr BRINDAL: You might still be here, but only because you run a faction. If you did not run a faction, I do not know how long you would last.

Mr Brokenshire: How did you get that job, Tom?

Mr BRINDAL: He was gifted it by His Grace, the Attorney-General, who was gifted it by His Eminence, Don Farrell—what was his title?

The DEPUTY SPEAKER: The member for Unley will return to the bill.

Mr BRINDAL: I am sorry. I thought you would assist me by telling me what Mr Farrell's line of divinity was, sir.

The DEPUTY SPEAKER: The member for Unley will return to the bill.

Mr BRINDAL: I will, sir. I thought you might be an expert on that matter. The fact is that I do not believe that this is a good infrastructure project conceived in the interests of South Australians. I acknowledge that past thinking of Liberal governments was that the retention and upgrading of the tramline was a good idea. I also acknowledge that, in that retention and upgrading, this government seems to think that bringing additional infrastructure down the main thoroughfare—probably the most beautiful vista in the city—is a good idea. That is where I part company with the government. I believe that to take the line eventually to North Adelaide will serve no additional purpose, unless it be to run it up O'Connell Street and along Prospect Road. If that be the intention of this government—

Mr Koutsantonis: It is a line to nowhere unless—

Mr BRINDAL: No; I am saying to the member for West Torrens that, if that is stage 3, please let the people of Adelaide know, because I guarantee this: you will lose minister Lomax-Smith her seat instantaneously. You try running that tram down O'Connell Street. They do not like even pubs in O'Connell Street. If you think they will wear a tram, think again. The Archer opened, and none of them particularly liked it, even though for 100 years it was a pub.

Mr Koutsantonis: It was Michael Armitage's office.

Mr BRINDAL: I know it was; now it is a pub, and they would prefer it as Dr Armitage's office. That is the point I was trying to make. That was in the good old days when North Adelaide controlled North Adelaide, and they do not like the fact that they might not now universally do so.

Mr Hanna: They won the battle of Barton Road, though.

The DEPUTY SPEAKER: Order!

Mr BRINDAL: I thank the member for Mitchell for raising that matter, on which I would like to conclude. He raises probably the most germane point for this government. The bill before us introduces the concept of an expanded infrastructure project down King William Street, round past—

Mr Koutsantonis: Now he wants it down Barton Road.

Mr BRINDAL: If I thought you would put it down Barton Road and out into the Attorney-General's electorate, I would vote for it. I would vote for it because, unequivocally, the first action of a Labor government was going to be to open Barton Road. I, and every member in this house, listened to interminable argument under any pretext, and under any bill involving Adelaide, about whether Barton

Road should open or close. Whatever bill they could drag up, whether it be the Local Government Bill, the City of Adelaide Bill, or whatever, the members for Adelaide and Croydon argued cat and dog about the reopening of Barton Road—and we lost the seat.

Mr Hanna: It was a vital election promise.

Mr BRINDAL: As the member for Mitchell says, it was not only a vital promise but also a core promise. What then happened was that the member for Adelaide (Hon. Dr Jane Lomax-Smith) was elected, but where was the core promise? I can count, we can all count, and they have the numbers, but Barton Road remains closed. Instead of Barton Road, the Attorney-General and his friends give us an opening bridge that is not needed in Port Adelaide—because the Treasurer wants it—and we have a tram that no-one wants—

Ms Chapman: And a tram goes nowhere.

Mr BRINDAL:—going, as the member for Bragg says, absolutely nowhere and will cost a fortune to deliver. This is a load of cock and bull, I believe the expression is. I should have expected that a good Irish gentleman, such as the minister opposite, would be more canny than to sit here and sponsor this sort of rubbish.

The Hon. P.F. CONLON (Minister for Transport): I open by saying that, if you ever wanted an explanation as to why they are the opposition and will continue to be the opposition, the contributions to this debate could do no more. Apparently, the member for Hammond dislikes trams the way normal people dislike banks. According to his contribution, they hunt down old people in Victoria. I am always surprised to be outflanked by the member for Hammond. However, for him not only to oppose the bill but also to suggest that we tear up the existing tram track I think is a new height for even the member for Hammond. I assure him that, regardless of what happens to this bill, we will not be tearing up the Glenelg tramline as he has requested.

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

The Hon. P.F. CONLON: Before the dinner break I was explaining that I had never seen a greater example of why the opposition is in opposition—and will continue to be in opposition. I will address some of the self-serving drivel that passed for debate on this bill. The lead spokesperson talked at some length about anything except Victoria Square, including the Port River bridges. I note that Duncan McFetridge did not contribute to this debate. There is a certain strange consistency between Duncan McFetridge in this debate and the opposition on the Port River bridges.

The SPEAKER: The member for Morphett.

The Hon. P.F. CONLON: Sorry, sir, the member for Morphett. The member for Morphett has had a lot to say in the past about trams extending to the railway station. In an interview he said that it made sense. He was excited about it, but he said that the tram needed to go much further—‘to North Adelaide’. He said:

A new tram light rail technology around the world allows light rail to be extended out through the historical areas, heritage areas. The government should really keep, put their money where their mouth is and extend the tramline right out to North Adelaide.

Also, he said:

I’ve been calling for this for three years. I’ve got a private member’s motion on the table calling for not only this to be extended out to North Terrace, but right out to North Adelaide.

On another occasion he said:

I’ve been calling for this for three years. . . I just hope this is just the start of a grand transport plan.

During another interview he said:

Good morning. . . this is a great announcement today.

You could not get a fellow more effusive about running the trams to the railway station than Duncan McFetridge. He has been consistent and he has been on the record for a long time. On 19 February 2004, he moved a private member’s motion, as follows:

That this house urges the Minister for Transport to investigate extending the Glenelg tramline to Holdfast Shores, the Adelaide Railway Station and North Terrace precinct, and preferably to North Adelaide.

He was so enthusiastic and so convinced that he got the member for Light to speak in support of the motion. The Hon. Malcolm Buckby said:

I think it is a good idea that the government investigates this proposal.

The member for Schubert congratulated the member for Morphett on bringing it to the house. Today we find that the member for Morphett on the front bench, I am told, now opposes our extending the tramline anywhere at all, let alone to the railway station. I think it is incumbent upon the member for Morphett, who represents the people of Holdfast Shores and the people along the tramline—those people who will see most of the very substantial investment we have made in the new trams and the extension of the tramline—to come in here to explain why it is he is now rattling on the very idea he promoted so strongly for three years. I hope we have some explanation. If the member for Morphett is true to his word and his electorate, I have no doubt he will cross the floor and vote with us on this legislation.

I am certain that will not happen. The reason it will not happen is that what the member for Morphett is doing is precisely what this mob has done on infrastructure in opposition throughout their term. The shadow minister (the member for Mawson) highlighted why we should not do this by reference to opening bridges over the Port River. Do members remember how these bridges got started in the first place? Opening bridges at Port Adelaide was a promise of the previous government.

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: No; the honourable member is absolutely right. It was not \$170 million: they were going to be built for free. That is what members of the opposition sold to the people of South Australia. They promised opening bridges and they said the tolls would pay for it all. That is exactly what they said. I was there when we had a briefing from Di Laidlaw. They were going to build these great bridges and the tolls would pay for it. What utter rot! Thank God and praise the Lord that we got rid of them.

Mr BROKENSHIRE: I rise on a point of order, sir. For a little consistency, I now call on you to rule on standing order 98. The minister asked you to rule on standing order 98 when I was talking about the bridges.

The SPEAKER: The member does not have to give a lengthy speech. He raised a point of order on relevance. The minister is still within the ambit of this discussion, but he needs to focus specifically on the tramline.

The Hon. P.F. CONLON: It is absolutely typical of the hypocrisy of which I speak for him to talk about it in his second reading contribution but wish me not to respond to it. It is exactly the hypocrisy we talk about. Let us talk about the opening bridges and Duncan McFetridge now no longer

supporting trams. What the Leader of the Opposition said in opposition a few years ago was that Kevin Foley should resign if he could not deliver opening bridges to the people of Port Adelaide, as promised by the previous government. He put out a press release saying that Kevin Foley should resign if he does not deliver it. That left us in a predicament because, unlike the previous government (this opposition), we believe that, when you make a promise to people, you should attempt to keep it. Apparently that has never entered their mind.

It was a very difficult decision for us because there were a lot of strong arguments for and against. After we were faced with this urgent call from the opposition to build opening bridges, they then urged us to build something and I kept trying to find out what the position of the opposition was throughout all this.

Mr Brokenshire: That is because you did not want to make a decision.

The Hon. P.F. CONLON: No, we wanted to know what it was. The Leader of the Opposition went from his strong urging to build opening bridges to saying, 'Look, we don't care what you build, as long as you build something.' That is what he said. One week after we kept their promise to build opening bridges, he said, 'We oppose opening bridges.' He had 3½ years to oppose opening bridges and he would not do it until the decision was made. It is a weak, pathetic, gutless opposition which will change its position, just like the member for Morphett will change his position according to what opposition members perceive to be this week's political opportunity. One of the extraordinary contributions from the member for Mawson was to have the absolute gumption to say that we are not doing this according to a proper plan. This is a mob that demanded the resignation of the Treasurer if he did not build opening bridges and then demanded that we close them.

This is a mob that moves a private member's motion demanding that we investigate sending the tram to North Terrace and then opposes it when a bill comes before this place—and they say that we do not have a plan. Not only does the opposition have a plan but they have lots of them, according to how they feel that week. A very important political commentator actually spoke about who has plans. The article basically said—

Mr Brokenshire: Who?

The Hon. P.F. CONLON: Don't worry, we'll get there—'It is time for the SA Liberals to stop the rot.' This very serious political commentator said:

Labor has an infrastructure program but I cannot recall a plan from the Liberals. So what is it? If they want to govern, we need to see their road, rail and port proposals quickly.

Mr Brokenshire interjecting:

The SPEAKER: The member for Mawson is out of order!

The Hon. P.F. CONLON: Who was it? Apparently he is not to be believed because it is Ian Smith. Why is he not to be believed? Because he was the former adviser of Liberal Party leaders in South Australia and Victoria. Here we have an adviser to Liberal leaders and he is saying, 'Look, you have to put something up. You cannot just oppose whatever happens to be occurring on the day. Labor has a plan.' This Liberal adviser says that Labor has a plan: the Liberals have to have one—yet this guy says that we are not doing things according to a proper plan.

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: No, he is not your adviser. You could not afford him, Robert. He is not your adviser because I guarantee that you could not afford him. If the honourable member could afford him, I do not know whether he would take the work because he works for slightly more important people than him. What we are looking at here is the most incredible small-minded view of South Australia. Where have we gone in the past 3½ years? These people told the people of this state that they could never do anything. They could never balance a budget. We were never going anywhere; we were always in trouble. It was the fault of someone else.

Mr BROKESHIRE: Mr Speaker, I rise on a point of order. I refer to standing order 98 which deals with relevance. We are the ones who fixed the state and everyone knows it.

The SPEAKER: Order! The minister is now starting to stray from the topic.

The Hon. P.F. CONLON: My point is entirely relevant. The opposition is complaining about spending \$21 million on this which illustrates the same small-minded negativity that it had when it was in government about the future of South Australia. That is why, after 3½ years of a Rann Labor government, confidence is through the roof. It is at record levels—levels which have never been seen before in this state. These are the people who said that we could not do anything. We are the people who said, 'We can do anything.' We won the air warfare destroyer contract. These are the people who said and who are still saying that \$21 million is too much for us to spend on a tramline. We are saying that we have won a \$6 billion air warfare destroyer contract. We are going to expand Western Mining. We have the greatest investment in exploration and resources in the state's history.

Mr Brokenshire interjecting:

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

The Hon. P.F. CONLON: We have a future in which South Australians believe because we have climbed out of the tiny small-minded thinking of this tiny small-minded opposition. However, at least they do what they are good at; that is, being in opposition. They are so good at it that they will secure that job for decades or until these people can lift their mind. I will explain why it is such small-minded thinking. They talk about maintenance on roads—it is another extraordinary thing. According to the opposition, what happened in March 2002 was an extraordinary thing. In March 2002, suddenly out of the blue, our roads started deteriorating because there was not any need for maintenance before then, but since March 2002 suddenly there is hundreds of millions of dollars worth of backlog and maintenance. I think they should sue the contractors because apparently all the roads in the state were designed to start decaying in March 2002. Absolute utter nonsense—and they go on and on about it.

Let me explain why opposing this bill is such small-minded thinking. Over the next four years, we will have the most massive investment in transport infrastructure in this state probably since the war. It includes: the Bakewell Bridge; the South Road underpass, several hundred million dollars; the bridges over the port, opening bridges as they promised and demanded and now say that they do not want; \$45 million deepening the port of Adelaide to a world-class port years before Victoria can do it; \$300 million on the northern expressway, an expressway that will run two ways.

Mr Brokenshire: Whose money?

The Hon. P.F. CONLON: Yes, whose money?

Mr Brokenshire: Not yours—John Howard’s money.

The Hon. P.F. CONLON: Thank you for the invitation. Do members know why we got that money from the commonwealth?

Mr Brokenshire interjecting:

The SPEAKER: Order! I warn the member for Mawson for repeatedly interjecting when he has been cautioned.

Mr MEIER: Mr Speaker, I rise on a point of order. What bill are we on? I thought we were on the Victoria Square Bill, but I have not heard that mentioned for at least a quarter of an hour.

The SPEAKER: The minister is referring to transport projects and, whilst he does that, he is within the ambit of the bill.

The Hon. P.F. CONLON: Again, sir, they are good, aren’t they? They want to talk about all this when they are attacking the bill, but they do not want it answered. They want to put in context what they complain is a stupid waste of money—their small-minded thinking on \$21 million. I am referring to all those projects. However, the honourable member said that it is commonwealth money—it is. The bulk of it is commonwealth money. Do members know how we got it? I know how we got it because we did it while I was there. We got it because, as a government, we committed \$200 million to the South Road roadworks. That is how it was done, and if you do not believe us, go and ask your federal colleagues. Do you know what? They reckon you are all dopey on that side; that is what they think. I do not know if they tell you about it, but that is what they all think of you. Do you know why they think that? Because they are not dopey.

In this state over the next four years we will see the most massive investment in road infrastructure, and we also want to spend \$21 million improving a tramline to North Terrace—which everyone knows is a good idea. That is why Duncan McFetridge moved a private member’s motion for it; that is why two Liberals spoke in favour of it; and that is why he said it was the best idea that he had ever heard—until such time as the opposition decided to play some cheap politics and oppose it. Let me explain why this is such a cheap, lousy, miserable, tawdry, pathetic little opposition. In opposing this bill, it is not preventing us from extending the tramline, which is what we intend doing. With this bill, we are not only extending the tramline—we do not need a bill to extend the tramline—but also improving the city of Adelaide. We intend to do that by taking existing trams out of the middle of Victoria Square and putting them at the western side so that they not only service Adelaide Central Market—which I think is one of the finest things about Adelaide, the best fresh produce market in Australia by a country mile—and bring people there, but it also means that we are giving 6 000 square metres of Victoria Square back to opening the square. That is, we are increasing the part of Victoria Square that can be used by about 6 000 square metres, and creating so much more opportunity by bringing the trams through the centre of Adelaide.

It is only a tiny, small-minded opposition that could oppose this because what it is essentially saying is, ‘You can build the line but we want you to put it through the fountain, and we want you to put it through the middle.’

An honourable member interjecting:

The Hon. P.F. CONLON: You are. That is exactly what you are saying because we are fully entitled under current laws to extend the tramline to North Terrace in consultation with the City of Adelaide, which supports this. We are fully

entitled to do that, and we say the best way to do that is to give something back to the city of Adelaide, open up the square and make the city of Adelaide better. But, this small-minded mob would rather play a bit of politics. Members opposite do not want to give any parkland back to the square—a massive amount of parkland given back to the square—they do not want to do that. They would rather win a tiny small-minded point than improve the city of Adelaide.

That is why, and is it any surprise, that Lord Mayor Harbison has decided to give this mob away. Lord Mayor Harbison came out and said, ‘I don’t want to be with the Liberal Party any more,’ because they are a millstone around his neck. We do not agree with the Lord Mayor on everything, but at least he has some idea and some vision for the city of Adelaide, and he knows that those on the other side—and there is no greater example of it than this—are utterly bankrupt of ideas for the state. That is why Liberal advisers write about the opposition in the paper saying that it has to have a plan, it has to have some sort of purpose; that is why, regardless of what the opposition does, the government will be able to talk to sensible people. Do you know what my prediction is about this? The opposition will get outflanked on commonsense by the Democrats. The people who purport to be the alternative government of this state are going to be outflanked on commonsense on this by the Democrats.

