

WITNESSES:

SODY, SHANE, President, Adelaide Park Lands Preservation Association Inc.

MUGAVIN, DAMIEN, Secretary, Adelaide Park Lands Preservation Association Inc.

1083 The CHAIRPERSON: We have two very experienced witnesses with us today, so I won't need to explain very much at all. We have Mr Shane Sody, the President, and Mr Damien Mugavin, the Secretary, of the Adelaide Park Lands Preservation Association. Will you be making an opening statement, gentlemen?

Mr SODY: Indeed, yes.

1084 The CHAIRPERSON: I will just read this little blurb they require me to read to you as witnesses and then we will kick off. The Legislative Council has given the authority for this committee to hold public meetings. A transcript of your evidence today will be forwarded to you for your examination for any clerical corrections. Should you wish at any time to present confidential evidence to the committee, please indicate that that is your wish and the committee will adjudicate on that request.

Parliamentary privilege is accorded to all evidence presented to a select committee; however, witnesses are reminded that privilege may not or does not extend to statements made outside this meeting. The same blurb as before applies to the camera operator. Welcome, gentlemen. Who is going to make the opening remarks?

Mr SODY: I will. Thank you for the opportunity to present here today. Before getting to the proposed Adelaide Oval, I have just a few words about our organisation and holistic perspective on the Adelaide Parklands. The Adelaide Park Lands Preservation Association (APPA) was founded in 1987 as a non-profit community-based organisation. We call it a watchdog to guard Adelaide's greatest treasure: the unique open spaces of the Parklands, which include the city squares. We are an incorporated association with a paid membership, an annual general meeting, audited accounts and so on. We summarise our function as being a focal point for South Australians to help in the preservation and restoration of Colonel Light's visionary gift.

Apart from current campaigns about specific issues, such as the Adelaide Oval hotel, APPA has three ongoing unique activities designed to focus community attention on and raise awareness of the rarity, beauty and world importance of the Adelaide Parklands. Those regular activities are the biennial Adelaide Park Lands Art Prize; the Park Ambassadors program, with guided walks through the Parklands once a month; and the provision and maintenance of online resources to encourage the community to discover and explore the Parklands, including self-guided walking trail guides and the Adelaide Parklands photo of the day and video of the month.

Moving to the Parklands themselves, it may not be generally realised that they were a world first and also the world's only—totally unique. They are the world's first because they were the first public park. As documented in the book *Anticipating Municipal Parks* by Donald Johnson, the sort of land that we think of today as a park was the type of land that, in the developed world up until 1837, was held and accessible only to landed gentry—nobility, lords of the manor or their private guests. There were no parklands available to labourers, the working class. Recall how long ago this was.

1085 The CHAIRPERSON: Sorry, Mr Sody. Weren't there things called 'the commons' that were available to all?

Mr SODY: Not as parks; the commons were farmed. Not long before this, the Industrial Revolution had occurred, bringing masses of rural people streaming into dirty, crowded cities. In the year the Parklands were founded, 1837, slavery was still happening in the United States. Slavery had been outlawed in the British Empire only four years earlier, 1833. Women did not have the vote anywhere in the world. They wouldn't get it even in South Australia until almost 60 years later. At that time in Britain, anyone who was not Church of England faced active discrimination in employment.

In this climate, social reformers of the 1830s in London were promoting a radical idea: that it would be good for the working classes to have access to nature. In the UK, pamphlets were published encouraging the idea of trying out this plan, perhaps in new colonies. Colonel Light read those pamphlets and agreed with the sentiment. After he surveyed Adelaide's Parklands in 1837, the world's next public park was in Merseyside, a full 10 years later, in 1847.

Of course, Adelaide is not just any park. The colony of South Australia was founded by what has been characterised as a combination of land speculators and idealists. For the idealist, it has been described as a paradise of dissent. The city was conceived as if it really could be a paradise, especially in comparison with the convict settlements in other Australian colonies. As befitting the concept of a paradise, the Parklands were not intended to be merely token patches.

