HOUSE OF ASSEMBLY

Wednesday 19 October 2005

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

PARLIAMENT HOUSE CATERING

The SPEAKER: Before calling on the routine business, I wish to make a couple of points regarding media reporting—and, indeed, the Auditor-General's Report—concerning catering in the parliament. There have been reports in many media outlets, and I quote from one that appeared in *The Advertiser*, as follows:

> Taxpayers are subsidising food and drink for MPs at Parliament House at a cost of more than $890 000 a year.

On the ABC, on the Abraham and Bevan show, the figure was rounded up, and I wish to quote from yesterday's transcript. Matthew Abraham was referring to the Auditor-General, who, he says, 'is upset about the lack of access he has to properly have a look at the finances of parliament, but has been able to conclude that food and drink at Parliament House is subsidised to the tune of nearly $1 million a year, $890 000'. He said, 'We do like to round up.'

For the benefit of members, I have asked the catering manager, Creon Grantham, to provide some details. Traditionally, the catering budget here has provided for what I would call basic necessities in this place: toilet paper, paper towels, cleaning liquids, disinfectants, liquid soap, hand soap, floor polish, carpet cleaning materials, vacuum cleaner bags and so on. When one takes that out from the $890 000 (or, according to the ABC, $1 million), it comes down to the actual wages cost of just over $600 000 per annum.

I also point out that, contrary to the inference that some people make, members and staff of the parliament contributed almost $500 000 last financial year towards the cost of food and beverage. I also point out that no free food or beverage is provided to anyone in this parliament, not even to the Speaker or the President. We pay for everything, along with everyone else. With respect to the meals provided in the dining room, where there is table service, the price of a main course, as reported in *The Advertiser*, was incorrect: it is greater than that amount. I point out that the charges in the Blue Room (which is the cafeteria) are comparable to those at places such as, for example, the Royal Adelaide Hospital cafeteria, which is open to the public and also, if they are able to use it, to the patients.

I also remind members of a statement I made some time back in which I pointed out that the superannuation fund contributed to by members of parliament has been performing so well that it provided $8 million to Treasury in the last financial year. So, looked at in that light, I think it puts a different perspective on the finances of the parliament. I point out that the Auditor-General did not suggest there was anything out of order. All the records are audited by a highly regarded private firm of auditors, and the auditor acknowledged that by way of reference in his report.

I know that traditionally some members say we should ignore these issues but, if you ignore them, people assume that what is presented as fact is fact where, in reality, it is not fact at all. I want to knock on the head this furphy that members get free alcohol and free food here. The only thing that is not charged for is the water in the chamber, and members can have that without limit.

Some commentators have drawn the inference that because alcohol is sold here members must consume considerable quantities. I point out that much of that alcohol is bought for the purpose of school raffles and quiz nights and is not consumed by members, as was evident last night when I saw one member buying three gift packs for schools and raffles. Indeed, I bought wine this week for quiz nights in my electorate, as a donation for the benefit of various non-profit organisations.

Mr HANNA: I have a point of clarification. With reference to the inquiries made on the 891 radio program the other morning, how much toilet paper annually is used per member out of that budget? I am sure they would like to know.

The SPEAKER: My answer would be that we could set up a not-select committee to look at that issue, but the cost of those materials is significant and I do not suggest at this stage that the media be required to provide their own when they visit the house.

MODBURY ROUNDABOUT

A petition signed by 405 residents of South Australia, requesting the house to investigate all reasonable means of urgently improving the safety of the roundabout located adjacent to the Tea Tree Plaza and Modbury Public Hospital, particularly, the installation of traffic lights, was presented by Ms Bedford.

Petition received.

TRAFFIC CONTROL

A petition signed by 146 residents of South Australia, requesting the house to urge the government to introduce measures to prevent speeding and reduce the occurrence of road accidents along Wandana and Tasman Avenues, Gilles Plains, was presented by Mr Brokenshire.

Petition received.