I close by saying this: the opposition’s position has nothing to do with anything except cheap reactive politics. That is why they wanted opening bridges until we opened them, and then demanded closing bridges. That is why Duncan McFetridge comes in—who I thought was on their front bench—I know that the pickings are slim and you have to put whomever you can find on there, but I thought that he was on their front bench. This is the bloke who comes in and moves a private member’s motion saying, ‘We have to get these trams; we have to investigate this,’ and several Libs voted for it, and when we finally bring in a bill to do something like this, members opposite decide on cheap, shallow, pathetic, reactive politics to oppose it.

That is why these people are so well suited to be in opposition, and why they will earn the job for themselves for many, many years. There is absolutely no doubt, no matter what they try to tell themselves in there, that that is why everyone knows that they are not fit to govern this state.

Mr Koutsantonis: They can’t govern themselves.

The Hon. P.F. CONLON: They cannot govern themselves. I was thinking of standing for the leadership of the Liberal Party because I would get at least as many votes as the previous bloke did. He is going to get a VC posthumously for single-handedly attacking the enemy’s machine gun nest.

The SPEAKER: The minister is getting away from the bill.

The Hon. P.F. CONLON: I am, sir. This is about opening up a tremendous opportunity in the square. It is about us being responsible and not simply using the legal entitlement we have to build a tramline but to try and improve the city while we do it. It is the most incredible small-mindedness to oppose a \$21 million investment in the city of Adelaide.

The SPEAKER: The minister is getting repetitious now.

The Hon. P.F. CONLON: I am parochial, it is the greatest capital city in Australia, and the most beautiful, and these people begrudge a \$21 million investment in it. The opposition is small minded, sir, and they will stay there. I commend the bill to the house.

Bill read a second time.

In committee.

Clause 1.

Mr HANNA: First, I have some general questions about the bill. The first is a strategic question about why the decision was taken to extend the tramline this far and no further at this point. Is there a long-range plan to extend it to North Adelaide, or Port Adelaide, or anywhere else, and what are the perceived benefits of bringing it up to North Terrace? Although I have some tram and train enthusiasts in my community who are really keen on the idea of extending the tramline, I also have people who say to me, 'For the money that you are spending, why can't people get off the tram where it is and walk up to North Terrace, or catch a bus? There are already 50 different kinds of buses that go up between Victoria Square and North Terrace.' So, I ask the minister to clarify why this particular decision was taken to extend it thus far and no further and why it was believed that the benefits outweighed the cost.

The Hon. P.F. CONLON: It is very simple. There are two points. Firstly, people like trams much better than they like buses—that is the case around the world. They are five times more likely to catch a tram than a bus. The big point is whether you think we have a future as a state and a capital. If you think that there is a future for extending the tramline, the obvious first extension is this one. It opens up options to go down through the university precinct, back through the city and create enormous urban renewal. Anyone who thinks about that for a moment will see that these are the options that are open. If you believe in the future, as we do in this government, one of the things that is absolutely obvious from tramlines in Australia—Fremantle and Perth are strong examples, and we have heard a lot about Oregon—is that they drive urban renewal.

Anyone who knows the city of Adelaide knows that that western part of the city is quite run down. If you go past the university precinct, some streets have very old, rundown cottages. It would drive enormous urban growth to put trams through there. It creates a capacity to run loops through the city, and it creates the possibility of replacing the existing north-western rail routes with light rail. They are all big, expensive options, but, if you were going to take the step that opened up further extension, this is the absolute obvious first one. That is the long and the short of it. I believe in light rail. We would like to see, unashamedly, population growth, more young people in South Australia, a greater density of population and a greater capacity to extend our public transport system. I believe in the future. This is a statement that this government believes in the future of the state and, particularly, the city of Adelaide.

Mr HANNA: The other question I have is about opportunity cost—the other things that you could do with the money. The minister is well aware, in his capacity as Minister for Transport and as member for Elder, that I am very keen to see a grade separation at the Oaklands crossing. On the weekend the minister suggested that it might cost \$60 million to build such a thing. Has the minister checked in the past couple of days the latest figure for constructing such a thing? Why would that be a less worthy project than extending the tram?

The ACTING CHAIRMAN (Mr Koutsantonis): We are on the short title of the bill, but go ahead, minister.

The Hon. P.F. CONLON: Frankly, we had the meeting on Sunday; today is Tuesday. We have been in this place a lot, and I have not been able to advance those estimates much beyond that. I think the member for Mitchell would appreciate that there has not been a lot of time. There is absolutely

no doubt that I would like to see some investment down there and, as we said at the meeting, if I had lots of money, I could do a lot more road works.

In terms of the contribution to road works over the next few years as opposed to rail and public transport, the massive investment that we are making is in roads. I do not think it is out of order for us to make a much smaller contribution to this, which I think is a very worthwhile project. At the end of the day, if you were to take this money and put it in roads, you would have over four years something like \$1 billion worth of investment in roads and a tiny share in public transport. So, I think it is quite a reasonable decision. Frankly, the public transport advocates probably have a stronger argument for why we should be putting more in there and less into roads, but we all have to make decisions about priorities. I would love to take the money from somewhere else and put it into a project in my own electorate, but I imagine that some people would ask me questions about that, too.

Mr BROKESHIRE: Can the minister advise the house what the government has done with this project for the initial stage and for subsequent stages when it comes to feasibility studies, road traffic management studies, net cost benefit analysis and business case for this project for Stage 1 and beyond?

The Hon. P.F. CONLON: Maybe the member for Mawson was not paying attention. Despite having been here through the whole debate, he has not noticed that this bill is not about a project: it is about Victoria Square.

Mr Brokenshire: It's relevant.

The Hon. P.F. CONLON: He said that it is relevant, so he has noticed that. We still—

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: You want an answer? Okay, tough guy; let's go then. Come on. You are going to muscle up, are you, Robbie? Do you muscle up by making up stories, because I saw your story about how the airport came about because John Olsen signed a deal? Mate, muscling up is not making up stories. You demand an answer; let me tell you that, of course, we have done something. It is not about this bill, though. No; you have to sit down because I have not finished yet, Robbie. They are the rules. You have been here a while and, although you will not be here for much longer, they are the rules.

Mr MEIER: On a point of order, Mr Acting Chairman, would you please pull up the minister? He has been here for a fair while at this stage, and he does not seem to know any of the rules. We need to get back on track. Otherwise—

The ACTING CHAIRMAN: Are you just going to shout over me or do you have a point of order?

Mr MEIER: Yes. My point of order is that he is completely disregarding the standing orders that we are supposed to adhere to.

The Hon. P.F. Conlon: In what way?

Mr MEIER: You were calling him by his Christian name or a—

The Hon. P.F. Conlon: He shouldn't have been interjecting, should he!

The ACTING CHAIRMAN: Order! Both the shadow minister and the minister are engaging in a vibrant debate in the committee. I think that they are both big enough to take it. I ask the minister to return to the point.

Mr Meier interjecting:

The Hon. P.F. CONLON: Did you hear that, sir?

The ACTING CHAIRMAN: No, I did not. What did he say?

An honourable member: We have a weak Chairman.

The ACTING CHAIRMAN: Given the member for Goyder's long history in the house, I will not take any further action, but I think that it is extremely discourteous to attack the Chairman in the way you have. It is unlike the way you have carried yourself in the chamber.

The Hon. P.F. CONLON: I point out that the member opposite should not expect me to behave, if he does not, and he says, 'I demand an answer.' Who does he think he is? Even though it is not relevant to this bill, the project has an estimated capital cost of \$21 million and a benefit/cost ratio of approximately 1.9, which is pretty good for public transport. There is a long way to go with this. This is a bill to deal with Victoria Square. What we do from here is spend a lot of time discussing with the Adelaide City Council some of the things it would like to see from the project, but it has a very good benefit/cost ratio for a public transport project. Most public transport systems are very heavily subsidised.

Mr HANNA: On behalf of the Greens, I move:

Page 2, line 2—Delete 'Victoria Square' and substitute: Tarndanyangga

This amendment is of a symbolic nature. Essentially, it renames Victoria Square as Tarndanyangga, which is a Kaurna word referring to a meeting place. It is a word that is already in use, and the Adelaide City Council has encouraged the use of that Kaurna term for what we know as Victoria Square. I suppose this is just reversing the order somewhat, because at the moment, obviously, that particular part of the city is legally known as Victoria Square and has been so known since the time of Queen Victoria in the 19th century.

However, it is appropriate to recognise the Kaurna history beneath the current built heritage of the city, and this parliament can do so in this way, by giving recognition to the people who were here before Victoria Square was even contemplated, let alone named.

The series of amendments of which this is a testing amendment would not preclude people referring to Tarndanyangga as Victoria Square, and I imagine most people will do so for a very long time to come, so no disrespect is intended to anyone. It is simply giving a primacy to the Kaurna name for that place. I imagine that it is something like Ayers Rock and Uluru. People will remember that probably a couple of decades ago now the monolith known as Ayers Rock reverted to the name Uluru for official purposes. Although many people still refer to it as Ayers Rock, many in common parlance now refer to it as Uluru which, after all, is more respectful in terms of the Aboriginal inhabitants of that part of central Australia.

This is a measure that gives equal respect to Aboriginal Australians and those who came later, of whom we are the descendants. I commend this renaming of Victoria Square to the committee.

The Hon. P.F. CONLON: I do not think the member for Mitchell will be surprised to know that we could not agree to the amendments, for a couple of reasons. Primarily, Victoria Square is very much an interest of the Adelaide City Council as well, and it is not the sort of thing we could contemplate without discussion with the Adelaide City Council. Just in a legal technical sense, were we to make its legal name Tarndanyangga, we would actually have to review a load of other legal instruments that refer to Victoria Square in one way or another. It will take a little more than an amendment

to this bill. I will probably get into trouble for saying this, but I am not particularly enamoured of the name 'Victoria'. I am not sure what it means to people these days. Most people think it is named after another Australian state. Obviously, it would be the height of arrogance for the parliament to do this without consultation with the Adelaide City Council.

What I can say is that we have had consultations with Kaurna people in regard to this and we have been talking about the dual naming of the new tram stop in Victoria Square as the Victoria Square or Tarndanyangga tram stop, and the Kaurna Heritage Board has been consulted and is supportive of this tramway project. There is scope there for some greater recognition than at present, and I am more than happy to consider different names. However, it is certainly not something we could thrust unilaterally at this time of night on the Adelaide City Council or on the other laws of the state.

Amendment negatived.

The ACTING CHAIRMAN (Mr Koutsantonis): That makes redundant all the other amendments to be moved by the member for Mitchell.

Mr HANNA: I will not be proceeding with them.

Clause passed.

Remaining clauses (2 to 9), schedules and title passed.

Bill reported without amendment.

The Hon. P.F. CONLON (Minister for Transport): I move:

That this bill be now read a third time.

The house divided on the motion:

AYES (20)

Atkinson, M. J.	Bedford, F. E.
Caica, P.	Ciccarello, V.
Conlon, P. F. (teller)	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Snelling, J. J.	Thompson, M. G.
Weatherill, J. W.	Wright, M. J.

NOES (16)

Brindal, M. K.	Brokenshire, R. L. (teller)
Brown, D. C.	Buckby, M. R.
Chapman, V. A.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Penfold, E. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

PAIR(S)

Breuer, L. R.	Evans, I. F.
Hill, J. D.	Hamilton-Smith, M. L. J.
Key, S. W.	Kerin, R. G.
White, P. L.	Redmond, I. M.
Stevens, L.	McFetridge, D.

Majority of 4 for the ayes.

Third reading thus carried.

ROAD TRAFFIC (DRUG DRIVING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 September. Page 3365.)

Mr BROKENSHIRE (Mawson): This is a very important bill, and one that the opposition will be supporting. It is no surprise that we will be supporting this bill and I need to remind the house, particularly government members, that we attempted on numerous occasions to get a vote on this bill over a year ago, so there is no reason why we would not be supporting it. I noted with interest that the minister said that I was not ready yesterday. The fact of the matter is that I noticed his little stunt where he tried to get a run both in *The Advertiser* and the *Sunday Mail* having a go at me personally because he claimed that I was delaying the bill. Let me just put on the public record the truth, because I noticed on the radio that this minister often uses that word.

The truth of the matter is that the government took over a year to bring in its own bill because the government wanted to go to the next election hopefully with a police officer very close by, just before the election period, with the first drug-driving testing procedures. That was what the government was hoping for. They procrastinated and held back for over a year on the bill that the honourable member for Schubert had ready, with the total support of the Liberal Party, that could have been through, and SAPOL could have been out there now for six months actively testing drug drivers.

It was interesting listening to the Premier this morning, where the figure had actually increased from a previous figure that was reported by the Premier to this house. In this house early this year, or late last year, he was defending the reasons why the government had not brought either their drug driving bill in then—drafted, I might add, by the same parliamentary counsel as the member for Schubert's—and the Premier said, 'We will have our bill ready by Christmas.' He then said that 29 per cent of drivers involved in fatal accidents last year tested positive for illicit drugs in their system. Today the Premier said it was as high as 33 per cent. The fact of the matter is that if that is the case, then during this procrastination period there have been dozens of people who have died—drivers and probably others—and major road trauma as a result of the delay in bringing in this bill, where potentially it could have been minimised by virtue of the fact that there was drug-driving testing available.

If you look at the history of this parliament, first of all, there is a rule, and the rule says that from the time a bill is tabled by a minister, or by a private member, the minimum the bill must sit on the table for—the minimum—is seven sitting days. We are debating this bill within 10 sitting days and we intend to get this bill through the parliament tonight. We also have offered the government fast passage in the Legislative Council. So we do have a right to go out and consult to see whether we can strengthen a bill. We do have a right for proper briefings from Transport SA and police, and we also, just like the Labor Party, do not actually meet to discuss bills of the parliament very often outside of sitting weeks. So it was a real little smart trick to try and have a little jab, but it backfired and you did not see any of that in the paper, because the journalists will not be bought off with nonsensical little press releases where small-minded people play little games.

I say that we have been very committed to this bill, in being able to debate this bill within 10 sitting days—just 10 sitting days—of the bill being tabled. In fact, this government has a history of tabling a bill and then not debating it for weeks, if not months, or, as is the case with a bill like the Sustainable Development Bill that they champion, pulling the bill altogether. They are the facts on the matter. I just want to put that on the public record, because the minister and his

advisers and the other ones who want to play the games, can roll out those little press releases and they might take an hour of my time talking to the media, but I am very happy to background the media and tell them what the facts are. So, Mr Speaker, I think it is important to put that on the public record.

The situation is very concerning when it comes to illicit drug driving. Can I congratulate, first and foremost, the Victorian government and VicPol, who actually took the initiative to get out there as early as they possibly could and to get legislation and testing through to try to overcome the problems in Victoria. Yes, there might have been a little bit of negativism to the Victorian police and the government because there was some finetuning needed, but that will always be the case. I am very proud of our South Australian police, as you know, Mr Speaker, both as minister and shadow minister. It is a great portfolio and I love it because we have a fantastic police force. But, if there are hiccups and teething problems when it comes in here, so be it. I will still support police and this bill, because it is better to get the message out there as early as you can that you may have a reasonable chance of getting caught for using illicit drugs, and run the risk of someone challenging that, than procrastination, procrastination, procrastination. That is what this has been: direct procrastination purely as a political point-scoring exercise close to an election.

The government has dragged the chain for so long on this issue. I told them that we, the Liberal Party, would give them another opportunity. We would have a special day of sitting in July, and we would get the bill through then. Of course, what happened? It did not occur, and here we are now debating the bill in October. In the briefings, I was told that South Australia Police would not be able to start the illicit drug driving testing until June of next year. It did not matter whether we debated this on the last Thursday of sitting, yesterday or today, the police would not be ready until June next year (and it is not their fault, I might add), because they had to train officers, buy equipment and make sure they had everything right.

On that point, I would have hoped for some significant budget increase to assist police in the practical operation of this bill, but I believe that the budget for police for this is pretty tight. Unfortunately, in the first instance not a lot of police will be trained to do this particular testing. Only on Sunday, we were talking about how this government can find a couple of million dollars overnight when it does a deal with an Independent to get another minister in to shore up their government and then find another \$2 million, which amounts to \$4 million, even though the Premier said that it was only a mistake that they had allocated 15 cabinet ministers instead of 14 and that he would not use the 15th. However—surprise, surprise—a little later, in comes the honourable member for Chaffey. So, they can find \$4 million in a short time for that, but they cannot find a few hundred thousand dollars to assist police in what they would like to do. I will leave it at that.

