LEGISLATIVE COUNCIL

Thursday 10 November 2005

The PRESIDENT (Hon. R.R. Roberts) took the chair at 11.04 a.m. and read prayers.

STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.45 p.m.

Motion carried.

STATUTES AMENDMENT AND REPEAL (AGGRAVATED OFFENCES) BILL

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That the sitting of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

CHILDREN'S PROTECTION (KEEPING THEM SAFE) AMENDMENT BILL

In committee.

(Continued from 8 November. Page 2952.)

Clause 8.

The PRESIDENT: When last the committee met we made some progress, and we were considering clause 8 to which the Hon. Ms Reynolds had moved an amendment. My understanding is that after consultation it is her intention to move an alternative amendment. When the time comes for that, she will need to seek leave to withdraw the amendment and move the alternate amendment. My understanding is that the Hon. Ms Reynolds was unaware of the order of precedence and is not ready to do it at this time. Is that the case, the Hon. Ms Reynolds?

The Hon. KATE REYNOLDS: Absolutely.

Progress reported; committee to sit again.

SITTINGS AND BUSINESS

The Hon. T.G. Cameron: What can we now further adjourn, minister? We have made some real progress. You get stuck into us about not making progress, and then you pull stunts like this.

The PRESIDENT: Order!

The Hon. P. HOLLOWAY (Minister for Industry and Trade): It is because of Independents like you that we have no control over what happens. The government has long since lost control over what happens in this parliament and, frankly, it is a disgrace. The sooner this place is abolished, the better it will be for all South Australians.

Members interjecting:

The Hon. P. HOLLOWAY: Please do. Your behaviour is a bloody disgrace.

The PRESIDENT: Order!

The Hon. T.G. CAMERON: I rise on a point of order, Mr President. The leader, uncharacteristically, is using unparliamentary language. I ask him to withdraw.

The Hon. P. HOLLOWAY: I apologise and withdraw, Mr President.

The PRESIDENT: Indeed you should, minister. You should follow the example of the Hon. Mr Cameron, who never does that!

The Hon. P. HOLLOWAY: Yes; that's right.

Members interjecting:

The PRESIDENT: Order! Interjections are out of order.

The Hon. P. HOLLOWAY: Of the three priorities listed on the whip sheet, no-one is ready to speak.

The Hon. Sandra Kanck: We have been ready since Tuesday.

The Hon. P. HOLLOWAY: Yes, but somebody else is not ready.

Members interjecting:

The Hon. P. HOLLOWAY: Isn't it convenient for you lot? You always find somebody who is not ready, so nothing happens. That is why this place is a disgrace.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Of all the priorities on this list, you are not ready to debate any of them.

The Hon. T.G. Cameron: Stop casting aspersions on this honourable chamber.

The PRESIDENT: Order! The interjection is accurate but out of order. No honourable member should be casting aspersions on the Legislative Council or any of its members.

LOCAL GOVERNMENT (LOCHIEL PARK LANDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 November. Page 2913.)

The Hon. SANDRA KANCK: I was going to seek leave to make a personal explanation, but that will not be necessary because it was about this bill.

The PRESIDENT: Are you ready to make a contribution?

The Hon. SANDRA KANCK: Yes; I am. In regard to the comments—

The Hon. T.G. Cameron: I am a bit confused, Mr President. Are we hearing a personal explanation?

The PRESIDENT: No. The Hon. Mrs Kanck has the call on the matter before the council.

The Hon. SANDRA KANCK: In regard to the comments the Hon. Mr Holloway just made—that is, that none of us were ready—I indicate that the Democrats have been ready to speak on this bill since Tuesday. I want that on the record in case, when I interjected, it did not make it onto the record.

The Australian Democrats welcome this bill. It has been a running sore for almost four years, and it is almost resolved. Lochiel Park became an issue in the lead-up to the last state election when, on 2 January 2002, the Development Assessment Commission published a notice advising of the government's intention, through the Land Management Corporation, to subdivide Lochiel Park and Brookway Park for somewhere between 150 and 157 housing allotments. The Liberal government got its timing very wrong, because it gave the Labor opposition at that time a real issue on which

to campaign in the eastern suburbs, particularly in the electorate of Hartley.

So, a public meeting was held, and the then opposition leader, Mike Rann, through his candidate, Quentin Black, made a promise that the land would not be used for private housing and that 100 per cent would be saved for community facilities and open space. Mike Rann, in his inimitable way, made it an election issue but started to back out of it once they were in government. In late 2002, the Development Assessment Commission approved subdivision of between 148 and 163 allotments on the site. Supporters Protecting Areas of Community Environment (SPACE) really stepped up its campaign at that point, and Margaret Sewell and June Jenkins were absolute stalwarts. They were supported also by the Hon. Nick Xenophon and the Hon. Andrew Evans and me, to a lesser extent, in the Legislative Council and, in the House of Assembly, by the member for Hartley (Mr Joe Scalzi).

The Hon. T.G. Cameron: He has done a great job.

The Hon. SANDRA KANCK: He has done a great job on this issue and has never let go of it. I refer to the letter, dated 8 February 2002, the Hon. Mike Rann sent to June Jenkins. It states:

- we will place a one year moratorium over the Land Management Corporation's plan to develop Lochiel Park, immediately halting housing development
- in that time, Mr Black will chair a thorough community consultation process with local residents, community groups, council and key stakeholders to decide how the space can be best preserved and used for the benefit of everyone in the community
- we intend to save 100% of Lochiel Park for community facilities and open space, not a private housing development as the Liberals have proposed
- Mr Black will work with local open space, community and sporting groups to plan to how 100% of Lochiel Park can be revitalised, so that the whole community can benefit.

The reality is that 70 per cent of the land will be kept for open space, and there will be private housing, despite the promise that there would be none. However, what we have before us now is certainly a better proposal than what the Liberal government had in 2002. That proposal was for up to 167 housing allotments, and the government's plan now is for 81 housing allotments. I think the government has played a little with the truth. The new housing will occur where the abandoned buildings previously stood. So, open space has been retained.

I would like to raise the issue of the Land Management Corporation in all of this. In one of our reports, the Environment, Resources and Development Committee recommended that the Land Management Corporation should be controlled by the Minister for Urban Development and Planning and not the Treasurer. Unfortunately, the government rejected that recommendation, but we have seen a number of instances over the past few years where the Land Management Corporation has made decisions about how land will be used. It is based on return to the Treasury and not necessarily based on what will be good for urban planning in a particular area. However, I do commend one aspect of this development: I commend the government on the sustainability aspects of this plan, despite the fact that it has not kept its promise about there being no housing in the area.

Of some concern to me is the lack of affordable housing and the lack of disability housing. The housing plan that the government released in March 2005 makes quite a point about those two aspects. I wish to read from five pages in that government housing plan to make sure that that is clearly on the record. The following is from page 1 of the plan:

> The South Australian government will kick-start new joint ventures between the State Government, not for profit organisations, the private sector and local government to deliver affordable housing and high need housing projects. . . We will work with private developers to ensure affordable housing is part of all significant new housing developments. Our targets are 10 per cent affordable and 5 per cent high need housing.

Then we go to page 3, where it states:

> The target of 10 per cent affordable and 5 per cent high need housing in all significant new developments is a centrepiece of our strategy.

Then we go to page 16, under the heading 'Actions', where it states:

> Undertake new developments in partnership with local government and industry partners which provide a mix of affordable and high need housing opportunities with an immediate commitment of $8.74 million.

Then we go to page 17, where it states:

> The government has targeted a minimum of 10 per cent affordable housing and 5 per cent high need housing in all significant new developments.

Finally, on page 21, under 'Actions' it states:

> Promote private and public development of accessible and adaptable housing and urban designs with a particular focus on agencies with responsibilities in housing, ageing, disabilities, planning and building regulation.

So, it is very clear that the government has given a commitment to having affordable housing and disability housing, and yet in this project there is no commitment at all. So, obviously, I raise some concerns about that. I am also concerned about the cost for Campbelltown council of maintaining the wetlands and open space, which will be handed over to the council in two to three years. As a Campbelltown council ratepayer, I have a passing interest in the cost that will then be passed on to ratepayers.

I know that the Hon. Mr Lucas wants this to go to a select committee because it is a hybrid bill. The House of Assembly chose not to refer it to a select committee, and I gather that this chamber has the power to decide not to take it to a select committee. This morning, the Local Government Association sent a number of us a facsimile about this bill, and I want to refer to a couple of points that are made in it. The fax comes from John Rich, the President of the LGA, and on the top of page 2 he said:

> I must make it clear from the outset that the Campbelltown council and its community support the nature of the development occurring in Lochiel Park. They wish to seek an outcome that is mutually acceptable to the parties so that the development can proceed without undue delay.

I would like the Hon. Mr Holloway to listen to the next part of this, so I will wait. Minister, I ceased speaking so that I could wait until I had your attention. This fax from the—

The Hon. T.G. Cameron: He doesn't have to be looking at you to listen.

The Hon. SANDRA KANCK: He was making a phone call. The fax from the LGA states:

> Discussions have taken place with Minister Conlon and his officers regarding this Bill and as a result a series of amendments are being proposed that, in essence, strengthen the requirements for consultation with the council throughout the development of the Lochiel Park lands. The government amendments in this regard are supported by the council and the LGA. With these amendments in place, neither the LGA nor the council wish to delay the passage of the bill in any way.

This fax then goes on to talk about an agreement that the LGA has achieved with minister Conlon to address its concerns in a formal arrangement outside the legislation that may take the shape of a heads of agreement, an MOU or similar. The fax then lists a series of dot points. I am unclear about something in this fax—and I got this fax only at 11 o'clock. When it talks about the series of amendments that are being proposed, I am unclear as to whether these are amendments to this bill that we will be considering, or whether it is talking about this MOU or heads of agreement as the amendments that will satisfy.

When the minister sums up, I would appreciate his clarifying that, because either it means we will go into committee and have these amendments (in which case there is no need for a select committee), or there will be this MOU or heads of agreement, and that will suffice for the LGA or the council. As this fax states, '. . . neither the LGA nor the council wish to delay the passage of the bill in any way.' During the minister's second reading summing up, I am seeking some clarification about the information that is in this fax so that I can determine whether the Democrats will support the bill going through the rest of the stages, or whether we will support it going to a select committee.

The Hon. R.I. Lucas: Sandra, if there are amendments it will not be able to go through for a couple of weeks anyway, because no-one has seen them. A select committee will not delay it, because the select committee will meet next week.

The PRESIDENT: Order!

The Hon. SANDRA KANCK: Okay. At this stage, I indicate our support for the second reading until we can get a few of these matters clarified.

The Hon. T.G. CAMERON: I, too, like the Hon. Sandra Kanck, rise to support the second reading of this bill. I indicate that to the government so that it knows where it is going. Almost certainly it has got my support for this bill. Lochiel Park has been a long-running saga now, which has consumed a great deal of time on the part of the local member, Joe Scalzi. I think that it is appropriate that I put on the record the great job that Joe Scalzi has done on behalf of the local residents in his electorate in relation to Lochiel Park. There is no doubt in my mind that we would not be where we are today if it had not been for his intervention. In saying that, too, it is also appropriate to acknowledge the work of the Hon. Andrew Evans and the Hon. Nick Xenophon on this bill. There are some issues in this bill about which I am concerned. I have been advised that the passage of this bill will set up an exclusive contracting arrangement in relation to the development with one particular builder.

I believe that it is appropriate that the government nominate who that builder is. If the government has entered into a special relationship to give that builder the sole right to build on that development—and by that I mean that if you buy a block of land you cannot choose your own builder: you are able to use only the builder that the government has approved for that site—I do not know whether that is the case, but those procedures are a fast track to corruption.

The Hon. R.I. Lucas: A select committee would sort that out.

The Hon. T.G. CAMERON: A select committee would be able to sought that out. The Hon. Robert Lucas says that a select committee would be able to get that information, and he is correct. I guess what I am foreshadowing to the government is that we would like the information now. I would, anyway. It is an issue about which I am concerned. Is the government willing to table the name of the builder? I would appreciate the government's tabling the name of the builder (I do not want to know every contractual detail), and to give us a summary of the main contractual points of agreement that have been entered into with the government and the builder. I come at this from a point of trying to protect ordinary constituents, that is—

The Hon. J.F. Stefani: People who want to build their own house.

The Hon. T.G. CAMERON: Yes, people who want to build their own house; and let me tell members—

The Hon. J.F. Stefani: And engage their own builder.

The Hon. T.G. CAMERON: And the Hon. Julian Stefani interjects and says, 'Select their own builder.' It is good to see that there are still some members—

The Hon. J.F. Stefani interjecting:

The Hon. T.G. CAMERON: I am pleased to hear the Hon. Julian Stefani interjecting on this point, because—

The PRESIDENT: I am afraid that I cannot agree with that.

The Hon. T.G. CAMERON: I did not hear that interjection from the chair. I thought that interjections were out of order.

The PRESIDENT: Order! That was not an interjection: it was a direction that I was not pleased to hear his interjections, as I am not when anyone is acting disorderly.

The Hon. T.G. CAMERON: I apologise, Mr President, but could you speak up a bit? I could not hear you. You were mumbling. Thank you for correcting me there.

The PRESIDENT: Order! Do not be condescending to the chair. That is disrespectful to the chair. The Hon. Mr Cameron may think that he is more clever than any other member in this chamber, but I can assure him that he is not. Continue with your contribution and show respect to the proceedings of the parliament.

The Hon. T.G. CAMERON: I am not being condescending. I have never acted in a condescending manner to the chair. I was thanking you for pointing out that I had misunderstood, because I could not hear what you were saying. I was respectfully asking whether you could speak up a little bit. Where was I? Yes. Obviously, the Hon. Julian Stefani is in a similar position to me: he still believes in freedom, that is, the freedom of an individual, if they buy a block of land, to be able to choose which builder they want to build on that piece of land.

I know that the Hon. Julian Stefani is probably better versed in the building industry than anyone in this chamber, with some three decades of experience, as I understand. Anyone who knows the building industry knows immediately that the moment you buy a block of land and you are tied into one builder, when it comes to negotiating the contract price for the house, you are negotiating with one hand tied behind your back. The contract price that you will get from that builder will be dearer than you could get from a number of other alternative builders who may well be better able to meet your particular needs. If the government has entered into an exclusive agreement to give one builder the sole right to build on this development, I would ask it to reconsider it.

If it has done that, I ask the government to please let us know the name of the builder and the details of the contract, so that it can be examined; so that this chamber, for those who are interested, can ensure that those people who eventually buy a block of land and enter into a contract with that builder are not being disadvantaged. The mere fact that

they can build only with that builder will disadvantage everyone who buys a block of land in that electorate. Despite the Hon. Robert Lucas's interjection, I persist with my question. I guess the government can interpret that, if it refuses to answer my questions, that I will have no alternative but to support a push for a select committee, so that this council can get the answers to the questions that it needs as it pursues its task of protecting ordinary South Australians. New clause 11(16)(c) provides:

must take reasonable steps to preserve any vegetation within the Lochiel Park Lands;

I have looked at Lochiel Park and noxious weeds are growing there—weeds that one would think should have been removed a long time ago.

The Hon. J. Gazzola interjecting:

The Hon. T.G. CAMERON: Well, by the council. The Hon. John Gazzola interjected and asked whether the weeds should be removed by the Hon. John Gazzola. I know he is a hardworking member, and it would not surprise me if he was prepared to go there with a group of volunteers to remove the noxious weeds from Lochiel Park.

The Hon. J. Gazzola interjecting:

The Hon. T.G. CAMERON: The Hon. John Gazzola has offered to go down there with me to weed out all these noxious weeds.

The Hon. J.F. Stefani interjecting:

The Hon. T.G. CAMERON: As the Hon. Julian Stefani interjects, we will call him 'John Gazzola the slasher'.

The PRESIDENT: The honourable member could be the first noxious weed removed.

The Hon. T.G. CAMERON: Was that a direction or an interjection from the chair?

The PRESIDENT: No; it was an out of order interjection that time.

The Hon. T.G. CAMERON: My interpretation is that I am a noxious weed to be removed from this council. Mr President, would you please give me the assurance that you were not saying that.

The PRESIDENT: I did not say that at all. I said you may be the first noxious weed removed from Lochiel Park, if the Hon. John Gazzola is left to his own devices.

The Hon. T.G. CAMERON: I thank you for that, but *Hansard* will show the record.

The PRESIDENT: I chastise myself for breaking the standing orders. I do apologise to the council.

The Hon. T.G. CAMERON: So, you are withdrawing and apologising.

The PRESIDENT: I am withdrawing.

The Hon. T.G. CAMERON: But not apologising?

The PRESIDENT: I am not required to apologise under the standing orders. Unfortunately, I am constrained by the standing orders.

The Hon. T.G. CAMERON: I realise that, and the Hon. John Gazzola was not required to apologise yesterday but he had the decency to do so.

The PRESIDENT: The honourable member will come back to the debate.

The Hon. T.G. CAMERON: Yes; that is probably a good idea, Mr President, but I was not the one who led us away from the debate. I am feeling a bit better today. It is the best I have felt in about 12 months. That influenza must have been good for my system.

I would like an assurance from the government that paragraph (c), 'must take reasonable steps to preserve any vegetation within the Lochiel Park', does not include steps to preserve all the noxious weeds that are currently growing there. Also, I would like clarification of new clause 11(16)(d) and what might be encompassed by that paragraph, which provides:

must not develop or adapt any part of the Lochiel Park Lands for an organised sporting activity or for any other purpose. . .

That sounds to me like an all encompassing paragraph which, basically, will ban any of those activities. I conclude by indicating that I am pleased to support the second reading. I am looking forward to my questions being answered, in particular all the details in relation to the arrangements into which the government entered with this builder, if that is the case.

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): A lot of nonsense has been said about what the member for Hartley has done. Let me put the record straight. I was at the public meeting—

The Hon. Carmel Zollo: As was I.

The Hon. P. HOLLOWAY: As was the Hon. Carmel Zollo. In relation to Lochiel Park, the previous government wanted to sell 80 per cent of it and retain 20 per cent of it. Notwithstanding the fact that the government was not successful in that seat, nevertheless through this we have honoured our promise of preserving the open space land within that area. Part of that site—about 30 per cent of that site—was covered with buildings and a number of former Housing Trust houses and, also, Brookway Park Fire Training College, and some other buildings.

In honouring its promise the government said that it would preserve all the open space there previously and allow building on the area where these buildings have stood for many years. The Hon. Terry Cameron talked about vegetation. The major vegetation that the community wishes to preserve is the large river red gum trees which are in abundance in that area. I am sure there are weeds around there, but it is the river red gums in that area which are of principal benefit. The government made that promise at the election. I think the public of South Australia can be very cynical, indeed, about what the Liberal Party is attempting to do here.

It was the Liberal Party that wanted to sell off 80 per cent of the Lochiel Park land, and I think its tactic of putting this bill into committee is to try to delay its progress. I think the message to all the people in Lochiel Park is that if they are successful they will delay this decision so they can go ahead with their policy and sell of 80 per cent of it, which is what the Liberals and the member for Hartley put to the people of this state during the 2002 election campaign. I think every South Australian, particularly those in the area, should be alarmed about these developments. I should also answer some questions asked by the Hon. Sandra Kanck. Yes, some amendments to this bill will be tabled shortly, but I will read out—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, we can still get it through this week, but we know what happens with the Liberal Party with these committees. We know what—

The Hon. R.I. Lucas: We are not sitting next week.

The Hon. P. HOLLOWAY: Yes, that is right, we are not sitting, but we know what will happen. The Liberal Party wants to play politics, as it does with everything else. It wants select committees and to play politics with it. It really wants

to make sure that its policy of building on 80 per cent of Lochiel Park is established. That is what it wants to do, and that is what this is all about. All this defence of Joe Scalzi—

The Hon. R.I. Lucas: The Lion of Hartley.

The Hon. P. HOLLOWAY: Yes, the Lion of Hartley, who wanted to sell it. He stood up—not very tall, but he stood up for his party—

Members interjecting:

The Hon. P. HOLLOWAY: I do not mean that—

The Hon. T.G. Cameron: Why don't you get back to answering the question?

The Hon. P. HOLLOWAY: Because you misled the parliament when you said what a great job he had done in defending the electorate. The policy that he went to a public meeting to defend was to sell off 80 per cent of Lochiel Park. That is history, and no amount of speeches by the Hon. Terry Cameron will change that fundamental truth. He might like to change it, and he might like to pretend it away, but the reality is there. Joe Scalzi stood at the public meeting and endorsed Rob Lucas's policy to sell off 80 per cent of Lochiel Park.

The Hon. T.G. Cameron interjecting:

The Hon. P. HOLLOWAY: No, this is giving effect to the government's promises.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! The Hon. Mr Cameron will come to order.

The Hon. P. HOLLOWAY: Let me read a minute from Mayor John Rich, the President of the Local Government Association. It states:

> Local Government (Lochiel Park Lands) Amendment Bill 2005
>
> The LGA has been assisting the Campbelltown council to consider the government's Local Government (Lochiel Park Lands) Amendment Bill.
>
> The LGA has a particular interest in this matter given the outcomes of the bill will result in a considerable developed property being transferred to the council for 'care and control'. It continues to be our view that it is important that when land transfers occur between the state government and councils that appropriate legislative and if necessary non-legislative arrangements are put in place to protect local communities. It is these local communities that take on the burden of the costs associated with maintenance of the land and assets, albeit that an additional community asset is made available to them.
>
> Given that the land in question will also be accessible to the broader public and not just the community of Campbelltown council, the LGA and council believe that there is a current and continuing state interest (and obligation) in relation to the land.
>
> I must make it clear from the outset that the Campbelltown council and its community support the nature of the development occurring in Lochiel Park. They wish to seek an outcome that is mutually acceptable to the parties so that the development can proceed without undue delay.
>
> Discussions have taken place with minister Conlon and his officers regarding this bill and as a result a series of amendments are being proposed—

and, as I said, they will be here shortly—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, they will be here shortly.

The Hon. R.I. Lucas: But we will not be able to debate them.

The Hon. P. HOLLOWAY: So be it, but just listen to the rest of it. I continue:

> that, in essence, strengthen the requirements for consultation with the council throughout the development of the Lochiel Park lands. The government amendments in this regard are supported by the council and the LGA. With these amendments in place, neither the LGA nor the council wish to delay the passage of the bill in any way.
>
> The bill, however, does not provide the council and the LGA with appropriate comfort in relation to the ongoing 'care and control' responsibilities that will result. Extensive consultations and discussions have occurred between the council and the Land Management Corporation to better understand ongoing maintenance costs, risk management issues and the like. It is appreciated that estimates of costs and issues are all that can be given to the council at this stage and in our view it is not unreasonable for the council to seek to have some comfort that processes are in place to address unforeseen circumstances.
>
> The government has been unwilling to insert specific provisions into the legislation that provide the degree of comfort sought by the council and the LGA. Of particular concern is that the legislation lacks a process to deal with unforeseeable risks and costs should a major event occur, and the council seeks to have the state government contribute financial or other support.
>
> I am pleased to advise that the minister has agreed to address these concerns in a formal arrangement outside of the legislation that may take the shape of a heads of agreement, MOU or similar. It has been agreed between the parties that the issues that will be addressed in this formal 'arrangement'—

The Hon. R.I. Lucas: Will you table that?