A petition signed by 45 residents of South Australia, requesting the house to urge the government to introduce measures to prevent speeding and reduce the occurrence of road accidents along Heysen Avenue, Modbury, was presented by Mr Brokenshire.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for the Arts (Hon. M.D. Rann)—

Adelaide Festival Corporation—Report 2004-05
Art Gallery of South Australia—Report 2004-05
Jam Factory Contemporary Craft and Design Inc.—Report 2004-05

By the Treasurer (Hon. K.O. Foley)—

South Australian Superannuation Scheme Actuarial Report 2004

By the Minister for Transport (Hon. P.F. Conlon)—

South Australian Rail Regulation—Report 2004-05
Tarcoola-Darwin Rail Regulation—Report 2004-05

By the Attorney-General (Hon. M.J. Atkinson)—

Director of Public Prosecutions—Report 2004-05

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

Environment Protection Authority—Report 2004-05
Environment Protection Authority on the Administration of the Radiation Protection and Control Act 1982—Report 2004-05.

MARSHALL, Mr S.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. LOMAX-SMITH: Mr Steve Marshall has submitted his resignation from the position of Chief Executive of the Department of Education and Children's Services to take up a senior position in Wales. Mr Marshall has accepted the post of Director, Education and Lifelong Learning in the National Assembly of Wales, based in Cardiff. Mr Marshall says that it has been a privilege to serve the public education—

The Hon. K.O. Foley interjecting:

The SPEAKER: The Treasurer will come to order!

The Hon. J.D. LOMAX-SMITH: —system of his home state of South Australia, and it is with regret that he resigns from the position. He writes:

I wish to thank this government for its significant support of public education. I leave the Department of Education and Children's Services knowing that much has been achieved during my stewardship as Chief Executive—

The Hon. K.O. Foley interjecting:

The SPEAKER: The Treasurer is out of order! Sorry, minister, one of your colleagues is not showing you the respect to which you are entitled.

The Hon. J.D. LOMAX-SMITH: He continues:

I am particularly proud of our efforts in increasing school retention and literacy levels. These achievements have been immensely gratifying for me as leader and for your government.

Mr Marshall's resignation is effective from Monday 16 January 2006. I particularly take this opportunity to sincerely thank Steve Marshall for his commitment during the past three years to implementing the government's policy agenda in education and children's services, as well as working closely with school and preschool communities, and across government. He has been instrumental in rebuilding the public education system in the best interests of our children, as well as the social and economic future of our state. I wish Mr Marshall every success in the future in this very important position in Wales.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

Mrs GERAGHTY (Torrens): I seek leave to make a personal explanation.

Leave granted.

Mrs GERAGHTY: While I have not heard the news item on the ABC, I understand that it has been insinuated that the Attorney bullied me. May I say—

Members interjecting:

The SPEAKER: Order! The member for Torrens has the call.

Mrs GERAGHTY: May I say that, while the Attorney and I have had many heated discussions and arguments over many years, anyone who knows me would not try to bully me, especially the Attorney—or no more gin!

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 28th report of the committee.

Report received.

Mr HANNA: In accordance with the preceding report, I advise that I no longer wish to proceed with Private Members Business: Bills/Committees/Regulations Nos 2, 3 and 5.

SELECT COMMITTEE ON THE REGULATION OF THE TATTOOING AND BODY PIERCING INDUSTRIES

Mr RAU (Enfield): I bring up the report of the committee, together with minutes of proceedings and evidence.

Report received.

QUESTION TIME

LOCKWOOD, Mr G.

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Did the Attorney-General in April this year attempt to pressure the member for Florey into sacking Mr Gary Lockwood, a witness who gave evidence before the upper house Select Committee on the Atkinson/Ashbourne/Clarke Affair this morning? Mr Lockwood today told the committee that on 6 April 2005 the member for Florey contacted him by telephone from Parliament House and told him that she had been the victim of 'a very upsetting attack' from the Attorney-General. Mr Lockwood told the committee that during this attack the Attorney 'heavied' the member for Florey and demanded that she sack Mr Lockwood, who at that stage was employed in the Florey electorate office and that he congratulated the member for not being intimidated.

The Hon. M.J. ATKINSON (Attorney-General): It would be very interesting to the public if we released some of the material we have about the behaviour of members opposite towards their electorate staff, particularly the payment of damages from public money. Mr Speaker—

Mr BROKENSHIRE: Mr Speaker—

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

Mr BROKENSHIRE: Sir, I rise on a point of order under standing order 98.

Members interjecting:

The SPEAKER: Order! We will wait until the house comes to order. I remind all members that when the house is called to order if they defy the chair they run the risk of being named on the spot: no warnings—named. I also remind ministers not to talk over the chair or to pretend that they have a sudden onset of hearing loss because they might lose something else if they carry on in that way. Does the member for Mawson have a point of order?