Make no mistake, South Australia Police (SAPOL) has been keen to get this legislation through for quite a period of time. Even when I was police minister, whilst the technology was not available, from preliminary discussions I know that it was always of extreme concern to the police that so many people were driving in South Australia with illicit drugs in their system. Look at what has happened. Admittedly, in Victoria they have targeted rave parties and certain events for the testing. However, even taking that into consideration, from what I have read from Victoria recently, my understand-

ing is that the police there were absolutely surprised at the percentage of people from whom they obtained positive tests for illicit drugs. It was a much greater number than for alcohol. If that is the case in Victoria, when we start testing, especially if we can get enough equipment and volume of police through the training, I project that we will see a situation here where the number will be much higher than even in Victoria.

I am always very concerned about the amount of cannabis in use in South Australia. I make no apology for fighting illicit drugs, and it is something on which I have been consistent since I have been in this place, and it is something about which I will be consistent for as long as I am in this parliament and beyond. Having held the police portfolio in government, as well as the correctional services and the emergency services portfolios (and I refer to the ambulance service), I understand the horrendous devastation that illicit drugs have wreaked on the South Australian community. Of course, I used to get a monthly report from the ambulance service on what was happening with overdoses and the carriage of people with illicit drugs in their system. In my opinion, the percentage of people who had overdosed, or who were taken in an ambulance to be saved with a cocktail of drugs in their system, was horrendous.

We know about the soft approach to cannabis taken by the previous Labor government, but we have moved a long way to toughen up on that. I had to chuckle quite a bit this morning at the Police Association conference when the Premier, continually rewriting history, told the Police Association how, as well as being tough on hoon legislation, he had been able to achieve zero tolerance on hydroponic cannabis. As you know, Mr Speaker, that was part of our policy at the last election, and I acknowledge that it was also something in which you have had a personal interest for some time. If you read the history of the parliament, you will find that the zero tolerance legislation on hydroponic cannabis (which the Premier said this morning he had achieved) was actually my private member's bill on behalf of the Liberal Party which was finally passed nearly 18 months to two years after we lost government.

History will also show that for nearly two years as police minister, when I was trying to engage the then leader of the opposition (now Premier) into debate on illicit drugs, particularly cannabis, he was not on the radar screen. Those are the facts, and I would love to have had an opportunity to talk with our police officers at the Police Association and put the facts to them. However, I know that they understand what has happened.

The point I raise with respect to this bill is that the damage that has occurred as a result of that soft approach on cannabis in particular has been horrendous for the South Australian community. Today, I saw a map showing the greatest concentrations of cannabis in the world today. The concentrations were shown by a cannabis leaf, and the bigger the leaf the greater the concentration of cannabis availability and growth in that area. It was no surprise to many, and probably to anyone else in this parliament, that we in South Australia today were shown as having one of the largest cannabis leaves of any district, region, state or capital in the world.

That is another reason to ensure that we pass this legislation. While we do not have the statistics on how many people have been killed or put into a situation of major trauma as a result of illicit drug driving, if in 29 to 33 per cent of the fatal crashes last year the drivers had illicit drugs in their system

then, sadly, a lot of other people have been killed or injured as a result of that.

We have to show zero tolerance—not follow the harm minimisation stuff and soft approach. Zero tolerance must be the message when it comes to illicit drugs. I do not know how many constituents visit the member for Florey in her electorate office, but I assume it is a reasonable number. I bet that, if it is anything like my electorate office, there have been times when parents have been crying in her office because their children have become involved with illicit drugs—which have destroyed the opportunities for that young person and totally traumatised the whole family. In the worst case, parents came in tears to me because they had to kick their son out of home when they came home, after trying to trust him and help him, to find that two of the last electrical items they had in the house had gone to a pawnbroker. He went off with the cash to get more illicit drugs.

We must work very hard. Have we lost the war on illicit drug use in this state? I hope not. Are we getting close to a situation that is irreparable? I suggest the answer is that we have got close to that situation. This is just one tool that we can use in the battle. There needs to be a lot more to try to fight and combat illicit drug use, as well as trafficking. I say to my colleague the member for Schubert (who was not in here earlier when I was making my remarks) that I appreciate his genuine concern and passion for ensuring that illicit drug driving testing is passed.

We are absolutely united on supporting this bill, but we will be moving three amendments, in particular. I was extremely disappointed to discover that after all the tough talk from the Premier this bill was soft. For example, if a P-plate driver gets caught at a breath testing station with any alcohol in their system they immediately lose their licence. That is the rule for P-plates.

The bill we are debating tonight sends an absolute mixed message to P-plates as one example of the community. If a person drinks and drives as a P-plate, they lose their licence straightaway. If they take illicit drugs as a P-plate, they do not lose their licence. They get a fine of up to \$700; that is all they will get. I also discovered that this bill does not treat illicit drug driving testing when you test positive equivalent to a category 2 offence for alcohol when driving. A category 2 offence is .08 and upwards, and then there is category 3. At .08 they lose their licence and get a much more serious fine. There are further ramifications if they get caught again within a certain time. That is absurd—and I want to expose it. I hope the media will pick up on these amendments, particularly if the government does not support them.

In a bipartisan way, I ask the government to support the opposition's three amendments. I do not think that is a big ask. We are supporting a bill that the government would not support when it was put forward through the member for Schubert. We are passing that bill tonight—

The Hon. M.J. Atkinson: Well, we had to wait for the technology to be right.

Mr BROKENSHIRE: That is not true.

The Hon. M.J. Atkinson: Well, you don't want people to be taken off the road for eating too much garlic.

Mr BROKENSHIRE: Could the Attorney-General wait for a moment? The point is that we will support this bill tonight. I have explained the reasons for the procrastination of the government. If government members are serious about helping the police to keep the community safe on the roads, and serious about sending the right message to the community about the dangers of illicit drugs, surely the

minimum it should do is support some consistency that the opposition is putting into this debate.

The Hon. D.C. Kotz interjecting:

Mr BROKENSHIRE: That is a good point that is made by the member for Newland. In May 2002 (soon after the last election), I went along for several days to one of the Premier's earlier spin initiatives. It was called a drug summit. At that stage he was starting to get illicit drugs on his radar screen, even though when we were in government and I was the police minister he would not debate the matter.

In May 2002 I sat mainly in the enforcement area when it came to a debate on illicit drugs. I did not go to the workshops on the soft, sappy approach where one pats little Johnny and Jill on the backside and says, 'Now, dear, you mustn't touch these drugs, they might hurt you.' I went to where we should have been going, that is, the enforcement side of it.

Here we are now, well past May 2002—in fact, we are three years and several months past May 2002—and we get this piece of legislation, which does not even have consistency with drink driving. Here is an opportunity for some genuine bipartisanship. Let us push this bill through tonight, but let us ensure that when we do so there is some consistency. I have an enormous problem with the fact that there is a fundamental difference between alcohol, cannabis and illicit drugs, such as amphetamines, and the like.

The fundamental difference is that you can legally go to a hotel, a nightclub or a drive-in bottle department to buy alcohol provided that you are 18 or over and you are not intoxicated. The fact is that alcohol is a legal substance. Of course, it has horrendous consequences for the driver and the community if people drink and drive but it is a legal substance. Cannabis, amphetamines, heroin, cocaine and all those other drugs are illicit drugs. They are illegal drugs. It is a criminal offence to possess, to use or to traffic in those drugs, yet what is this government doing? It has taken a softer approach to its legislative framework with this bill than it has for alcohol. What sort of message does that send to the community?

The Hon. D.C. Kotz: Confusion.

Mr BROKENSHIRE: It is confusion, at least. At the same time, the other night when I was watching *Imparja*, the Aboriginal station, I noticed that the federal government was spending a lot of money explaining to the people up north the problems with illicit drugs and the harm that it can do to beautiful people. The Prime Minister is spending a lot of money to send a message to people about the dangers of illicit drugs. We see police on a regular basis fighting outlawed motorcycle gangs who are into illicit drug trafficking in a big way. Of course, we read and hear about issues regularly where illicit drugs are causing harm, yet we have a softer bill than for alcohol. When I asked at my briefing why that was so, one of the things that I was told was that you have to look at civil liberties. What civil liberty?

I will not name this gentleman or go into the case because I do not want to jeopardise what the police are doing, suffice to say, that I know of one case now where it is pretty clear that someone is not alive today as a result of an illicit drug driver. I will say no more because I want to see the police charge this person. What civil liberty did that person have who is now dead? What about the civil liberties of the wife and the brother-in-law? What civil liberty do those people have? We all know that there is no civil liberty for those people. As far as this matter is concerned, I do not care about civil liberties: I care about looking after the best interests of

the South Australian community. I care about the fact that when people go to work, school or shopping—

The Hon. M.J. Atkinson: So you do not care about our civil liberties?

Mr BROKENSHIRE: Not on this issue I do not, Attorney, and I hope you will not either. As someone who is probably a little more right than most members on your side, I would hope that you would definitely be supporting this amendment. When it comes to illicit drugs, civil liberties do not worry me at all. What concerns me is that our husbands, wives and children are able to go to work, school, shopping or attend any form of entertainment and not run the risk of being injured or killed by some person who has no respect for anyone and who attempts to drive a motor vehicle with an illicit drug in their system. If that person is not capable of working out how they should load that vehicle—as is the situation in the case to which I referred earlier—then that causes a problem for other drivers who have no chance of saving themselves or others in the car.

That is what we should be debating tonight. I want to see legislation passed here tonight and in the upper house that sends the toughest message possible to people who touch illicit drugs. That is, if you drive a vehicle, you will get caught, and what is more, you will face serious consequences. That is why we will be moving three amendments tonight. I would have liked to see in the legislation the broadening of the scope of random drug testing to allow for the testing of illicit drugs other than amphetamines and cannabis. We will be the third jurisdiction in the world to test drivers for illicit drugs. Victoria was the first, as I understand it from memory, and Tasmania was the second. New South Wales is working through legislation at the moment. Western Australia is working through legislation. I am advised that the United Kingdom is now looking at legislation to combat illicit drug driving.

I am told that Tasmania has a much broader legislative framework which allows them to test for drugs other than amphetamines and cannabis. I am told that Tasmania's legislation was too broad and that it is now changing it because of some problems with the technology. I am told that when this legislation is reviewed in 12 months—although it will probably be more like 18 months, 12 months I guess from when testing starts—that they will consider looking at increasing the regulations to allow for the testing of other drugs. I acknowledge—and I am trying to be fair—that until new technology is developed, it may be more difficult to test for illicit drugs such as cocaine and heroin. However, I am also concerned that some people might try to opt to use illicit drugs other than amphetamines and cannabis to avoid being charged with drug driving. I would have liked to see the legislation broadened from the beginning.

I thank the advisers who advised me the other day because they are decent people and they have done probably the best they can within the scope of what the government has allowed them. However, it is one thing to say, 'Look, trust the government, we can look at regulation', but government brings in regulation, as I clearly remember when we were in government. We could always bring in the regulation and the opposition might try to overturn it in another place but, by and large, the government's regulation stands.

The Hon. I.P. Lewis: That is an unfortunate thing.

Mr BROKENSHIRE: Yes, it is, but if we put this into legislation then that is law, and that is where I would rather have gone. I would rather have had a clause in here that had set in concrete—in the law—the opportunities for broadening

this. Given that we want to get the bill through, given that I want to be fair to the government, and I hope that they will also be fair to us with these three—

The Hon. I.P. Lewis interjecting:

Mr BROKENSHERE: No, never, but that is this government. The point is that I am asking the government to look at these three amendments and support us. The other thing that I raise is a personal issue that I am pretty passionate about. I believe that we should give police every opportunity possible to work through any intelligence collection that they can get; any chance that the police can get to find out who is a dealer, and who is a person who produces, manufactures or grows illicit drugs, and any possible chance to get them convicted. I am disappointed that this bill does not allow for the DNA in saliva testing to be used by police to cross-check with other DNA that they have. As an example, they pick up somebody who has tested positive for illicit drugs, an outlawed motorcycle gang member. They may have some other DNA and they just need this missing link to be able to open up a huge opportunity to make a possible arrest into illicit drug trafficking. In my time as police minister, it never ceased to amaze me how often one little piece of intelligence—

The Hon. M.J. Atkinson: What a turnaround.

Mr BROKENSHERE: Can you have your turn later on, Michael, or go somewhere else?

The Hon. M.J. Atkinson: What a turnaround.

Mr BROKENSHERE: Mr Speaker, can I have some protection from the Attorney-General, please?

The SPEAKER: The Attorney is well and truly out of order, and he knows it.

The Hon. M.J. Atkinson: I thought you had toughened up in this session.

The SPEAKER: Order! The Attorney is getting very close to being warned.

The Hon. M.J. Atkinson: Sorry, sir.

Mr BROKENSHERE: Thank you, Mr Speaker. It was amazing sometimes how a very small piece of intelligence that the police got hold of allowed them to get right into organised crime. So why are we not looking at that opportunity with this legislation? Given that I know realistically from the briefing and the mood of this government that they would not allow an amendment like that at this point, I am just raising that issue. However, I can say to the parliament tonight that, if the government was happy enough to draft an amendment that gave police extra opportunities with this DNA, opposition members would be with them like a cannonball, because we would like to see that opportunity for the police.

As I said earlier, one of the amendments that we will be moving is to get some consistency into this measure. That is, we will be ensuring with our amendments (which, I point out for the benefit of the advisers, have been filed) that a first offence for illicit drug driving should be treated the same as a category 2 with alcohol, so that there is consistency there. We want to see these people lose their licence for a minimum of six months, and for it then to go out to the point where—depending on subsequent offences and equivalent categories to alcohol with illicit drugs—these people lose their licence for up to five years, because we have to be consistent. If I had my own way, I would be much further over the top—but I know a lot of colleagues would not support that—because illicit drugs, in my opinion, are much worse than alcohol. If you say that they are equivalent from a road safety point of view—if the argument tonight is primarily just about road

safety—then let's get consistent. This is what the minister will say to me—

The Hon. M.J. Atkinson: Why didn't you do this when you were police minister?

Mr BROKENSHERE: I did a lot when I was police minister. As well as fixing the finances of the state with my colleagues; as well as getting unemployment from 12.6 per cent down to near the national average; as well as building infrastructure—we did a lot. We also delivered extra police and built police stations.

The SPEAKER: Order!

Mr BROKENSHERE: I am just answering him, sir.

The Hon. M.J. Atkinson: Which ones would they be?

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

Mr BROKENSHERE: I could list them off but it would take 10 minutes. I will get back to this point. We need some consistency. The minister is going to say to me in response to this amendment, 'We can't tell with the technology at the moment, what level that person is with illicit drugs in their system.' It does not matter that they may be as high as a kite. If you want to act like a kite, go and get a kite and get out in the park, and fly the kite there, but do not get in a car as high as a kite, try and drive, and kill people. The minister will say, 'The technology doesn't allow for us to determine whether they are equivalent to 0.05 or 0.08 or 0.179, or whatever.' So, that is why we are coming to this lowest common denominator; and that is why we are sending all these mixed messages. I say to hell with that. If they are going to take illicit drugs then you treat it at the other end, as if they are way up on the top end. That is how you treat it, that is why we are moving this amendment, and that is the way it should be, and I beg, for once, the government to support this important amendment.

I also want to absolutely guarantee, so that there are no ifs, buts, greys, whites, maybes, that if the police pick up and have a positive illicit drug test, they can absolutely ensure without any shade of grey that they can get those keys, they can lock that car up, and that drug driver has no way of getting back into that car and driving. At the moment, the way this bill is drafted, that is the way it could be. It will be very difficult for police in the way that this bill is drafted—as I am advised, and I have checked this with parliamentary counsel too, as well as the advisers—and I am absolutely determined to ensure that police can get those keys, lock that car up, and make sure that the drug driver does not get back into that car. I do not want to leave this parliament tonight, nor do my colleagues, knowing that we have a bill that will allow the technical possibility, and the practical possibility, as has happened before, where the police catch a drink driver, and under this bill a drug driver, and then off he goes around the corner and kills someone. That is not fair on the police. It certainly is not fair on the person who dies, nor is it fair on the community; and here is the chance to strengthen this so that, when the police go out there, they can say, 'I'll have your keys.' That is the way it should be. It is clearly drafted—there is no ambiguity. Again, I appeal to the government to support the amendment.