The Hon. P. HOLLOWAY: I am reading it all. Copies have been sent to the—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Will you just let me finish the speech? The minute continues:

> It has been agreed between the parties that the issues that will be addressed in this formal 'arrangement' are as follows:
>
> · Clear statement of the commitment on the part of the LMC to consult with the council in relation to the selection and installation of infrastructure, including the process to be adopted for consultation;
> · Recognition that the works undertaken by the LMC, prior to the transfer of care and control of the land to the council, will carry with them a reasonable guarantee of quality and longevity.
> · Recognition that liabilities that may be incurred by the council that have reasonably resulted from actions of the LMC will be resolved between the LGA's Mutual Liability Scheme and [South Australian] government's insurance organisation scheme, (SAICORP);
> · The council will be permitted to license the use of the Lochiel Park land as long as it does not result in any exclusion of the public and it is in accordance with the land management plan adopted by the council;
> · The council must obtain the approval of the relevant minister should it seek to license the use of the Lochiel Park Lands for purposes other than that considered in the management plan;
> · An established program of meetings will occur between the council and the LMC during the time that LMC is undertaking works for the purposes of ensuring communication between the parties is regular and open;
> · Should the LMC and the council be unable to reach an acceptable solution to a matter, that the minister will assist in resolving disputes;
> · Clear statement of the commitment and obligations of the parties to enter into good faith negotiations should costs estimated to be incurred by the council 'blow out' or that an 'event' occurs that results in considerable community expense;
> · The responsible minister shall formally meet with the council at least 12 months following the transfer of the land to discuss any issues that may be emerging for the council.
>
> The minister has agreed to highlight the above matters (that will be subject to further discussion) on *Hansard* as a further demonstration of his public commitment to address the concerns raised by the council.
>
> The LGA and the City of Campbelltown are pleased to support this bill and the government amendments that will result in a very exciting project being initiated in the Campbelltown council area.

Then there is a final paragraph, which states:

> If you have any queries regarding this matter please don't hesitate to contact. . . [the relevant officers].
> Yours sincerely
> [Signed] Mayor John Rich
> President [of the LGA]

The Hon. R.I. Lucas: Will you table the MOU?

The Hon. P. HOLLOWAY: Obviously, the Leader of the Opposition was not listening. I said:

I am pleased to advise that the minister has agreed to address these concerns in a formal arrangement outside of the legislation that may take the shape of a heads of agreement, MOU or similar.

The Hon. R.I. Lucas: Will you table it?

The Hon. P. HOLLOWAY: How can you table something that—

The Hon. R.I. Lucas: You haven't done it.

The Hon. P. HOLLOWAY: Well, it states:

. . . address these concerns in a formal arrangement outside of the legislation that may take the shape of a heads of agreement, MOU or similar.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Of course, the Hon. Rob Lucas was the one who wanted to build on 80 per cent of Lochiel Park, and that is exactly why he wants to delay this. That is what this is all about. This parliament has a choice: we can either save 100 per cent of the open space there at Lochiel Park, with this development going on where the buildings are existing, or we can have the policy the Hon. Rob Lucas and Mr Joe Scalzi, the candidate for Hartley, put to the people back in 2002, which was to build on 80 per cent of that land, including a significant portion of the open space. It is quite clear now what is happening. We have been in this place too long. We understand what the Liberal Party is all about: it is all about delay, and it is all about obfuscation.

As I have said, I am quite happy for people to look at the amendments. I will seek leave to conclude my remarks in a moment and, if necessary, we can come back to this matter this afternoon. Then the parliament can have the choice. The government has done its bit; we have honoured our promise. We have put forward a proposal here, and the LGA and the Campbelltown council support it. The only opposition in relation to Lochiel Park of which we are aware is what the Liberal Party was putting up prior to the election in 2002. The question is whether this is what the Liberal Party is really on about now.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well, all the Liberals should be embarrassed by this policy. To try to delay it now after what they did certainly has to be one of the most extreme bits of hypocrisy I have seen in many years in this parliament. So be it. At the end of the day, the government does not have the numbers in this place; we know that. But what we are putting here is what is right. I have read it on the record; the council agree with it—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The minister has the call.

The Hon. P. HOLLOWAY: —and the electors of Hartley agree with it. The only disagreement appears to be from those members opposite who want to hide from the fact that at the last election they wanted to sell off this area. If they had been re-elected, Lochiel Park would now be a housing estate with just 20 per cent left. I will seek leave to conclude my remarks because, obviously, we have to decide this procedural question. As I have said, we can come back to that when the—

Members interjecting:

The Hon. P. HOLLOWAY: Well, I want to make sure that people have had a chance to read the amendments. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

VICTORIA SQUARE BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 2958.)

The Hon. D.W. RIDGWAY: As we all know, this is an operational bill that deals with defining the areas in which construction is able to take place and to allow the Glenelg to city trams to skirt around the edge of the square, rather than proceed through the middle of the square. At the outset, I indicate that I am opposed to this bill, which would not surprise members opposite. All members of the Liberal Party are opposed to this bill. It means the re-adoption of trams as one of Adelaide's main modes of transport. We know that trams were removed from the city some 50-odd years ago because they impeded traffic; traffic congestion was one of the reasons why trams were removed. Back then, car ownership was significantly less than it is today, and one of the consequences of extending the tramline will—

The Hon. T.G. Cameron: Petrol was a bit less, too.

The Hon. D.W. RIDGWAY: Yes, and people would possibly have driven their cars more. So, one of the obvious consequences of the extension of this tramline will be increased congestion on King William Street, and also some pedestrian safety issues with commuters alighting from the proposed tram stations in the middle of King William Street and walking to the sides of the road. As the Hon. Rob Lucas has mentioned, this government has a walking strategy and a strategy to combat obesity—and the trams will be dropping people off in the middle of King William instead of people having to walk from Victoria Square.

One of the Liberal Party's main objections to this bill is that it is a waste of money. All the infrastructure corridors were removed nearly 50 years ago because they were not compatible with inner-city traffic. Melbourne trams have long been lauded as the most convenient way to travel. I am sure that in a city the size of Melbourne they may be more suitable; Adelaide is a unique, linear-type city with a very small CBD. There was a small piece in Tuesday's *Advertiser* where it is suggested that within 25 years Melbourne's trams could be phased out because they are causing congestion and a number of other problems in the Melbourne CBD.

In accusing the Liberal Party of lacking foresight, as have some of the other people who have contributed to this debate and the government, it has become clear that the government has no foresight. It has not planned in the long term at all by announcing the tram line extension. Research suggests that light rail is not the best technology available. The Rann Labor government came to office without a transport policy, and it has no vision beyond March 2006. Its disdain for the transport portfolio was reflected in the turnover of ministers. Minister Wright made plans for a transport plan that never eventuated and minister White was too busy micro-managing the department to finalise the plan. Yesterday I was at a state seminar entitled 'South Australia, a state of plans' when minister Conlon said, 'Well, we're not going to have a transport plan. We'll give you one if you want one, but really a plan's a plan and it's really not much use, so we're not going to get one.' The government ministers have shown an alarming amount of hypocrisy on the issue of trams.

It is rather interesting to note that in the debate in the other chamber two members have voted for the trams and ministers of this government, the Hon. Rory McEwen and the Hon. Karlene Maywald, who claim to be Independent, stuck

like the proverbial to a blanket and voted along party lines when they lent support to this project.

The Hon. T.G. Roberts: Please explain.

The Hon. D.W. RIDGWAY: Butter. They have neglected their respective country electorates of Mount Gambier and Chaffey. Given that the patronage rates are around 5 000 a day, and I notice in today's *Advertiser*—

The Hon. T.G. Cameron: Where did that figure come from?

The Hon. D.W. RIDGWAY: It is a figure I have heard quoted that roughly 5 000 passengers travel each day. I notice that today's *Advertiser* reports that fewer people are using trains and trams, so unfortunately in this state we have a trend to move away from public transport. It is interesting that the members for Mount Gambier and Chaffey were quite happy to spend $21 million on the extension—in fact the whole project is something close to $80 million—when I suspect that none of their constituents that they represent—and they stand up to say they will look after the interests of Mount Gambier and the Riverland—will ever really use the tram.

The Hon. Sandra Kanck made some contributions on Monday when she spoke on the bill and spoke on how the Democrats were happy to support this, that the Liberal Party had no vision and that we needed to be looking to a clean and green city. I will come back to the comments of the Hon. Sandra Kanck to say I think there are other options that can make this city cleaner and greener and not necessarily lock ourselves in to another 50 years of trams going from here to Glenelg. The Premier has pointed to Portland, Oregon as a model for small-city trams, but we should look at what is best for Adelaide and not follow the model of another city if it does not meet our needs, especially when sources in Transport SA told me they learned about the press release on the study on the extension from North Terrace to Brougham Place at the same time as we received the press release.

The Hon. R.I. Lucas: You're joking!

The Hon. D.W. RIDGWAY: No, exactly. They had no knowledge of it. They knew the Premier was going to do something in Portland but they were not quite sure, and they received a press release.

The Hon. T.G. Cameron: I don't believe that.

The Hon. D.W. RIDGWAY: The Hon. Terry Cameron interjects that he doesn't believe that.

The Hon. T.G. Cameron: I don't believe it. Where's your proof of that statement?

The Hon. D.W. RIDGWAY: Reliable sources in Transport SA have informed me.

The Hon. T.G. Cameron: The old standby argument.

The Hon. D.W. RIDGWAY: Reliable sources. Another glaring indicator of the scant amount of planning that was undertaken by this government is the lack of grade separations along the main roads that are intersected by the tram. In particular, the worst example is South Road where it is close to proposed tunnels, yet this tram crossing is not to be dealt with in the proposed South Road upgrade. So we are going to have two tunnels on South Road and then still have to stop for the tram. Why attempt to improve traffic times with a tunnel when immediately afterwards we end up with a traffic impediment?

A consequence of placing the tram down the edge of Victoria Square is that some 18 trees will be ripped up, and I am sure the Premier will be careful not to be photographed near that. It is very contradictory to the government's 3 million trees policy. Guided busways or the O'Bahn have clear economic environmental advantage over trams. It is one of the many options that the government could have considered rather than the extension of the tram line. I am told by some of the members who have been here many years more than me that when the original O'Bahn project was proposed it was looked at potentially at some point as being an option to replace the Glenelg trams. Guided busways allow buses to come on and off the line as they choose, and thus can cover a wider area, as the O'Bahn does.

Aesthetic corridors where the tram extension is proposed must also be taken into consideration. I am sure that all honourable members would agree with me that the upgrade of North Terrace is very beautiful and deserves to be continued and enjoyed by pedestrians without the impost of a tram in the centre of King William Street. The Liberal Party is on the record as saying that we currently oppose the tram line extension. There have been many letters to the editor opposing an extension of the tram line to North Terrace and North Adelaide. I would add that, wherever I have travelled in South Australia in the last six months, I have not met anybody who is in favour of the extension of the tram line. Most people accept that maybe the old trams needed to be upgraded, but I have not met anybody who is in favour of the extension to North Adelaide.

The Hon. T.G. Cameron: You said hello to the Hon. Sandra Kanck a while ago.

The Hon. D.W. RIDGWAY: I did and I will come back to the Hon. Sandra Kanck in a moment. As the Hon. Terry Cameron interjected previously, I certainly agree with Rex Jory. In his article in today's *Advertiser* he wonders why on earth we would be wasting, as he says, 'up to $80 million' on the extension of the tram line.

The Hon. T.G. Cameron: By the time this debate finishes it will be up to $200 million.

The ACTING PRESIDENT: Interjections are out of order.

The Hon. D.W. RIDGWAY: Dean Jaensch talks about 'monumental stuff-ups' in infrastructure in South Australia, and I think last week in his weekly column—

The Hon. R.I. Lucas: Are you going to name them all?

The Hon. D.W. RIDGWAY: I think we all agree that one of the great monumental stuff-ups was not to continue on with some of the major aspects of the MATS Plan. However, even Dean Jaensch thinks this is a particularly unimpressive waste of money. Even this morning on the Radio 5AA *Breakfast Show*, the Hon. Mr Conlon said:

> They've updated the line, we've got to get the trams.

Tony Pilkington said:

> You can't do this. Rex Jory—read the article. He is dead against it and so he should be. It's an $80 million project to make the place look horrible, muck up the traffic and be an inconvenience to everybody. The amount of benefit for shoppers or whatever is going on will be minuscule. We can't turn bloody right in a society where we're striving to underground ugly power lines. We're trying to head towards a place where there's no overhead power lines. We're suddenly going to string up this spider web of ugly bloody things overhead. Have you seen Melbourne lately. It looks like a giant spider has laid its web all over the city. It's horrible.

Yesterday, at the seminar I attended, the Minister for Transport (Hon. Patrick Conlon) said that he was disappointed with the small town, backwater, backward looking view of the Liberal Party. We have had a state strategic plan delivered by this government that states that a business case must be developed for every project, and it will not be funded unless the business case stacks up. As yet, we have not seen

the business case for the Glenelg tram upgrade or the extension.

The Hon. T.G. Cameron: It doesn't matter if it blows out from $20 million to $80 million; we will just put in speed cameras.

The Hon. D.W. RIDGWAY: The Hon. Terry Cameron interjects that we can fix up the blow-outs by putting in more speed cameras on the roads. It is interesting to note that, in some research that I have done, if we look at the cost of these trams, it may have impacted on why we have not seen the business case. These trams are some $5.5 million each. They have a low seat ratio of about 64 passengers to accommodate short distance, standing passengers; but this is coming from Glenelg, so it is not a short distance.

If you work out the seat ratio per the cost of the actual vehicle, it works out at $86 000 a seat. Compared with a light train, similar to the new ones they have in Melbourne, where the rail cars are $2.53 million each, it works out at a cost of $25 000 per seat. It is interesting to note that nine trams were purchased to replace the 20 that are in service at the moment—the old red ones. An article on the internet by the Australian Light Rail Association—people who are pretty keen on light rail and trams—states that the old H-type trams had a total carrying capacity of 94 passengers, and we had 20 of them. Albeit they probably travel a little slower than the new ones, but we had 20. Now we have only nine that can seat up to 80 passengers, so we have lost about 20 per cent of our seating capacity, but we are getting only half as many trams.

I am told that nine trams were not enough. Sources in Transport SA told me that the government is having extreme difficulty with scheduling and trying to put together a timetable. I have now been told that two more trams have been ordered, which now takes it up to 11, but $4 million dollars was taken out of the track upgrade budget, which, of course, is one of the reasons we have had a number of derailments since the track upgrade has been completed, because of cutting corners in some of the line fixing. We have not seen any traffic modelling. You would hope that traffic modelling would have been done in the CBD to demonstrate that this is a step forward for South Australia, not a step backwards. I have not seen it, and I have not had any evidence to suggest that this is an appropriate way for the CBD to address some of its public transport issues.

There are a couple of other issues. With the introduction of this new tram, we are now going to have what we call a more multi-modal system. From research that I have done recently, it is obvious that the more options you have in a public transport network, whether it is train, tram, the O-Bahn or a conventional bus, the more difficult and cumbersome it is to manage. A planning guide from the German Institute of Economic Development states:

> Further, the high cost of multiple [mode] technology are now becoming increasingly evident. First, the difficulty in integrating each transit type has already been noted. Each technology has a different cost structure. Some systems operate without the need of a public subsidy while others require a continued stream of public funding.

As we know, in this state, in approximate figures, I think the government cost for a person on a train is $8 a passenger; the tram is about $4 a passenger; and a bus is about $2 a passenger. You can see that, while trams are much cheaper than trains, there is still a significant cost input. It goes on to state that physically integrating these different modes can be quite difficult, with different grade separations, different boarding techniques and different customer requirements. It goes on to look at the comparison between having a multi-modal system and what, perhaps, an airline might do, and it states:

> Perhaps the best example of how technological simplification can result in multiple benefits can be seen in today's airline industry. The recent success of the so-called 'low-cost, no-frills' airlines can in part be tied to its fairly simplified business model. These airlines typically only maintain one type of aircraft, and thus have greatly reduced maintenance costs and spare parts costs. The simplified operating environment also permits faster turn-around between routes which leads to more revenue per passenger. . .

Mr President, you can see that it is really not sensible to end up with three or four different modes of transport.

Interestingly, we talk about the cost blow-outs. An article by the Light Rail Association describes Adelaide's trams as 'super trams'. In Leeds—and I accept it is a much bigger scope of project—it has blown out the project. It involves super trams, in which Alistair Darling, Transport Secretary, states:

> Clearly, it does not represent the best value for money for the people of Leeds or the best use of public money—particularly when compared to alternative proposals. . .

The value has blown out by some £355 million. It continues:

> The value today is £$485 million, compared with the approved figure in 2001 of £355 million. In cash terms, the cost to the government has almost doubled, from £64 million to £1.3 billion, over the 40 year financing period.

I will come back to the Hon. Sandra Kanck who, unfortunately, has left. She talks about being environmentally friendly, clean and green, and I know that she is the very proud owner of a Toyota Prius, one of the hybrid petrol-electric vehicles that you can drive on electricity. As you put your foot on the accelerator it speeds up, and if you need more power the petrol engine comes into play. I think the government has missed an opportunity in that we had a public transport corridor where we could have looked at the latest technology.

Bombardier trams are very good, and Bombardier is a fantastic company that produces quality products all over the world. I think that we should have looked at the technology that it has been able to offer, other than a tram. It is a hybrid rubber-tyred tram that can pick up the electrical current from the overhead wires network. When it gets to the end of the line in Victoria Square, further tracks do not have to be laid as it can run on its rubber tyres, either on a diesel engine or other batteries. It could circle past North Terrace, at the front of the building here, back down to Victoria Square and then back onto the line. So, you could employ the latest technology and still preserve the corridor. We could have come off the Glenelg line and gone anywhere in the CBD on these trams with rubber-tyres, and the line and the degree of service could have been extended to Glenelg.

These vehicles are available. The technology is getting better and better. Hydrogen fuel cell buses are operating in Perth and a number of other countries, and I am sure that that technology is what we will eventually use for public transport. I think that the government has not addressed the environmental concerns of the Democrats. We are wasting at least $21 million, and it may be more if, unfortunately, this government wins the election and then tries to extend the line to Brougham Place. It is a waste of money. It is not clean and green, and we could do a lot better. We have missed an opportunity. I oppose the bill.

The Hon. NICK XENOPHON: I indicate my support for the second reading. I want to clarify why I am doing so and supporting the bill. My clear understanding of this measure

is that the issue is whether the tram goes through the western portion of Victoria Square and whether an act of parliament is needed to facilitate that. Those are the primary questions I asked of the government's advisers in relation to the bill. I subsequently asked to look at a legal opinion obtained by the Crown, and I did so on the basis that legal professional privilege would not be waived. I have read the opinion, and my clear reading of it is that the bill is all about facilitating the tram's going through the western portion of Victoria Square, rather than through the central portion of Victoria Square, and this could be done by administrative means. This is what I see as the key issue, and I will refer to the issues raised by other honourable members. I know that the Hon. Julian Stefani will make a contribution on this bill shortly.

To me, the primary issue is not whether or not this is a good idea (and I will refer to that briefly) but whether this parliament should pass legislation that will facilitate the tram's going through the western portion of Victoria Square, thus obviating the need for it to go through the central portion of Victoria Square, which I think many people would see as a very undesirable outcome in terms of what it would do to and the impact it would have on the square and the public space, and that is why I am supporting this bill—namely, that this seems to be the crux of the bill.

I think that the Hon. Mr Lucas and the Hon. Mr Ridgway raise a number of quite legitimate concerns about whether we should have this project in the first place and whether it is a good use of public funds. I know that the Hon. Sandra Kanck thinks that it is an environmentally friendly and desirable outcome. However, the bill is about whether we allow the tram, through an act of parliament, to go through the western portion, rather than the central part, of Victoria Square. That is my clear understanding, having read the advice from crown law in terms of the relevant authorities and what this bill is about. Whether it is a good or bad idea is another matter.

The Hon. R.I. Lucas: If you don't support the bill, it won't go through the centre of the square. You will stop the project, and there will be more money for Dignity for the Disabled, for mental health, for roads and for land tax relief.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! Interjections are out of order.

The Hon. NICK XENOPHON: I am grateful to the Hon. Mr Lucas for his interjection. One of the issues to be raised is whether the government has already made contractual commitments. I think that the Hon. Mr Lucas, from his time in government, knows that sometimes if you sign contracts and make commitments to go down a certain path there could be heavy penalties if there is a U-turn. Obviously, this issue can be explored at the committee stage. As I see it, at the next election the Liberal opposition will campaign quite heavily on the very issues raised by the Hon. Mr Lucas—namely, that a Liberal government will not spend this money and will do its utmost to try to reverse any contractual arrangements. Of course, the Labor government is very much committed to this project.

I believe that this bill is about whether you facilitate the tram's going through the western portion of Victoria Square rather than through the centre. It is my clear understanding that this can be done through administrative arrangements.

The Hon. D.W. Ridgway: They have just repainted it.

The Hon. NICK XENOPHON: That is absolutely right.

The ACTING PRESIDENT: Order!

The Hon. NICK XENOPHON: I have some real concerns about whether this is the best option, and that can be debated in this and other fora. I have read and noted Rex Jory's column in *The Advertiser* today, and I think it probably reflects the views of quite a few in the community. However, this bill is about whether—

The Hon. R.I. Lucas: Are you for or against the project?

The Hon. NICK XENOPHON: Well, what we are faced with is a bill that would avoid the tram's going through the centre of Victoria Square. It seems that this government has made a number of commitments to proceed with this project. In the absence of my supporting this bill from my perspective, it would be an even worse case scenario than if this bill is not supported. For those reasons, with some reluctance, I indicate my support, given that the government seems to be determined to continue with this project and—

The Hon. R.I. Lucas: Who will they make a difference to?

The Hon. NICK XENOPHON: My understanding is that the government, with the purchase of trams—

The Hon. R.I. Lucas: They go up and down the system.

The ACTING PRESIDENT: Order! We are not having a conversation here.

The Hon. NICK XENOPHON: In any event, given that there is an election coming up, this clearly will be an election issue, and this is—

The Hon. T.G. Cameron: Perhaps the contract shouldn't be signed until after 18 March.

The Hon. NICK XENOPHON: The member should raise that in the committee stage. I agree. Based on what I consider to be the fairly narrow focus of this bill, whether it is dealt with through an administrative arrangement and put through the centre of Victoria Square or through a legislative process so that it does not impact on the centre of Victoria Square, that is why I am supporting the bill, with some degree of reluctance.