Adelaide was, in 1837, and still remains the world's only city that is built inside a park. It's not a loop or a circle; it's a figure eight that wraps around both the city and North Adelaide. It has been arbitrarily divided up for convenience into 32 separate parks in six squares and each of them has a name and a number. Adelaide Oval is inside Park 26, which has the Kaurna name Tarntanya Wama, meaning Adelaide Plain. We shouldn't lose sight of the fact that Park 26 is merely a section, like a piece of a jigsaw puzzle, of one fantastic and much larger treasure: the garland of the entire Adelaide Parklands.

The Adelaide Parklands are twice as big as Central Park in New York, about four times larger than Centennial Park in Sydney and more than 40 per cent bigger than Australia's next largest urban park, Kings Park in Perth, but their area of about 700 hectares is dwindling, especially in the middle part of that figure eight, between the city and North Adelaide. Much of it has been built over, especially along North Terrace, where virtually none remains.

That brings me to the crucial issue—the underappreciation of this world unique treasure or what might perhaps be characterised as the 'familiarity breeds contempt' syndrome. I don't often quote scripture, and I won't quote this one, but there is a passage in the Gospels quoting Jesus about a prophet being accorded honour except in his homeland. The idea is that a wise person might be appreciated from afar but generally not where he or she lives.

Of course, it's not just prophets or wise persons who suffer that fate; you can take that thought and apply it to the notion that we can travel the world looking at exotic sites without ever appreciating what we have at home. Many of us would love the chance to see cultural or natural treasures in far-flung places. It's perhaps a natural human tendency to believe that when we have travelled a long way what we see when we get there is of more value or incomparable to what we have at home.

The flipside of that natural tendency to perceive something far away as better is that familiarity breeds contempt. I have seen on TripAdvisor reference to a hotel perched on the very edge of the most fabulous views of the Grand Canyon offering terrible, substandard service and accommodation, apparently maintained by people who don't give a damn. If you woke up to the sight of the Eiffel Tower every day, you would probably find it boring, yet of course tourists go right around the world to see it.

As already mentioned, we have the only city in the world built inside a park. Think about that in terms of world significance. None—no other city in the world—can boast what we have. It's truly unique, really an accident of our history—we can't take credit for it, not anyone living today. No city could afford to emulate us if they tried. Unfortunately, we seem not to care, at least not sufficiently. Protecting the Parklands seems to go in and out of fashion.

For many decades, we seem to protect them, then occasionally we get a series of decisions, usually by the state government of the day, that reflect little or no regard for this heritage and several slices of the Parklands are lost in rapid succession. The 1980s was such a time, as was mentioned briefly just earlier. The Adelaide Station and Environs Redevelopment (ASER) produced the Hyatt Hotel, the Convention Centre, the Riverside building and more car parking, all on land that was once Parklands.

After that series of assaults in the 1980s, Parklands losses slowed somewhat. We had, in the first decade of the 21st century, perhaps a small renewed appreciation of the Parklands, which gave us the Park Lands Act, the Park Lands Management Authority and, in 2008, National

Heritage Listing—recognition by the commonwealth government at least, of the importance of this treasure.

Later this week, on Thursday evening, the Park Lands Authority will be requesting a budget item for the coming financial year to fund a push for world heritage listing. However, in spite of the national and world significance of these Parklands, we still do not have state heritage listing of the Parklands. It was only last December that the State Heritage Council recommended that that occur, but nothing has occurred yet on the basis of that recommendation.

Of course, while effective protection is lacking, the Parklands are subject to a never-ending stream of ad hoc decisions that erode them or their integrity time after time. This committee is looking at just one thought bubble that would impact on one park, Park 26, but it's not an isolated example. Especially in the past decade, ironically, roughly since the ineffective national heritage listing was achieved, Parklands protection has been lacking.