I also ask the government to support my other amendment. Whilst I have been through the debate and understand the reasons why tonight we will not give them everything our party would like to give the police on this, I ask the government to support our amendment where we give police the opportunity immediately to search the driver and their vehicle, if they prove positive. This means that, if the police can find illicit drugs, or if they go into the boot of that car and

find a clandestine laboratory or a heap of dried cannabis, they can knock them off for that. That is what we want. What is more, then—

The Hon. M.J. Atkinson: The positive reading would give the cops reasonable suspicion.

Mr BROKENSHERE: No; my amendment just gives the police the opportunity. Why would you not let the police have that opportunity? What are you scared of?

The Hon. M.J. Atkinson: Haven't you ever heard of reasonable suspicion?

Mr BROKENSHERE: I do not care about reasonable suspicion with drug dealers and traffickers. Ask the parents of the kids who are affected, Michael, whether they care about reasonable suspicion. We are talking about illicit drugs.

The Hon. M.J. Atkinson: If they tested positive to drugs, isn't that reasonable suspicion to search?

Mr BROKENSHERE: Trust the police. The police do not put the drugs on the people when they search them: the police find the drugs on the people. Give the police the opportunity. Take the handcuff off the police; let them have both hands free to do their job, and let's get in.

The Hon. M.J. Atkinson interjecting:

Mr BROKENSHERE: Don't groan. The Premier is the big tough man on law and order. He is the hairy-chested man who goes around saying that Mike Rann and the Labor government are tough on law and order. Here is an opportunity to prove their toughness. I ask the government to support this legislation.

The Hon. M.J. Atkinson: We are the ones who are moving the bill. You were police minister and you didn't do a thing about it.

Mr BROKENSHERE: And I am moving amendments to strengthen this bill.

Mr Venning: What about my bill 12 months ago?

The SPEAKER: Order, the member for Schubert!

Mr Venning: It was exactly the same as this bill.

The SPEAKER: The member for Schubert, if he wants to speak, can contribute to the debate.

Mr Venning: What a fool.

The Hon. M.J. ATKINSON: On a point of order, sir: the member for Schubert has now twice referred to me as a fool. I ask him to withdraw and apologise.

The SPEAKER: Yes; it is unparliamentary. The member for Schubert should apologise. Some members, I think, could do with a Serapax.

Mr VENNING: In deference to other fools, sir, I withdraw.

Mr BROKENSHERE: I will wind up my remarks. I can understand why the member for Schubert is so passionate about this, especially when he has been tolerant and has tried to get a bill through for a year. To come back to the point—

The Hon. M.J. Atkinson: Why wouldn't you give Tea Tree Gully a patrol base when you were police minister?

The SPEAKER: Order!

Mr BROKENSHERE: We would have had one available for them. The member for Wright was silent for two years on that, and it will not even be ready for the election.

Ms Rankine: Nothing. Shopfront.

The Hon. M.J. Atkinson: Why did you refuse to give them one?

The SPEAKER: Order! The Attorney and the member for Wright are completely out of order, and it has nothing to do with this bill. The member for Mawson has the call.

Mr BROKENSHERE: Thank you again for your protection, Mr Speaker. In the Westminster system, in a

democratic system—if we have any democracy left with this arrogant government that tries to override, dominate and change all the rules and laws that have been there for hundreds of years in this parliament—yes, the government can bring in a bill and, yes, eventually, the government brought in this bill. Yes, we are supporting this bill. Equally, the government can support the amendments. In our party room we went through a lot of clauses that the member for Schubert and I very carefully put up today and said, 'Yes, we would like this and this, but let's be realistic on it. The government, in fairness, may not be ready to consider some of these that further broaden.' But we fine tuned it and we came down to three clauses that we believe make this a better bill.

Finally, if the government wants to demonstrate that it is very serious about fighting illicit drug use and illicit drug driving, and that it is to be bipartisan when the other side puts up just three key amendments to make a bill better, then I urge it to show that bipartisanship and we will be very pleased. I will say in the media tomorrow that the government saw the benefits in strengthening this bill but, if the government does not want to go down that track, I will have no choice tomorrow but to tell the public and the media that this government has a half-baked bill that is nowhere near as tough as it should be when it comes to attacking illicit drivers.

With those remarks, as I said, we support the bill, but we ask the government to support those three amendments that are on file now. They are on file for any member who wants to support them. I thank my colleagues for their support and debate this morning in ensuring that we have the best possible chance not only of enabling the police to assist our community to keep our roads safe but also to give the police an opportunity to do a little more. I commend these amendments and the bill to the house.

Mr O'BRIEN (Napier): I rise to support this bill quite simply because the bill aims to save lives. This legislation will save lives by forming an important component to the Rann government's ongoing commitment to improve safety on our roads. In order to meet the State Strategic Plan's target of a 40 per cent reduction in road fatalities, this government has, among other things, increased roadside breath testing and penalties for non-compliance. It has purchased 48 new red light cameras and has made a substantial contribution to improving road conditions in both metropolitan and rural areas.

One area of concern that has remained until now is the issue of motorists driving under the influence of drugs. As I will outline later in my contribution to this debate, the use of drugs by motorists is a major contributing factor to the number of the fatalities on our roads. Until recently, there has not been a simple and effective method for broad scale testing of marijuana and amphetamine use among motorists. Police have been restricted to testing motorists who have committed a traffic offence or who have behaved in a manner that would indicate impairment.

Therefore, many drivers under the influence of drugs have escaped any penalty, despite breaking the law. In the same way that breath analysers revolutionised the fight against drink driving, the new method of drug testing on which this legislation is based will be a major weapon against drug driving. This legislation will discourage motorists from getting behind the wheel while under the influence of drugs in two manners. First, the legislation will be supported by

robust penalties for non-compliance and will act as an immediate deterrent. Secondly, it is hoped that in time this legislation will help to modify social standards of acceptable behaviour in relation to driving under the influence of drugs.

Legislation plays a role in forming social norms and standards of acceptable behaviour. This legislation will demonstrate that it is unacceptable to drive whilst under the influence of drugs. A parallel can be drawn to the change in social attitudes about drink driving. Over many years, governments around the world have actively pursued drink drivers. In South Australia we are particularly harsh on drink drivers. We do not apologise for this hard line approach: it saves people from their own irresponsibility and equally saves innocent bystanders from the irresponsibility of others. The combination of harsh penalties and driver education programs has gone some way to curbing the prevalence of drink driving.

As many members of the chamber may remember, several decades ago no-one really paid much attention to the dangers of drinking and driving. People would go to parties, drink heavily and then drive home without thinking twice. A long process of education, reinforced by punishment of those who persist in drinking and driving, has successfully changed social standards of what we regard as being acceptable. Today, most people will abstain from drinking altogether or will limit their drinking if they know they are going to drive. Alternatively, people will make arrangements for getting home if they know they will be drinking a little too heavily or feel they have had one or two glasses too many with dinner. Today there is very little sympathy for those who drink and drive. There is certainly no sympathy from the law, and I think most people who are caught receive very little sympathy from their friends or family.

We are fully aware that our battle against drink driving is not entirely won. There are still pockets of resistance, and we continue to work tirelessly to eliminate this resistance. However, the vast majority of road users have a responsible attitude towards alcohol use in conjunction with motor vehicle use. This is borne out in statistics collected on road fatalities. In 1984, 51 per cent of drivers killed in road crashes had a blood alcohol concentration of 0.05 or higher. Since 1998, the incidence of drink driving in fatalities has averaged 29 per cent. While 29 per cent is still too high and we remain committed to reducing this further, nonetheless it is certainly a significant improvement over the 51 per cent that was measured in 1984.

These figures emphasise my point that legislation and strict enforcement of the law has had a constructive result in relation to social attitudes about drink driving, yet the absence of any easy broadscale testing method for drugs has allowed drug users to ignore these lessons. This legislation will put an end to this discrepancy by introducing a scheme to easily test for cannabis and amphetamines, initially using oral fluid obtained by a swab and, in the instance of a positive result, confirmed by a blood sample. This legislation on drug driving is complementary to our drink driving laws and education programs.

I cannot overstate that the new measures against drug driving do not diminish existing measures against drink driving. It is my belief that, amongst a sizeable proportion of road users, there currently exists a culture that considers it acceptable to drive under the influence of drugs, especially among young people. A study undertaken by two academics at the University of Birmingham found that in a sample group of regular cannabis users surveyed, 58 per cent believed that

their driving was only slightly impaired by the effects of cannabis while 24 per cent actually considered that their driving was improved. In the same study, a broader sample group comprising the regular cannabis users and university science students who classified themselves as occasional users found that 64 per cent of respondents (that is, in excess of two-thirds) were not really bothered by driving under the influence of cannabis or thought that it was not really a problem.

The attitude among the remaining 36 per cent was that they really should not do it but that it was not as bad as drink driving. This was a British study, but Australian research has shown similar results. Researchers at DRUG ARM Australia surveyed 2 432 school leavers last year and found that one in 10 would drive while under the influence of speed (that is, amphetamine) or cannabis. Perhaps even more alarming was the fact that most school leavers considered driving under the influence of drugs to be preferable to driving under the influence of alcohol. The reality is that all international research on the effects of drugs on driving has found that drugs impair driving skills by affecting alertness, visual acuity, reaction time, judgment and decision making.

The use of cannabis and amphetamines is undeniably a contributing factor to fatalities on our roads. The Road Safety Advisory Council has advised that in 2004 27 per cent of fatalities on South Australian roads, who were drug tested post mortem, tested positive to either THC (the active component of cannabis) or amphetamines. While not every single road fatality is tested for drugs—infants, for example, are not drug tested—about 90 per cent of road fatalities are. If we reflect on that figure of 27 per cent for a moment, it is extraordinary. Clearly, nowhere near 27 per cent of road users are under the influence of cannabis or amphetamines.

Drug users are massively over-represented in fatality numbers. Without going into the details of a long list of statistics, it should suffice the members of this house if I say that very similar figures have been recorded in all Australian states. These figures are also reflected in European research on this issue. We do not have a great deal of statistical information on how many road users are driving under the influence of drugs because we have not been collecting data on this issue on a broad enough scale to generate meaningful statistical information.

Perhaps the only solid statistical data is from Victoria. As members of the house would be aware, Victoria was the first jurisdiction in the world to introduce broad-scale drug testing for drivers. The results have been alarming. The Victorian Minister for Police and Emergency Services, the Hon. Tim Holding, informed us that drug driving was three times as prevalent as drink driving. That is three times as prevalent as drink driving. One in 73 drivers tested returned a positive result for marijuana or amphetamines compared with an average one in every 250 drivers who breath tested positive for alcohol. This is staggering when one considers how much more widely prevalent the use of alcohol is compared with marijuana and amphetamines. The previous speaker made reference to the fact that Victorian police had been targeting rave parties and nightclubs. That may introduce some significant bias into the results, but it does not diminish the fact that a large number of young people on our roads are driving under the influence of drugs.

On the latest available data from the 2001 National Drug Strategy Household Survey, 82.4 per cent of Australians aged over 14 had recently consumed alcohol, while 16.3 per cent had recently used marijuana or amphetamines. I think that we

will all be shocked by just how many people we will detect on our roads who are under the influence of drugs. I think we will be less shocked by the fact that the majority of these will be young males.

Under the existing conditions, most people have been able to get away with driving under the influence of drugs. This is something that we want to change, because driving under the influence of drugs is extremely dangerous. I believe that no-one can reasonably object to the introduction of this legislation, and I have not detected a scintilla of opposition at this stage, or the new testing methods upon which this is based, because it is so clearly a positive step in reducing the road toll. However, and this is quite timely, people may question why we are only testing for cannabis and amphetamines and why this has taken so long. The answers lie in technicalities of broad-scale drug testing.

A series of articles in the June 2005 edition of the *Forensic Science International* journal highlights the difficulties and complexities involved in roadside drug testing. Saliva tests are clearly the preferred means of testing because they are unobtrusive in so far as they can be collected by non-medical persons. As reported by *Forensic Science International*, research undertaken for the European Union has demonstrated that people far prefer oral tests. This is hardly surprising as urine samples need to be collected in the presence of a police officer to avoid tampering, and people are understandably reluctant to provide roadside blood samples.

The testing of saliva for the presence of drugs has long been held back by the amount of saliva required for accurate tests. Initial trials established in the 1980s required three millilitre samples for accurate testing. When one visualises a standard five millilitre test tube, the difficulties posed by collecting a three millilitre roadside sample of saliva become quite clear. Even well into the 1990s, collecting a sufficient sample of saliva proved difficult. A Belgian toxicology and trauma study—and this was a new *modus operandi*—was only able to collect the required one millilitre sample from 26 per cent of the 1 231 subjects.

Steady progress in sample collection, knowledge of toxicokinetics in oral fluid and the reliability of on-site and laboratory-based immunoassay and confirmation methods means that it is now possible to test for certain drugs using a simple swab. Our endeavours to free our roads of drivers under the influence of drugs do, however, remain hampered to some extent by the difficulties in collecting sufficient volumes of saliva. This is why the roadside drug tests will be limited to THC and amphetamines. Multiple drug tests require more saliva. THC and amphetamines are the most commonly used drugs, and are also the most commonly detected in the blood of fatalities.

Drug usage is an unfortunate reality of the modern world, which no government anywhere or at anytime has ever managed to eliminate. The weight of historical precedents would indicate that no government will ever fully eliminate drug usage. This government remains committed to reducing drug usage, but at the same time we wish to minimise the harm caused by existing drug usage. The disproportionate number of road fatalities that are under the influence of drugs amply demonstrates that this is one area where we can take action to minimise the loss of life. Drug testing of motorists could in time become as commonplace as alcohol testing.

This legislation will permit the South Australian police to test any motorist at any time. The process will not be dissimilar to the breath testing for alcohol, whereby an initial

positive sample is confirmed by a secondary laboratory test. Initially it is envisaged that 1 800 tests will be conducted in the 2005-06 period and this will increase to 6 500 tests in the following year and 9 000 tests annually thereafter.

This bill aims to reduce the number of motorists on our roads who are under the influence of drugs. Enforced by stiff penalties and hopefully changing social attitudes, this legislation will discourage those under the influence of drugs from getting behind the wheel of a vehicle. In this sense it is hoped that it will significantly reduce the number of drug users on our roads. The bill is a major road safety initiative which should, and I believe will, receive the wholehearted support of the house, not least from the member for Schubert who has been somewhat of a prophet on this matter.

Mr VENNING (Schubert): I will keep my comments as short as I can tonight but, after two years, I will have trouble containing myself on this issue. I am rather amazed that nobody in this house has ever asked me why I am so passionate on this issue. Why would a person in my position have a thing about an issue like this? Why? It is because at a function about three years ago I was with people in a similar position to me, and they were not people from the lowest socioeconomic level, they were not less privileged; these were people in a very privileged position in our society. I got the hint very quickly that they were not into alcohol because they were going to be picked up; they were into drugs. They were into designer drugs. They were into speed. These people were certainly acquaintances of mine—I would not call them friends—and I said, ‘This is not right. It is not a problem for the poor. It is not a problem for the less privileged, it is a problem for the privileged.’ That is why it has taken so long to address this problem. I will not say any more, but members can look further into that. I am saying that members can look into that to ask why we have not addressed this issue earlier. Who is hiding from this issue?

Members interjecting:

Mr VENNING: The answer is to try to work it out and line it up. So I had great difficulty, after two years, hearing the Attorney-General tonight ask, ‘Why didn’t you do something about it?’ I have had three attempts: two private member’s motions and a bill, and here we are at last.

Mr Caica interjecting:

Mr VENNING: It is four years since we were in government, member for Colton. I have been campaigning for this for over three years. Back then we did not have any technology whatsoever. We have now a government bill. It is a pity it has come two years after I first raised the issue. I cannot understand why. In all honesty I offered the bill to the government. I urged it to take over this bill, my bill, and amend it and claim it as its own. That was a year ago. I urge members to read *Hansard* for September 2003.

The Hon. M.J. Atkinson: You were in government for eight years.

Mr VENNING: I would ask the Attorney-General to speak sense. This problem has become more prevalent since we introduced the blood-alcohol testing and that has not been going on for all that long. In the last three years, in particular, we have ramped it up to its current position. We have caused a lot of this problem because people have gone to drugs knowing they could not be detected. That is why it has happened. It has taken all this long before we got here.

Earlier tonight the Attorney-General interjected that we had to wait for the technology. Two years ago all I was asking for—and I was tipped off by the police—was to give

police back the power they used to have to undertake blood tests. They had that power until 1996. It was taken from them when we introduced the bill.

Mr Koutsantonis: By whom?