The Hon. J.F. STEFANI: I was not going to become involved in this debate, but I feel compelled to do so, for a number of reasons. The first is that this government is seeking the support of the parliament to overcome its own inefficiency and incompetence in relation to a decision it has made about the purchase of trams (I will deal with the purchase of trams first) and the extension of the tramline—

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. J.F. STEFANI: —down King William Street and around North Terrace. I do not see that that has any connection with the purchase of trams—unless I am wrong. I would like to see proof from the minister that that was part of the contract for the purchase of the trams. If the trams were purchased purely on the basis of replacing the trams that ran from Victoria Square to Glenelg, surely the argument is lost. But then, of course, we had the Premier making the great announcement overseas that the trams would go down King William Street to North Terrace, and there is the folly of a government making a decision without obtaining its facts about where the trams would run in the first instance. If a government has a responsible attitude to the community, it will do its homework first—and it would have found out that it cannot run the trams down Victoria Square because, if it does, it will have every person in Adelaide totally against the project.

The government is now seeking our support to be complicit in a plan that is a folly, because it was ill-conceived and involved no proper planning or research. The government wants us, as a body in parliament, to assist it in overcoming its own embarrassment because it did not do its homework.

The minister said, 'We will run them down King William Street and through Victoria Square.' Well, let it do so. It should not ask for our help for that. The government made the decision to do that, so let it do so. It should not come into this place and ask us to deviate the tramline when the government, in the first instance, made that decision. Let it do that and cop the electoral flak. I challenge the government to do it. Because it is so brave, and the dictators of the—

The Hon. P. Holloway interjecting:

The ACTING PRESIDENT: Order! The minister is out of order.

Members interjecting:

The ACTING PRESIDENT: Order! Members on both sides are out of order.

The Hon. J.F. STEFANI: The dictators of the state want to run the tram right through Victoria Square and down King William Street. Well, let them do so. They should not come into this place and ask for my help to go against all the people who are talking to me and saying that it is a folly and it is madness—apart from the fact that they will spend $21 million. It is a disgrace that the so-called environmentalists of this government will destroy the ambience of Victoria Square. That is the nub of the matter. I challenge the minister to provide answers in this place as to how the two are connected: how the purchase of the trams is connected with the tramlines in terms of the extension. I ask him to produce the details that require this government to do so, and then I might listen to him.

The next thing is the folly of destroying the limited space we have down King William Street by taking up two tramline spaces, with canopies for the passengers to get on and off the tram and to protect them so that someone will not bump them off as the cars stream down on either side of them. That will cause traffic restrictions, as well as destroying the nature strip and the nice looking street we now have, with the overhead wires—

The Hon. R.I. Lucas: And the young people won't be able to turn right—

The ACTING PRESIDENT: Order!

The Hon. J.F. STEFANI: I am coming to that in a minute.

The Hon. R.I. Lucas: Just imagine that!

The ACTING PRESIDENT: Order! The Leader of the Opposition is out of order.

The Hon. J.F. STEFANI: We have these trams—

The Hon. R.I. Lucas: They want to get into Hindley Street.

The Hon. P. Holloway interjecting:

The ACTING PRESIDENT: Order, minister!

The Hon. J.F. STEFANI: We will have these trams running down the middle of King William Street, blocking everything off and, lo and behold, if we have a power blackout and they happen to stop in the middle of an intersection, I do not know who will get out to push them off that intersection to allow traffic to come through. Perhaps all the passengers will be asked—

The Hon. R.I. Lucas: To pull them off.

The Hon. J.F. STEFANI: No, they might be asked to get off the tram and push it across the intersection; I do not know. Those are the difficulties that will be created, apart from the fact that we will have trams that will be running empty for three-quarters of the time because people will not wait 20 minutes or half an hour to catch the tram from North Terrace to go to King William Street, when the Circle Line bus may be—

The Hon. T.G. Cameron: They will catch the bus.

The Hon. J.F. STEFANI: Well, that is the—

The Hon. T.G. Cameron: They are going to scrap the bus, are they?

The Hon. J.F. STEFANI: That is the next question. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[Sitting suspended from 12.30 to 2.48 p.m.]

PAPERS TABLED

The following papers were laid on the table:

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

Speed Management—Road Traffic Act 1961—Report, 2004-05

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

Reports, 2004-05—
South Australian National Parks and Wildlife Council
South Australian Soil and Conservation Council
Gaming Machine Licensing Guidelines—2 November 2005—Section 86A of the Gaming Machines Act 1992.

AUSTRALIAN MINERAL SCIENCE RESEARCH INSTITUTE

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a ministerial statement about grants to the Australian Mineral Science Research Institute made on 9 November in another place by the Hon. Karlene Maywald.

QUESTION TIME

EMERGENCY SERVICES MINISTER

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Minister for Emergency Services a question about questions and *Hansard*.

Leave granted.

The Hon. R.I. LUCAS: On 7 November this year, the minister was asked the following question by the Hon. Julian Stefani: 'Can the minister advise how much the land for the Paradise station cost, and from whom was it purchased?' The minister said, 'The land and building for the Paradise station is anticipated to cost $4.4 million, as I said in my press release.' A number of members of this chamber have a clear recollection that what the minister said in the subsequent sentence was, 'I have not yet signed a lease for the station. It is my understanding that it will be with the Assemblies of God community.' However, on checking the *Hansard* record of this, the clear recollection of members of this chamber with reference to a lease has been changed to, 'I have not yet signed a release for the station. It is my understanding that it will be. . . ', and the words 'in conjunction' have been inserted, 'with the Assemblies of God community.'

The recollection of members is that the minister referred to a lease for the station and there was no reference to 'in conjunction'. *Hansard* shows the word 'release' rather than 'lease' and has the words 'in conjunction' inserted. My question to the minister is: has the minister, or any officers

within her office, authorised or asked for any changes to what she actually said in the parliament on 7 November to be recorded in the *Hansard*?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): Mr President, I simply asked for it to be clarified. In relation to the purchase of property, a minister has delegation up to certain amounts of money and in this case, depending on the amount of money, I said $4.4 million because that is what was said in my press release regarding the Paradise station. It is, at any rate, only approximate—obviously, I do not know the correct price of the land at this stage because I have not signed anything. However, the station at Paradise will cost in the vicinity of $4.4 million.

The Hon. R.I. Lucas: But did you ask—

The Hon. CARMEL ZOLLO: I asked for that to be clarified, yes; I did that.

The Hon. R.I. Lucas: But did you ask for changes to the *Hansard*?

The Hon. CARMEL ZOLLO: Yes. I asked for it to be changed to clarify, because I had already referred to $4.4 million.

The Hon. R.I. LUCAS: I have a supplementary question. Given that the *Hansard* is meant to be a record of what you said in the parliament, and that you do have the opportunity to come back and make further ministerial statements (but not the authority to change what you actually said in the parliament), can you indicate to the council what you actually changed from the official *Hansard* transcript to what is now recorded?

The Hon. CARMEL ZOLLO: My recollection is that, because the Hon. Julian Stefani asked a supplementary question, I had obviously already answered a question, as I said, that the expected costs were $4.4 million. Clearly, the price of the land is that amount of money. That would have been the instruction.

The Hon. R.I. LUCAS: I have a supplementary question, Mr President.

The PRESIDENT: A clarification.

The Hon. R.I. LUCAS: A clarification. It may be a question for you ultimately, sir. Will the minister outline to this council what changes she made to the *Hansard* record of what she actually said to the council on 7 November?

The Hon. CARMEL ZOLLO: I do not have the *Hansard* in front of me, but I asked it to reflect the fact that obviously it was not—

The Hon. R.I. Lucas: You cannot change your answers just to reflect what you wanted them to say.

The Hon. CARMEL ZOLLO: You can correct *Hansard*—

The Hon. R.I. Lucas: You can correct clerical errors.

The Hon. CARMEL ZOLLO: —to be a correct reflection of what my intention was.

The Hon. R.I. Lucas: Not your intention. You cannot do that. That is an outrage! That is a disgrace!

The PRESIDENT: Order! The minister should be able to complete her answer. If you are not satisfied with that answer—

HANSARD

The Hon. R.I. LUCAS: Mr President, I seek leave to make an explanation prior to asking you a question on the subject of *Hansard*.

Leave granted.

The Hon. R.I. LUCAS: Mr President, you are the person with authority in relation to these issues on behalf of this chamber. In relation to proceedings of the chamber, all members are entitled to rely on the *Hansard* to be a true and accurate reflection of what members or ministers have said. We accept—as we always have—that Hansard sometimes assists with the grammar and the tidying up and sometimes there might be a clerical—

The PRESIDENT: Thankfully!

The Hon. R.I. LUCAS: Thankfully; yes. Certainly, that is accepted. Certainly, if there has been a clerical error in the *Hansard*—that is, if Hansard has got it wrong in terms of what the person said—that has been corrected. But it has never been accepted that a minister, or indeed any member, can go along and say, 'My intention was to say this and I want you to change the words.'

Members have a clear recollection that the minister referred to the word 'lease'. Somehow she has changed that and, we believe, other aspects of her answer. 'Lease' has been changed to 'release', whatever that means; I am not sure. Upon her own admission she has had other aspects of her answer changed to comply with what she intended or wished to say, or now wishes to say, after the *Hansard* record.

Mr President, clearly you cannot give an answer immediately, but I ask you to take on notice that you will make the necessary inquiries with both the minister, who has confessed that she has changed the *Hansard*, and with Hansard, and the official tape and record of what was said, and to clarify that we can rely on the *Hansard* to be a true and accurate reflection of what the minister said on 7 November in relation to this issue.

The PRESIDENT: I will answer the question this way. It is a valid question. All members should be able to rely on the *Hansard*, as is the convention of the council, as the true record of what has taken place in the proceedings of the council. However, all members who have been here for some time and who have experience with Hansard know that there is opportunity for correction of clerical mistakes; if a member said 'Brown' and it was probably 'Black', clearly that is wrong. Hansard has specific guidelines with which most members have had contact from time to time. I am not familiar with the precise contribution we are talking about. All I can say is that I will look at the contribution. I will confer with the minister to find out what her intentions were and what she actually said; I will talk to the Hansard people; and I will compare the result of that with all the conventions of *Hansard* and the actual record.

Members interjecting:

The PRESIDENT: Order! I think it is in the best interests and dignity of the council if we wait until I have had the opportunity to conduct an inquiry. I am sure all members felt they acted in the best interests of the situation. Whether they were right or wrong will be determined by the investigation. I will bring back a reply as soon as possible.

CORRECTIONAL SERVICES DEPARTMENT

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about employment policy.

Leave granted.

The Hon. A.J. REDFORD: It is with slightly more than passing interest that I have been following the media coverage in relation to the debate in Canberra about industrial

relations legislation. I note that a rally has been organised for next Tuesday 15 November to protest against the passage of that legislation—indeed, it has received extensive publicity. It has come to my attention that the Department for Correctional Services next Tuesday has instigated an 'institutions lock down' for all inmates within the Department for Correctional Services. I understand that this is being done to enable prison officers to attend the industrial relations protest meeting to be held at Elder Park. I have also been informed that the Department for Correctional Services is providing buses and taxis to Elder Park, as well as breakfast free of charge to Department for Correctional Services employees. I am also told that the direction has been given that all prison officers absenting themselves from work to attend the meeting will receive full pay.

I draw members' attention to the provisions contained in the Public Sector Management Act and, in particular, to section 40, which sets out that the conditions of employment are to be governed either by the Public Sector Management Act or a contract between the employee and the department or, indeed, an award. I also note that clause 1 of schedule 2 of the Public Sector Management Act provides that 'an employee is obliged to attend at the employee's place of employment throughout the hours fixed by the regulations as ordinary business hours in relation to the Public Service', although that is subject to a direction from the Chief Executive. Finally, clause 7 of schedule 2 provides that special leave with pay may be granted for purposes 'prescribed by regulation'.

This is not the first time that concerns have been raised in relation to this. I note that in a previous rally the Metropolitan Fire Service decided that it would take two appliances to the industrial rally that took place on 30 June last. Indeed, a response from the Hon. Carmel Zollo—one which appears in *Hansard* and which, at this stage, has not yet been changed—said:

> Whilst there was no formal permission granted or refused, two appliances were present at the rally during the lunch break.

It goes on, in the uncorrected answer that appears in *Hansard*, and says—

Members interjecting:

The Hon. A.J. REDFORD: Well, the one thing I will not do in response to that interjection is run around and bodgie up the *Hansard*. If I make a mistake, I will come in here and look the minister in the eye. However, she slinks around opening fire stations, buying new frocks and fiddling up the *Hansard*.

The Hon. CARMEL ZOLLO: I rise on a point of order, Mr President. Which new frock?

The Hon. A.J. REDFORD: Anyway, we are counting the days when the minister will be defrocked. In any event, it goes on and says—

Members interjecting:

The PRESIDENT: Order! There is too much interjection in the council.

The Hon. A.J. REDFORD: It goes on:

> On reviewing the circumstances, the MFS considers that on this occasion there has been no breach of the code of conduct and accordingly does not intend to take any disciplinary action, notwithstanding the fact that there have been many, many other occasions where fire officers have used fire appliances for other than fire-related activity and been the subject of disciplinary proceedings.

In the context of that standard, my questions are:

1. Can the minister give us an assurance that the Public Sector Management Act provisions will not be breached in relation to any corrections officers next Tuesday?

2. Will the minister get advice from the Auditor-General regarding any breach of any contract or the act?

3. Upon what legal basis have these arrangements been made?

The PRESIDENT: If they have been made. Minister, do you have a response at this stage?

The Hon. T.G. ROBERTS (Minister for Correctional Services): Thank you, Mr President.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: In reply to the question about Department of Correctional Services officers taking part in any organised meetings that will take place on the day of action that hopefully will have about 20 000 working men and women of South Australia attend a rally, it would be my wish that any member of the Public Service be given the right to make the decision whether they attend or not.

The Hon. A.J. Redford: On full pay?

The Hon. T.G. ROBERTS: I would be very surprised if those who do take the opportunity to avail themselves of their democratic right to demonstrate are not on full pay. I would be very surprised if they were on full pay because—

The Hon. A.J. Redford: Have you made arrangements for that?

The Hon. T.G. ROBERTS: I have made no arrangements. I have made no approach to the CEO in relation to this issue.

The Hon. A.J. Redford: What about free food and drinks?

The Hon. T.G. ROBERTS: It is the first I have heard of the position that the honourable member describes. Certainly, with the supply of buses and taxis most premises within the state will have transport. I would hope that those members who do attend the rally do it in an organised way and are back on the job as soon as possible, so I would hope that transport arrangements are made to get, particularly, the prison officers back to work. It is unfortunate but lock-downs do take place at particular times which deprives prisoners of some of their rights, but I would not interfere with the rights of the prison officers to demonstrate against unfair laws made at either a state or federal level. I will bring back a reply in relation to full pay.

I have made inquiries of a general nature in relation to public servants' participation in the rally, and I have been assured that those who do take the time off will be either on flexi time or take time off without pay. In relation to the specific questions the honourable member asks, I will get a reply back to him as soon as possible.

The Hon. A.J. REDFORD: I have a supplementary question. Can the minister give us an assurance that he will ensure that the Public Sector Management Act or any agreements under that act will not be breached?

The Hon. T.G. ROBERTS: I will investigate what the circumstances are in relation to the prison officers' attendance and, if there are breaches of the act, I will take that up before the rally takes place.

CABINET, COUNTRY MEETING

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Leader of the Government a question about the recent country cabinet meeting.

The Hon. P. HOLLOWAY: On a point of order, Mr President, are we now having four opposition questions?

The PRESIDENT: No, this is the third one. We have had only the Hon. Mr Lucas, the Hon. Mr Redford and the Hon. Mr Ridgway.

The Hon. P. HOLLOWAY: Yes, but the Hon. Mr Lucas had two.

The Hon. R.K. SNEATH: On a point of order, the Hon. Mr Lucas asked two questions—one of the minister and one of you, Mr President.

The PRESIDENT: Indeed he did. Unfortunately, I have called the member now and he has been given the floor.

The Hon. R.K. Sneath: The government got one question yesterday.

The Hon. D.W. RIDGWAY: It's all you deserve.

The PRESIDENT: Order! I think there will be an appropriate adjustment as we go through to correct the sequence. The Hon. Mr Ridgway has the call.

The Hon. D.W. RIDGWAY: On the recent country cabinet visit to Port Augusta, there was the opening of a science laboratory at the local school. I read in *Hansard* from another place part of the contribution made by the Hon. Graham Gunn on the subject as follows:

> On this occasion, on the Monday morning, there was an opening of the science laboratory at the high school. I was excluded from the invitation list. In my time as a member of parliament, it is the most miserable, nasty and hurtful action I have had taken against me. When my wife and I arrived at the school, the process was well under way. They had a freelance photographer. . . The Premier was outside the science laboratory, together with the Minister for Education and Children's Services and the Labor Party candidate. They were there all smiles for the photo session.

My questions are:

1. Who was in charge of arranging the guest list?
2. Why was the local member excluded from the guest list?
3. Who paid for the photographer?
4. Who will have access to the photographs?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will take that question on notice.

TREES, SIGNIFICANT

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning questions about significant tree legislation.

Leave granted.

The Hon. J. GAZZOLA: There have been several reports in the media about recent ERD Court decisions regarding significant trees, claiming that there is a shift in the way that the court is interpreting the legislation. They say that, in the past, a tree had only to pass the two-metre circumference test to warrant protection whereas now it must also be deemed a local landmark. What is the government's response to these claims? Does it propose to make any changes to the legislation to provide councils and the general public with more clarity regarding this issue?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I thank the member for his important question, and I am happy to provide the members of the council with some clarification on this matter. The court's interpretation of the significant tree legislation has, in my opinion, not changed since this legislation was introduced by the then Liberal government in April 2000. Since that time, the Environment Resources and Development Court has considered a number of appeals related to the removal of significant trees. In general, the court has found that the regulated size control provides a trigger for a balanced planning assessment of the merits, or otherwise, of removing a tree. That is, the court has correctly determined that the two-metre test in itself is not enough to make a judgment on whether or not the tree should be preserved. This has always been the case and is in keeping with the spirit of the legislation, which is about recognising the importance of large urban trees in the context of their surrounds.

The issue of significant trees is an emotive one where, on one hand, we have those who believe that large urban trees should be protected at all costs and, on the other hand, we have people who have concerns about what they consider to be the legacy of inappropriately planted trees on and around their properties in high maintenance costs, building damage and safety issues. In this context, the legislation has to provide some degree of flexibility to be able to consider each tree on a case by case basis, taking into account the individual circumstances of that tree and its particular locality. Practicalities such as the health of a tree and safety issues must be balanced against the broader aesthetic and environmental considerations in any assessment process. This may result in a tree being preserved in one locality and a similar tree being removed in another. I understand the court's interpretation of the legislation to be consistent with this approach.

The regulated control of two metres girth is the current mechanism by which the requirement to seek development approval from the relevant authority is triggered. The issue of whether a blanket two-metre regulation is the most appropriate trigger is somewhat subjective; however, suggestions have been put to me that there should be some exceptions to this regulation. For example, I am aware that in the Hills environment it may be appropriate to exclude Pinus radiata and other species of trees that may be considered feral or damaging to the environment. It might also be reasonable to exclude certain types of trees which are typically short-lived and which may need to be removed or replaced more frequently than other trees. One of those that comes up with some councils is the Melaleuca armillaris, which spreads out from the base.

The government recognises that some councils are still grappling with the administration of the legislation. I have been approached by several councils seeking direction on issues relating to a range of matters, including the two-metre regulation, development assessment procedures and the role of specialist advisers in relation to significant trees. In response to these concerns, I have asked both the Local Government Association and Planning SA to convene discussions with the affected councils (19 administer this legislation) about the administration of the legislation and the scope of the regulations.

A series of workshops is currently under way (I understand that they have been well attended by council staff), and these are providing a useful forum for discussion. I anticipate that these discussions will contribute to the preparation of a guideline document that will assist both councils and applicants in the preparation and assessment of significant tree development applications. It may also identify possible administrative and regulatory improvements in procedures that could be subject to further investigation by the

government. I will be pleased to report back to members of the council on the outcome of these workshops.

The Hon. SANDRA KANCK: I have a supplementary question. What is the time line for this?

The Hon. P. HOLLOWAY: I think there have already been three meetings, and a couple more have been planned. It is not always possible to get the experts from each of the 19 councils together on one day, but we will take however long it takes to resolve these issues. From information fed back to me, I think that the most important thing to come out of these workshops to date is that at least there is now some clarity on the matter. It is clear that some councils have been interpreting these regulations somewhat differently from other councils. If we can at least achieve some consistency of approach by producing the guidelines, much greater certainty will be provided to applicants under this legislation. I also add that it is important that, if this measure is to be effective, it is important that it have widespread community acceptance.

One of the points raised with me in correspondence by a member of the other place is that there is a risk that, if people believe that these regulations are not operating appropriately or fairly, it will defeat their whole purpose, with people cutting down trees before the trees reach a girth of two metres. That would be unfortunate, as it would defeat the whole purpose. My reason in setting up these workshops is to try to get some confidence in the process—namely, that it is a flexible process and that it will, on the one hand, protect those significant trees in their correct environment and, on the other hand, it will not exacerbate any risk or damage from a diseased tree or one that is growing too close to a building.

I hope that, from this process, we will achieve some clarity that will put more public confidence in the regulations. As I said earlier, I think that the courts are interpreting them in the way intended by this parliament in 2000. However, if we can get rid of some of the inconsistencies and ignorance or misinformation about the operation of the law, I think that we will all be better off. I hope that these guidelines will be available fairly soon—that is, before Christmas.

The Hon. SANDRA KANCK: I have a further supplementary question. In relation to the interpretation by the ERD Court, particularly with respect to the requirement that the tree be a local landmark, if a landowner has, say, a 300 year old river red gum in their backyard which is out of sight and clearly not a local landmark, will this process look at the issue of the age of the tree as well as its size?

The Hon. P. HOLLOWAY: Those are the issues that really need to be debated. Clearly, some trees grow more quickly than others. The point of view has been put to me that some gum trees—for example, grey box trees in the Adelaide Hills—can be many years old but do not achieve two metres in diameter. Because they are in the Adelaide Hills, arguably they could be covered under native vegetation legislation. However, some trees, particularly some species of eucalypts, introduced into the state (such as lemon scented gums, spotted gums and so on) grow very quickly and will reach the two-metre trigger very quickly but, because they were introduced into the state, they may not qualify under the requirements of significant tree legislation—namely, that they must be important for biodiversity or be a significant landmark.

The case the honourable member is raising should be able to be adequately handled by the legislation if it is properly interpreted. If we can, through these discussions, get some improvement in how they are enforced, we should do so. Questions such as age, the qualifications of arborists who make these decisions and the like are all matters that need to be looked at.

ANIMALS, CRUELTY

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, questions concerning the enforcement of the Prevention of Cruelty to Animals Act 1985.

Leave granted.