In recent rapid succession, in the past decade alone, Parklands have been lost or ignored to facilitate two new high school buildings—an extension to Adelaide High School on West Terrace and the new one, Botanic High School, in Park 11—an entire biomedical precinct on North Terrace within Park 27, tripling the size of the Convention Centre in Park 26, an office tower/restaurant/shopping complex/casino/hotel currently under construction on Festival Plaza that is part of Park 26, the old RAH site in Park 11 that is misleadingly rebadged as Lot Fourteen as if it were not Parklands—there is a legislative requirement to produce a report on how the old RAH site might be returned to Parklands, but the government has ignored that legislative requirement—the O-Bahn of course emerging in Rymill Park (Park 14) and now plans for a hotel to be attached to Adelaide Oval in Park 26.

I will resist the temptation to add to the list the multiple additional proposals that have been floated recently, including the Crows in Park 2. Because that is just a proposal at the moment, we will leave it aside for now. Suffice to say, in the past decade, the world unique asset that the city enjoys has been under assault like never before.

Now there is the hotel. Although the Oval is part of Tarntanya Wama (Park 26), it's legally exempt, as you have already heard, from some of the provisions that govern other parts of the Parklands. Under the Adelaide Oval Redevelopment and Management Act 2011, the Parklands Management Strategy, to which the state government and the council are required to contribute, does not apply to the core leased area. Nevertheless, the core leased area isn't owned by the Stadium Management Authority, nor is it owned by the state government. It's part of the Parklands under the care, control and nominal management of the City of Adelaide, although, of course, the leasing and subleasing arrangements have really cut the council out of the picture.

I have been asked numerous times, and I expect to be asked today, why our association would object to the proposed hotel given that, according to the released plans, the proposed hotel would not extend the footprint of the Oval further into the Parklands than the Oval already intrudes, and the answer is very simple: it's because this land is a park.

We have land use planning laws for very good reasons. No-one is permitted to put a service station or an office block in a quiet residential street. There are residential zones and there are commercial zones. There are light industry zones, heavy industry zones, and so on. Why do we do that? There is substantial value in preserving the amenity. That phrase is used a lot in development law. Preserving the amenity of an area is allowing land uses that are consistent with uses that are permitted on adjoining land. Very simply and very obviously, a private hotel is not consistent with a public park.

I can't put a hotel on top of my house. Why not? It would annoy the neighbours. It wouldn't be a residential district then. It wouldn't be consistent. It should be just as obvious that a hotel would be out of place and inconsistent with a park. The moment you put a hotel in a park, it stops being a park. It's a commercial zone. There are many places where a hotel might be built. Commercial land could be obtained in the city or North Adelaide, but not on Parklands. A hotel on the site of Adelaide Oval would forever change the peaceful character of Cresswell Gardens, Pennington Gardens and Stella Bowen Park, all alongside the Oval within Tarntanya Wama.

The stadium itself is an alienation of the Parklands. It's a private building, as the playing surface is off limits to the public and most of the rooms surrounding it are as well. It's the playing home of multimillion dollar sports franchises. Although the stadium itself is a Parklands alienation, one could argue that sport, even professional sport, is a land use typically associated with parks. The noise and inconvenience to other park users is mostly restricted to game days, but a hotel is very different. It exists solely to make a profit; it's a commercial enterprise 24 hours a day, seven days a week. We submit that it cannot be allowed to leach off a Parklands site for that purpose. Transforming a sporting arena into a hotel site is overreach. That's our basic, fundamental position.

There are many other reasons to question the proposed development but all others are subservient, in our view, to the one I have just mentioned. A private hotel does not belong in a park and especially not in a world-unique national heritage listed park. Approving it would show, if not contempt, at least a breathtakingly callous indifference to the treasure the city inherited 182 years ago. To return to the topic of national heritage listing, only yesterday we were advised of the fact that the national heritage listing of the Parklands would not be a trigger to prevent this ill-conceived project.

That decision was not a surprise because the federal environment department also showed no interest in using the national heritage listed status of the Parklands to prevent any of the earlier recent attacks that I mentioned. The heritage assessment process under the commonwealth's Environment Protection and Biodiversity Conservation Act is a toothless tiger. That's why our association has joined with 55 other similar conservation groups around Australia in the Places You Love Alliance. The alliance will be campaigning in the current federal election for stronger federal laws to prevent concepts such as this one damaging national heritage areas.