Mr VENNING: A Liberal government. I do not know whether it was intentional; I can never get an answer to that question. But this is a more serious issue than playing politics. When we brought in the Forensic Procedures Act 1996, for some reason (strange or otherwise) the police lost the power to take a blood test. All I was trying to do two years ago was to give that power back. What does this bill do? The key issue is that it gives back to the police the power to take a blood test. Irrespective of all the other technology we now have, that is all we wanted to do. Urine screening has been with us for years, and both blood testing and urine screening are 100 per cent accurate. You need only ask a doctor, and they will tell you that. Sure, urine testing is invasive but, in times of crisis, I think we could have been using it.

I give the government some credit for the bill. After all the humdrum, I thought that the government would have put up a soft bill, but it has not. This bill is stronger than I thought it would be—so much so that the government will be happy to have it not passed this session. However, I might be wrong; I stand to be corrected and am happy to be proved wrong. What concerns me is that none of these measures will be invoked before 18 March, the time of the election. Again, thinking of those targets I will not mention, they do not want this legislation, as many of them will be very inconvenienced by it. I do not think that you can name any profession that can be left out of this. I will be very pleased if the bill passes this house tonight, goes to the upper house, is passed entirely and goes to the Governor before we rise for Christmas. However, it will not be in before 18 March, which is sad.

What really annoys me is that this bill is almost exactly the same as my bill. I wonder that standing orders allow this sort of thing. We had a bill before the house for over a year, yet they can bring in an almost identical bill. My bill was debated three times and was knocked back by the government three times, but now it introduces its bill. I seek guidance from the previous Speaker tonight: is it allowed by standing orders to introduce a bill identical to one on the *Notice Paper*?

The Hon. I.P. Lewis: No.

Mr VENNING: It is not. I raised the matter at the time and was told that my bill was different. I looked through it and saw that the government's bill uses the words 'oral fluids' instead of 'blood', but the clauses are exactly the same, and the blood testing powers are identical. It is different in as much as my bill provides for roadside testing with a swab test, followed by an oral fluid test. If both tests were positive, a blood test would be demanded. To the government's credit, this bill is different and has short-circuited the process. This bill (and I support it) provides that if a swab test is positive, a blood test can be demanded straightaway without the oral fluid test. That saves time and also saves money. We are giving the police a lot of power to judge whether a person is obviously intoxicated with something other than alcohol and then demand a blood test.

I understand that the blood test can be undertaken anywhere—for example, on the side of the road during a blitz campaign—as long as it is done by a medical officer. Certainly, the bill is different from mine in that way, but the rest of it is exactly the same. It has taken two years to get to this point. I will not mention the name of the police officer

who first came to me, but he is a very public police person. He will obviously read this and say that we have come a long way but that it has taken two years. If we had given the police the power to take a blood test then, we could have saved so many lives. After all the humdrum I went through and the criticism levelled at me by three different ministers about the blood testing in this bill, I think it is absolute irony and total hypocrisy that they have put it in their bill and thought 'Ivan will accept this. He'll whimper for five minutes, and that's it.' However, it is a bit different when people's lives are at stake, and the legislation we make here affects what everyone does.

I was very hurt by the criticism of minister White at the time, and she really got stuck into me about how invasive blood testing was and how I ought to reconsider my position, because we could not do things like this. She is no longer the minister, but blood testing is in this bill. I recall that she certainly called it very invasive, a breach of privilege and everything else. But why has it taken the government so long to come to the conclusion it has? How many people have died in the meantime because of Rann Labor government prevarication and political ineptitude?

There are a few people on the other side I have a lot of time for, and there are a few smart political operators there. If the hat fits wear it, and I see a member or two nodding. Why did they not pick this up 12 months ago? Why did they not say, 'We'll trump Ivan's bill, put the blood testing in it and claim it for ourselves'? Why did they not do that? They could have been up there with the Victorians and leading the charge with this legislation. But, no, we follow on after having lost so many lives. Even after four years of Labor government, a lot of legislation that has come into this house has been sourced from this side of the chamber, and everything we do has had its genesis over here.

Before I run out of time, I want to talk about the amendments. I support everything the member for Mawson (Hon. Robert Brokenshire) has said, particularly in relation to the amendment concerning the education program. The government has intimated an education program to start the campaign. I do not believe that is effective. I believe that anyone picked up for a first offence should then undertake a strict education program, as part of the first offence and expiation fine.

I understand that the member for Mawson will move an amendment in relation to a second offence. I think this proposed amendment will cause some debate. It is probably the only clause on which we will spend some time. What is a second offence? I say that a second offence is either drink driving or drug driving—one is a second offence to the other. If a person is picked up for drink driving and then picked up for drug driving, that is a second offence; and vice versa. Likewise, it should be the same for a third offence. We had a debate in our caucus this morning and, after thrashing it around, we all came to the strong opinion that this is the way to go. Members of the government should think it through. We cannot have people changing from one drug to the other because they have a previous offence, knowing that the penalty for the second offence will be quite hefty. There is an expiation fine the first time, and the second time they will get whacked with a heavy fine and lose their licence. I ask the government to consider that matter.

There is also the matter of the time lapse between offences. I do not believe we will address that matter with an amendment. I believe that a first offence lasts for three years. However, I think it should be same as for alcohol testing, that

is, five years. I do not know whether we will deal with that matter in this house. We do not want to delay the process tonight because of that matter; I think we will let that slip through.

We could be leading Australia in this legislation. September 2003 is a long time ago—and that is when I first brought this matter to the house. Time after time Labor has knocked it back. I first contacted minister Wright (who was then the minister for transport), and he agreed that we would discuss my bill during private members' time. I withdrew it because he had to go to the Magic Millions race; so it was delayed. I wanted to bring it back on but he could not do it. Then he got sacked and we had minister Trish White. She asked me for time to get to know the issues; so we waited. About six or eight weeks later, we eventually discussed the bill.

Ms RANKINE: I rise on a point of order, sir. The member for Schubert has reflected inappropriately on the former minister for transport, alluding to the fact that he was sacked. Clearly, that is not true. The minister is still a minister but portfolios have changed. That is not fair.

Mr VENNING: I will expedite the process, sir. It is not fair: I will say he was replaced.

The DEPUTY SPEAKER: Order! I do not think something like that is a personal reflection, as such. If the minister takes exception to it he can either respond to it in the course of debate or make a personal explanation. I did not want to interrupt the member for Schubert, but I caution him about using members personal names and not referring to them either by electorate or portfolio.

Mr VENNING: Thank you, Mr Deputy Speaker. I do not want to delay the debate. I withdraw the comment.

Ms RANKINE: I have a point of clarification. The minister is not in the chamber, and the assertion that the honourable member made—

Mr VENNING: I withdraw the comment.

Ms RANKINE: —is clearly not true.

Mr VENNING: I withdraw the comment.

The DEPUTY SPEAKER: It is up to the member for Schubert what he decides to withdraw. In any case, whether or not the minister is here is irrelevant. It is for the minister to take offence and, if he does take offence, the minister can rise to make a personal explanation or, indeed, respond to it in the course of debate.

Mr VENNING: Mr Speaker, I apologise for using the word I used; I will not repeat it. I will say that he was replaced by the member for Taylor. The issue is more serious than that, and I am sorry that I introduced a red herring. Let us get back to the facts. Then the Hon. Trish White was the minister. I waited for her to become familiar with the subject. It was introduced three times, and that is when she said it was an invasive thing and that I did not have a case.

Now I deal with minister Patrick Conlon, as well as the Attorney-General, who is here this evening. It has been musical chairs. Now they bring it in here at the last moment, knowing it cannot be in place before the election. We must be aware that we do not have finite technology to test for other drugs or newer drugs; so our bill has to be allowed by regulation to include these other drugs as soon as the technology becomes available.

I am very concerned, because this bill deals only with cannabis and methamphetamines. It is not hard to work this out. This legislation initially could cause a movement away from these two drugs to cocaine and heroin, and that would be a very bad thing. These two drugs can be detected by blood testing and urine testing. I believe that, if we trust the

police by giving them those powers and that judgment, as far as I am concerned, if they are negative to the others, they should be able to do the blood test to screen for heroin and cocaine. After all, these are the heavy drugs; these are the deadly drugs.

There has always been some concern about a person who had used drugs some days before they were tested. Let us say that someone had a cannabis joint some three or four days before they were tested. They are saying, 'I could be picked up and lose my licence.' I contacted the manufacturer of the equipment and was told that the device will pick up the active ingredient only in cannabis or methamphetamine. After 24 hours, the active ingredient degrades to metabolites and these would be identified separately. They will know how long ago someone had the drug. If they have the active drug in their bloodstream, they are pinged.

This issue, which means a lot to me, is proof that this institution of parliament and our system of government can fail—and it has failed on this issue. We have messed with this issue for over two years. I ask again: how many people have died on our roads? How much media comment do we need to make? It has been on the media every other week. Both the shadow minister and I have been making these noises. How many people have moved from alcohol abuse to drug abuse because of the surveillance on alcohol only? I have tried hard. I have been thrown out of this parliament on this issue. That is the only occasion it has ever happened to me—and you, Mr Deputy Speaker, were the person who did it. I note today what happened. It hurts to realise that the government did not run with this because it was a Liberal initiative—and from a backbencher at that. That is terrible.

This is a worse problem on our roads than alcohol abuse. Blood tests and urine drug screening have been available for years, and they are 100 per cent accurate. Why have we not gone to that? We must be careful that we do not turn drug users away from cannabis and methamphetamines to heavier drugs. I hope this legislation will pass tonight and that the government will agree to our amendments, which I think are reasonable and which do not change the meaning of the bill. I certainly support the bill after two years—at last.

Mr KOUTSANTONIS (West Torrens): I support this bill. I disagree with the member for Schubert and point out to him that imitation is the greatest compliment. I think that, rather than being so upset, if I were the member for Schubert I would take the credit for doing such a great service to South Australia, the government having done this. Even though it is good policy making by the government (as always), it is a compliment to the member for Schubert that we have introduced this bill.

However, I disagree with one aspect of the legislation. The member for Schubert says that drug abuse to avoid detection while driving is the preferred method of having fun by the elite in our society. I disagree with that because of the cost of illicit drugs. Methamphetamines are very cheap to buy.

Recently, I was speaking with representatives of Lion Nathan, who told me that in pubs and clubs in South Australia alcohol sales have reduced dramatically whereas water sales have increased. The obvious reason is that young people are turning more and more to illicit drug use. There are two reasons for this. First, alcohol is an expensive way to enjoy yourself in a nightclub. The average person might buy six or seven drinks, including buying their friends drinks, whereas they can buy some methamphetamine for about \$30 and it will last them all night. This is not a drug that is being used

by the elite. Rather, it is a drug that is being used by young people to save money.

Members might recall that about a year ago the AHA brought in the policy of charging people for water. Traditionally, water has always been free in licensed South Australian venues. They are charging money for water because at popular nightclubs, instead of buying alcohol, people are asking for glasses of water, as they are on these drugs. The drugs dehydrate them and cause their bodies to overheat, so they take water to help cool themselves down. It is common knowledge in nightclubs. Proprietors of these clubs realised that they were losing a great deal of money because they were not selling alcohol, so they started charging money for water. The average bottle of water in a delicatessen or a service station is about \$2, \$2.50 or \$3. In a nightclub, it is about \$5—

The Hon. I.P. Lewis: It is against the law, though.

Mr KOUTSANTONIS: To charge for water, no. No, it is not against—

The Hon. I.P. Lewis: You cannot charge for water in a public place.

Mr KOUTSANTONIS: The AHA has changed that and it is a convenience fee. My point is that young people are not turning away from alcohol to avoid detection when driving their cars home. They are turning away from alcohol and towards these designer drugs because it gives them a different sensation from that associated with alcohol consumption. Members will find that young people are turning to these drugs for two reasons. First, they enjoy them more and they are readily accessible; and, secondly, they are cheap. It is cheaper than going out with their friends and drinking, and that is why they are turning to these drugs.

Mr Brindal interjecting:

The DEPUTY SPEAKER: Order! The member for Unley is interjecting out of his place.

Mr KOUTSANTONIS: I think the greater policy problem we have to face is that young people are not turning to drugs that we regulate like we do alcohol. Currently we regulate alcohol: it is legal. I am not advocating in any way that we should legalise drugs; I am a staunch advocate of not legalising drugs. The fact which we have to face now is that young people are turning to these illicit drugs because, as I said, they are cheap, easy to get, very accessible and they last all night. Also, the side effects are not as immediate as alcohol. After imbibing alcohol for a long period it dulls your senses, you stop having fun and you get sick. It is not an attractive drug any more. Illicit drugs do not have those effects.

Mr Brokenshire: Cannabis does.

Mr KOUTSANTONIS: But I think cannabis is no longer as popular amongst young people as methamphetamines.

Mr Brokenshire interjecting:

Mr KOUTSANTONIS: I am telling the member for Mawson that I do not think they are. If the honourable member does not believe me, I ask members opposite and members on this side of the house to visit a nightclub on a Saturday night, walk into the toilets and see whether people are smoking marijuana or taking drugs. I can tell members that they are not smoking cannabis and they are not drinking: they are taking drugs. I think the policy that we have to face now—

Mr Brokenshire interjecting:

Mr KOUTSANTONIS: This is a serious issue, member for Mawson. It is not my fault that the honourable member

is out of touch with young people. It is not my fault that the honourable member is about five years behind—

Mr Venning: Who?

Mr KOUTSANTONIS: The member for Mawson, not you, member for Schubert. You are a trailblazer on this issue—a shining light to all of us. Our biggest policy concern is how we deal with the young people taking these drugs. I do not agree with doctors calling for testing of these drugs because I think that sends out the wrong message to young people: that is, that it is okay to take these drugs if we test them and they are found to be safe.

Mr Brokenshire interjecting:

Mr KOUTSANTONIS: Fine, because I can tell the member for Mawson that illicit drug use did not start in March 2002. I can tell the honourable member that cocaine, heroin and methamphetamine use did not start in March 2002. Ecstasy did not become an available drug in March 2002. It is a drug that has been around for about 15 years, and it is cheap and easily available. Our eyes have been closed to these drugs for the last 20 years because we have focused on cannabis and alcohol, and they are not the preferred drugs used by young people any more, and we have to deal with it.

I am not sure how we target it, and I am not sure how we target it in our clubs, but the government has gone a long way with this legislation, and with the legislation about crowd controllers in licensed clubs. We have done a big service to young people by closing the Heaven nightclub and taking away its licence because the young people would go to Heaven, get their drugs, which were readily available from dealers who had been let in by bouncers to sell their drugs from bikie gangs, and then the dealers were moving off to other night clubs. All you have to do to see how these drugs are being sold is walk down the major streets of Adelaide, whether it be Rundle Street, Rundle Mall, Hindley Street or Waymouth Street, and see them being sold or exchanged on the street in full view. They are not even trying to hide it.

There is a serious problem and, when they drive home, there are no visible effects. You cannot tell that someone is on these drugs, other than by testing them. They do not smell of alcohol, they are not sick, and it does not impair their hand-eye coordination in the same way that alcohol does. It is not visible. There are, of course, telltale signs like dilated pupils, grinding of teeth and other forms of behaviour. So, this bill goes a long way to recognising that illicit drug use has moved a long way from cannabis and drinking.

The member for Schubert raises another point that it will not pick up heroin and cocaine. I can tell the member for Schubert that, to save money when they sell cocaine, drug dealers often mix it with methamphetamine because they can sell more of it because they dilute it, and methamphetamine is very cheap, and gives a similar sensation to those drugs. So, the test will pick up people who think that they are using cocaine and think they cannot get caught with methamphetamine, because more often than not these drugs are mixed together. Heroin is a very different type of drug and I am not sure if there is a huge problem with people taking heroin and driving. There might well be. I am open to that, member for Mawson. I do not know; I have not seen any figures on it.

I know that the bigger problem is people taking drugs like ecstasy and methamphetamine and driving home. They are the bigger drugs because they affect people's eyesight and it affects the way they coordinate on the road. These are the problems, so this legislation goes a long way. I congratulate the government on this bill. It opens another policy area about what we do about young people taking these drugs and

turning away from alcohol. All you have to do is ask Lion Nathan and Coopers about how their sales have gone down in popular night clubs on Friday and Saturday nights because people are not buying beer, they are buying bottled water, and they are taking these drugs. So, we have to work out a way to deal with it, and this is just one arm of that. I congratulate the member for Schubert on this and, rather than getting up and complaining about how he was treated, if I were him I would sit back and recognise that imitation is the greatest compliment that one can receive.