The Hon. SANDRA KANCK: My office has been contacted by Ms Jeannie Walker regarding an attempt by her to present to the Elizabeth police station video evidence of alleged animal cruelty at the Yankalilla Rodeo. Ms Walker informs me that the police would not even look at the video, saying that it is a job for the RSPCA. In fact, the Prevention of Cruelty to Animals Act clearly states that the police have the power to prosecute under the act. Further, I am informed that the RSPCA is inadequately resourced and totally overloaded in its attempts to deal with the numerous allegations of cruelty brought to its attention. I believe the government is considering amending the PCA Act, which would include 'the strictest rules for the welfare of rodeo animals in the country'. Tightening the act will have no impact without a commensurate increase in prosecution resources. It is a widely held view that it is time the police took complete responsibility for the prosecution of cases involving cruelty to animals, which would enable the RSPCA to put its limited resources to better use. My questions to the minister are:

1. What has been the level of government funding for the RSPCA during the previous three years?

2. How many successful prosecutions under the PCA Act have the RSPCA and the police conducted respectively in that period?

3. In light of the Elizabeth police's refusal to even look at the evidence, will the minister ask the police minister to inform SAPOL officers of their obligations under the act and, if not, why not?

4. Will the minister investigate the feasibility of establishing a police unit for dealing exclusively with the prosecution of cases of cruelty to animals and, if not, why not?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I will refer those important questions to the Minister for Environment in another place and bring back a reply.

POLICE RESOURCES

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development, representing the Minister for Police, a question concerning the sale of marijuana.

Leave granted.

The Hon. A.L. EVANS: My office received a telephone call today from a constituent who advised that he witnessed a hairdresser in the suburb of Elizabeth selling marijuana to schoolchildren. My constituent contacted Crimestoppers, who told him that there was insufficient activity to warrant investigation. Then he called the local member's office, which happened to be the Premier's office, who also offered little assistance. My constituent then called the office of the

member for Morphett, and the member's ofice spoke with the shadow minister for police, Mr Brokenshire. Mr Brokenshire contacted the Elizabeth police station, which then contacted my constituent. The sergeant who called from the Elizabeth police station advised that the hard truth was simply that the police did not have enough resources to deal with the situation. This is a very sad situation. My questions to the minister are:

1. Why are there not enough police to investigate a crime where drugs are being sold to schoolchildren?

2. How serious does a crime have to be in order for it to be investigated?

3. What is the trained response to a member of the public seeking police assistance in the event that staff numbers are critically low and police assistance is unavailable at that time?

4. How many times in 2005 has a member of the public who has called a police station for assistance been turned away due to the low level of staffing in South Australia?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the Minister for Police and ensure that the honourable member receives a reply. This government has increased the number of police in this state to record levels, and one would certainly expect that, if sufficient information is provided in relation to crimes of the sort that the member mentioned, those matters would be investigated. I agree with him that it certainly is a serious allegation if someone is selling drugs to young people. Of course, there are always evidentiary issues in relation to this. I will refer the matter to the Minister for Police and obtain a report for the member.

BUS ROUTES

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, a question about bus route changes.

Leave granted.

The Hon. J.S.L. DAWKINS: I have recently received correspondence from Ms Belinda Fay of Modbury North. Ms Fay is concerned about the ongoing problems her family is experiencing following the changes to bus route 560 earlier this year. Route 560 runs from the Salisbury Interchange to Tea Tree Plaza at Modbury, and Ms Fay's children utilise the service between Tyndale Christian School on Smith Road at Salisbury East and the Clovercrest Shopping Centre at Modbury North. Ms Fay's main concerns about the new 560 service are, first, the inappropriate afternoon scheduling, which results in her children needing to leave school up to 15 minutes early each day and, secondly, the need for passengers to change buses at Pooraka.

Ms Fay was advised by the Office of Public Transport (now the Public Transport Division of the Department of Transport, Infrastructure and Energy) that the bus change would run smoothly and safely, with one bus waiting for the other. However, on five occasions since the route change, Ms Fay's children have been forced to wait unsupervised for periods of up to 20 minutes because the connecting bus has not arrived. This leaves her children, including a seven-year-old girl, in a vulnerable situation.

Ms Fay has taken up this issue with Torrens Transit, which has suggested moving the connecting point to a less busy location. However, she doubts that such a move would make the children less vulnerable and may even put them more in danger. I quote an extract from Ms Fay's correspondence, as follows:

> It is very upsetting that my children leave their classes early just to wait 20 minutes for the late bus. We have given this a go and now here we are down the track with the same problems occurring. These cannot be labelled teething problems when this system has been in place for several months now. I do not feel any progress has taken place and so far all my complaints have achieved nothing.

My questions are:

1. Will the minister indicate the level of patronage of the previous 560 bus service for 2004-05?

2. Will the minister indicate the reasons for altering the service so that it requires passengers to change buses at Pooraka?

3. Will he also indicate why the schedule for this service was altered so that it became incompatible with school hours?

4. Will the minister direct the Public Transport Division of the DTIE to restore the previous timetable of the 560 bus route?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer that question to the Minister for Transport in another place and bring back a reply.

SEAL PUPS

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about a group of prisoners successfully rescuing a seal pup.

Leave granted.

The Hon. G.E. GAGO: I understand that last weekend a group of prisoners and a Department of Environment and Heritage park ranger went to the rescue of a distressed seal pup, which had been entangled in a fishing net in the 42-mile crossing on the Coorong. Can the minister provide honourable members with the details of the rescue operation?

An honourable member interjecting:

The Hon. G.E. GAGO: Good idea.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her question—and the honourable member is correct, by way of interjection (perhaps not according to standing orders). It could have been an important enough matter to issue a ministerial statement, but the honourable member beat me to it by asking a question. I am happy to report to honourable members that the prison work team and the Department for Environment and Heritage ranger successfully rescued a seal pup from the fishing net.

As honourable members would know, the Department for Correctional Services has an agreement with the Department for Environment and Heritage for prisoners from Port August Prison to work in the mobile outback work camps in the Coorong National Park. Such work has been ongoing since 1997. A MOW Camp, or Motown camp as some call them, is currently underway at the Coorong, where several low security prisoners are working to upgrade the park's facilities. I would also like to acknowledge the work they did on a recent rebuilding, remodelling and preservation of a heritage building just outside that national park. The house itself was an old settler's house which was deteriorating—it certainly had a lot of cracking—and the prisoners did a wonderful job on that.

They also did a wonderful job in rescuing the pup from the net it had been caught in. Last Sunday a member of the public alerted the DEH that he had sighted a seal pup in serious

difficulties on the beach at 42 Mile Crossing, a place many members here would be familiar with. The pup was entangled in the remnants of a fishing net over its head and front fin. The DEH organised with MOW camp field supervisor Rob Burt for three low security prisoners to travel with the DEH ranger to 42 Mile Crossing to try to capture the seal pup and cut away the fishing net. They succeeded in rescuing the pup and, after being freed, it returned to the sea—and you would be grateful for that, Mr President.

The successful rescue attempt highlights the high level of cooperation between the DEH and the Department for Correctional Services, and the good community work undertaken by prisoners through the MOW camps. I am told that the rescue effort ran very smoothly.

The Hon. A.J. Redford: Does Kevin Foley know about this? This could be the end of it.

The Hon. T.G. ROBERTS: I will take time out to give him a briefing on this. It took just two hours from the initial report of the seal pup in distress before the DEH ranger and the prisoners arrived at the scene to make their successful rescue attempt.

The MOW camps provide an invaluable resource for the DEH, with a great deal of clean-up and upgrading work in the state's conservation parks completed by prisoners. Work also helps prisoners learn new skills ahead of their release from prison, and I put on record my congratulations and thanks to the DEH ranger and the prisoners involved for their efforts, above and beyond the great work being done by the Coorong MOW camp. I also remind South Australians that rubbish and fishing materials must be discarded appropriately to ensure that they do not cause harm to wildlife and the environment.

An honourable member interjecting:

The Hon. T.G. ROBERTS: Especially nets, as the honourable member says. Those of us who visit the area (as I know the Hon. Angus Redford does) know that fishing line entanglements also cause problems with sea birds and sea life, and I call on everyone using those devices for recreation to discard them properly.

KANGAROO ISLAND RESORT

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Industry and Trade, and his further responsibility as Minister for Urban Development and Planning, a question relating to the proposed Hanson Bay development on Kangaroo Island.

Leave granted.

The Hon. IAN GILFILLAN: Earlier this week the minister provided an answer to a question asked by my colleague, the Hon. Sandra Kanck, on 25 June 2004 regarding the proposed development at Hanson Bay on Kangaroo Island. In part the answer provided said:

> The South Australian Tourism Commission (SATC) first became aware of this development proposal in early 2003. On 21 February 2005, a state government inter-agency meeting to discuss the proposal was attended by officers from the Department for Environment and Heritage (DEH), Department of Water, Land and Biodiversity Conservation (DWLBC), Office of Infrastructure Development (OFID) and the SATC. The SATC has had a number of meetings with the proponent and sought collaboration and support from other relevant state government agencies to assist in realising this development.
>
> The proponent has sought infrastructure support for the development and has indicated assistance would be needed with the access road, provision of electrical power, water supply, waste water treatment and bushfire protection.

This is virtually a demand by the proponent that this infrastructure needs to be provided. The other question that was asked was: will the proposed development comply with the zoning requirements? The brief answer to that is yes. The zoning requirements will allow only up to 25 units in such a proposal. In fact, the proposal in definition 5.1.2 allows for 25 guest suites in a linear building which is linked by an enclosed walkway. Indeed, from that point of view, there are 25 units. However, 5.1.3 states:

> The staff village contains seven separate accommodation buildings which will house up to 20 staff members.

My questions are:

1. The observation that the SATC has sought collaboration and support from other relevant state government agencies to assist in realising this development, does this confirm that the government supports the proposal?

2. The proponent says that assistance will be needed with the access road, the provision of electrical power, the water supply, waste water treatment and bushfire protection, yet in their own words this proposal is a six-star 'wow wow' development, so why does such a proposal need a taxpayer subsidy?

3. How can the answer yes to complying with the zoning requirements be accurate when there is the requirement for seven accommodation buildings other than the 25 maximum that the zoning controls allow?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): The Hanson Bay development (the proposed Southern Ocean Lodge) is certainly being supported by the Tourism Commission. Other agencies of government, such as DEH, EPA, and others, have their own view in relation to this matter. This project has been declared a major project. Incidentally, it is a controlled action under the Environmental Protection and Biodiversity Conservation Act of the commonwealth, so assessment will be required by the commonwealth environment minister; and I believe that will be undertaken concurrently.

As the honourable member said, there are a number of issues in relation to this project. As I pointed out in answer to another question, it does have the opportunity to provide significant economic development on the island and provide accommodation for a number of people who might not otherwise have the opportunity to visit that location. Against that there are the other issues that the honourable member pointed out. It has been declared a major project, so all those matters can be looked at. As I pointed out, I think in answer to a question from the honourable member a month ago, the major development panel around that time considered development application documentation and released an issues paper on 15 September. In fact, on 15 September it released an issues paper for consultation with both the public and relevant government agencies.

In relation to the second part of the question, the honourable member talked about taxpayer subsidies. Certainly, from my point of view I do not see this project being one that would receive any taxpayer subsidy. I have not seen any proposal that this development should receive any taxpayer subsidy. In relation to infrastructure support for things such as roads—

The Hon. IAN GILFILLAN: Mr President, there is so much hubbub there is no way I can hear the minister's answer, whether or not it is intelligent.

The PRESIDENT: The Hon. Mr Gilfillan is absolutely correct.

The Hon. P. HOLLOWAY: In relation to support the project might need, I do not see that as implying there would be taxpayer subsidies. In relation to roads and the like, I would have thought that what they are asking for would be an upgrading of the main road that goes to the base or turn-off of the development, which would probably be a matter for the council. All those matters will be considered before any application is finally decided, and there is a long way to go yet within the process. I am certainly not aware that any taxpayer subsidy would be provided, but I guess that, like any development anywhere, there are always infrastructure issues.

Any development of that nature will inevitably put pressure on infrastructure, and I would expect that any government response to that would be the same as we would do for any development elsewhere—that is, if there are public benefits in relation to providing public infrastructure, they would be looked at in that context. However, I would not see those as being subsidisation by the taxpayer. In any case, all those matters will be looked at as part of the major project proposal. I personally have not seen the issues that have come out in the paper, but I am sure there will be plenty of debate in relation to those matters and that it will be very closely considered by the community.

ROMA MITCHELL COMMUNITY LEGAL CENTRE

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Attorney-General, questions about the Roma Mitchell Community Legal Centre.

Leave granted.

The Hon. NICK XENOPHON: The Roma Mitchell Community Legal Centre based in Norwood has been providing free legal advice since 1979 to not only members of the local community but also the wider community in the metropolitan area. The centre is staffed by a number of volunteer legal staff. Since 1979 the centre has received in excess of $450 000 in state and commonwealth government grants in order to provide these free legal services to the community. The centre has literally assisted many thousands of South Australians over the years. In the mid 1990s the centre provided advocacy services for those seeking remedies and advice under the Disability Discrimination Act. Subsequently, it obtained a further grant to provide advice and advocacy in relation to employment law. I am advised that the centre has had a key role in providing mediation services since 1984 and has provided these services on a statewide basis.

However, in recent years, despite the excellent reputation of the centre and the advice and assistance it has given to so many South Australians, the centre has been starved of government funding and is struggling to provide the level of services it once provided. I understand that there are very serious concerns within the legal community that the centre may not be able to survive unless it receives some small injection of funds. I understand the centre was unsuccessful with a 2001 funding application. It has been put to me that the terms of the tender were stacked against the centre, particularly the requirement, as I understand it, that the tender had to be for a centre within the City of Adelaide. I also note that some 15 to 20 lawyers are prepared to continue to provide their services to the centre free of charge.

I also note that the state Labor Party policy, under 'Justice and the Law: Our rights and responsibilities', at paragraph 121, states:

> Recognise the role of community legal centres in the areas of legal assistance, legal education, law reform, mediation, financial and debt counselling and to provide financial support to enable them to meet these objectives.

My questions to the minister are:

1. What commitment does the government have to the ongoing funding of community legal centres?

2. Does the government concede that the current position of the Roma Mitchell Community Legal Centre is virtually untenable and that it may well face a significant restriction or even closure of its activities without further funding?

3. Should the Roma Mitchell Community Legal Centre close down, will that mean that there will be a significant contraction in the services provided to South Australians through the Community Legal Centre structure?

4. Has the government received representations in the past three years about the continuing funding and existence of the centre and the good work that it does?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer the question to the Attorney-General in another place and bring back a reply.

YAITYA WARRA WODLI LANGUAGE CENTRE

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Yaitya Warra Wodli Language Centre.

Leave granted.

The Hon. R.D. LAWSON: The opposition has been approached by Ms Val Power OAM, the chair of the Yaitya Warra Wodli Language Centre, which has operated for a number of years from premises given to it by the South Australian Department of Aboriginal Affairs about 10 or 12 years ago on Churchill Road at Prospect. Ms Power acknowledges that the centre has been largely funded by the commonwealth in recent years, but as a result of changing funding arrangements those sources are no longer available. Ms Power contacted both Premier Rann and the minister but received no satisfactory reply from them. She also approached the department for assistance without result.

It was pointed out to me that the minister himself is a great supporter, certainly in words, of the language centre. In April 2004 he wrote commending its activities, as follows:

> Very few Aboriginal languages remain in use in Australia. This is particularly the case in South Australia where, apart from the Pitjantjatjara language, most surviving languages are either not spoken at all or spoken only occasionally. The centre has made a significant contribution to ensuring the survival and use of South Australian Aboriginal language since its inception. The clear link between language and enhancement of culture makes the work carried out by the centre all the more valuable and indispensable.

At that time the minister said he would write to the Minister for Education and Children's Services (Hon. Jane Lomax-Smith) and the vice-chancellors of the universities, seeking assistance for the continued existence of the centre. My questions are:

1. Did the minister write to the Minister for Education and Children's Services as he said he would? What was her response? What was the response of the universities and others to whom he made representations about the continuance of the centre?

2. Will the government provide assistance for the centre and, if not, how does the minister reconcile that with this government's lofty rhetoric about its support for Aboriginal programs and the minister's specific support for the work of this centre?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question and for being so brave as to put forward a question to a state minister who is struggling with the new funding arrangements the commonwealth has set in place with its changed policies. We are working closely with all parties in South Australia to try to maximise the returns to Aboriginal people within this state, but when you have a commonwealth policy that changes its emphasis from funding centralised bodies like the language centre, as the honourable member openly and honestly describes, and then redirects some of the funding—not all of it—that was directed to the centre to local communities for language preservation, it is very difficult for states if they are not involved in those discussions to maintain the funding levels that were the commonwealth's obligation and responsibility.

The centre has played a valuable role in South Australia in protecting language and liaising with and working with communities, encouraging communities to document the history of their communities, language preservation included, and also encouraging individuals to write books in relation to the recorded history of their communities and language. It has generally played what I would have thought to be a constructive role in that endeavour.

I attended a meeting with the people attached to the centre along with two commonwealth officers. No indication was given that the funding was going to be withdrawn, although some issues were related to the transparency of the funding streams that the centre was experiencing at that time. Those administrative problems were fixed, and one would have assumed that the funding streams would have continued because there was no other reason to suspend funding to that centre. Unfortunately, that was not the case. The funding was cut.

The honourable member is correct that we have an obligation to preserve those culturally acceptable preservation programs that are running, in this case in relation to language. I took some steps at that time to discuss the issues with the commonwealth in follow-up correspondence. I will get a copy of the correspondence. I do not have a clear recollection of those people who we contacted at a personal level through telephone calls and correspondence, but that was considerable. We were not as successful in being able to stop the policy direction from changing as we would have liked, but DAARE officers have met with people from the centre to try to work out an arrangement with the tertiary institutions that have funds available from time to time for the preservation of language or that shift the direction of the cooperative pattern of work from just a centre working with communities to working with the tertiary institutions in the centre whilst working with communities.

Funds are available for programs like that on a one-off basis in a lot of cases, but in no way is it appropriate to be able to run a centre such as that with language preservation as its core by applying for one-off funding grants. I understand the plea that Val Power and others who work in the centre are making, who have been on the board for a long time protecting the centre. However, unless the commonwealth changes its plans for the centre and its policy on working directly with communities, instead of through state bodies that have had a good history of preservation in this case, then the state is going to struggle to pick up dollar for dollar the withdrawal of funds that has occurred with this policy change.

We are working with the commonwealth to work out interim policies on funding withdrawal, and we want to be notified directly by the commonwealth when these funding regimes are to be withdrawn so that we can, if we are able, replace those funding streams with alternative funding streams and to work with other bodies and organisations for non-profit to try to fill those gaps.

NORTHERN ADELAIDE PLAINS, FLOODING

The Hon. CARMEL ZOLLO (Minister for Mental Health and Substance Abuse): I lay on the table a ministerial statement relating to northern Adelaide plains flooding made today in another place by the Minister for Agriculture, Food and Fisheries.

MATTER OF PRIVILEGE

The PRESIDENT: Before we return to the business of the day, yesterday, in this council, the Hon. Mr Redford raised what he deemed to be a matter of privilege. The matter concerned a news release by the Minister for Agriculture, Food and Fisheries in another place. The Hon. Mr Redford believed that the press release, concerning a motion to disallow the commercial net fishing regulations, 'seeks to misrepresent the work of the committee', that is, the Legislative Review Committee, and, in particular, reflects upon the conduct of the Hon. Mr A.J. Redford as a member of that committee. I draw the attention of honourable members to the Legislative Council standing order No. 399, which provides:

> If any information come before a Committee that charges any Member of the Council, the Committee shall only direct that the Council be acquainted with the matter of such information, without proceeding further thereupon.

In matters affecting committees appointed under the Parliamentary Committees Act 1991, the Legislative Council standing orders apply. Accordingly, I suggest to the Hon. Mr Redford that he refer this matter to the Legislative Review Committee if he wishes to pursue the matter. The committee should then make a special report to both houses for their consideration. That ought to clarify the situation for all honourable members if they read the *Hansard*.

ADELAIDE PARK LANDS BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 3020.)

The Hon. A.J. REDFORD: I rise to indicate that I support the bill and indeed support the comments made by the Hon. Caroline Schaefer in relation to the bill on behalf of the opposition. I propose to canvass only one issue with respect to the bill, that is, the future of Victoria Park Racecourse and its future use as a racecourse. In that respect, I indicate that I speak in my capacity as shadow minister for racing. With the support of my opposition colleagues, I will move an amendment to permit Adelaide City Council to grant a 99-year lease to the South Australian Jockey Club for the Victoria Park Racecourse for the purpose of horseracing only. I will give some background in relation to this issue.

The South Australian Jockey Club (SAJC) currently operates on a periodic tenancy, as the terms of its recent lease have now expired. I understand that, at this stage, progress in relation to negotiating the lease with the Adelaide City Council is proceeding at a snail's pace, if at all. Following the fire at Victoria Park in the early 1990s, I understand that a sum of nearly $1 million (the proceeds of an insurance claim) is being held in a trust account pending the redevelopment of the Victoria Park grandstand. I understand that this money cannot be used for any other purpose and that, if it is not to be used to upgrade the grandstand, it is to be returned to the insurance company. I am not sure whether there are any time limits, but I suspect there are not. I also understand that the South Australian Jockey Club has resolved that it needs only two metropolitan racetracks, and its members have approved the sale of Cheltenham racetrack. This took place in September last year, although a general meeting is to be held on Monday night to revisit the decision. That issue is a matter for the South Australian Jockey Club and its members.

I will expand on that later in relation to Cheltenham, but the position of the opposition is that it is a matter for the jockey club and its members and not a matter for this parliament or the government to determine what should or should not happen in relation to Cheltenham, except to say that any proposal they come up with should comply with planning, development and other appropriate legal requirements, just as any other developer or land owner would be required to comply with.

It is clear that the current facilities at Victoria Park can only be described as disgraceful. There are significant parts of the facilities at Victoria Park that ought to be condemned, and from my observation they come close to being a risk to the safety of the public. It is also my view and the view of the opposition—and I suspect anyone who has any understanding of business or money—that it would be inherently improbable that the South Australian Jockey Club would invest the necessary money in Victoria Park to bring it up to scratch or to put it up to a certain standard.

It is also clear to the opposition that there is widespread community support for the continuation of horse racing at Victoria Park, as evidenced by the large crowds that attend the pre-Christmas race meeting. Any amendment we seek to move in relation to this bill does not include any car racing. Our party has not made any decision about car racing and I will listen intently to the views of the Hon. Ian Gilfillan.

That takes me to my next observation in relation to this issue, namely, that the Adelaide Parklands Preservation Association, through its chair (Hon. Ian Gilfillan—and I hope I am not verballing him), has indicated that the association has no objection to the continuation of horse racing in the parklands, although it has strong reservations or objections to any car racing. In that respect, whatever I seek to do here does not cut across anything the association might believe to be the case here.

The issue regarding Victoria Park and racing has dragged on for years now. Last Sunday an article was published in the *Sunday Mail* at page 42 by Kevin Naughton, headed appropriately 'No-one wants to revamp Victoria Park—they could do with a gee-up'. The article refers to a $34 million plan to redevelop the dilapidated Victoria Park racecourse, and it asserts that the plan is gathering dust in a state government office. I have seen two plans presented to me by the South Australian Jockey Club. One is a plan in relation to the development of Victoria Park for horse racing and the other is a collocation of horse racing and motor racing.