Let me touch briefly on two other reasons: illegality, which has been raised before, and the failure of government to fulfil its proper role. On my reading of the Adelaide Oval Redevelopment and Management Act, the proposal is illegal. At section 4(4), the stadium must be a sporting facility with 'other uses being allowed on an ancillary or temporary basis from time to time'. Plainly, a hotel operating 24/7 would exceed that limitation.

Second, there is no support within the Stadium Management Authority's constitution to engage in hotel construction, leasing and/or operation. Third, the state government has breached section 8 of the Adelaide Oval Redevelopment and Management Act by last November giving in-principle support, a de facto effective financial guarantee, for a \$42 million loan more than a year before a statutory prohibition on such a loan was due to expire on 1 December this year.

That brings me to the final point about failure of government. This project was conceived in private discussions between senior ministers, including the Premier and the officials of the Stadium Management Authority. No independent advice as to the wisdom of this project was sought or obtained. All stakeholders, other than the Stadium Management Authority, were excluded from discussions until after the deal was unveiled last November. As you have already heard, neither the Lord Mayor nor the council were invited even to comment while the scheme was hatched in private.

It's apparent from the evidence that has emerged before this committee already that the state government would appear to be beholden to or captured by the Stadium Management Authority. Rather than protecting the public interest in preserving the parklike nature of the locality, the state government has seen only an opportunity to ingratiate itself with the SMA and risk taxpayer money on an ambitious empire-building exercise. It's sometimes wrongly reported that the Adelaide Oval is jointly run by the SANFL and the SACA. That's not the case. SACA and SANFL have the right only to appoint four members each to the SMA board.

SMA board members have a role under their constitution to develop and promote football and cricket but that does not require assigning income to any other body. Under corporate law, common law, the SMA directors have a fiduciary duty only to the SMA itself. The scheme setting up the SMA and its constitution is defective in that it guarantees the SMA must become what it has in fact become—a grasping corporate entity concerned to enlarge itself, its influence and its income stream.

Arguably, the SMA directors ought not be criticised for seeking to do what they are obligated to do—to put their corporation first. However, one can be critical of a government that

allows that to happen, that fails to protect the public interest, that fails to push back on the wish list of the SMA and its barrackers. The appropriate role of government is to govern, and that means balancing sectoral demands against a broader public interest.

Disappointingly, though, the opposite has occurred with this project. The government has been uncritically eager to give in to what should have been merely dismissed as an outlandish ambit claim. I read in a newspaper article, so I cannot vouch for the veracity of this information, that the SMA has 17 executives who are paid an average of \$184,000 each just to run a sportsground. If that is the case, it's even more outrageous that the state government is allowing this bloated entity to threaten to withhold funds from grassroots sport unless it is granted the opportunity to put a hotel on Parklands.

In summing up, the Park Lands Act provides that sites in the Parklands should be held for the public benefit of the people of South Australia. By definition that would undermine a claim by sectional private interests such as we are discussing here. Our organisation is sometimes characterised as fuddy-duddies or Luddites who are opposed to so-called progress in the Parklands. We supposedly lack vision about what could be built on them. On the contrary, we're not opposed to public uses of Parklands but to long-term private sectoral uses that exist solely to lock out non-paying customers.

We do have a very clear vision which we publish, and it is on this that I will finish. Our vision is: in a crowded world with more and more people squeezed into megacities, the world of the mid-21st century will come to prize and glorify the last remnants of open space that still survive in any of those vast urban concrete sprawls. In this overcrowded future, open space will be a rare jewel and in that world the city with the most abundant treasure trove will be Adelaide.

Then, as now, Adelaide will still be the only city in the world surrounded by open Parklands. Tourists from all over the world accustomed only to tiny crowded parks or no parks in their home countries will come to revel and enjoy the untold riches that we, in our wisdom, would still have preserved more than 200 years after the founding of our city. I am happy to take questions.