Mr SCALZI (Hartley): It is really nice to see the member for West Torrens commending the member for Schubert and acknowledging that the member for Schubert has done so much towards this debate. Finally, after two years, the government has done something about this issue. I certainly support this bill and will be looking very closely at the amendments proposed by the opposition at the committee stage to improve the bill.

When the government came to power in March 2002, one of the initial things that it did was convene the Drugs Summit in May. As a delegate, I commended the government for initiating the Drugs Summit but we have heard very little since. Again, in the lead-up to the election, we have this legislation that deals with the problem of drug taking and driving. I commend the government for this initiative and, as I said, I commend the member for Schubert and the Victorian government for bringing in this type of legislation, the first in the world. If the government had supported the member for Schubert they would have supported a fellow South Australian to have the first legislation.

However, this is more serious than talking about who is first. It is sad that it has taken so long to bring this legislation forward. Some say that it is a bit draconian, but I do not think so. I do not believe that this type of legislation is draconian, and I think that it is important. After all, we have drug testing for athletes—football, soccer, tennis. In other words, we take precautions for our sporting athletes and we want to make sure that the matches are fair. Yet we did not have any legislation to drug test drivers, who can put many people at risk by getting behind the wheel. I commend this testing, and I hope that the various amendments that will be put forward will strengthen the bill.

The member for West Torrens talked about how it is difficult to see whether people have taken drugs, unlike alcohol. Drug testing will go a long way to ensuring that people become more responsible. It is not the same as alcohol. Alcohol is a legal drug and, taken in small quantities, it does not have the same effect as the illicit drugs. It is not the same thing. Obviously, if one is intoxicated over the limit, laws are in place to deal with that. However, at present, small amounts of amphetamine and the THC in marijuana can have devastating effects. The sad thing is that people do not take only these drugs, as we found in the Drugs Summit. People take them in combination with alcohol and lots of other drugs.

Mrs Geraghty: Then let's get on with the bill and pass it.

Mr SCALZI: I agree with the member for Torrens that this is a serious issue. I will not keep the house any longer. I support the bill, and I look forward to discussing it during the committee stage.

The Hon. P.F. CONLON (Minister for Transport): I move:

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

Motion carried.

Mr BRINDAL (Unley): I wish to contribute briefly to this debate, not to not support the bill but, at least, to put a counter point of view which I hope the house will consider. I agree with the member for West Torrens and many of the sentiments that he expressed.

Mr Caica: Because you're like that.

Mr BRINDAL: No; we are not like that and you will get sued if you say that outside. I resent it. He is of an age profile to which this house would do well to listen. The point that I would like to make follows on from the member for West Torrens and it addresses this point. It is fine for us to have all the mechanisms in the world for the police stopping the Minister for Infrastructure, any member of this house or the public and testing them for having done something which the law says is illegal, for having taken a proscribed substance, and, if we find then that they have taken a proscribed substance, exacting from them a legal penalty. I have no objection to that, because that is the law and, if you break the law, the law has a right to exact a penalty.

However, the question I ask this house briefly is whether we are always addressing the right issue. When I went up to the river at one stage, and I am not sure whether I was recruiting members from Echuca or whether I was there on a ministerial visit, but for whatever reason I was there, during the course of the river cruise, I saw the most extraordinary houses that I have seen in Australia that must have cost \$1 million plus. I said that the irrigators must have been doing very well, to which the answer was, 'No. Don't you realise that Echuca is at the crossroads between Sydney, Adelaide and Melbourne and it is known as the drug capital of the world?'

In that conversation it was alleged to me, and this was some years ago, that the production of marijuana in the state is worth about \$1 billion a year, that the illicit production of marijuana kicks in \$1 billion to the economy. I do not know if any member can refute that, but that frightened me because I realise with my simple understanding of economics that, if you took \$1 billion out of this economy, the economy might falter a little. I also realised, while I was minister, that there were times when South Australia was doing rather better than all the economic indicators suggested it should be doing. It may well be that the illicit drug industry was part of that. Notwithstanding that, the member for West Torrens knows, and it is commonly known, that there are nightclub venues and hotels in this city that are strongly believed to be owned or operated by bikie gangs on a vertical integration basis, in that they own the premises, the security guards who look after the premises and the people who, within the premises, deal in drugs.

Mr Goldsworthy interjecting:

Mr BRINDAL: Yes, and as the member for Kavel says, they own the labs that make the drugs, so they have a perfectly vertically integrated structure. You hire the house in Nailsworth and you manufacture the amphetamines, you transport them to the nightclub which you own, and you pay the pushers to peddle the drugs, and you have the security guys to bash up anyone who might interfere or to stand over people in that manner. I say that on the grounds that, while this bill does something good in that it tries to get people who break the law, and that is fair, what are we doing to actually address the real cause of this issue? I say this as a Liberal: the

true offence is not committed by those people who, I think, are stupid enough to use drugs. In many ways, the damage that they do to themselves, while regrettable, is damage that they do to themselves and potentially damage that they do to the other. However, it is done on a one by one basis. The true villains here are those who manufacture drugs, do not use themselves—

The Hon. P.F. Conlon interjecting:

Mr BRINDAL: Yes; it is the only thing that we do not do when we get accused of everything else, as the minister says, but I do not think that any of us have been accused of manufacturing drugs, although we will probably see a day. Those people manufacture drugs. They unscrupulously sell them to anyone who will buy them, and they sell them with no other human consideration than to make substantial rewards. They are the lowest form of life and something should be done. I cannot think what, but I am sure the Attorney-General's Department, the Police department, the government and the governments of Australia should have the wit to do something about it. I commend this bill, but I do say to the house that it addresses a small part of the problem and not the major part of it. The major part of the problem is those people who are manufacturing, who are trafficking and who have made themselves very wealthy on the proceeds of substances that this parliament and other parliaments around this nation have declared illicit.

We will do nothing to save our kids and our grandkids, our sisters and other relations unless we can seriously come up with measures that strike at the heart of this industry. The heart of this industry is not our daughters, our cousins and our kids who go to the nightclubs and who are stupid enough to experiment and use these substances. I note the member for Colton is in the chamber. I hope he does not mind my mentioning it, but the member for Colton has a son in exactly the age group where he must be worried when he goes out at night. It is not that the member for Colton's son—

The Hon. P.F. Conlon: He brought him up well.

Mr BRINDAL: I am sure he did, and so did most people, and the son or daughter does not have to be a wayward person to fall in with the wrong company at the wrong time and try something that they should never try, with disastrous consequences. Hopefully, if the member for Colton's son does that, he will get through it. Hopefully, most people's sons or daughters get through it, but some of them do not.

The Hon. I.P. Lewis: They are well brought up.

Mr BRINDAL: It is a furphy to sit here and say, 'They are well brought up.' The best brought up kids in the world can end up in Yatala and the worst brought up kids in the world sometimes end up in this chamber. The manners of some of the people in this chamber are totally appalling. I commend the bill to the house with the cautionary note that maybe in the next parliament it would be well if the government did something about manufacturers and pushers, not just people who are users.

The Hon. I.P. LEWIS (Hammond): I guess anyone who knows me would not expect a measure such as this to come before the chamber without my having contributed to it, if for no other reason than that 35 to 40 years ago there was a remarkably small number of people—and I never realised how small that number was until more recent times—who were involved in the surveillance and interception of contraband, illicit substances, call them whatever you like, drugs, among other things, but principally drugs getting into this country. And they were very effective. They had different

orders and different approaches to the problem than there is now, but they were effective and there were very few people dying in consequence, compared to what there are now, and there were a hell of a lot of lives that were not trashed then compared to what there is now.

It seems that there was a time lag in the experience in the United States at that time, which alerted our government of the day to the idiocy of allowing the same thing to happen here but, as it turned out, that was switched off by the Whitlam government and things got on foot apace, to the point where we now have a problem that we must address, and a broader problem than this bill addresses in its particular focus. By that remark I mean that this bill, as others have said, is a part of a bigger problem. It addresses that part of it that we can address in a sensible fashion at this point. It should have been addressed, as the members for Schubert and Mawson and other members have said, a long time ago, but the ego of the ALP prevented it from being addressed at that time.

The specious idiocy of the arguments that were advanced by successive ministers of transport, to whom the member for Schubert referred, illustrate the truth of my remark that it was the organisational ego of the ALP that denied the people of South Australia earlier recourse to these measures than now. We could have had them in place and we could, as the member for Schubert said, have saved a lot more lives had they been in place. Having said that, let me give some clearer definition of the difference between these contraband substances to which this bill addresses itself and alcohol. The thing that the member for West Torrens never understood and other honourable speakers did not understand is that alcohol is a depressant and these other drugs are not. The first thing that alcohol depresses Mr Speaker, as you probably know, is inhibitions. Having suppressed inhibitions, most people feel free to do things they do not otherwise do when they are sober, in consequence of which they feel as if they have been liberated.

Indeed, some people foolishly believe themselves to have been stimulated to social graciousness as a consequence of having had a drink or three, neither of which is true. In other words, they do not need to be stimulated, because they are not, and they ought not to need their inhibitions to be depressed. If they were only encouraged by their own upbringing, their own development and an attitudes base to life that contains values—and that is the education system's problem—they would not need it.

The education system does need to teach values and does need to provide a sound and staunch statement of what are ethical values that are enduring and enhancing of a civilisation and what are not. Such matters ought to be the subject of exercise in language composition, that is, writing essays in which students are compelled to discuss what happens if and what would otherwise have happened in the alternative context. Had that happened in our education system, then we would not have so many people on the road, behind the wheel who are whatever the expression may be—high, stoned, smashed, anything else, by whatever buzzword name you want to give it, nonetheless—incapable of exercising proper conscious control of the vehicle they are driving.

I trust that the government will move to amend other legislation to make it equally an offence, tested by the same devices, to be in control of any other motor vehicle apart from a motor vehicle on the road. A vehicle is something you get around in, and a motor is what propels it, and gives the energy and power; so, I am talking about boats. There was a

problem with drunks on the river. I moved successfully (eventually) to have drunken operators of boats, especially speed boats, guilty of an offence wherever they are detected, and charged with that offence where it is proved that they were indeed in control of that boat, or at least in charge of it, but not in proper control of it whilst under the influence of alcohol. The same applies there.

We start here, though, on the road, for the reasons the member for Schubert has spelled out, for reasons that we all know, namely, that you will not only run a much higher risk of killing yourself and damaging your own property, and causing grief to your family if you have one, but also, and more importantly, you are putting other people at risk. This is where I part company solidly and strongly with the idiocy of the attitudes of the member for West Torrens and the member for Unley who seem to be forgiving of those who consume it, who take it and then expect that it is somebody else's problem, that they ought not to have been exposed to it. That is the problem with such people.

Members who advocate that we have to find a scapegoat are really advocating a nonsense. We each are blessed or cursed with choice, and we are as humans blessed or cursed—however you want to describe it—with responsibility to make that choice for good or for evil. In the main, in our social mores we seek to codify what is good behaviour and sanction what is evil, making it against the law. This is what we are doing here. It is not only to catch people who do things that are antisocial and damaging, it sends a message to the rest: 'Don't be tempted; the consequences are bad. There is punishment; there is retribution.'

As an aside, there also ought to be rehabilitation more important than the punishment or the retribution without detracting from the importance of punishment and retribution. It is rehabilitation that matters once an offence has been proved, more importantly than exacting the punishment in the name of the law from the perpetrator on behalf of society. Of course I support the legislation. Why would I not? I was one of those few people who was involved in the surveillance interception of contraband 35 to 40 years ago, and you would not have expected me to have done that at that time in life, found that I had survived to this point and not have something to say about the idiocy of the present law and the present attitude of law makers like those two honourable members to whom I just referred, and any other honourable member who thinks that it is okay to say that someone else is to blame if a person takes a substance which causes them to commit acts of evil, which we have in law codified as crimes.

I want to further debunk a silly proposition put by the member for Unley that we could not afford to be without the drug industry in South Australia, because he had been told (and nobody had refuted it) that in the black economy it is probably worth \$1 billion, that is, \$1 000 million. If that is so, I am astonished because that means that, for every man and woman in South Australia, the average amount being expended each year is in the order of \$1 000 on drugs. There are a hell of a lot of South Australians who are not using drugs, so that means that if it is over 50 per cent who are not using them at all—and that is what the research tends to indicate—then the amount that is being spent by the remainder is in excess of \$40 a week. Notwithstanding that, he said the state's economy would suffer if it was stopped, and that is utter bull; it is rubbish; it is non sequitur.

The expenditure on such substances on the one hand contributes nothing to taxes because it is never declared as income, but, more importantly, the expenditure is discretion-

ary. If you do not spend it on one thing unlawful, you will spend it on other things presumably which are lawful, so that it will be a discretionary shift in consumption expenditure, and there will be no reduction in economic activity whatever if the expenditure is made in ways which are lawful then a general and genuine and reasonable contribution each time a transaction occurs will be made to the common weal through the tax mechanism. The so-called government will get a slice of the transaction, and, accordingly, we will all be better off.

The other thing which follows from what the member for Unley was saying, and what the member for West Torrens I think was referring, is that it is okay to do it yourself, if you are stupid enough to do so. Well, it is not. The reason is not okay is because later on down the track there are consequences in the health system for your health as an individual. I do not believe I have any responsibility to pay for the irresponsible behaviour of people who deliberately do things that destroy their health. I do not expect other members of the community to pay either, as a compulsory contribution of their efforts and their money, to that cause.

I am a bit like the late Ted Chapman: those people who will not do it for themselves when they can ought to be allowed to starve to death, or suffer the consequences in other ways, which their own behaviour brings upon them. I will do anything I can to help anyone who is genuinely trying, as the Hon. Ted Chapman said he would, and did, throughout his life, even though doing it might be well in excess of what that person might otherwise be able to obtain from their efforts in life at work and so on. If they need help, you give them help, so long as they are doing the best they can, and I have always done so. But to say that just because they have been stupid enough to do things that they knew were wrong, and were told would have adverse consequences for their health later on, I do not see any reason at all why I should be expected to pick it up as a matter of compulsory deduction from my contribution to society, to look after them.

That is especially true in the case of use of the road, because you and I, Mr Speaker, when we drive have to have, on the vehicle which we drive, a thing called compulsory third party bodily injury insurance. If we have got these silly bastards out there driving around who are under the influence of contraband substances, injuring others, then our compulsory third party insurance premiums are at a much higher price than they ought otherwise be and need otherwise to be. So there is a big and serious implication directly for all of us who are abiding by the law which is addressed by this bill, and it is high time it was.

I therefore commend the member for Schubert for his efforts. They were identical to the inclinations I had myself and remarks which I had made at earlier times in the course of contributions to this chamber. However, I have a problem with executive government taking unto itself, through legislation we give it as members of parliament, the power to decide what will be a substance that is prescribed and what will not. I do not trust executive government or the people who advise it any more. I trusted them little enough when I came here, and a major reason for my doing so—that is, attempting to come here and succeeding in doing so—was to address that problem. There are too many experts who become zealots. Those experts mean well, they speak well and they have a great command of factual information, but not all wisdom. They want to make their job easier and all too often the regulations they are given the power to introduce, by having a minister who is weaker than Sir Humphrey, they

do it and get away with it. Then they set about justifying having done it.

Parliament ought not to delegate such authority. It ought to legislate and not delegate to others to regulate. Accordingly, I will be moving in clause 5 an amendment which will simply state the substances for which we now know we have rigorous and accurate, and quick tests available to us: they are tetrahydrocannabinol and methamphetamine. The other materials, like cocaine and heroin, or by whatever name you otherwise want to call them, and still further substances that are taken as mood modifiers, at present have no certain, 100 per cent accurate and swift test available at reasonable cost. They ought not, therefore, be made possible for the random testing of drivers in the traffic stream, whereas we have those tests for tetrahydrocannabinol, pot, marijuana, methamphetamine, or whatever you want to call it, for which we can test. That is what my amendment seeks to do—keep the responsibility for naming the drugs for which the test will be possible in the hands of legislators where, when the desire is there, any member (private or government minister) can introduce legislation to include the additional name of that compound, knowing that in doing so there will be public debate and awareness and that there will be in place, to the satisfaction of all members of the legislature (who have to answer in the ballot box to those who represent them), appropriate contemplation and deliberation of the change before it is introduced. The amendment is simple enough.

The last thing I want to say is that it is a pity that at present too few drivers, who injure themselves and others in prangs and whose blood is taken and tested, where these other substances are present (including and in addition to tetrahydrocannabinol, methamphetamine and alcohol and, therefore, substances such as heroin and so on), are prosecuted, but more ought to be. At present, we are prosecuting only those who have alcohol in their bloodstream. I urge prosecutions on those who are found as drivers, after being injured, to have it in their bloodstream. That is not part of this proposition. This bill is aimed at introducing appropriate laws to test along the roadside those people who might be driving under the influence of THC or methamphetamine.