I have seen two separate plans and, without committing anyone in relation to car racing, which needs another debate on another day, the plans I saw at least in relation to horse racing looked pretty reasonable, although I have not had the opportunity to see what public reaction there might be. I am sure the Hon. Ian Gilfillan has, and I will be interested to hear his comments at some stage.

The article says that in August 2004 Treasurer Kevin Foley said the government would consider rejuvenating the run-down complex. We all know that when this government says it will consider something it might happen in the 21st century, but you never know. The article goes on and says:

> Since then, however, the SA Jockey Club has been told by the government nothing will be done before the March 18 election.

Is that not typical? According to this article, the government is saying to the jockey club, 'Hey, keep quiet about this. Don't tell anyone what you're going to do and then, after the election, we'll go out and do a deal with you.' I do not think that the South Australian people are mugs. I think they will demand that the state government place a position on the record about what it believes should happen in the future in relation to Victoria Park, and that is one of the most significant reasons that have led me to move this amendment, because it is a subject that the people of South Australia—the residents who live nearby and who use the Parklands—ought to know. The government ought to come clean about what it will do in relation to Victoria Park Racecourse should it win the next election. The article continues:

> But Mr Conlon said he had been waiting to hear from the SAJC about their plans. 'I've been surprised they haven't beaten a path to my door more often,' he said. 'I've been waiting to hear from them—if they want to talk to me they can come in the next fortnight.'

The article goes on to state that, apparently, a meeting has now been arranged for 15 November. So, there we have it. This whole development—not an insignificant development, I might add—has been sitting there on the shelf in the state government bowers following an announcement by Kevin Foley that he would consider rejuvenating a run-down complex because the Hon. Patrick Conlon has been sitting there waiting for someone to ring him. This is a fellow who gets 160 or 170 grand a year, a white car, half a dozen staff and a bit of overseas travel (from what I read). If I was the minister, I would be going out there and saying, 'Now, hang on, what is going on here? We need to know.' Anyway, this has sat there and gathered dust and, from sources I have heard, the jockey club was a bit surprised at that comment.

What was most interesting, and consistent with briefings I have received from the racing industry, is that the plan to use the multi-use facility returns a significant amount of open space and, depending on which plan one is looking at, the minimum return of open space is 63 000 square metres. I also note that, in relation to at least the plans for horse racing, the continued and current use by the citizens of this fair city to walk, to walk their dogs, to jog and various other forms of access to Victoria Park would continue unimpeded and, indeed, as I understand it, the jockey club supports—

The Hon. Ian Gilfillan: Just racing on its own, fine—

The Hon. A.J. REDFORD: I am being very careful, if I can accept the Hon. Ian Gilfillan's interjection, to be absolutely consistent with the sentiment that he just expressed. Indeed, the article points out that racing began there in 1847 and has continued since. From a personal point of view, I very much enjoy going to the horse races at Victoria Park—

and, indeed, over the past few years the race meeting just before Christmas has been an outstanding success.

The Hon. T.G. Cameron: It's pretty hard to back a winner down there, though!

The Hon. A.J. REDFORD: Yes—the Hon. Terry Cameron obviously speaks from wounded experience. I would suspect that, with an appropriate capital injection, the track might be upgraded and we might see some more consistency in results.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: If the member backed Red Handed, he is aging himself, because Red Handed had retired before I was even allowed to bet. There has been a real lag in terms of what this government proposes to do with what is now rapidly becoming an eyesore with respect to Victoria Park. Can I politely say to members of the government: you get elected to government, you get your $180 000 a year, a white car and all these staff. You know what we want, just ordinary South Australians? We want a bit of leadership. But we have seen none. So it has fallen to us to display some leadership. Indeed, it is disappointing that when it comes to Victoria Park and other issues this government seems to want to say one thing to one group of people and another thing to another group. I think people need to know what the position is vis-a-vis their decisions before and not after the election.

Back in August I was invited to attend a public meeting at Cheltenham to discuss the future of the Cheltenham racecourse—indeed, representatives of Preserving the Parklands were invited as guest speakers to that meeting to talk about Victoria Park, because there is a view out there that what might happen with Cheltenham is completely dependent upon what might happen at Victoria Park, and vice versa. I do not actually share that view; I think it is possible for Victoria Park to be redeveloped and remain separate and distinct from Cheltenham, but that is a matter for the Jockey Club to decide.

I have to say that I went to this public meeting with mixed feelings, because I knew I was going to be saying something to the local residents of Cheltenham that they were not going to like—I think they would have expected me to stand up and say that I would do everything in my power to stop the sale of Cheltenham. I went down there fully knowing that I was going to give my 10 minute speech, they were going to boo me all the way through, I was going to get a couple of hard questions, and no-one would offer me a cup of tea afterwards. That is what I thought would happen, and at least I would have had the benefit of listening to the speakers from the Adelaide Parklands—something I know that you, Mr President, and all of us in this chamber would enjoy.

I went down there and I saw that the federal member for Port Adelaide, Rod Sawford, was also there. I do not know Mr Sawford all that well—I have met him on a couple of occasions; he has never done anything to me and I have never done anything to him—but we shook hands and said 'gooday', and he sat on one side of the aisle and I sat on the other. I sat there for a little while, and people were sitting up at the top table, and then the candidate for Port Adelaide, who happens to be an old friend of mine, came in and sat down next to me. I said to her, 'Gee, Sue, that means I know two people here.' That was it. I knew Mr Sawford, but not very well, and I knew Sue Laurie, our candidate for Port Adelaide, who I knew a lot better—she is a good candidate and a good local resident.

We chatted a bit and then the member for Cheltenham, the Hon. Jay Weatherill, came rolling in with an entourage of six or seven people. He came bowling in and looked at me (and it was not the warmest greeting I have ever had), and immediately went over and sat next to Rod Sawford. I thought to myself, 'This is a Labor/Liberal thing. He doesn't like me because I am a Liberal and I am in his seat, and I shouldn't be there because he thinks he owns it.' I thought he went over to have a polite chat with the member for Port Adelaide. Then I started to hear some raised voices, and the next thing I heard was, 'This is a set up.' I thought, 'Hang on; I'm going to listen to this. This could be interesting.' Things sort of died down at this stage. I did not realise this until after I read about it, and I am sure that the Hon. Jay Weatherill did not know about it, either—either that or he is stupid—but there happened to be a Messenger journalist sitting about two seats behind me, and she was obviously listening to this as well.

The meeting opened and a woman stood up and started to talk about the history of Cheltenham, and she did mention Victoria Park. I guess she got about two-thirds of the way through her speech before she said, 'I am not doing this any more; I am not doing this', and she charged out of the meeting. I thought, 'Hang on; I don't know what is happening here, but I'll sit and listen and watch', because it was getting more interesting. Then the Hon. Jay Weatherill stood up, grabbed the microphone, and said, 'This is a disgrace.' He said, 'This is a Liberals' set-up. The Liberals set up this meeting.' I started to think, 'I am not bad here. I have organised a meeting with about 65 people. I know one person. I know the other person.' I thought, 'Maybe Sue Lawrie has done this.' I said, Sue, did you get all these people here?' She said, 'No, I didn't get anyone here. I just got a notice to come along.' We did it by telepathy; we organised this meeting. Then it was on for young and old. I do not know what the member for Port Adelaide has done to the Hon. Jay Weatherill, but I do not think that whatever he has done warrants such a display. Most of the words, if I started to repeat what was said, would be unparliamentary.

The Hon. T.G. Cameron: Different factions.

The Hon. A.J. REDFORD: It was hilarious. Do you think the Hon. Jay Weatherill would sit around to listen to the member for Port Adelaide's response about his view on it? No; he stormed right out, and that was the last I saw him. I read a note in the paper following that incident that there is a threat of legal action between the Hon. Jay Weatherill and the member for Port Adelaide. Mr President, there is a habit of legal disputes going on in your party; I have seen it.

I did write a letter to the editor and, for the benefit of members, I will read it into *Hansard* and then bring this contribution to a close. The letter states:

> Dear Sir, I refer to your article 'Labour stunt brawl' (Messenger 28.9.05) in which federal Labor MP Rod Sawford has demanded an apology from ministers Atkinson—
>
> there is a familiar name—
>
> and Weatherill for accusing him of being part of a Liberal Party stunt.
>
> Normally, I do not involve myself in the continuous and never ending brawl in ALP politics between the factions (as I am too busy looking after constituents and debating policy) but in this case I will make an exception as this particular brawl allegedly involves me and the Liberal Party candidate for Cheltenham, Sue Lawrie.
>
> I advise that I attended a community meeting at Cheltenham Community Centre on 21 August 2005 at the invitation of a local resident to explain the opposition's view regarding the SAJC's proposal to sell Cheltenham. I did not have any discussions or meetings with Mr Sawford prior to the meeting.
>
> What followed was the most extraordinary Latham-like performance on the part of minister Weatherill I have ever seen from

a minister of the crown in my nearly 12 years in politics which has been accurately reported in the Messenger. Mr Weatherill made some extraordinary and inaccurate statements and then stormed out of the meeting taking a small entourage with him, leaving everyone at the meeting stunned.

It is clear that Mr Sawford is owed an apology and, if legal proceedings do follow, I am available to set the record straight and give evidence. In the meantime, Sue Lawrie and I will continue to represent constituents and develop policy rather than engage in internal brawling.

Following that stunt, a very interesting speech was given by members from the Adelaide Parklands; and I enjoyed it very much. What is really interesting is that I was invited to speak. Far be it from giving my 10 minutes and telling them the bad news: they were in 'shock and awe' at the performance of minister Weatherill over this. I did not get any questions and I was treated favourably. It seems to me that the Labor Party, first, has to stop being duplicitous; secondly, it must come out with a policy and come clean with what it will do vis-a-vis Victoria Park; and, thirdly, it must take some leadership role in all this. I commend the bill.

The Hon. T.G. CAMERON: It was not my intention to speak on this bill, but I looked across at the Hon. Ian Gilfillan and thought perhaps I had better make a brief contribution. Members of this council will recall that I did support a previous Liberal Party bill in relation to the Adelaide parklands. If my memory serves me correctly, although he never had a go at me, the Hon. Ian Gilfillan was not very pleased with the position I took on that occasion. I take this opportunity to reassure him that, like every member in this council, I am a supporter of the parklands and I acted in what I thought was the parklands' best interests.

In relation to the bill before us, one could be mischievous and seek to amend it from the 'Adelaide Park Lands Bill' to the 'Ian Gilfillan Park Lands Bill'. It would be an appropriate testimonial to the more than a decade of work the Hon. Ian Gilfillan has done on behalf of the Adelaide Parklands. Whilst I do not agree with every statement he has made in his capacity as President of the Adelaide Parklands Preservation Association, I would put it to the council that, if it were not for his involvement with and leadership of that association, this bill probably would never have made it to the parliament and/or would have had no chance of getting through the parliament.

As you travel around the world and then come back to Adelaide, it brings home to you immediately just how lucky we are here in South Australia to have the Adelaide Parklands. I believe they give Adelaide a distinctive and unique character, which sets Adelaide apart from any other capital city in Australia. It has always been my desire to see the Adelaide Parklands preserved, I place on the record my commendation to the Hon. Ian Gilfillan for leading what I believe has been a magnificent campaign to ensure that the parklands are protected. Who knows, perhaps one day a little statue will be erected in the parklands to—

The Hon. J.S.L. Dawkins interjecting:

The Hon. T.G. CAMERON: They could do that, too. I am being sincere when I say this, in honouring the work he has done to preserve the parklands. I support this legislation. I have had a bit of a look at the 4½ pages of amendments submitted by the Hon. Ian Gilfillan and, without going through the details, because it would be too time consuming, I indicate that it is my intention to support most of them.

Once this bill has been passed, provided some of the Hon. Ian Gilfillan's amendments are included in the bill, I think Adelaide residents, for the first time in the history of this city, can rest assured that they will keep the Adelaide Parklands for ever. In fact, if some of the Hon. Ian Gilfillan's amendments are corrected, we should see a significant improvement in the parklands. In my opinion, the Adelaide Parklands are probably the crown jewels of the City of Adelaide, and I am pleased to be able to support a bill that will ensure their long-term protection.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank honourable members for their contribution to the second reading debate. The comments were many and varied—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: It certainly was a heartfelt contribution from the Hon. Angus Redford. I understand the many nuances the honourable member described in his speech and I, too, will stay out of that debate at this particular time. The Hon. Mr Gilfillan provided a positive and extensive response in defence of both the tenor of the bill and of the parklands as a whole.

In his closing remarks, the Hon. Mr Gilfillan made the point that there was no reference in either the second reading explanation or the bill to the proposed grant of $1 million to Adelaide City Council in lieu of its three ward allocation which is to be repealed by the bill. There was in fact meant to be reference to this in the second reading explanation. However, it was inadvertently left out. Following the reference to Adelaide City Council having to consult with the government prior to directing the authority, the second reading explanation was meant to contain the following passage:

To assist the council in servicing the new authority and to assist in implementing the government's water-proofing Adelaide strategy, the government also announced in March this year its intention to replace the current unlimited free potable water arrangement under the Water Works Act 1932 with a $1 million annual grant.

As a consequence, this bill repeals the free water entitlement to Adelaide City Council and a grant agreement is currently being formulated for the purposes of providing funding to the council. The second statutory principle is for the Parklands as a whole to be held for the use and enjoyment of the public while recognising restrictions to public access exist in certain situations. This corrects the omission in relation to the proposed grant and provides continuity for the following paragraph in the second reading explanation:

The intention is to provide an annual grant which is fair and reasonable by compensation to the council at an adequate level which recognises its historical average use over recent years while providing an incentive to explore and implement water efficiency measures in the parklands. Recent discussions have centred on clarifying the actual amount the council has been using with SA Water before finalising the grant amount and agreement.

In addition, an amendment has been filed which addresses the government's intent to negotiate a suitable agreement in lieu of the free water. The Hon. Mr Gilfillan also sought an explanation of clause 25 of the bill regarding provisions relating to specific land, in particular subclause (4) regarding crown rights in respect of the River Torrens. The whole of this clause is simply transferred from part 1 of schedule 8 of the Local Government Act 1999 and is derived in turn from historical provisions of the Local Government Act 1934. The provision merely reflects the fact that while the dam, the lake (or is that 'the damn lake'?) and River Torrens are under the care, control and management of council, the land they sit on is still owned by the Crown, and some land on the shore of

the lake is still under the care and control of the Crown, most notably three rowing clubs. Though the government is eager to have the council take control of these rowing club reserves as soon as the clubs and council can negotiate appropriate new tenure terms, and in transferring these provisions from the Local Government Act 1999, no significant change is being made.

Another explanation sought by the Hon. Mr Gilfillan is the definition of minor works in respect of amendments to section 49 of the Development Act 1993. The answer to this is simple. Minor works are defined by regulation under the Development Act. Schedule 14 of the Development Regulations 1993 currently defines and sets out all the existing minor works for which Crown development approval pursuant to section 49 is not required. The clause in the bill under question simply provides the option to similarly define the list, some Crown minor works by regulation, like those in schedule 14 in relation to the parklands for which development approval is not required. This system is needed in order to ensure essential infrastructure works on land under the care and control of the Crown agencies, such as rail track maintenance or internal building fitouts, does not grind to a halt through the need to continue to obtain development approval. However, the government acknowledges the amendments filed by the Hon. Mr Gilfillan on this matter and has incorporated them into our own amendments to sections 49 and 49A of the Development Act that I have filed.

I now turn to some other amendments filed by the Hon. Mr Gilfillan. A number of amendments are filed in respect of removing the capacity for road variations. It is important to note that the bill only creates a mechanism for varying an existing road, not creating new roads through the parklands. Any requests for new roads would need to be brought before parliament; however, for existing roads, it needs to be recognised that there will be times when, in the interests of public safety or changed traffic conditions, road alignments may need to be changed and they cannot be accommodated within the existing legal road tenure. Consequently, a publicly accountable system has been developed which requires public and agency consultation to ensure that all views are taken into account before any decision is made to allow further parklands to be alienated to widen an existing road. There will always be a need to balance the need to protect the parklands and the need to protect human lives. Removal of the road variations powers has the potential to put lives at risk and/or burden future parliaments with minor road work requests.

The Hon. Mr Gilfillan also filed amendments to subclauses 15(5) and 16(3) and clause 10 of schedule 1 on the basis that no other legislation should ever affect the parklands or this bill. First, as honourable members will acknowledge, the Hon. Mr Gilfillan cannot seek to fetter the power of future parliaments. This bill recognises that and includes administrative mechanisms to accommodate future actions of parliament should they arise or legal actions arising from this bill or other acts such as road variations. While the passion for protection is notable, the amendments are not practicable or realistic. It should also be noted—

The Hon. Ian Gilfillan interjecting:

The Hon. T.G. ROBERTS: I did say they were noble. It should also be noted that clause 15(5), which the Hon. Mr Gilfillan objected to, has particular relevance because of the actions of the current parliament in considering the extension of the Glenelg tramline through Victoria Square and the need to dedicate land as a tram corridor. Another example is the actions of parliament in 1927 when it specifically dedicated land on the corner of North Terrace and Kintore Avenue as a site for a national soldiers' war memorial. We need to ensure that special dedications such as this are not inadvertently overridden because of lack of flexibility in the interpretation of this bill; consequently, clarifying provision clause 15(5) has been included.

One of the amendments is to make all developments within the parklands Category 3. Such a proposal would result in the development planning system unnecessarily being bogged down by frivolous and vexatious representations and appeals. The appropriate system is to have the new authority comment on any review of the development plan for the parklands and make submissions on what changes are required to complying and non-complying developments so as to establish a system which balances parklands protection against good public administration. The final amendments proposed by the Hon. Ian Gilfillan, which amendments I wish to raise at this time, relate to the South Australian Motor Sport Act 1984. While appreciating the intent behind these amendments, other consequences arise from them which make them impracticable and unworkable in their current form. A number of other issues, which have been raised in the amendments filed by the Hon. Ian Gilfillan, are matters which I will deal with as they arise in committee.

I thank the Hon. Caroline Schaefer for her general support for the bill which seeks, in her own words, 'to protect a major piece of iconic space around the city of Adelaide'. The Hon. Ms Schaefer raised questions about consultation with sporting bodies occupying the parklands. On this point, it should be noted that there have been public consultations since early 2003 on various options and models for managing the parklands since March this year on a draft bill. Consequently, there have been ample opportunities for various sporting groups to be informed and comment on the government's intentions. In particular, the South Australian Cricket Association Board gave a presentation in 2003 and, subsequently, it made a written submission in support of the council continuing to manage the parklands under its care and control, which is what this bill provides for. It is also important to note that the SA Motor Sport Board has been fully consulted along the way in the development of the bill and amendments to the South Australian Motor Sport Act 1984 to ensure that a balance is created between protecting the parklands as a community asset and the operational needs of the SA Motor Sport Board.

In considering consultation with sporting bodies, members should understand that the bill has no immediate impact on the day-to-day operations of any such bodies which lease park land. Rather, they will have the opportunity, under this bill, to have an input into the Parklands Management Strategy which, in turn, will guide future management plans and lease arrangements; thus, this bill provides an additional avenue for representing those interests. I am not quite sure whether I need to respond to the Hon. Angus Redford's comments in these concluding remarks. I detected that most often his comments were in relation to what he perceived as factional differences between interested parties within the Labor Party.

The Hon. R.I. Lucas: It is quite interesting.

The Hon. T.G. ROBERTS: It is always interesting, but it is probably best left for the bar room rather than the parliament.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: On 10 December? I am sure that we will have ample representation when the ticket is

finally drafted. Again, I thank all those who have contributed to the debate. I put on the record my appreciation for all those people, including the Hon. Ian Gilfillan, who have worked hard in the preservation of what is truly an iconic asset to the state and to Adelaide—that is, the parklands. The bill goes a long way to addressing some of the issues of immediate need without putting the parklands at risk. It always raises an interesting debate in the chamber when there are programs for the advancement of incursions into the parklands or their rehabilitation. I guess it will always be like that, and I think that everyone in this place recognises that parliament is the final protector of this great asset.

Bill read a second time.

LOCAL GOVERNMENT (LOCHIEL PARK LANDS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3034).

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I rise to conclude my remarks, although I said most of what I wanted to say before the lunch adjournment. I understand that the amendments to which I referred have now been circulated and that members have had an opportunity to look at them. I also indicate that it is the wish of both the Campbelltown council and the Local Government Association that this matter proceed as rapidly as possible. In addition, in relation to this matter's being in accordance with standing order 268, I understand, after legal advice, that it is not a hybrid bill. I know that there is some argument about that but, if this bill is read a second time, I will move that standing orders be suspended in order to enable the bill to proceed as a public bill. It is really up to the council as to whether we deal with this matter promptly, as is the wish of—

The Hon. R.I. Lucas: Well, we can't deal with this today.

The Hon. P. HOLLOWAY: Why can't we deal with it today?

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: You have your choice. However, I conclude with those remarks and ask that the council support the progress of the bill.

Bill read a second time.

The PRESIDENT: This is a hybrid bill and, in accordance with standing order 268, should be referred to a select committee.

The Hon. P. HOLLOWAY: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That standing orders be so far suspended as to enable the bill to be proceeded with as a public bill.

This action was also taken in the House of Assembly.

The PRESIDENT: There is provision under standing orders for a 15-minute debate, which must be about the reasons for the suspension. Each member is entitled to speak for five minutes.

The Hon. R.I. LUCAS (Leader of the Opposition): I will not delay the committee. I indicate that it is not the intention of the Liberal Party, contrary to the claim made by the leader, to delay the debate. The Lion of Hartley wants to see this legislation passed at the earliest possible opportunity, which will be when we return in 10 or 11 days. I outline to members very quickly that we have only just been given two pages of amendments. We have not had an opportunity to discuss them in our joint party room. We are not aware of the precise nature of the memorandum of understanding to be signed. Even if we do not have a select committee, we will not be in a position to debate this bill until the Tuesday of the next sitting week, following our joint party meeting. That would be the earliest opportunity at which we could discuss the amendments. In relation to the select committee, certainly from our viewpoint we guarantee, as the Lion of Hartley would wish us to do, to report back to this chamber by the Monday of the next sitting week, which is the next sitting day, so there will be no delay as a result of the select committee.

The other point that I make (which I made in the second reading) is that it does not mean we are forever bound but, on my understanding, we have never suspended this standing order. When required, we have always abided by this standing order and, in some cases, the select committee has met within the space of two or three days. I think the Naracoorte council select committee, which was formed in the past 12 months, was a case where we abided by the standing order. We had a very quick select committee, abided by the standing order and reported back to the council. On that occasion, the House of Assembly suspended that standing order, as has become its tradition.