1086 The CHAIRPERSON: Thank you, Mr Sody, for that passionate rendition of your organisation's views on this matter. Can I take you back to your second to last point in your oral submission, and I think it's page 2 of your written submission. It is the apparent illegality of expenditure by the government in relation to advancing or at least advising that they will be approving the \$42 million loan guarantee prior to the expiration of the financial permission given in the legislation for the government to provide funds to the Oval redevelopment.

Treasury tell us that in their view they are not paying the money until after the expiration of that period and therefore it is legal. You say the reported approved \$42 million government loan guarantee is therefore ultra vires and it should not proceed. Can you expand on that and explain to me why your position is superior to the Treasury's position, or why you think it might be?

Mr SODY: The minister with responsibility for the Adelaide Park Lands Act is the Hon. Stephan Knoll and he is on the public record as saying that the bridging finance that was being offered by the Commonwealth Bank was conditional upon knowledge that the state government would pick up the tab from 1 December. If that knowledge was so certain as to persuade the Commonwealth Bank to outlay the money, then the guarantee has effectively been made even if it's couched in different terms. That's my interpretation of it; I'm not a lawyer.

1087 The CHAIRPERSON: That's the usual caveat we non-lawyers give. Are you aware of any instrument—any written or financial instrument—that the government provided to the SMA or the Commonwealth Bank to secure that guarantee?

Mr SODY: I'm not.

1088 The CHAIRPERSON: Or the bridging finance, I should say.

Mr SODY: I have seen some of the documents that have been presented to this committee but, no, I don't think I could—

1089 The CHAIRPERSON: So absent such a document, it's pretty hard to maintain, isn't it, that the government has done anything illegal? It maintains that it is waiting until after the expiration

period that's in the legislation before it hands over any cash, and that's sufficient to discharge its responsibility on the legislation. You say it slightly differently.

Mr SODY: The SMA I believe was saying just yesterday that they intend to start construction in June. In reliance on what, I ask?

Mr MUGAVIN: Can I just add something, Mr Chair?

1090 The CHAIRPERSON: Certainly.

Mr MUGAVIN: I think if you look carefully at the evidence given by the Commonwealth Bank, and you had to ask them further questions, they were obstructionist to really getting to the bottom of how they came to be giving this bridging loan.

The absence of anything in writing or email or something does not in itself excuse them for, if you like, transgressing section 8. It actually uses the term 'the government or any other person'. Effectively, I understand the Commonwealth Bank are now required to answer particular questions that you place before them, and I think if you read them carefully, presuming that they are fully transparent, they did have communication between probably the minister and themselves as to where the money would come from subsequent to the bridging loan. I think they almost said that in their evidence, but not quite.

1091 The CHAIRPERSON: I think the Commonwealth Bank might say that they were protecting the private financial interests of their client, unsurprisingly.

1092 The Hon. D.G.E. HOOD: Gentlemen, thank you for your evidence today. I should disclose that I am a North Adelaide resident and have been for some time. I share some of your views, I would say, about the Parklands, not all. To turn specifically to your evidence today, can I just be clear about your position? Did your organisation oppose the most recent redevelopment of Adelaide Oval five or six years ago?

Mr SODY: Adelaide Oval has been redeveloped multiple times since 1878. I was not a committee member of the association in 2011. I would have to take that on notice.

1093 The Hon. D.G.E. HOOD: You are not aware of the position?

Mr MUGAVIN: Yes, I can answer it, Mr Hood. At the time, like the council, we had several reservations about it. Essentially, we were concerned that extensive areas of park 26 were being taken over, particularly for car parking. I don't know if you recall that at the time that proposal included Pinky Flat. We expressed strong reservations about that, and in the wash-up everyone saw the sense: that car parking is a management issue, and that Pinky Flat should not be used as car parking.

There were one or two other issues we mentioned in the public arena. One of them was demolishing what was then the Bradman Stand, which was a relatively new stand. We thought it was an elegant addition to the Oval at that time and yet it was being brushed aside.