The Hon. P.F. CONLON (Minister for Transport): I thank honourable members for their contributions and indications of support for the bill. I find the contributions of the member for Hammond invariably offensive. Anyone who disagrees with him is stupid. Can I say that in Lewis World there must be an awful lot of stupid people, because there are an endless number who disagree with him, whether it be about his peculiar views on this bill, ducks on logs, shooting his mates in jungles, or blowing up oil rigs. He is a very peculiar individual, and I do not really know what value he brings to debate in this place.

The Hon. I.P. Lewis: I can't hear what the minister is saying, Mr Speaker.

The Hon. P.F. CONLON: Read about it later, Peter. I repeat: I find it offensive that anyone who happens to have a viewpoint that disagrees with Peter Lewis is described as stupid. I have to say that there are an awful lot of stupid people in the world according to Peter Lewis.

The Hon. I.P. Lewis: That doesn't mean they're not.

The Hon. P.F. CONLON: No; it does not, Peter, but I can tell you this—

The SPEAKER: The minister needs to address the bill.

The Hon. P.F. CONLON: —I have known a lot of people who have not shot their mates in jungles, talked about

ducks in logs, blown up oil rigs or swum underwater for 10 hours. You are a—

The SPEAKER: Order! The minister needs to talk about the bill. The minister is getting sidetracked and needs to address the bill.

The Hon. P.F. CONLON: You are right, sir. This is a fine institution; it is just not the right one for Peter. This is a very serious piece of legislation, and this is only the third jurisdiction in the world to introduce random drug testing for drivers. For that reason, it contains a provision for the legislation to be reviewed 12 months after it commences operation. I think it is a very wise one. It models itself largely on the Victorian legislation, and it has taken into account (and we make no apology for this) an extensive consultation period with a very wide selection of people, including the police, the AMA, the Motor Accident Commission and a wide range of others. They have all had very interesting contributions to make, and the bill was modelled after that. That is why I can indicate that we will not accept the vast bulk of the amendments.

The fact is that, if there is merit in a different approach, there will be an opportunity for this august chamber to consider it 12 months after the operation of the legislation. We have attempted to learn from the Victorian experience and to address the wisdom of the various contributors through the consultation period. It is a serious issue. It is not about some of the things I have heard tonight. Rather, it is about road safety and making sure that one aspect of the harm done by the taking of illicit substances is addressed—that is, the harm done on our roads. It is about addressing that aspect. For those who think it is about addressing the drug problem in general, they are simply wrong and misguided. That is not the purpose of a road traffic law: that is the responsibility of the criminal law, which is, of course, the responsibility of the Attorney-General.

Mr Venning: I didn't say that.

The Hon. P.F. CONLON: I did not say you said that, but I think one or two did. For that reason, this has been a genuine attempt on the part of the government to learn from what was the first legislation in the world out of Victoria and to consult with some people with a great deal of expertise in this area. We have come up with what we believe is the best package. I recognise how passionately the member for Schubert has pursued this issue. However, I have to say that I think it is peculiar that, on the one hand, he says that this bill is so identical to his that we could have just adopted his bill but, on the other hand, the shadow minister believes that it needs extensive amendment. So, somewhere on that side of the house, the truth lies. I think it just proves the point that we were absolutely right to consult with a broad cross-section of people, including the police, before the bill came to this place.

I commend the bill to the house. I am not saying that there is no merit in the amendments, but I will say that we arrived at this package after extensive consultation, and it does have a built-in 12 month review after the operation of the legislation, which leads me to say that we will not be accepting the vast bulk of the amendments this evening. One amendment, which was foreshadowed by both the shadow minister and the member for Mitchell, we believe may have some merit. We will have a genuine look at it between the houses, which, of course, offers another opportunity for it, but, until we have that look, we will not be accepting it this evening.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

New clause 3A.

Mr BROKENSHIRE: I move:

3A—Insertion of section 42A

After section 42 insert:

42A—Direction to leave vehicle etc

(1) This section applies if a police officer believes on reasonable grounds that the driver of a vehicle is not fit to drive the vehicle.

(2) The officer may do one or more of the following:

- (a) direct the driver to vacate the driver's seat;
- (b) direct the driver to leave the vehicle;
- (c) direct the driver not to occupy the driver's seat until permitted to do so by a police officer;
- (d) direct the driver not to enter the vehicle until permitted to do so by a police officer;
- (e) direct the driver to secure the vehicle and surrender to the officer all keys to the vehicle that are in the person's immediate possession or in the vehicle;

(f) immobilise the vehicle;

(g) direct the driver not to drive any other vehicle until permitted to do so by a police officer.

(3) The officer may direct any other person to do either or both of the following:

- (a) to leave the vehicle;
- (b) not to enter the vehicle until permitted to do so by a police officer.

(4) A person commits an offence if—

- (a) the person is subject to a direction under this section; and
- (b) the person engages in conduct that results in a contravention of the direction.

Penalty: \$5 000.

(5) If a police officer takes possession of keys or (in order to immobilise the vehicle) components of a vehicle, the officer must—

- (a) advise the driver that the keys or components may be recovered from a specified police station; and
- (b) cause the keys or components to be taken to the police station.

(6) A police officer on duty at the police station to which the keys or components are taken under this section must deliver possession of the keys or components to any person who the officer is satisfied is lawfully entitled to them and who makes a request for them at the police station, provided that the officer has no reason to believe that the person will drive the vehicle but not be fit to do so.

(7) In this section—

keys means keys or electronic or other devices for starting or securing a vehicle.

(8) For the purposes of this section, a person is *fit* to drive a vehicle (or to run its engine) if—

- (a) the person is apparently physically and mentally fit to drive the vehicle; and
- (b) (without limiting the above) the person is not apparently affected by—
 - (i) alcohol; or
 - (ii) any drug that affects the person's fitness to drive,

or both; and

(c) the person has not at the time been found to have, and there are not any reasonable grounds to suspect that the person has, a concentration of alcohol in the person's blood that exceeds the amount permitted by this Act or the *Motor Vehicles Act 1959*; and

(d) the person has not at the time been found to have, and there are not any reasonable grounds to suspect that the person has, a prescribed drug in his or her oral fluid or blood.

I will not delay the chamber further, given the time of night. In a bipartisan way, we are taking this bill through tonight. These three amendments make sense. I want to see the police given every opportunity. I do not want to see anything missed that would allow a reckless person the chance to get into a vehicle and drive that vehicle after they have tested positive

for illicit drugs. I commend the amendment to the house and ask that it be supported forthwith.

The Hon. P.F. CONLON: I have indicated our attitude to the amendments, but, if it is any comfort to the member for Mawson, I indicate that this provision is contained in the government's compliance and enforcement bill that will be brought to the parliament.

Mr BROKENSHIRE: Well, while it may contained in a compliance—

The Hon. P.F. Conlon: I am not arguing with you; I am just telling you, if it is of any comfort.

Mr BROKENSHIRE: Well, just call it and we will divide.

The CHAIRMAN: The question is that new clause 3A be agreed to. Those in favour say aye, those against no. I think the ayes have it. Clause 4—that clause 4 stand as printed—

Mr VENNING: Mr Chairman—

Members interjecting:

The Hon. P.F. CONLON: Divide!

The CHAIRMAN: There is a division called for; ring the bells.

The Hon. P.F. CONLON: Sorry, I wasn't paying attention; I thought we got it on the voices.

The committee divided on the new clause:

While the division was being held:

The Hon. I.P. LEWIS: I rise on a point of order, sir. Upon which clause are we dividing?

The CHAIRMAN: We are dividing on the member for Mawson's new clause 3A.

The Hon. I.P. LEWIS: But we have already called that and moved onto clause 4.

The CHAIRMAN: The minister has called 'divide'. I called it for the ayes and the minister has called 'divide'.

The Hon. I.P. LEWIS: I never heard him call 'divide'. I distinctly heard no-one call at all, and you have sat me down before—

The CHAIRMAN: It doesn't matter whether the member for Hammond—

The Hon. I.P. LEWIS: Just let me finish my point of order, instead of trying to talk me down all the time. There are previous occasions and precedents in this chamber where, when the call has been made and I have sought to draw the attention of the chair to my sentiments about that matter, I was simply told to shut up; we had moved on. Now you are going back over the same ground again with the minister, against your own rulings and that of the precedents of this chamber. I move dissent from your ruling and this division.

The CHAIRMAN: Well, there is no ruling from which the member for Hammond can dissent. The minister has called 'divide' and I have ordered that the bells be rung.

The Hon. I.P. LEWIS: After you called in favour and moved onto clause 4.

The Hon. P.F. Conlon: Oh, Peter, for goodness sake!

The Hon. I.P. LEWIS: There is one rule for them and one rule for the rest. You make the rules as you go along. You are worse than he is.

Members interjecting:

The Hon. I.P. LEWIS: I rise on a point of order, sir. Why is it you will not ask for a seconder to my proposition moving dissent from your action?

The CHAIRMAN: There is no ruling to which the member for Hammond can move dissent. I have not made a ruling. There is no ruling to which the member for Hammond can call dissent. I do not need to explain the process to the

member for Hammond. The member for Hammond knows it full well.

The Hon. I.P. LEWIS: The tape will show, Mr Chairman, that that is not the truth. That is misinformation to other members and you know it.

AYES (15)

Brindal, M. K.	Brokenshire, R. L. (teller)
Brown, D. C.	Buckby, M. R.
Chapman, V. A.	Goldsworthy, R. M.
Hall, J. L.	Kotz, D. C.
Lewis, I. P.	McFetridge, D.
Meier, E. J.	Penfold, E. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (19)

Atkinson, M. J.	Bedford, F. E.
Caica, P.	Ciccarello, V.
Conlon, P. F. (teller)	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Key, S. W.	Koutsantonis, T.
Lomax-Smith, J. D.	Maywald, K. A.
McEwen, R. J.	O'Brien, M. F.
Rankine, J. M.	Rau, J. R.
Such, R. B.	Thompson, M. G.
Weatherill, J. W.	

PAIR(S)

Evans, I. F.	Breuer, L. R.
Gunn, G. M.	Hill, J. D.
Hamilton-Smith, M. L. J.	Rann, M. D.
Kerin, R. G.	Stevens, L.
Matthew, W. A.	White, P. L.
Redmond, I. M.	Wright, M. J.

Majority of 4 for the noes.

New clause thus negated.

Clause 4 passed.

New clause 4A.

Mr VENNING: I move:

Page 3, after line 12—

After clause 4 insert:

4A—Amendment of section 47—Driving under influence
Section 47(4)—delete '47E(3)' and substitute:
47BA(1), 47E(3), 47EAA(9)

My amendments Nos 1 to 7 are all consequential. Therefore, if we pass this amendment, the next six are consequential. This amendment amends section 47(4), which is a subsection that explains how to determine whether an offence against subsection (1) of that section is a first or a subsequent offence. Briefly, division 5 of part 3 of the Road Traffic Act (that dealing with drink and drug driving) contemplates that an offence against a number of different provisions may be included when determining whether a particular offence is a first or a subsequent offence. This is done on the basis that a drink driving offence is a drink driving offence, including refusing a test, regardless of the fact that it may have been charged under a different section.

This amendment amends the list of other offences in subsection (4) which count when determining whether a DUI offence under section 47(1) is a first offence or subsequent offence by including an offence against section 47BA(1), driving with a prescribed drug in your blood or oral fluid; and also an offence against section 47EAA(9), refusing a drug screening test, oral fluid analysis or blood test under this section. The government's position is to keep drugs and alcohol separate; that is, a drink driving offence is not to be counted when determining whether an offence against

section 47BA(1) etc., is a first offence and vice versa. This is subject to the qualification that all DUI offences are treated the same, regardless of whether you are under the influence of alcohol or other drugs when you are driving.

The effect of this amendment is that drink and drug offences are treated as one kind of offence; that is, no distinction is made between the substance that grounds that offence. In other words, if you have been picked up for drink driving and you then get picked up for drug driving, that is a second offence. I ask the minister to consider this amendment. We have had much discussion on this matter. I sought advice outside the parliament. I hope that, if the minister cannot see fit to pass this now, he will consider it between the houses because I think it is imperative to make this bill effective.

Mr BROKESHIRE: We totally support the amendment. As I said earlier, there needs to be consistency. If this is about road safety, whether you are drink driving or driving under the influence of illicit drugs in your system, you are a risk to road users, and you are abusing the law and the privilege of having a licence. Every message should be put forward to stop both drink driving and drug driving, and that is why we will be supporting this amendment.

The Hon. P.F. CONLON: Again I say that we have attempted to make a piece of legislation consistent with the Victorian legislation. It has been what we have done and what the previous minister aimed to do around Australia, that is, to make road traffic rules as consistent as possible. For those who believe that it was better like this, again I stress that the next parliament will have the opportunity to revisit the efficacy of these laws. I do not believe the connection is as logical as is set out. What I can say is, regardless of that, this is the package that came about as a result of our consultation, and it mirrors as closely as possible the laws as they apply in Victoria.

The Hon. I.P. LEWIS: I am not surprised to hear the minister say that, given his capacity for sophistry in advocating non sequiturs. Of course, any individual who seeks to use a substance which impairs their capacity to make judgements and their reflex time in responding to crises extraordinarily arising in the course of their driving, regardless of what the substance is, is committing the same offence. It does not matter what the substance is. They are deliberately exposing themselves to the risk of being incapable of protecting other people and their property, leave alone themselves. The property of other people and the lives of other people clearly do not matter to them. It is their self-indulgence that they think is most important. It does not matter whether it is alcohol or anything else; it is the same principle that is involved. For the minister to be saying what he is, is just like what the ALP has been doing for three years on this matter—finding a reason to do nothing because they do not want anyone else to be seen by the press and the public to do have done anything worthy of credit. They claim credit for everything themselves and they will not do anything unless they can appear to claim credit for it in the course of doing so.

Of course, they waste a lot of money—taxpayers' money, not theirs—in promoting themselves as being the all righteous, almighty, and all doing, and that no-one else has any wits to do anything or contribute anything. That is the nature of the beast—and it is a beast—and the minister is no less a part of it. Indeed, he contributes significantly to that kind of behaviour and that kind of culture. It is a pity that the other members on the backbench have got no moral fibre to stand

up against such a corrupt minister in his intellectual inaccuracies.

Mrs GERAGHTY: On a point of order: I really do think that the member for Hammond's comments were offensive. Not only that, sir, I have great difficulty in relating them to the anything to do with this bill. I think he is just giving us a lecture.

Members interjecting:

The CHAIRMAN: Order!

Members interjecting:

The CHAIRMAN: Order! I do not think anything that the member for Hammond is saying has anything to do with the proposed new clause 4A of the member for Schubert. I have been a little indulgent and allowed him to go on a little bit. I suggest he return to the member for Schubert's amendment.

The Hon. I.P. LEWIS: I thank you for your opinion of the matter, but my remarks are directly related to the necessity to pass this piece of legislation. It does not matter what the substance is. It is the behavioural consequences that we are supposed to be addressing. That is what the ALP fails to understand, Mr Chairman. The behavioural consequences are what is being addressed in this legislation, and those behavioural consequences are the same for alcohol as they are for methamphetamine or hydrocannabinol—any one of them. Why should we exclude one and put it in a class separate from the other two? That is what the ALP is advocating. The member for Schubert is trying to show the public that mood modifying and driver impairing substances cannot be ingested and that the offender will be allowed to get away with it as though they were separate offences. That is the burden of his argument. That is the burden of my support for his argument, and I point very forcefully and accurately at the tender spot in the ALP's incapacity to reason on that point, and I rest my case.

Mr VENNING: I would agree with the member for Hammond. He certainly raises the point that I have tried to make and am putting on the record. I have consulted widely on this matter, and I will mention that Dr David Caldicott from the Royal Adelaide Hospital said that a drug is a drug, irrespective of whether it is the drug that we have discussed or alcohol—they are all drugs. Clearly, if we leave the government's legislation as is, we are giving people a double shot. We are giving them two attempts to be first offenders and just get an expiation fine. I think that that is wrong. I think that the government does not intend that. Any person who has been had up for drink driving—which is a serious offence—who then goes on to drugs can be sure that if they get picked up again on drugs it will be a first offence. A lot of people use both and go from one to the other, and I think that if they realise that, if they do change, they can think, 'Well, I can get a first offence on this one before I have to worry about it.' But, if they know that, when they are picked up it is going to be a second offence, they will think twice about it. It is all about putting in place things that will put people off drink driving. It will be a deterrent to people getting out there and abusing themselves and other drivers on the road. So, I plead to the minister that he agree. I do not think that these amendments are offensive, nor do they change the meaning of the bill to such a degree. It just means that if a person is abusing drugs—and that is alcohol and methamphetamine and cannabis; they are all drugs—and they abuse for a second time on either one it is a second offence.