As I said, it does not mean that this council in its majority cannot decide to break with the traditions of 100 years or more. That has certainly occurred with respect to other standing orders and is something that can occur if there is good reason in relation to this standing order. From our viewpoint, we do not believe that there is good reason; the bill will proceed in exactly the same time frame with or without the select committee. We believe it will provide the opportunity for the members of this chamber to understand what will be the cost of the ongoing care, control and maintenance of this project for the Campbelltown ratepayers. Other members have raised important issues in relation to the memorandum of understanding, and no answers were provided in relation to the building arrangements that the Hon. Mr Cameron raised. When the Leader of the Government responded, there was no answer to those—

The Hon. P. Holloway: It was nothing to do with the building arrangements.

The Hon. R.I. LUCAS: The government obviously is not going to answer the question that was put by the Hon. Mr Cameron. A number of questions have been put. We think that this committee can meet once or twice next week and report back to the chamber on the first Monday of the next sitting, and that will be exactly the same time frame as will occur, anyway, even if we do not have the select committee. As I said, we have only just received two pages of amendments. We have not had a chance to go to the joint party room, and we have not had a chance to consult with anyone other than in here, with the Leader of the Government, about the government's intentions in relation to the amendment. We would urge that the traditions of the council be maintained in relation to this, but we also think that, on the merit of the case, it is good sense that we consider some of these issues and still proceed with the bill in the same time frame as if we had not proceeded with the select committee, anyway.

The Hon. SANDRA KANCK: The Democrats will be supporting the government's motion. We do not now believe that a select committee is necessary. We have amendments before us which, we have been informed by the LGA, meet both its and Campbelltown council's approval. We also have a message from those two bodies that they do not want this bill to be further delayed, and neither do the local residents, who campaigned so hard to keep this area open space. Although I understand the concerns that the Hon. Mr Cameron raised, they are not what this bill is about.

The Hon. T.G. CAMERON: I thank the Hon. Sandra Kanck for commenting in relation to the questions that I put. However, obviously, she was not listening to the contribution that I made at the time. I indicated to the government that I am supportive of this bill. I indicated my support not only for the second reading but also for the passage of the entire bill. However, I said to the government that I am very concerned about these arrangements which governments enter into with building contractors and which allow people who purchase land in a development to build only with that builder.

Along with the Hon. Julian Stefani, I know a little bit about the building industry, and that always leads to higher prices for the individuals who buy properties in that development. That was my concern. I realise that it is separate from the bill, but how can it be argued that, if we pass this bill, those contractual arrangements, which the government is refusing to provide to the council, will be lost forever? No-one will ever know. Some time down the track someone could come in, dissatisfied with the building contract they have signed with the builder, and want to do something about it, only to find that they cannot, and there is no way that we can gain access to these contractual arrangements. I am not as familiar with the Freedom of Information Act as is the Hon. Angus Redford.

The Hon. Nick Xenophon: I don't think anyone is.

The Hon. T.G. CAMERON: The Hon. Nick Xenophon interjected and said 'No-one is.' I could suggest to honourable members that, if they ever need any legal advice on the Freedom of Information Act, they should not waste their time going to a solicitor; they should just check with the Hon. Angus Redford. I am disposed to support the matter now going off to a select committee for a number of reasons that were enunciated by the Hon. Robert Lucas. However, I now have a dilemma. I think I indicated in the contribution that I made to this council that I was not keen on a select committee, and I did not want it to go to a select committee; I felt that it could go straight through. However, I was seeking a few simple answers to a few simple questions in relation to the deal that the government has done with the developer. It is these kinds of deals that got Joh Bjelke-Petersen and Russell Hinze with the white shoe brigade up in Queensland.

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: The leader interjects and says there is no deal. So, that means that they have not entered into any arrangement with any builder to exclude or restrict people's freedom of choice when they buy a block of land.

The Hon. P. Holloway: It has not even gone out to tender yet.

The Hon. T.G. CAMERON: Then why would the minister not answer my question?

The Hon. P. Holloway: It has nothing to do with the bill before us.

The Hon. T.G. CAMERON: How petulant! On the basis that it has nothing to do with the bill, you say that there has been no deal done, but in the same breath you acknowledge that there is an agreement whereby, when this project goes ahead, only one developer or builder will be able to build on the development.

An honourable member interjecting:

The Hon. T.G. CAMERON: Well, you will not even confirm that. It is a question I could put to the Hon. Robert Lucas, but I now realise that he has already spoken and I am not sure that he can answer. However, if a select committee is established, is that something that could be looked at by the select committee to see whether there is actually a contract or an agreement?

The Hon. R.I. Lucas interjecting:

The Hon. T.G. CAMERON: Well, apart from the arguments about tradition and the two pages of amendments which have been put before me, I do not know about the Hons Mr Xenophon, Mr Stefani or Mr Evans. Have they all studied these amendments in detail; are we all ready to go on them? You can see the shaking heads. No-one has had—

The Hon. T.G. Roberts interjecting:

The Hon. T.G. CAMERON: Well occasionally the Independents can wag their tail, minister.

An honourable member interjecting:

The Hon. T.G. CAMERON: I do not know why you should be so upset; you had what we are doing now down pat when you held the balance of power in this council. You were extortionists bar none when you held the balance of power in this place, so I do not want to hear any squeaking and squalling from the Democrats that the poor Independents on this side of the council might exercise their democratic right to support a select committee. We have heard your contribution, and I am not sure that we were persuaded by the eloquence of your arguments. Mind you, that has never persuaded me in the 11 years that I have been here; however, be that as it may, on occasions you have got me.

I think that a really sound case has been made out here to support the select committee so, despite my earlier interjection that I was not going to support a select committee, I will now support one—primarily based on the fact that not only did the government not answer my questions but it refused to even respond to them until the Leader of the Government was taken by an interjection. On the basis that we have a commitment from the Leader of the Opposition that the select committee will wind up next week and the Lochiel Park bill will be brought back into this council on the first Monday or Tuesday of sitting, I will support it. He has given that undertaking and that is good enough for me, because he has never broken his word to me.

The Hon. J.F. STEFANI: I will be very brief. I believe that it is important that the community as a whole should know whether the government has entered into, or will enter into, an arrangement with one builder for the development or building of homes on this site. If that is the case then the reality is, as the Hon. Terry Cameron has pointed out, that we then have a very real risk that people will be paying more for their home.

My clear understanding and experience in this area is that if there is a monopoly for the development of that land—that is, it is given to one builder—then we are precluding people from obtaining competitive tenders to build their own home, particularly in an area where there is a high percentage of Italians who have access to building contractors who have

made, and who continue to make, a very valuable contribution in the building industry in various trades. To embargo people who live in the area to build a home of their choice with a builder of their choice is quite beyond belief.

This government says that it is open and accountable, that it has nothing to hide, and that it is acting in the interests of the community, particularly the voters of Hartley. It should come clean. The government should simply tell us what it is doing—that it will be open, there will be various builders, people who buy a block of land can choose their own builder and can build according to their own designs, and whatever else. However, we have heard nothing like that. We also need to understand that, as we are not going to deal with this bill today (and that appears to be the will of the council), it will be dealt with on the first day of sitting when we come back. This intervening period can easily be used by the committee to get some appropriate answers so that we know where we are going.

The council divided on the motion:

AYES (7)

Gago, G. E.	Gilfillan, I.
Holloway, P. (teller)	Kanck, S. M.
Reynolds, K.	Roberts, T. G.
Sneath, R. K.	

NOES (10)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I. (teller)
Redford, A. J.	Ridgway, D. W.
Stefani, J. F.	Xenophon N.

PAIR(S)

Gazzola, J.	Schaefer, C. V.
Zollo, C.	Stephens, T. J.

Majority of 3 for the noes.

Motion thus negatived.

The council appointed a select committee consisting of the Hons G.E. Gago, P. Holloway, R.I. Lucas, J.F. Stefani and N. Xenophon; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 21 November 2005.

VICTORIA SQUARE BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3038.)

The Hon. J.F. STEFANI: This project has all the hallmarks of a folly—it is a white elephant project. I say that because, in light of the cost it entails to extend this tramline to a position from Victoria Square to North Terrace, we will commit $21 million or more. As Rex Jory pointed out in today's *Advertiser*, this money, surely, has a greater need in areas such as disability services or mitigating the floods that people have endured in the past week or so. A lot of people have been affected by the lack of money to local councils to address the issue of flood mitigation.

The Hon. T.G. Cameron interjecting:

The Hon. J.F. STEFANI: Absolutely. As the Hon. Terry Cameron interjects and corrects me, their lives have been totally devastated. Some of them have lost their total crop and their income for the year. We have a government which, on the whim of an announcement, has found itself caught short on a technicality. It requires the government to decide whether the tramline should come straight down Victoria Square—which would require the ripping up of the fountain, the destruction of the ambience of Victoria Square and losing the marginal seat of Adelaide in the process—or whether it seeks the support of the parliament to deviate the tramlines around Victoria Square and then down King William Street.

This is the sort of folly that governments of both persuasions have in the past and now—and particularly now, in this particular matter—endeavoured to sell to the public. Well, the government is not going to sell it too easily to me in terms of the government's position. One would have to consider how much space will be lost in the middle of Victoria Square, as well as in the middle of King William Street. We have heard that two tramlines will run down the centre of King William Street and that there will be shelters or canopies for passengers who are waiting for or alighting from the tram for their protection from the traffic that will flow in either direction in King William Street. So, that space will be taken up—and, of course, it will affect the flow of traffic down King William Street.

I want to know the width of the space that will be taken up by the two tramlines, as well as the canopies for the passengers—how much of the road will be committed, taken up and sacrificed in King William Street. That needs to be known right now before we make a sensible decision as to whether this project is madness or whether it deserves our support. We also ought to know about the circle line bus service that is now running every 10 minutes and is extraordinarily convenient for those people—

The Hon. T.G. Cameron: And well patronised.

The Hon. J.F. STEFANI: And well patronised. I want to know whether the circle line bus, which runs every 10 minutes and which people catch at the Adelaide Railway Station and go to Victoria Square and return, will be continued once the madness of this project is completed and the tramline is extended. I have a sneaking suspicion that the government will say, 'You now have a tram that will run every half an hour, or whenever. You can catch the tram at the railway station, and it will take you to Victoria Square.'

It is also important for this parliament to know how long it will take for the tramline project to be completed, because there will be disruption not only to traffic but also for traders along King William Street. Members can be assured that, once the road is dug up, the intersections and the traffic flow will be affected. There will be disruptions and the traders will lose trade—not only in King William Street but also in Rundle Mall and all the other streets where people have their retail premises. This parliament needs to have that important information before we can make any decision to support this folly.

I have not spoken to one person who supports the extension of the tramline down King William Street and the ripping up of what is now a very pleasant and uncluttered middle of the road, with its flowers, the nature strip and the flags. I have not found one person who supports the cluttering of the middle of the road with wires, trams and little canopies, which will clutter and destroy the ambience of our city. The other aspect of this project that needs to be known is: what will happen when there is a power failure? What will happen to the trams that are stuck in the middle of an intersection—

The Hon. T.G. Cameron: Passengers will get out and push it.

The Hon. J.F. STEFANI: Yes. The tram has come to a halt, and the traffic will be banking up. Tempers will fly, and the intersection will be in a total log jam. I would like to know who on earth will overcome the problem. What will we say to the people who are affected by this inconvenience?

There are more questions the government needs to answer. I would like to know the frequency of the tram service. Will the tram run every half hour half way through the day when the trams are generally running empty, anyway, from Victoria Square to Glenelg? Will the tram run as frequently as it does now? We need to know the frequency of the service and whether it will run on the same timetable as the tram that runs now from Victoria Square to Glenelg or whether it will be changed.

I believe there are issues that it is important for the government to address, apart from the fact that it will cost an enormous amount of money. In my view, it is money that should be spent elsewhere; there are other priorities that deserve the expenditure of this money. But there is the question, of course, of whether the government has in fact locked itself into a contractual obligation, and this parliament needs to know that. We need to know whether the government has committed itself to the extension of the tram line on a contractual basis before we vote on this. We need to know that, because if the government has committed itself to that contractual obligation then we ought to know the reason for that commitment having been made before the government knows that it has the support of this chamber or this parliament to get over its own folly and incompetence by diverting the tram in Victoria Square.

If the government has made that commitment and it has in fact a contractual obligation to extend the tram line, then it should be able to tell us. If it has not got the support to do so by altering the tram lines around Victoria Square then it has to take the bold decision to run the tram line right through Victoria Square and risk losing its marginal Adelaide seat, which I am sure it will, and ignore the will of the parliament if the majority of members within this council resist allowing the diversion of the tram line around Victoria Square.

Those are very simple and adequate decisions that the government can make because, after all, on its own volition it has made the announcement, for whatever reason. I do not see any logic in the announcement. I do not see any logic in spending $21 million to extend the tramline. I am sure that I speak for thousands of South Australians who would rather see their money spent on addressing the more urgent priorities of mental health, floods and their own particular needs rather than having their money spent on a folly of a project which will bring no great benefit to the majority of the community and which in fact will cause a great deal of inconvenience to many of us who come to Adelaide, use King William Street and presently are serviced by a very efficient Circle Line bus service for those of us who wish to take it, which is free to the community.

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): Mr Acting President, I thank the South Australian Democrats and the Hon. Nick Xenophon for their comments in support of this bill. As members supporting this bill have mentioned, bringing light rail back into the City of Adelaide is an important—

The Hon. T.G. Cameron: What about my comments in support of the bill?

The Hon. P. HOLLOWAY: You were supporting it, were you?

The Hon. T.G. Cameron: I indicated that I was.

The Hon. P. HOLLOWAY: I am sorry. I apologise to the Hon. Terry Cameron. I was not here during his—

The Hon. T.G. Cameron: Obviously, you do not need it.

The Hon. P. HOLLOWAY: I am sorry. I am getting mixed up with the Lochiel Park Bill.

The Hon. T.G. Cameron: I am supporting that one, too.

The ACTING PRESIDENT (Hon. R.K. Sneath): He is supporting them all.

The Hon. P. HOLLOWAY: I am very pleased to hear that, Mr Acting President. I thank him for his support. Anyway, we will not be diverted. One of the main efforts of this government following the establishment of the EDB has been to try to turn around the negative do-nothing perceptions that have pervaded this city for so long. I must say it is profoundly depressing to hear the negative diatribe that we have just heard in the Hon. Julian Stefani's contribution, giving every reason why we cannot do anything. Of course, that is what has plagued this city and this state for so long. Nevertheless, the government will press on.

As members supporting this bill have mentioned, bringing light rail back into the City of Adelaide is an important and environmentally sound investment in the state's public transport system. The Victoria Square Bill enables the Glenelg tramline to be extended through Victoria Square, bringing light rail back into the city without further severance of the square. We are not asking parliament to approve the Tram Bill. Rather, we are asking parliament to approve the most appropriate route for the tram around Victoria Square.

Parliament has opportunities through the Public Works Committee and of course ultimately the election; the Liberals have said they will make this an election issue. So be it. But what we are talking about here is Victoria Square. It is a matter of whether the tram goes through the centre of the square or the side of the square. No matter how much the Hon. Julian Stefani may like to play around with words, it is his choice. It is not the government's choice. It is the choice of this parliament. The issue that is before this parliament is not whether or not the tramline proceeds. What is before this parliament is whether the tramline goes around the western side of Victoria Square or through the existing corridor. That is the issue.

Following the passage of this bill, the existing Glenelg tramline will be extended from Victoria Square and down the middle of King William Street to the Adelaide Railway Station. The extension of Adelaide's only remaining tramline is a project that has long been advocated by many transport experts, and this government will bring that vision to fruition. The bill is designed to ensure that this project can be realised whilst minimising the impact on Victoria Square. It also provides important protection to the square's green space for the future, returning 6 000 square metres to the legal status of Parkland. This will be the first new tram line built in Adelaide since the 1920s and it will be a significant investment in public transport. It comes on top of the state government's investment to supply nine new trams and upgrade the existing light rail infrastructure. This project further highlights the previous Liberal government's woeful record of investment in the public transport system.

I will address some points raised by the Hon. Rob Lucas on behalf of the Liberal Party, which comments, for the most part, were grossly inaccurate and displayed a distinct lack of understanding of the project. First of all in relation to cost, it is very disappointing to see that Rex Jory in this morning's *Advertiser* just picked up the misinformation from the Leader of the Opposition. I put on record the estimated cost of extending the Glenelg tram system from Victoria Square to the Adelaide Railway Station. The estimated cost is $21 million, and I refer members to page 20 of the 2005-06

Capital Investment Statement in Budget Paper 5 which outlines that expenditure. As to patronage—

The Hon. R.I. Lucas: That's what I said.

The Hon. P. HOLLOWAY: No; you were talking about $80 million.

The Hon. R.I. Lucas: No; I never said that.

The Hon. P. HOLLOWAY: Perhaps it was one of your colleagues, but that is what you were throwing around. Opposition members certainly were doing that. Last financial year a total of 2.095 million passengers used the existing Glenelg tramline. In response to the Hon. Terry Cameron's question on patronage, these figures equate to a daily use over the year of about 5 740 passengers per day. On a normal workday, approximately 7 000 passengers use the tram. Imagine what 7 000 extra cars would do on Anzac Highway. If one dismisses that figure, just imagine what it would do. The extended line will encourage additional users onto the tram system.

Computer modelling suggests an 8 per cent increase in patronage between Adelaide and Glenelg as a direct result of the extension. With the improved service provided by the new trams and based upon overseas experience, the increase could be much higher. TransAdelaide is planning for further increases should they occur. In terms of destinations, the Department for Transport, Energy and Infrastructure advises that it estimates over 1 million passengers per year will use the tram extension to travel north of Pirie Street, and half of these will have destinations north of Rundle Mall.

The Hon. R. Lucas, in his poorly researched contribution on behalf of the Liberal Party, asked why the tram project was not in the state's infrastructure plan, released in April this year. The simple answer is that the extension of the Glenelg tramline was in the infrastructure plan and is a key project in that plan; in fact, it features in three places in the plan. It is mentioned in the overview on page 10, again on the very top of page 49 where states, 'The Glenelg tramline will be extended to the railway station on North Terrace' and, again, on page 52, it is listed in the table of transport projects and assigned priority 1.

Regarding trees, the Hon. R. Lucas spent a lot of time talking about trees, seeking to make a comparison with the 66 trees that would have needed removal for the Britannia scheme. Incidentally, the Liberal Party Nigel Smart scheme called for the destruction of 95 trees, 18 of significance. These magnificent trees, the river red gums, cannot be compared to the exotic trees in Victoria Square. Of the trees in Victoria Square impacted by the tram, only three are significant under the Development Act and two of these are Lombardy Poplars in only fair condition. The other is a Pink Kurrajong, and the advice we have is that this tree can be transplanted.

As to the other trees, these will be replaced by advanced specimens of species that are much more suited to the environment and position of Victoria Square. These will be chosen in consultation with the City Council and its landscaping plans, creating a great opportunity to improve the amenity of the square. As someone who drives through Victoria Square, I can say that one thing that is not the feature of Victoria Square is its trees. There are plenty of cities in the world where trees are a highlight, but it certainly is not Victoria Square.

I turn to the works program. The government has indicated that construction will be programmed to avoid major events such as the Christmas pageant in 2006. The honourable member asked how this will be done. The answer is simple. Road works and the laying of the track are just one part of the project and these can be done in a relatively short time. For example, the government completely re-laid 10 kilometres of the existing Glenelg tramline over a period of nine weeks. Construction also involves work on tram stops, the electrical sub-station and the overhead system. Within the period of construction, works can be programmed to avoid any disruption to the pageant and other special events. Preliminary work on the project to be carried out this year includes aspects of detailed design, including the electrical systems and track structure and aspects of landscaping and urban design that are proceeding in conjunction with the City Council.

Both the Hon. R. Lucas and the Hon. Terry Cameron asked about traffic modelling. The traffic modelling for the project was undertaken by the Transport Systems Centre of the University of South Australia in conjunction with officers from the City of Adelaide and the Department of Transport, Energy and Infrastructure. Details of the findings from this work were provided to the City Council in the development submission for the project. Many members would realise that the City of Adelaide transport policies discourage 'through' traffic using the city streets, and this is appropriate. Governments of this state, over a number of years, have developed a high quality ring route around Adelaide to encourage traffic that is not destined for the city to avoid the city centre. The City West connector completes another part of the ring route.

The reason the traffic modelling shows it is possible for the tram to use road space in King William Street without adding to delay is that there is existing spare capacity in the city streets, and it is the management of the city's traffic lights at intersections that is the major determining factor for traffic flow. In particular, the performance of the intersection at North Terrace and King William Street is key in determining how well traffic flows on both these routes, and the Hon. Terry Cameron rightly made note of that in his speech.

The modelling of traffic conditions with the tram shows that, with better timing of intersections, there is no additional delay to traffic travelling to and from destinations in the city, although some people may choose different routes to make their journeys. It is worthwhile noting that the modelling of traffic outside peak hours shows a slight improvement for traffic and, in part, this is attributed to the reduction in bus numbers. The bill is about returning significant green space to Victoria Square as part of a project that provides sustainable and 'green' transport for the future. It will enable the Glenelg tramline to be extended along the western side of Victoria Square rather than through the centre on the existing closed road, and this will ensure the best traffic management outcomes better integrate pedestrian activity towards the Adelaide Central Market and leave a larger area of Victoria Square as a single unit. It will result in the return of the closed roads in the centre and the edges of the square to the legal status of square—6 000 square metres in all.

The Hon. David Ridgway also made some comments earlier today. First, he talked about Melbourne trams. The point of the article about the Melbourne trams was that those trams that have to contend with traffic are getting slower and slower. That is why this government is proposing the tram operates in its own right of way, just like the new tram extensions in Melbourne. As to tram patronage, the article in today's *Advertiser* about tram patronage states, 'Tram patronage was showing growth of 1 per cent at the end of May but in June the line was closed.' It is not surprising that patronage for the year was 3 per cent down when there was

only 11 months worth of passengers. This is just selective reading by the honourable member.

Regarding business support for trams. The tram brochure from which the Hon. Mr Lucas read has recently been delivered to businesses along the tram route. The reaction to the project from those businesses was as follows: three were negative, 17 gave no response and 34 were positive. On that basis, responses of businesses were over 90 per cent favourable. In respect of today's *Advertiser* article by Rex Jory, I find it amazing that project details provided in the budget papers as a 1.2 kilometre extension for $21 million can be reported by *The Advertiser* as 600 metres of tram track for $80 million—an exaggeration of 800 per cent.

It is amazing, too, that *The Advertiser* can create its own image of a tram from France shown opposite the Children's Hospital, publish it in May this year and then, in today's paper, criticise its own picture as misleading without acknowledging the source of the image—*The Advertiser*'s own artist. It is quite extraordinary.

The Hon. David Ridgway also talked about the old trams. These carried about 64 people, and two coupled together (as used in peak hours) hold 128 people. This is the same capacity as one of the new trams. So, one new tram equals two old trams coupled together. That is why nine new trams can replace 20 old trams. The member does not know the difference between coupled and single trams. It seemed to me that the Hon. David Ridgway talked about conflicting modes transport. If you follow his logic through, presumably it is the Hon. David Ridgway's policy (if not that of the Liberal party) to close the Glenelg tramline. That is the logical conclusion one would draw.