The other thing we pointed out was that the crowd capacity at West Lakes on a full capacity day when it's jammed to the gunnels is about 40,000 people. The Oval proposal had an ambit of 55,000 people, and we thought for the addition of 15,000 people, spending half a billion dollars was a very questionable proposal. Some of our members thought that it was ridiculous, and others said 'Yes, but it's in the city and it will improve the facilities.'

1094 The Hon. D.G.E. HOOD: Can I just be clear? In the end, where did your organisation land? Did you support or oppose?

Mr MUGAVIN: We didn't do either. We expressed our reservations about particular aspects of it, but we didn't publish anything or campaign about it.

1095 The Hon. D.G.E. HOOD: And did the organisation have an opinion on the footbridge?

Mr MUGAVIN: I don't recall, but we saw the sense of the footbridge eventually, because it meant that people could access the whole area by public transport.

1096 The CHAIRPERSON: I think from memory it was the Liberal Party that opposed the footbridge. We might have to check the records.

1097 The Hon. D.G.E. HOOD: And what about the TreeClimb, for example. This is not specifically Adelaide Oval, but it is a commercial development. Does the organisation have a position on that activity?

Mr SODY: Indeed; that is a very good question. When it was floated at the end of 2017, we expressed the view that getting especially young people—it tends to be mainly young people—up into the treetops to get great views of the city and the Parklands was a wonderful thing to do. We were very supportive of that. We suggested to the city council that, given that there was a need for office administration storage facilities, that that could be located off the Parklands, and indeed I think there might still be vacant office space directly across Greenhill Road, which would have been appropriate. So, supportive of the TreeClimb activity itself, not so much the building that is equivalent to three shipping containers that has been erected there.

1098 The Hon. D.G.E. HOOD: I just want to pin that down in the last couple of questions, if I may. This is one thing that troubles me. Clearly, that is a commercial operation in the Parklands, yet my understanding is that with organisations like yours—and forgive me if I am misreading you—one of the reasons for your opposition to the hotel, for example, or indeed the redevelopment of the oval or other commercial activities in the Parklands, is that they are commercial in nature, that is, that they make a profit for an individual organisation. Why should we categorise TreeClimb (and no doubt there are other examples) as being any different?

Mr SODY: TreeClimb doesn't exclude people from walking underneath the trees. In regard to buildings on the Parklands, there is a scale. There are degrees of acceptability or unacceptability, depending on how large, how intrusive, how incompatible with the Parklands the proposed usage is, and a commercial hotel is at one end of that spectrum and the TreeClimb facility is at the other end.

1099 The Hon. D.G.E. HOOD: So what about things like the restaurant on the South Parklands, and those sorts of developments? What would be your view on those?

Mr SODY: Again, it is a matter of degree and extension of the footprint and, in alignment with pretty much what Councillor Anne Moran was saying earlier, both the degree of alienation and the compatibility with the Parklands use. If it is enhancing the Parklands use, it is of less concern than, for example, a multimillion dollar hotel.

1100 The Hon. D.G.E. HOOD: Can I just pin you down on the actual site on the southern Parklands. It used to be called Pavilion on the Park; it has a new name these days. Do you support its operation, or is it something that in an ideal world should not be there?

Mr SODY: The TreeClimb facility?

1101 The Hon. D.G.E. HOOD: No, the restaurant on the South Parklands.

Mr SODY: The Pavilion on the Park in Veale Park, Park 21, as Parklands alienations go, it is much less bothersome or intrusive than much larger ones. We would prefer smaller, more—

1102 The Hon. D.G.E. HOOD: You don't have a formal position?

Mr SODY: We haven't taken a formal position on that per se. There are approximately 200 alienations of the Parklands, and we don't take formal positions on all of them.

Mr MUGAVIN: Can I add to that, Mr Hood? In the normal course of events somewhere like Pavilion on the Park is assessed against a multitude of statutory and regulatory processes. They cannot just dream up expanding further into the Parklands. I have followed this; I was formerly a member of the Park Lands Authority, and several times business came requesting exactly that, and they were told, 'These are the management guidelines, the planning scheme that applies,' and so on. The real problem with the hotel is that the core area has been—

Mr SODY: Disinfected by the Park Lands Management Strategy.