Mr BRINDAL: I would briefly like to respectfully disagree with my colleagues. I put this point to them. I believe that there is a difference, and the difference is that

alcohol is allowed by our society, and it is not prescribed. People on occasion can use it to excess. We see that a lot, but the use of a substance which is allowed, used to excess, is a crime, and is punishable as a crime. It is not the same as using another substance which is prescribed by law and which the law bans. I believe that the minister said he would look at this matter between houses.

The Hon. P.F. Conlon: No, I didn't say that. I am not looking at that.

Mr BRINDAL: Sorry that was reported to me. I apologise. I believe that there is a difference, and I do not think that the government is acting illogically in this matter. I am also surprised that a party so many members of which represent such a big industry as the wine growing industry—which is noted for many people within the industry who are themselves prey to alcohol abuse—should be so concerned about alcohol. The number of alcoholics produced by an industry in South Australia, which is one of our major industries, is a serious matter, and a matter that this house has not addressed, because it is a legal substance. This house makes—

Members interjecting:

Mr BRINDAL: That is all right. Members have spoken to express their opinions; I express my opinion, and, in this case, I support the government. I do not very often do that because sometimes I think that they are given to some of the excesses ascribed to them by other members but, in this case, I think they are right, and I will say so.

The Hon. I.P. LEWIS: In general, what the minister would have us believe and, in particular, what the member for Unley wants us to accept in his inimitable, seductive fashion when it comes to argument, is that the first time you commit robbery with violence and break someone's ankle is the first time, but the next time you commit robbery with violence or some other violent act and break their arm, that is not a second offence. It is the first offence because you did not break their ankle this time, you broke their arm. It makes no sense whatsoever. Poor chap, he has lost the plot completely. I cannot understand why, other than that he seeks to gratify the inclinations of those in the ALP who sit opposite.

New clause negated.

Clause 5.

The Hon. I.P. LEWIS: I move:

Page 4, lines 9 and 10—

Delete 'a substance declared by the regulations to be a prescribed drug' and substitute:

1 or more of the following substances:

(a) tetrahydrocannabinol—9;

(b) methamphetamine,

and includes a metabolite of such a substance;

This clause contains the provision which allows the government, through the minister and the executive, to establish regulations to determine what will be a prescribed drug. The government already acknowledges, and the minister in this place already acknowledges, that there are only valid tests available for pot and methamphetamine. What this proposal does is compel the parliament to debate what substances should be put on the list of those which are lawful for the police to test on the roadside by whatever means are at their disposal. These substances are separate from and different to those which turn up in blood tests of drivers who have been injured and treated in hospital. I have already said that drivers who are caught with drugs in their blood, once they have injured themselves and presumably others, ought to be prosecuted in a far greater measure than they are at present

and that careful examination for all controlled substances ought to be undertaken in those circumstances.

However, this is about what the police can do at the roadside, whether or not there is a prang, as long as they have reasonable grounds for suspecting that the person in control of the vehicle (the driver) has taken alcohol or a drug. I do not think that we ought to rely on regulations. The burden of this amendment is to say that parliament ought to decide that and there ought to be a debate about the substance that is going to be added to the list before it is added so that parliament and the public, through that mechanism, get a clearer understanding of what it is that is not lawful, instead of just coming in under regulation and staying there in force lest it be disallowed in either house of parliament and, even if it is disallowed, within a matter of hours it can be reinstated, which is a specious proposition anyway. Throughout the ALP's term in office in this instance, I have argued strenuously that we have to be sure before we legislate in this direction. That was the argument against the propositions put to the house by the member for Schubert. Now they are saying, 'It doesn't really matter. We will leave it to the bureaucrats to decide. They can regulate and the minister will pick up the regulation and deal with it.'

I say that that is not good enough. I have always been opposed to the delegation of authority to make law to others. Parliament was established to make law and parliament was established to review the effects of that law on society, not the public servants. The executive and the public servants should not have the power to make law without reference to parliament. The attitude that the ALP has in the legislation is at odds with its desire and its arguments are at odds with the stated position at present, namely that regulations be made for prescribed drugs. To be consistent, government members should be supporting the proposition that we, as a parliament, decide what can and cannot be tested for at the roadside, according to our appraisal as legislators in this place.

Mr BRINDAL: Normally I would be minded to agree with any proposition that suggests that the parliament is sovereign and, therefore, something should not be a matter for regulation: it should be a matter for legislation. However, I have listened to the arguments advanced in this place by some honourable members that, unless the other 46 members agree with that person, there is some degree of culpability on the rest of us and we are something between baboons and gibbering idiots. I believe that the parliament has neither the wit nor the intelligence to make important decisions affecting medically the lives of other people. Therefore, I support the government's proposition that these matters should be done by regulation and kept in the knowledge of intelligent, calm experts and not people who seek emotive argument to try to sway opinion.

The Hon. P.F. CONLON: We are opposed to the member for Hammond's amendments. On the one hand, he seeks to see the great danger from those who take drugs and, on the other hand, he sees the great danger from the executive. He sees a conspiracy everywhere. He simply wants to put those who take drugs one step ahead of the parliament and make us slow to respond to them than they are to take up a new drug. It is plainly wrong.

The committee divided on the amendment:

The CHAIRMAN: There being only one vote for the ayes, the amendment is lost.

Clause passed.

Clause 6.

Mr BROKENSHERE: I move:

Page 4, line 26—Delete the penalty provision and substitute:

Maximum penalty:

- (a) for a first offence—a fine of not less than \$500 and not more than \$900;
- (b) for a second offence—a fine of not less than \$700 and not more than \$1 200;
- (c) for a third or subsequent offence—a fine of not less than \$1 100 and not more than \$1 800.

With this amendment we are simply saying that you cannot send a mixed message and you should be treating the offence of drug driving as equal to that of a category 2 with alcohol, that is, taking it as read that they are at least equivalent to 0.08 in intoxication equivalent. Therefore, I see this as a sensible amendment to stop sending a mixed message to the community and to address issues such as we have at the moment with this bill. To give one example of why this needs amending, under the current legislation, if you are a P-plater and you get breath-tested for alcohol, you immediately lose your licence, but with drugs you could go and have two or three joints, be tested, show positive with a saliva test for cannabis and not lose your licence. It is just the wrong message, and I am simply saying that we should have it equivalent to a category 2 and flow it through from there, as per being tested for the blood alcohol content.

The Hon. P.F. CONLON: For the reasons set out before, we do not agree. This is the same as in Victoria. It is a T notice in Victoria. Do not forget that for a person driving under the influence, whether of drugs or alcohol, a much higher penalty applies. In short, this is the bill modelled on the Victorian bill. If you are right, the parliament can look at it in 12 months, as I said before.

The Hon. I.P. LEWIS: I make the observation on the record that the minister yet again shows his inability to lead; he must have someone to follow, and that is sad. He says that the government must go in the mould and follow someone else, and in this case it is Victoria. Quite sensibly, this parliament and this state have shown the way to the rest of the world on many things, and there is no reason why it could not show the way in this instance just because it was an oversight in the case of Victoria. Clearly, it needs to be regarded as an equal offence. I do not see any rational reason why the member for Mawson's amendment cannot be included in the law forthwith because, if we are serious about the general thrust of the bill as stated in the minister's second reading speech, this is entirely consistent with it.

The Hon. P.F. CONLON: I am not surprised that the member for Hammond cannot see any rational reason.

The house divided on the amendment:

AYES (15)

Brindal, M. K.	Brokenshere, R. L. (teller)
Brown, D. C.	Buckby, M. R.
Chapman, V. A.	Goldsworthy, R. M.
Hall, J. L.	Kotz, D. C.
Lewis, I. P.	McFetridge, D.
Meier, E. J.	Penfold, E. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (19)

Atkinson, M. J.	Bedford, F. E.
Caica, P.	Ciccarello, V.
Conlon, P. F. (teller)	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Key, S. W.	Koutsantonis, T.
Lomax-Smith, J. D.	Maywald, K. A.
McEwen, R. J.	O'Brien, M. F.
Rankine, J. M.	Rau, J. R.

NOES (cont.)

Such, R. B. Thompson, M. G.
Weatherill, J. W.

PAIR(S)

Evans, I. F. Breuer, L. R.
Gunn, G. M. Hill, J. D.
Hamilton-Smith, M. L. J. Rann, M. D.
Kerin, R. G. Stevens, L.
Matthew, W. A. White, P. L.
Redmond, I. M. Wright, M. J.

Majority of 4 for the noes.

Amendment thus negatived.

Mr BROKENSHERE: I move:

Page, 5, line 2—Delete ‘3 months’ and substitute ‘6 months’.

This is my final amendment. We want to give police the absolute opportunity to crack down and send the message that drug driving is a dangerous practice. We want to give police the opportunity to search for possession when someone has proven positive. As I said, they could have a clandestine lab in their boot, or they could have a boot load of cannabis. Let us give the police the best opportunity. I know that the minister is arguing that this is about road safety only, but I cannot wear that. It is a bigger picture than that. This is one component in fighting the evil of illicit drugs. I appeal to the minister and the government to be bipartisan on this and to give police a further opportunity right now. I commend the amendment to the committee.

The Hon. P.F. CONLON: We disagree for reasons set out many times before.

The committee divided on the amendment:

AYES (15)

Brindal, M. K. Brokenshire, R. L. (teller)
Brown, D. C. Buckby, M. R.
Chapman, V. A. Goldsworthy, R. M.
Hall, J. L. Kotz, D. C.
Lewis, I. P. McFetridge, D.
Meier, E. J. Penfold, E. M.
Scalzi, G. Venning, I. H.
Williams, M. R.

NOES (19)

Atkinson, M. J. Bedford, F. E.
Caica, P. Ciccarello, V.
Conlon, P. F. (teller) Foley, K. O.
Geraghty, R. K. Hanna, K.
Key, S. W. Koutsantonis, T.
Lomax-Smith, J. D. Maywald, K. A.
McEwen, R. J. O’Brien, M. F.
Rankine, J. M. Rau, J. R.
Such, R. B. Thompson, M. G.
Weatherill, J. W.

PAIR(S)

Evans, I. F. Breuer, L. R.
Gunn, G. M. Hill, J. D.
Hamilton-Smith, M. L. J. Rann, M. D.
Kerin, R. G. Stevens, L.
Matthew, W. A. White, P. L.
Redmond, I. M. Wright, M. J.

Majority of 4 for the noes.

Amendment thus negatived; clause passed.

Clauses 7 to 17 passed.

New clause 17A.

Mr HANNA: I move:

Page 16, after line 3—

After clause 17 insert:

17A—Insertion of section 47IB

After section 47IA insert:

47IB—Certain offenders to attend drug education program

(1) If the court before which a person is charged with an offence that is a first or second offence against section 47BA(1) (within the meaning of that section) convicts the person of the offence, or finds that the charge is proved but does not proceed to conviction, the court must, unless proper cause for not doing so is shown, order the person to attend, within a period fixed by the court being not more than six months from the making of the order, a drug education program conducted pursuant to the regulations.

(2) A person must not fail, without reasonable excuse, to comply with an order under subsection (1).

(3) A certificate purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate failed to comply with an order under subsection (1) is, in the absence of proof to the contrary, proof of the matter so certified.

The Greens are very conscious that drugs are a health issue. There are reasons for the state to intervene in many cases and impose criminal sanctions, but let us not forget that people are becoming addicted and injuring themselves and others as a result of drugs, and they need help. They are certainly not receiving that in our prisons. In this context, where we are dealing with pulling people up for drug driving and sending them before the courts, it seems that the best approach is to build in some drug education or drug counselling. In other words, I am proposing some element of education and healing as opposed to simply punishing people and hoping it will change their behaviour. We have decades of drug law to show that that does not necessarily happen. When people are caught driving with these particular drugs in their system, let there be some drug education made available to such people. Indeed, let us insist that the court refer people to appropriate drug education programs.

Of course, this amendment means nothing without a government commitment to get people over the problems of drugs. I look forward to hearing from the minister in relation to this amendment about how some form of drug education or drug counselling can be built into the scheme. It will need to be funded and it will need legislative backing. If the government is not prepared to support this amendment now, I earnestly entreat the government to take a positive approach, not just a punitive approach, and at least consider the matter between here and the Legislative Council.

Mr VENNING: I support the member for Mitchell’s amendment because it is identical to that appearing in my name. His is No. 1 and mine is No. 2. I do not know who had it drafted first. I reckon I did because mine is probably five or six weeks old. It does not matter who was first. I agree absolutely with the member for Mitchell. The first part of this amendment obviously inserts an education program in order to be consistent and in the same terms as current section 47IA of the Road Traffic Act. There is a second section, but I will treat that differently.

The Hon. P.F. CONLON: I indicated at the close of the second reading debate that this is an amendment that we are prepared to look at between the houses. We have not seen it before. I personally think Kris Hanna did it first and Ivan was looking over his shoulder at the next desk, but that is only a personal opinion.

The committee divided on the new clause:

AYES (14)

Brindal, M. K. Brokenshire, R. L.
Brown, D. C. Buckby, M. R.
Chapman, V. A. Goldsworthy, R. M.

AYES (cont.)

Hanna, K. (teller)	Lewis, I. P.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

NOES (18)

Atkinson, M. J.	Bedford, F. E.
Caica, P.	Ciccarello, V.
Conlon, P. F. (teller)	Foley, K. O.
Geraghty, R. K.	Key, S. W.
Koutsantonis, T.	Lomax-Smith, J. D.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Rankine, J. M.
Rau, J. R.	Such, R. B.
Thompson, M. G.	Weatherill, J. W.

PAIR(S)

Evans, I. F.	Breuer, L. R.
Gunn, G. M.	Hill, J. D.
Hamilton-Smith, M. L. J.	Rann, M. D.
Kerin, R. G.	Stevens, L.
Matthew, W. A.	White, P. L.
Redmond, I. M.	Wright, M. J.

Majority of 4 for the noes.

New clause thus negated.

The CHAIRMAN: I presume that the member for Schubert does not want to proceed with his amendment No. 8.

New clause 17A.

Mr VENNING: I move:

17A—Amendment of section 47J—Recurrent offenders

Section 47J(12), definition of prescribed offence—delete '47E(3)' and substitute 47BA(1), 47E(3), 47EAA(9).

New section 17B, which is in relation to the same clause, amends section 47J of the act requiring that offenders who get caught multiple times for drug driving offences, or a combination of drink driving and drug driving offences, will be treated the same as incorrigible drink drivers and sent off for assessment for drug and/or alcohol problems. This is the nub of the whole bill. If this drug testing scheme throws up people with serious drug problems, the bottom line is that they have to be sent off for assessment and medical treatment. It should be in the bill for repeat offenders and it is very important that anybody identified through this program as having a severe drug problem, particularly an incorrigible drink driver or drug taker, should be able to be referred in this way. I urge the

government to support this as it is not contentious and is common sense.

The Hon. P.F. CONLON: No sir.

New clause negated.

Clause 18.

Mr BROKENSHIRE: These were serious attempts to try to give police extra powers to combat illicit drug use and trafficking. We have spent a lot of time on this bill tonight. We have not had any amendments carried in any of the divisions that we have called. That is extremely disappointing. I cannot understand why there was not bipartisanship. However, having said that and given the hour and the second reading speeches, I advise that I will not be moving these last couple of amendments. Rather, I will be doing some work with the Legislative Council. Mr Chairman, I am saying that, notwithstanding the fact that we are desperately keen to assist the police with further powers, you can run through the rest of the bill. I have had a discussion with the minister. The government will not support any of our amendments, so we will wait for this bill to be dealt with in the Legislative Council. Therefore, Mr Chairman, you can run through the rest of the bill.

Mr VENNING: The amendment standing in my name is also consequential.

Clause passed.

Clause 19, schedule and title passed.

Bill reported without amendment.

Bill read a third time and passed.

MARITIME SERVICES (ACCESS) (FUNCTIONS OF COMMISSION) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

PARLIAMENTARY COMMITTEES (PUBLIC WORKS) AMENDMENT BILL

The Legislative Council insisted on its amendments Nos 3 and 6 to which the House of Assembly had disagreed.

ADJOURNMENT

At 11.35 p.m. the house adjourned until Wednesday 19 October 2005 at 2 p.m.