Again, I stress that the bill is the Victoria Square Bill, and that is exactly what it is about. All the details of the tram are not specifically covered in the bill, which has really one effect: it is a matter of dealing with Victoria Square and deciding where the tram corridor should go through the square. There is an existing corridor right through the centre which could be constructed for the tram. The bill simply has the effect of providing another alternative corridor along the western side of the square and returning the larger area in the centre of the square back to parkland. So, that is really the scope of the bill. I repeat: it is not about the tram project itself which, as I said, will be covered by other areas of parliament, such as the Public Works Committee and so on. I commend the bill to the council.

Bill read a second time.

TRANSPLANTATION AND ANATOMY (POST-MORTEM EXAMINATIONS) AMENDMENT BILL

Second reading.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): 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.

The purpose of this Bill is to amend the *Transplantation and Anatomy Act 1983* to ensure that the family of a deceased person has the opportunity to be appropriately involved in the process of authorising a post-mortem examination, to ensure that post-mortem examinations are carried out with regard to the dignity of the deceased, and to empower the Minister for Health to override any objections to a post-mortem examination if of the opinion that it is in the interests of public health that a post-mortem examination be carried out.

During the development of the Australian Health Ministers Conference (AHMC) National Code of Ethical Autopsy Practice, endorsed nationally in April 2002, the need for changes to the *Human Tissue Acts* was highlighted in consultations in all jurisdictions. Some States have already made changes to their legislation. Until now, South Australia has made very few amendments to its *Transplantation and Anatomy Act 1983* since its commencement.

As a result of community awareness about the retention and use of organs following post-mortem examinations, some South Australian families raised concerns about the practices and legislation relating to post-mortem examinations. These families shared the depths of their renewed pain and grief at finding out that retention of organs of their relatives had occurred, at times without any knowledge of the families. This practice, whilst it is not at all common now, is still allowed under the current Act. Families have lost trust in the system and are adamant that they do not wish anyone else to suffer in the same way that they have. They want to see some action from the Government. These amendments to the Act have been formulated to address their most pressing concerns about family involvement and the dignity of the deceased and, thereby, to provide a better service for families and the community.

Equivalent changes are being made to Departmental policy and autopsy request and authority forms to ensure that the intent of the legislation will be properly reflected.

During debate on this measure in another place, it became apparent that the forms in which any consent or authority required to be given under the Act should be prescribed in the regulations so that they can be properly scrutinised and approved by the Parliament. Amendments were agreed to with that effect.

A new section 5A has been inserted to help South Australian families understand that when authorisation is given to remove or use organs or tissues for a particular purpose (such as a post-mortem or organ donation) that the authorisation includes such retention as is reasonably necessary for that purpose.

Section 25 of the Act has been redrafted to make it clear that where a person has died in a hospital or the body of a deceased person has been brought into a hospital, a designated officer for the hospital must follow the following process:

1—Consent by the deceased person

If, after making such inquiries as are reasonable in the circumstances, the designated officer is satisfied that the deceased person, during his or her lifetime, gave his or her consent to a post-mortem examination and did not revoke the consent, the designated officer may authorise a post-mortem examination.

2—Consent by the senior available next of kin

If, after making such inquiries as are reasonable in the circumstances, the designated officer is not satisfied that the deceased person gave his or her consent to a post-mortem examination, but is satisfied that the senior available next of kin of the deceased has given his or her consent to a post-mortem examination and that the deceased person had not, during his or her lifetime, expressed an objection to a post-mortem examination, the designated officer may authorise a post-mortem examination.

Agreement from the senior next of kin is not always possible in writing. Therefore, the senior available next of kin may give his or her consent to a post-mortem examination orally by telephone. However, this consent is not effective unless it is heard by 2 witnesses, 1 of whom must be a medical practitioner, and neither of whom may be the designated officer, and a written record of the consent is made by the witness who is a medical practitioner and is signed by both witnesses.

3—Authorisation by the designated officer

If, after making such inquiries as are reasonable in the circumstances, the designated officer is not satisfied that the deceased person gave his or her consent to a post-mortem examination and is not satisfied that the senior available next of kin has given his or her consent to a post-mortem examination, but is satisfied that the deceased person had not, during his or her lifetime, expressed an objection to a post-mortem examination and the designated officer is unable to ascertain the existence or whereabouts of the next of kin or whether any of the next of kin has an objection to a post-mortem examination, the designated officer may authorise a post-mortem examination.

Currently, section 25 does not require the consent of the senior available next of kin. It is sufficient if the designated officer has no reason to believe that the senior next of kin has an objection to a post-mortem examination.

Also, under the existing section, it is sufficient for the designated officer to have reason to believe that the deceased person, during his

or her lifetime, had expressed a wish for a post-mortem examination and had not withdrawn the wish. The proposed section requires the consent of the deceased person during his or her lifetime.

Proposed new section 25 also empowers the designated officer to authorise a post-mortem examination with the consent of the Minister for Health (despite any objection expressed by the deceased person during his or her lifetime or on the part of the senior available next of kin) but only if the Minister is of the opinion a post-mortem examination is necessary or desirable in the interests of public health, that those interests justify overriding the objection and the Minister has made every reasonable attempt to persuade the senior available next of kin to consent to a post-mortem examination.

Current section 26 of the Act deals with post-mortem examinations where the body of a deceased person is in a place other than a hospital. The senior available next of kin of the deceased person may authorise a post-mortem examination unless he or she has reason to believe that another next of kin of the deceased objects or that the deceased person expressed an objection during his or her lifetime and did not withdraw the objection.

A post-mortem examination is authorised by force of the section if the deceased person gave his or her consent to a post-mortem examination during his or her lifetime and did not revoke the consent, or had expressed the wish for a post-mortem examination and the wish had not been withdrawn.

Under proposed new section 26, a wish for a post-mortem examination on the part of a deceased person is no longer sufficient to authorise a post-mortem examination. There must be consent in writing.

Currently, section 27 of the Act deals with coronial consents. The section prohibits the giving of an authorisation for a post-mortem examination by a designated officer for a hospital or the senior available next of kin of a deceased person where he or she has reason to believe that the circumstances of the death of the deceased are such that there may be an inquest into the death under the *Coroners Act* unless a coroner consents to the post-mortem examination or gives a direction that his or her consent to a post-mortem examination is not required.

The provisions of the current section have been incorporated in new sections 25 and 26.

Proposed new section 27 requires the consent of the deceased person or the senior available next of kin for the use of organs and other tissue for therapeutic, medical or scientific purposes. Currently, section 28 of the Act provides that an authority under section 25 or 26 for a post-mortem examination is sufficient authority for the removal of tissue for use for therapeutic, medical or scientific purposes. It also provides that, subject to an order to the contrary by a coroner, a direction given by a coroner requiring a post-mortem examination to be carried out is sufficient authority for the use, for therapeutic, medical or scientific purposes, of tissue removed from the body of a deceased person for the purpose of the post-mortem examination.

Section 28 of the Act has been re-written to make it clear that an authority under section 25 or 26 only authorises the carrying out of a post-mortem examination and the removal of tissue for the purposes of the examination. If a post-mortem examination is carried out at a hospital pursuant to an authority given by a designated officer, tissue may be used for a purpose related to public health, but only with the consent of the Minister for Health.

Proposed new section 28 makes it clear that authority given under section 27 is sufficient for the use, for therapeutic, medical or scientific purposes, of small samples of tissue that are removed from the body of a deceased person and placed in blocks or slides for examination under a microscope for the purposes of the post-mortem examination. New section 28 also requires that an authority under Part 4 is subject to conditions specified in the instrument of authorisation, which is the autopsy request and authority form detailing senior next of kin consent.

A new provision (proposed section 28A) has been added to require a post-mortem examination to be conducted with regard to the dignity of the deceased person.

Traditionally, professionals sought to protect families from information that they may find distressing. However, experience has shown that timely information provided in a sensitive manner can empower families and is far less distressing than later disclosure. The amendments to the *Transplantation and Anatomy Act* ensure significant consultation with families of deceased persons and will bring South Australia's autopsy practice legislation into line with the National Code of Ethical Autopsy Practice.

It is acknowledged that Aboriginal communities recognise different kinship relationships to those stipulated in the Act and that these should be taken into account. This is understood to be more than a blood or family connection and it might in fact be a kinship relationship based on community, land and spiritual affiliations. This issue requires further examination and broad consultation with Aboriginal communities and is not dealt with by the Bill. It is not just a South Australian concern however and is expected to be considered in the context of a national review of legislation and policy in this area

Amendments were moved in another place to increase penalties for offences against the Act. The Government supported the amendments and agreed that it is time that the penalties for offences (such as offences relating to trading in tissue or providing false information when donating blood or semen) should be significantly increased to reflect their seriousness. The maximum penalty for most offences against the Act has been increased to $20 000.

The Bill was also amended elsewhere by deleting Part 3 which provided for amendments to that part of the Schedule of the *Coroners Act 2003* that contained related amendments to sections 27 and 28 of the *Transplantation and Anatomy Act*. At the time this measure was introduced in the other place, the *Coroners Act 2003* had not yet commenced operation. That Act commenced on 1 July 2005 and so the amendments to sections 27 and 28 of the *Transplantation and Anatomy Act* took effect on that date. Thus, Part 3 of the Bill became obsolete on 1 July 2005.

It is now recognised that, as with other areas of medicine, autopsy practice must be based on honest and open communication between health professionals and those they deal with. Autopsy practice, both in the coronial and in the non-coronial setting, has already begun to reflect this recognition. These Amendments will bring the Act more in line with community expectations, professional standards and current policy in South Australia.

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 *Transplantation and Anatomy Act 1983*

4—Insertion of section 5A

This clause inserts a new section 5A to clarify the power to retain tissue. Currently it is implied that, where the Act authorises the removal or use of tissue for a purpose, retention of the tissue (to the extent necessary to fulfil that purpose) is also authorised. This clause makes that explicit.

5—Substitution of Part 4

This clause substitutes Part 4 which consists of sections 25 to 28.

Part 4—Post-mortem examinations

25—Authority for post-mortem examination where body of deceased person is in hospital

Section 25 of the Act deals with the authorisation of post-mortem examinations where a person has died in a hospital or the body of a deceased person has been brought into a hospital.

Currently the section empowers a designated officer for the hospital to authorise a post-mortem examination for the purposes of investigating the causes of death of a person if the designated officer, after making such inquiries as are reasonable in the circumstances, has reason to believe that the deceased person, during his or her lifetime, expressed a wish for, or consented to, a post-mortem examination of his or her body and had not withdrawn the wish or revoked the consent.

If, after making such inquiries as are reasonable in the circumstances, the designated officer has no reason to believe that the deceased person expressed a wish for, or consented to, a post-mortem examination, or had expressed an objection to a post-mortem examination, and after making those inquiries and such further inquiries as may be reasonable in the circumstances, the designated officer has no reason to believe that the senior available next of kin of the deceased person has an objection to a post-mortem examination, or the designated officer is unable to ascertain the existence or whereabouts of the next of kin or whether any of the next of kin has an objection to a post-mortem examination,

the designated officer may authorise a post-mortem examination.

Proposed new section 25 requires the designated officer to be satisfied that the deceased person gave his or her consent in writing to a post-mortem examination and had not revoked the consent. If the designated officer is not satisfied as to these matters, the designated officer must be satisfied that the senior available next of kin has given his or her consent to a post-mortem examination and that the deceased person did not, during his or her lifetime, express an objection to a post-mortem examination. If the designated officer is not satisfied that the deceased consented and is not satisfied that the senior available next of kin consents, the designated officer must be satisfied that the deceased person did not express an objection to a post-mortem examination, and be unable to ascertain the existence or whereabouts of the next of kin or whether any of the next of kin has an objection to a post-mortem examination.

Under the proposed new section if, after making such inquiries as are reasonable in the circumstances, the designated officer is not satisfied that the deceased person, during his or her lifetime, gave his or her consent in writing to a post-mortem examination and did not revoke the consent, and the designated officer has reason to believe that the deceased person expressed an objection to a post-mortem examination, or that the senior available next of kin has an objection to a post-mortem examination, the designated officer may authorise a post-mortem examination for a purpose related to public health with the consent of the Minister.

However, the Minister must not consent unless of the opinion that a post-mortem examination is necessary or desirable in the interests of public health and that those interests justify overriding any objection to a post-mortem examination. If the Minister has reason to believe that the senior available next of kin has an objection, the Minister must make every reasonable attempt to persuade the senior available next of kin to consent to the post-mortem examination.

If the designated officer has reason to believe that the death of the person is or may be a reportable death under the Coroners Act, the designated officer must not authorise a post-mortem examination unless the State Coroner has given his or her consent or the State Coroner has given a direction that his or her consent is not required. A provision to the same effect is currently part of section 27.

26—Authority for post-mortem examination where body of deceased person is not in hospital

Section 26 of the Act deals with the authorisation of post-mortem examinations where the body of a deceased person is not in a hospital. It empowers the senior available next of kin to authorise a post-mortem examination for the purposes of investigating the causes of death of the person unless he or she has reason to believe that the deceased person, during his or her lifetime, expressed an objection to a post-mortem examination or that another next of kin (of the same or higher order) has an objection.

The section authorises a post-mortem examination by force of law if the deceased person, during his or her lifetime, expressed the wish for or consented to a post-mortem examination and did not withdraw the wish or revoke the consent.

Under the proposed new section 26 a post-mortem examination is authorised by force of law only if the deceased person gave his or her consent in writing and did not revoke the consent.

However, if an inquest may be held under the Coroners Act into the death of the person, the section does not authorise a post-mortem examination unless the State Coroner has given his or her consent. This provision is currently part of section 27.

If the senior available next of kin has reason to believe that the death of the person is or may be a reportable death under the Coroners Act, the senior available next of kin must not authorise a post-mortem examination unless the State Coroner has given his or her consent or the State Coroner has given a direction that his or her consent is not required. A provision to the same effect is also currently part of section 27.

27—Authority to use, for therapeutic, medical or scientific purposes, tissue removed for post-mortem examination

Section 28 of the Act provides that an authority under Part 4 authorises tissue to be removed from the body of a deceased person in the course of a post-mortem examination for use for therapeutic, medical or scientific purposes.

Proposed new section 27 provides that a designated officer for a hospital may authorise the use, for therapeutic, medical or scientific purposes, of tissue removed from the body of a deceased person for the purposes of a post-mortem examination of the body performed at the hospital pursuant to an authority under section 25.

However, the designated officer cannot authorise the use of tissue for such purposes unless, after making such inquiries as are reasonable in the circumstances, the designated officer is satisfied that the deceased person, during his or her lifetime, gave his or her consent in writing to the use, after his or her death, of tissue from his or her body for therapeutic, medical or scientific purposes and had not revoked the consent.

If, after making such inquiries as are reasonable in the circumstances, the designated officer is not satisfied that the deceased person consented and did not revoke the consent, but is satisfied that the senior available next of kin has given his or her consent in writing to the use, for therapeutic, medical or scientific purposes, of any tissue removed from the body of the deceased person for the purposes of a post-mortem examination and that the deceased person had not, during his or her lifetime, expressed an objection to the use, for such purposes, of tissue removed from his or her body after his or her death, the designated officer may authorise the use of tissue for those purposes.

If a post-mortem examination is performed at a place other than a hospital pursuant to an authority under section 26, the senior available next of kin may authorise the use of tissue for therapeutic, medical or scientific purposes unless he or she has reason to believe that the deceased person, during his or her lifetime, expressed an objection to the use, for such purposes, of tissue removed from his or body after death or that another next of kin (of the same or higher order) has an objection.

If a post-mortem examination is performed pursuant to a direction given under the Coroners Act, the State Coroner may authorise the use of tissue for therapeutic, medical or scientific purposes if satisfied that the deceased person, during his or her lifetime, gave his or her consent in writing to the use, after his or her death, of tissue from his or her body for such purposes and had not revoked the consent.

If, after making such inquiries as are reasonable in the circumstances, the State Coroner is not satisfied that the deceased person consented and did not revoke the consent, but is satisfied that the senior available next of kin has given his or her consent in writing to the use, for therapeutic, medical or scientific purposes, of any tissue removed from the body of the deceased person for the purposes of a post-mortem examination and that the deceased person had not, during his or her lifetime, expressed an objection to the use, for such purposes, of tissue removed from his or her body after his or her death, the State Coroner may authorise the use of tissue for those purposes.

28—Effect of authority under this Part

Section 28 of the Act sets out the effect of an authority under Part 4.

Proposed new section 28 provides that an authority under section 25 authorises the conduct of a post-mortem examination and the removal of tissue for the purposes of the examination.

The removal of tissue for use for a purpose related to public health is also authorised, but only with the consent of the Minister and for the purpose specified in the consent.

Under the new section an authority under section 26 authorises the conduct of a post-mortem examination and the removal of tissue for the purposes of the examination, and an authority under section 27 authorises the use, for therapeutic, medical or scientific purposes, of tissue removed from the body of a deceased person for the purposes of a post-mortem examination of the body.

If tissue removed from the body of a deceased person for the purposes of a post-mortem examination of the body is placed in blocks or slides for examination under a microscope, the use of that tissue for therapeutic, medical or scientific purposes is authorised by force of law.

The proposed new section also provides that an authority given under Part 4 is subject to any conditions specified in the instrument of authorisation.

28A—Post-mortem examinations to be conducted with regard for dignity of deceased

Proposed new section 28A requires a post-mortem examination of the body of a deceased person authorised under the Act to be conducted with regard to the dignity of the deceased person.

6—Amendment of section 35—Certain contracts to be void

The penalty for offences relating to the contracting for valuable consideration for the sale or supply of tissue, or the post-mortem examination of a body, is to be increased from $5 000 to $20 000.

7—Amendment of section 38—Offences in relation to removal of tissue

The penalty for an offence relating to the unauthorised removal of tissue is to be increased from $5 000 to $20 000. The penalty for an offence for the improper issue of an authorisation under the Act by a designated officer is to be increased from $2 000 to $5 000.

8—Amendment of section 38A—Offence to provide false or misleading information in relation to donation of blood or semen

The penalty for this offence is to be increased from $10 000 to $20 000.

9—Amendment of section 39—Disclosure of information

The penalty for the wrongful disclosure of confidential information is to be increased from $5 000 to $20 000.

10—Amendment of section 41—Regulations

A new paragraph is to be inserted in section 41(2) to provide that the regulations may prescribe the form in which any consent or authority under the Act is to be obtained. The penalty for an offence against the regulations is to be increased from $1 000 to $2 500.

The Hon. R.I. LUCAS secured the adjournment of the debate.

STATUTES AMENDMENT (RELATIONSHIPS) BILL

In committee.

(Continued from 8 November. Page 2972.)

Clause 86.

The Hon. NICK XENOPHON: I move:

Page 31, line 23—Delete '3' and substitute '5'.

This is a fairly straightforward amendment, with two related amendments. The current position with respect to the Family Relationships Act in relation to de facto partners is that there must be a period of cohabitation—and I use that word advisedly—for a period of five years or, if it is not for a continuous period of cohabitation of five years, during the period of six years immediately preceding the date, one needs to have cohabited with that person for periods aggregating not less than five years. That is the current legal position under the Family Relationships Act.

This bill seeks to amend this to reduce the period of cohabitation so that you come within the definition of a de facto partner after cohabiting three years continuously, or if during a period of four years immediately preceding that date you cohabit with that person for periods aggregating not less than three years. I see no compelling reason for this change. It is important that the status quo remains in relation to the qualifying periods where you are presumed to be a de facto partner. There are no compelling reasons to change this. In the absence of any compelling reasons to change this deeming provision in terms of the qualifying period, we ought to keep the status quo. My amendment seeks to maintain the current position in the Family Relationships Act so that there must be a period of cohabitation of either five years continuously or, in a six-year period, an aggregate of five years.

The Hon. T.G. Cameron interjecting:

The Hon. NICK XENOPHON: The Hon. Terry Cameron asks whether my amendment does so: yes, it does. It is important that there are some important legal consequences arising from being a de facto partner. It is an adequate safeguard that there be a minimum period of five years. Moving it down to three years seems to be quite unnecessary, and that is the position I maintain with respect to this amendment.

The Hon. P. HOLLOWAY: These three amendments taken together would restore the present five-year cohabitation requirement for childless de facto couples to be recognised under the Family Relationships Act. At present the law recognises a cohabiting couple as putative spouses when they either have a child together or have completed five years of continuous cohabitation or a total of five out of the preceding six years. That is the highest requirement in Australia. Other jurisdictions commonly require only two years continuous cohabitation. The government's bill proposes to reduce the five year requirement to three years.

Members will be aware that the requirement in the De Facto Relationships Act 1966 has always been three years. That act applies to claims over property when a de facto couple separates. The government took the view that it would be sensible to have the same cohabitation period for all purposes. We already have a provision for three years living together in the De Facto Relationships Act, which covers property, but the government took the view that it would be sensible to have the same cohabitation period for all purposes. Using the some period for all purposes is supported by the Law Society, which wrote to the government in September about this. The society pointed out that de facto partners can have property disputes dealt with if they are together for three years, but that if one dies after that time without having made a will the other partner would not inherit. One can see the inherent absurdity of the situation.

The society also noted that under the Workers Rehabilitation and Compensation Act the definition of a spouse is flexible and can permit the payment of a death benefit to a cohabiting partner after five years or after a lesser period if the corporation thinks that fair and reasonable. It mentions a recent decision—Travers v. Alliance Australia—in which the Workers Compensation Tribunal found that a period of just over three years cohabitation met that criterion. To be fair, the society only said that there should be consistency, but did not express a view on a uniform period of three or five years, but noted that any period is arbitrary. The government agrees that consistency is important. If the couple can make legal claims on each other's property after three years, it seems reasonable that other legal rights and duties should also accrue at that time, as this bill proposes.

Apart from consistency with the De Facto Relationships Act provisions, two other factors are to be considered. First, there will often be a financially weaker party to a de facto relationship. In the case of opposite sex couples, it is often the women. Legal recognition of the relationship often protects the weaker party by giving him or her access to the courts. At the moment, if de facto relationships split up after three or

more years, a partner who has made a large domestic or other non-financial contribution can be recompensed for that contribution by a share of the property. If, however, her partner has died after the same length of time without having made a will, she is not recognised by the law as being entitled to any share of his property. The government thinks its proposed three-year rule will better protect the financially weaker party.

Also, as the committee has decided to adopt the amendments moved by the Hon. Ms Lensink, domestic co-dependent partners will now be able to enter into legally binding arrangements from the very beginning of their relationship. They do not have to wait three years or five years for a cohabitation agreement (I think we have now called that a domestic relationships property agreement), but they can make one straight away that is immediately recognised by the law. Thus it seems unreasonable to require de facto partners whose relationship may be equally close, if not more so, to wait five years for legal recognition. This argument would restore the current law, that is, a de facto couple could apply for a property division after three years but must wait five years for other rights and duties. The government opposes this amendment, therefore, and supports the clause printed in the bill.