Mr MUGAVIN: Disinfected. Unlike Mr Stephens, suggesting that the SMA are not breaking any law, the reason they are not breaking any law about development in the Parklands is that there are none. The core area is totally—as you say, it is almost an independent republic like Hutt River province, literally. Even the government cannot, without changing the act, tell them what to do or not do.

1103 The Hon. T.J. STEPHENS: Can I just interrupt? Mr Mugavin, my point was more that the government weren't breaking any laws or going against any of its legislative requirements. I wasn't so much talking about the Stadium Management Authority. I just want to clear that up. That was the intent of what I was saying.

Mr MUGAVIN: I would like to go a bit further with that. SACA, recently, over the last couple of years, have redeveloped the West Parklands area that they have been using.

Mr SODY: Narnungga (Park 25).

Mr MUGAVIN: Park 25. That required them to go through a very detailed process including a planning permit, the APLA approval and so on. At one stage, APPA—us—were of the view that SACA were getting too good a deal and we pursued that right to the detail of the leases that they were being offered. So, in the normal course of events, most organisations need to get, as it were notionally, the community's support to do these things. In the case of the management authority, they are a law unto themselves. In our submission, we have suggested that now that the stadium is up and running, the act really does need to be changed.

We are of the belief that there should be a Stadium Management Authority that includes the minister, includes one or two councillors, and includes community representation. We also believe that it should be constituted in the normal expectation of these days. It is totally a white, Anglo-Saxon male bulwark. It is completely out of touch with community values. I can give you a particular example: you would think at the stadium area within the stadium ambit, somewhere, even if it was next door in the tennis area, there would be childcare facilities. This is supposed to be a family-oriented recreation and sport facility. All they seem to be concerned about is how they can monopolise the price of beer, and that is very typical of an unrepresentative authority-maker.

1104 The Hon. F. PANGALLO: A childcare centre is a good idea. Maybe you should drop that to the developers. Thank you for coming in today. I commend you for being a watchdog for our public Parklands. Do you have any views of the change of governance in APLA?

Mr SODY: The new people who have just been appointed?

1105 The Hon. F. PANGALLO: Yes.

Mr SODY: No, we've taken no position on that. The act gives us the opportunity to nominate a list of three people, from whom the minister will and has chosen one. I know there has been quite a bit of controversy about the fact that several sitting councillors were dropped and the people who have been appointed are supposedly—I am not sure about the extent to which they have particular skills and qualifications; that is supposedly a given. I would prefer to let the new authority do its job and perhaps judge how effective they have been after they have made some decisions. Their first meeting is in two days' time.

1106 The CHAIRPERSON: It falls to me to ask a final question, and it comes to this point of legal advice. You are encouraging us, as a select committee, to seek some advice in terms of an ancillary basis and the powers of the minister to override the act, I imagine. I presume that you have not sought any legal advice yourself beyond your capabilities?

Mr SODY: Indeed we have. We were quite disappointed that the legal advice that the council obtained was not released to the public, but I understand that's the position. Through a solicitor, we have contacted a barrister. The barrister is drafting an opinion for us.

1107 The CHAIRPERSON: When you see that opinion from the barrister, I'm wondering if you could either share it with us or give us a summary of that view because legal opinions are very thin on the ground in this area. I would find it helpful.

Mr SODY: Indeed, I can imagine the committee would find it very helpful. I have been told by the barrister that it will be available tomorrow evening.

1108 The CHAIRPERSON: Very good.

Mr SODY: We have a committee meeting the following evening, on Thursday, and I will convey to the committee your request.

1109 The CHAIRPERSON: Could you take that on notice and pass on my respectful request to the committee that they consider sharing that information with us?

Mr SODY: I will do that.

1110 The CHAIRPERSON: Thank you very much, Mr Mugavin and Mr Sody, for your evidence to the committee today; we appreciate it. You will be given a copy of the transcript. Please check that for clerical errors. If there is anything more substantial, then just drop us a note. Thank you for coming in.

THE WITNESSES WITHDREW

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