The Hon. R.D. LAWSON: I indicate that I am very attracted to the amendments moved by the Hon. Nick Xenophon, and I am entirely unconvinced by the explanation given by the government for its opposition. The arguments advanced by the minister for changing the existing requirement of living together for five years is unconvincing. We have to remember that this situation arises irrespective of the wishes of the party. This is a case where the law deems that a certain status will exist, that is, the status of putative spouse, as it was previously called, irrespective of the particular wishes of the parties. Of course, if they wish to adjust their property arrangements themselves voluntarily, they can do so. What we are here talking about is a situation where they have chosen either not to make a will, as they are perfectly entitled to do, or to arrange their affairs to meet their own particular needs. This is a regime that parliament imposes upon them.

I believe that parliament should be very reluctant to impose that sort of regime upon people. At the present time we do not impose it upon them until a fairly substantial period of time has elapsed—five years. The minister has not explained that that system has not worked well to date. He has mentioned that it is inconsistent with some other statutes, but those sorts of inconsistencies will persist. He says that persons who enter into a domestic relationship property agreement will be able to initiate that from the very moment they sign the contract: they do not have to wait for three years or five years or any other period. That is the essence of that arrangement: it is a voluntary arrangement that people enter into, and it operates from the very time they enter into it, just as a will has operates from the time you execute it, even though it may not come into force until the death of the testator.

I am entirely unconvinced by any need to change this existing provision. I am not aware that there was any great demand; there was no government policy to make this change. I admit that there was a government policy to make certain other changes, but there was no policy to undertake this review. I am not convinced that the fact that other states have adopted three years rather than five is a reason why we should—

The Hon. T.G. Cameron: As I understand it, many have.

The Hon. R.D. LAWSON: Many have. But I am not convinced that the simple fact that others—

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: The minister said, 'What about the Law Society's request for consistency?' These are the denizens of the leafy suburbs who drive the late model cars, who the Premier in his article in *The Bulletin* denigrates when he sees them clustered around the coffee shops in Gouger Street. So, suddenly, when it is convenient to the government, it starts saying, 'Oh, well, we will follow what the Law Society says.' However, as the minister indicated, the Law Society did not indicate a preference for three years or five years. It said that you should have consistency. All right, if it is consistency, we should stick with what we have, which is five years in relation to this provision. If we need to alter other provisions to ensure consistency, let us have a look at those, but I will be supporting the Hon. Nick Xenophon.

The Hon. T.G. CAMERON: I have not been persuaded by the arguments that have been mounted by the Hon. Nick Xenophon, nor do I believe that those arguments were added to by the contribution of the Hon. Robert Lawson.

The Hon. R.D. Lawson: At least I am consistent.

The Hon. T.G. CAMERON: No, the member is not consistent. I have known him to change his mind three times in one day. But he does not want me to go into the details of that now, does he? Consistency is something that, as far as I am concerned, the member is not known for.

My understanding of some of the reasons behind why laws were introduced to protect or to give benefits to de factos was the problems that were being created when de facto people split up. We all know (and this might not be agreeable to people such as the Hon. Nick Xenophon and the Hon. Andrew Evans) that one of the features of modern day life and modern day relationships is that many people make a decision to share a house together before they get married. Sometimes the couple views it as a trial marriage before they enter into a real marriage. I know that would be opposed to everything that the Hon. Andrew Evans would believe and support, but I think he knows me well enough to know that we can disagree but still maintain respect for the rights of an individual to have their belief systems.

One of the reasons why I believe this protection is in the statutes of parliament is that it was brought in to protect women from men who were exploiting them. That is, they would live with them for a number of years. They might own the house, perhaps, being the largest breadwinner, and the woman would move in, contribute towards the upkeep of the house for an extended period of time, care for it, maintain it and furnish it, etc. Four or five years down the track they have a blue and she finds herself turfed out on the street. Quite simply (and I defy anyone to disagree with me), when de facto relationships break up the financial losers are predominantly women. That is why I view the amendment put forward by the Hon. Nick Xenophon as a retrograde step for women who are living in de facto relationships.

There is no doubt in my mind that, if the government moves this (which is what it is intending to do) from five years to three years, it will provide greater protection for women who are living in de facto relationships. For some men, moving it from the three years (what it will become) to five years will mean that they have another couple of years to decide whether to turf their partner out before she meets the five-year statutory requirement. That is the sort of thing that goes on in the real world. I am not interested in having

a legal argument with the Hon. Robert Lawson—I have tried that before and he is too good for me. I am not arguing here; my reasons for supporting the government are not based on the legal niceties of it. Mind you, you nearly had me when you said that the Law Society was supporting this, but the Hon. Robert Lawson wound your position back somewhat from that. I cannot recall ever having received anything from the Law Society, so at this stage I am unsure who is absolutely correct on that.

God forgive me, but I have lived in a de facto relationship and let me assure you that modern women know their rights. They know that, at three years, if the man is a bit of a rat, they have some protection; that if he then turfs them out into the street they at least have some recourse through the legal system. The recourse that they have does not give them the right to wander off to the courts and say, 'I have lived with this man for three years; I want 50 per cent of the property that he owned when I moved there.' It does not work that way—and if it does then I am sure that the Hon. Robert Lawson will correct me. However, my understanding of it is that the courts have a total look at what transpired during those three years and they look at what contributions were made by the parties, and they make a judgment accordingly. The mere fact that a de facto relationship hits the threshold point of five or three years (which is what we are debating) does not automatically give that de facto partner—either a man or a woman—an automatic right to 50 per cent of the estate, or what have you. That is my understanding, although I am not an expert when it comes to divorce law.

I suspect that the Hon. Robert Lawson's decision to support this is more motivated by a conservative attitude towards these issues than arguments of consistency or anything like that. I must confess that, if the Liberal government wins the next election (and they are probably about 4:1 at the moment) and the Hon. Robert Lawson becomes the Attorney-General, I can take some small solace in the fact that he is not as conservative as his Liberal predecessor, Trevor Griffin. I can recall going to Trevor's office one day and talking to him about the Parliamentary Superannuation Act. I was then living in a de facto relationship and I was concerned that, if due to ill health something happened to me, my partner would not have any access at all to the parliamentary superannuation fund—and we were between three and five years.

I approached the Hon. Trevor Griffin and asked him whether he would consider supporting a private members bill that I was considering lodging to reduce the time period under the Parliamentary Superannuation Act from five to three years. I thought I might have had a bit of currency with him, because I think I had just supported him on a couple of bills. My now wife (the Hon. Andrew Evans will be pleased to know that we are now married) is from overseas, and I used to have to go backwards and forwards to see her until she was able to come out here to Australia. So, despite the fact that I had known her for a number of years, we had cohabited for only three.

The Hon. T.G. Roberts interjecting:

The Hon. T.G. CAMERON: No; we would be here for two weeks if we were to do that. We need to deal with my wife when she was my girlfriend, if you don't mind. We will not dwell on the others. I want to explain to the Hon. Nick Xenophon the view I have on this matter and why I urge members of parliament to support the government's position. Even though we had known each other for four or five years and had been in a relationship, she was overseas and I was here; so there was no cohabitation. We had cohabitated for 3½ years, and I got very worried about a health scare. It was cancer and it was positive. I think anyone when they get a positive test for cancer immediately starts wondering how long the Lord will allow them to live. That is what was crossing my mind: 'God, I will be dead within a year.' Trevor said no. If I had died, despite the fact that I had been in a relationship with my partner for three or four years and we had cohabitated for 3½ years, my now wife would not have got a penny from the parliamentary superannuation scheme.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. CAMERON: Not a penny. Well, we subsequently married, but not because I wanted her to have access to the parliamentary superannuation scheme, as the Hon. Nick Xenophon has implied.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. CAMERON: I am making a point here, and I am glad you raised it. The only way I could give her the protection to which I felt she was entitled was to get married. I did not get married for just that reason, but I will confess that it was a significant part of the reasons which motived my getting married.

The Hon. T.G. Roberts interjecting:

The Hon. T.G. CAMERON: Of course love; that goes without saying. I am sure that had I died and my wife had come to the Hon. Nick Xenophon, because I know he is a sensitive person with a heart as big as a football, he would have been touched by the difficult plight she was in. It would not have surprised me if he had taken up the cause to get superannuation for her. I am a little surprised. I am not sure whether the Hon. Nick Xenophon is being conservative here in wanting to stretch this out from three years to five years and from four years to six years. If the amendment is carried—and I say this sincerely, putting aside the different arguments the Hon. Andrew Evans will bring on this issue—over the next few years a lot of women who have been cohabitating with men for between three and five years will get turfed out on their backsides without a damned penny. What brings the men to heel in these situations is the knowledge that, if they do not reach an amicable settlement with their de facto partner, she will go to a lawyer and take him to court.

If the government's proposal succeeds, it will be a positive advance for women trapped in those situations. If the Hon. Mr Xenophon's amendment succeeds, I fear that in the years ahead women will get turfed out on the street. They will be women who have been cohabitating for between three and five years and they will be turfed out on their backsides.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. CAMERON: I think three years is the appropriate threshold because I think it is a positive step forward. I can see the Hon. Sandra Kanck looking at me and she is probably a bit puzzled, but I see this as a positive step for women. Reducing it from five years to three is a positive step for those women living in a de facto relationship. To me, it will create more equality in that de facto relationship between the man and woman. Under the honourable member's proposal, women caught between that three-year and five-year threshold could be out in the streets with nothing.

My recommendation is that, if the honourable member's amendment gets up, they all come and see either him or the Hon. Robert Lawson and say, 'Look: this is what's happened to me. I was living with this man for four years and 10 months and he realised that I was getting to the threshold

point of becoming a de facto and perhaps having some access to his property, and he has turfed me out on the street. What can I do about it?' At least those men who do those things will now have to act before three years rather than wait until five. They are some of the reasons why I will be supporting the government and not supporting the honourable member's amendment.

The Hon. R.D. LAWSON: That was a most eloquent submission from the Hon. Terry Cameron. Unfortunately, it is based on a complete misunderstanding of the current law. He gave the touching example of the lady with whom he had lived in a de facto relationship for three years but not five years. Under the De Facto Relationships Act as it stands at the moment, has stood for years and will not be changed, a person who has lived de facto for three years is entitled to make an application to the court and get a division of property that will be based on what the court determines is fair and reasonable. That is the existing provision of the De Facto Relationships Act.

That provision will remain, so we are not taking away any rights in relation to that. There is no move by the government or anyone else to change that to some shorter period of time. If this government were seriously interested in assisting those people, it could actually refer to the Family Court of Australia, as has every other state, the power of that court to deal with property issues at the same time as it deals with issues relating to the children of de facto relationships.

The Hon. T.G. Cameron interjecting:

The Hon. R.D. LAWSON: The other states have done that because at the moment the Family Court has jurisdiction over children.

The Hon. T.G. Cameron: What have they as cohabitation times?

The Hon. R.D. LAWSON: Three years. That is what exists in this law. What we are talking about—

The Hon. T.G. Cameron: If you're so consistent, support three across the board.

The Hon. R.D. LAWSON: What we are talking about here is not those relationships. We are talking about the provisions under an act called the Family Relationships Act, which deals with a different situation, that is, when you deem that certain persons at a certain time have a certain status, and under the present law in South Australia that is five years. I do not believe a case has been made for reducing that from the five years that currently exists. I want to emphasise that all the things the Hon. Terry Cameron was talking about, about the possible injustice to women who have lived with a man for three years, none of those rights are being taken away or adversely affected. They will be protected under this regime, and the Hon. Nick Xenophon has not sought to change that.

The Hon. G.E. GAGO: I want to make a brief contribution. The Hon. Terry Cameron will probably recall that, when the Social Development Committee was inquiring into the relationships bill, we received evidence from Mr Peter Hennessy from the Law Reform Commission of New South Wales. If I recall correctly, New South Wales has had a two-year cohabitation period for almost 20 years—it might be 15 or 16, or something like that—for spouses and de factos.

New South Wales has also had a two-year cohabitation period for same-sex couples and de facto couples for almost six years. Do not quote me on this, because I do not have the exact figures in front of me, but it would not be far out. So, they have had six years of legal experience. The honourable member may recall that we inquired of Mr Hennessy, in general terms, about any complications and problems with their system, and he certainly did not report any problems with this particular part of the legislation. He did not report any untoward consequences of that legislation—of course, they also have plenty of legal experience to base that on. He did not report any undue distress caused by any parties and association in relation to that two-year period. He did not produce any evidence to say that such a period of time produced any ambiguity in terms of legal terms or understandings, or any complications associated with that, and he certainly did not report any evidence to say that experience had undermined any institutions such as the family.

I believe we have evidence of legal experience in other jurisdictions that shows that it does not create any problems, and I believe that South Australia should move to a more consistent approach.

The Hon. J.M.A. LENSINK: I actually have a lot of sympathy for the retention of the five-year provision. This may be a very strange day in this parliament, when the Hon. Terry Cameron argues the case for the modern woman and I argue the case for the recognition of long-term relationships. However, as the Hon. Robert Lawson has pointed out, the De Facto Relationships Act relates to the division of property and other financial matters. So, in that sense, that provision has not been affected, and that is the one I am most concerned about. However, were the position reversed, I think I would be more inclined to support the retention of the five-year period.

When we examine what will be changed by this provision—as I understand it in the Family Relationships Act, we will replace the term 'putative spouse' with 'spouse or de facto partner' and issues such as, for instance, the right to veto cremation, the right to consent or refuse consent to organ donation, needing to declare things for conflict of interest provisions, and all those other things we have been talking about, I cannot object to that being three years rather than five. I have been sitting somewhere in the middle on this. I am still listening, but I must say that, on the basis of the arguments—

The Hon. Nick Xenophon interjecting:

The Hon. J.M.A. LENSINK: If they sign a domestic cohabitation agreement, they are in immediately.

The Hon. Nick Xenophon interjecting:

The Hon. J.M.A. LENSINK: Yes, the new term. They are a de facto couple and they are immediately covered. I am still listening, but it will be other provisions that will be affected. I cannot see any reason why that should be five years and not three years. If a de facto couple has been living together and one of them dies, why should the de facto who has been living with the deceased for three years not have a right to say whether or not their body is cremated?

The Hon. A.L. EVANS: When it comes to relationships, the most important thing is stability. Mr Cameron raised some interesting points which indicated his concerns. But in society overall, if we are going to have a good and peaceful society, we must encourage stability in relationships as much as possible. For example, in Australia today, there are a million children without fathers, costing us $13 billion a year. If you set a five year limit, as Mr Xenophon is suggesting—

The Hon. Nick Xenophon: Status quo.

The Hon. A.L. EVANS: —status quo—it gives people in new relationships time to work their way through the difficulties and adjustments that take place in relationships and to get over the hump of those first few years when

breakdowns can occur. Having a five year arrangement, I think, encourages stability. If you look at what we are trying to get at, what we are trying to do, how we are going to have a better society, how we are going to have better children brought up in society, how we are going to stop delinquency and stop kids going on drugs and all that, the records show clearly, without a shadow of a doubt, that where there are stable, peaceful home relationships of long term it is the best place to bring up your children in this world.

So, I support Mr Xenophon's amendment because I believe it helps couples to work their way through. We could all share stories of our early years of marriage, our first couple of years. I have been married for 43 years now, but I am almost embarrassed to say that I can remember that during my first six months in marriage my wife got so angry with me on one occasion that she actually threw the Bible at me. She would never do it now. She hit me and I went quiet for the rest of the day.

The Hon. Nick Xenophon: Was that a Bible bashing?

The Hon. A.L. EVANS: It was the book closest to her so she up and, wham! She has never done that since, and our relationship has got better as the years go by. It has become smoother as we have begun to understand each other and each other's moods and what gets each other aggro. So I am for anything that can bring stability. I think the great goal we should be aiming for in this place is how we can slow down the breakdown. You will never totally stop it, but how can we slow down things and bring more stability? If we do not, we will suffer as a nation. That is why I support Mr Xenophon's amendment.

The Hon. SANDRA KANCK: The South Australian Democrats believe what the government is doing is eminently sensible, and we do not support the Hon. Mr Xenophon's amendment.

The Hon. R.D. LAWSON: I would like to clarify a point I made to the committee earlier in relation to the jurisdiction of the Family Court, because insurance has been raised as a matter in this discussion. As between married spouses who are unable to agree on the division of property, the Family Court has jurisdiction to make orders in relation to superannuation matters, even though those policies might not yet have matured. Under the South Australian De Facto Relationships Act, our civil courts do not have that same jurisdiction. Other states have referred to the Family Court that jurisdiction in relation to de facto couples, so that when a de facto couple goes before the Family Court in another state they are able to have an order which deals with the superannuation and insurance entitlements. In South Australia that simply cannot be done. The point I am seeking to make is that, if this government was truly interested in reforming that area of the law, there are avenues to do that. I think that it should, but it is notable that it has chosen not to here. I will be supporting the status quo.

The Hon. T.G. CAMERON: I am indebted to the Hon. Michelle Lensink for her contribution because a point that she raised has got me thinking. She said that one of the issues that would be affected by this is the need to declare a conflict of interest. I am no QC and I have not been moved one inch by the Hon. Robert Lawson's legal arguments, but be that as it may I am interested to explore this question of a declaration of a conflict of interest because it seems to me that one of the things that we really need to look at in a society such as ours is what I call white-collar crime involving people who find themselves in positions of trust. They could be councillors, for example. One only has to have a look at what is going on up on the Gold Coast at the moment to realise the conflicts of interest that can occur with councillors making decisions on issues like rezoning.

If we support the Hon. Nick Xenophon's argument, you will not need to declare that you have a conflict of interest until you hit the five-year threshold. I am just wondering whether that might encourage people who find themselves in a position where they will have a conflict of interest the moment they, under your proposition, hit that five years, whereas under the government's proposition they would hit that threshold at three years.

I believe that, perhaps in a roundabout way, it can be argued that to support your proposition might allow some of these white-collar crooks to exploit that because they are not going to hit a conflict of interest proposition until five years whereas earlier they would have hit it at three. I can also envisage some people, knowing that they have five years before they hit a conflict of interest position, deferring a decision to get married. In other words, if we had a three-year position, a three-year threshold, at the end of three years some people might say, 'Well, we're caught by this conflict of interest provision anyway; we'll get married', whereas under your proposition they would have an extra two years to wait and perhaps be ripping off the system because they are living with a de facto and not declaring it.

The committee divided on the amendment:

AYES (8)

Dawkins, J. S. L.	Evans, A. L.
Lawson, R. D.	Lucas, R. I.
Redford, A. J.	Ridgway, D. W.
Stefani, J. F.	Xenophon, N. (teller)

NOES (9)

Cameron, T. G.	Gago, G. E.
Gazzola, J. M.	Gilfillan, I.
Holloway, P. (teller)	Kanck, S. M.
Lensink, J. M. A.	Sneath, R. K.
Zollo, C.	

PAIR(S)

Schaefer, C. V.	Reynolds, K.
Stephens, T. J.	Roberts, T. G.

Majority of 1 for the noes.

Amendment thus negatived.

Progress reported; committee to sit again.

LOCAL GOVERNMENT (LOCHIEL PARK LANDS) AMENDMENT BILL

The Hon. A.J. REDFORD: I seek leave to make a personal explanation.

Leave granted.

The Hon. A.J. REDFORD: In my contribution earlier this afternoon about the Adelaide Parklands, I omitted to mention that I am currently a member of the South Australian Jockey Club. I apologise for that.

HANSARD

The PRESIDENT: As to the question asked today by the Hon. Mr Lucas in respect of the responsibilities of Hansard, I have conducted an investigation. I have had a conversation with the minister. My advice is that Hansard policy is to allow changes, but those changes are limited to matters of fact, spelling, grammar or syntax. Hansard changed the word 'lease' to 'release' in the belief that this

was a minor change of fact. It now appears that the change was more significant than Hansard originally realised. The *Hansard* report will be corrected to reflect the exact words spoken. The audio has been checked to confirm those words.

In respect of the other part of the question, the words 'in conjunction' were added before the words 'with the Assemblies of God community' in the belief that this was related to amplification of the fact. Likewise, this was confirmed against the audio.

SITTINGS AND BUSINESS

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That standing orders be so far suspended as to enable the sitting of the council to be extended beyond 6.30 p.m. to enable the business of the day to be completed.

Motion carried.

METROPOLITAN FIRE SERVICE

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I seek leave to make a personal explanation.

Leave granted.

The Hon. CARMEL ZOLLO: On 7 November 2005, I answered a supplementary question from the Hon. Julian Stefani regarding the purchase of land and the building of a new Paradise fire station. On reading my answer in the rushes I saw that I had made a slip of the tongue when I used the word 'lease' in my answer. Quite clearly, the land is not to be leased, and this was clear in the context of this answer about the cost of the project. Also, the amount of money that I referred to included the land and the building. The corrections that I requested of Hansard reflect this understanding.

I used the word 'release' in the correction I asked of Hansard after seeing the rushes. It is within my delegation as minister to sign contracts and release funds for such purchases. When I said that I had not yet signed the lease, I was in fact referring to the property contract. I have since spoken to the Deputy Leader, Hansard who has advised me, as you have just said, Mr President, that they can make minor changes of fact, spelling, grammar or syntax. I certainly consider these minor changes of fact. It was clear within the question and my answer that we were discussing a sale of land and the building of a station, not the lease of a property. Hansard made the changes accordingly and, as all members know, it is within Hansard's discretion as to whether or not the changes are made.

I also referred in my answer to the media release which I put out on Thursday 27 October 2005 regarding the two new fire stations and the tender process for building these. It was apparent to anyone listening to my answer that the stations were to be built, not leased. I believe that all members knew that the subject of discussion was the sale of property and a building and, therefore, I did not consider the changes of any substance, but simply a matter of clarification. For the information of honourable members, I will be shortly signing the contract of sale for the land to be purchased for the Paradise station. The purchase is from the Paradise Community Church trading as the Assemblies of God. I am advised that the land sale price is $1.075 million. This will allow the building of the station. The total cost of this project is anticipated to be, as previously advised, $4.4 million.

Hansard has also informed me that, after listening to the tape, they removed the words 'in conjunction' from the answer. I did not add the words 'in conjunction'. They were quite possibly a syntax change added by Hansard and may reflect how Hansard sometimes handles the obvious difference between the spoken and written word to make it readable. This provides an example of the reasons why *Hansard* is open to correction. It was certainly not my intention in any way to change the meaning of what was clearly being discussed, and I unreservedly apologise to the chamber for any concern or confusion that these *Hansard* corrections have caused.

SELECT COMMITTEE ON THE LOCAL GOVERNMENT (LOCHIEL PARK LANDS) AMENDMENT BILL

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to move a motion without notice in relation to the Lochiel Park Select Committee.

Leave granted.

The Hon. R.I. LUCAS: I move:

That standing order 389 be so far suspended to enable the chairperson of the committee to have a deliberative vote only.This council permits the select committee to authorise the disclosure of publications it thinks fit of any evidence presented to the committee prior to such evidence being reported to the council and that standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves that they shall be excluded when the committee is deliberating.

By way of explanation, they are the normal provisions which we forgot to move when we established the select committee earlier. My apologies.

Motion carried.

ADJOURNMENT

At 6.34 p.m. the council adjourned until Monday 21 November at 2.15 p.m.