Mr BROKENSHIRE: Yes, sir, that of relevance. The leader asked a specific question about the Attorney-General bullying and we want a specific answer.

The SPEAKER: Order! The Attorney has only just started his answer. He has not had the opportunity to say anything much yet.

Mr BRINDAL: I have a point of order, Mr Speaker, on the imputation of improper motive. The Attorney-General in addressing the question clearly imputed that members opposite had behaved either dishonourably or illegally in

respect of their electorate staff. That is an imputation, sir, whether or not it is in the introduction.

The SPEAKER: Order! The Attorney did not indicate what the motive was behind people's behaviour. In that regard he has to be careful. The Attorney.

The Hon. M.J. ATKINSON: Mr Speaker, I am firmly of the view—and have been for years—that Mr Gary Lockwood is a fantasist and a pathological liar, and I said so outside this chamber before I—

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: I have a point of order on relevance, Mr Speaker. My question was specifically about whether he approached the member for Florey. It was not an invitation for him to get up and attack—

The SPEAKER: Order! The leader will not debate the matter.

Members interjecting:

The SPEAKER: Order! There is a fine line between the privilege of the parliament and not abusing it. I ask the Attorney to be careful.

The Hon. M.J. ATKINSON: It is my firm view that Mr Lockwood is not a fit and proper person to be employed by anyone and that those who attended the select committee hearing this morning saw why.

The Hon. R.G. KERIN: I ask a supplementary question. Given the Attorney's statement, does he therefore question the judgment of the member for Torrens and the member for Florey who have employed that very person?

The Hon. M.J. ATKINSON: I have been consistent in my views about Mr Lockwood over many, many years. I expressed my views to the entire parliamentary party.

Members interjecting:

The SPEAKER: Order! The Leader's behaviour is unacceptable, as is the member for Mawson's.

Members interjecting:

The SPEAKER: Order! The house will come to order. This is a very important matter and it needs to be heard—

The Hon. K.O. Foley interjecting:

The SPEAKER: And that means that the Treasurer as well needs to hear the answer. We all want to hear the answer.

Mrs GERAGHTY (Torrens): The Leader of the Opposition said that the Attorney had tried to bully me and the member for Florey. I have said that the Attorney has not tried to bully me. It would be very foolish of him to do so.

The SPEAKER: Order! I think that the member for Torrens has made that point.

ISLAMIC COMMUNITY

Mr SNELLING (Playford): Can the Premier inform the house about the outcome of a meeting that he held this morning with leaders of South Australia's Islamic community.

The Hon. M.D. RANN (Premier): Thank you very much for that question. This is something of interest for all members of parliament in a bipartisan way. In fact, members would be well aware that on 7 September 2005 the Council of Australian Governments held a special meeting in Canberra to consider Australia's national counter-terrorism arrangements. As a result of the meeting, the Prime Minister announced that the Australian government will commit about $40 million in additional funding for a range of measures delivering increased safety and security to all Australians, and this included $5.9 million to support the development of a national action plan to build on the principles agreed at the 23 August 2005 meeting with Islamic community members.

So, this morning I met with the leaders of the Islamic community in order to lay down the groundwork for how we can improve community relations because we have been concerned at reports of vilification against Islamic children; we have been concerned about vilification and attacks on Islamic women; and we have also been concerned about hate mail, obscene phone calls and other things, and in schools as well. It was a terrific meeting, because these were the leaders of the Islamic community who came together with a united voice about how to promote harmony and tolerance in this multicultural society.

A number of things have been agreed upon. The Attorney-General will convene a special working group designed to work out a short-term, medium-term and long-term strategy to improve community relations and promote inter-faith dialogue, and inter-racial harmony. Interestingly, one of the things discussed this morning was the need, perhaps, for some talkback hosts and commentators to have a much better understanding of Islamic issues and, indeed, of Islam. They also talked about some of the things that they are doing: for instance, open days at the mosque, and inviting non-Islamic schools and schoolchildren to come along in order to have an easier understanding of and to feel more comfortable with the Islamic religion.

Absolutely, one by one, people spoke of their abhorrence of terrorism and of violence, and obviously they are very concerned to see their peace loving community and Australian Islamic community being stigmatised in any way. So, we discussed a range of things. I briefed the Islamic leaders on the legislation that we will be introducing this afternoon which, of course, gives the police special powers in the case of an imminent terrorist attack, or an actual terrorist attack, but with safeguards in that the Police Commissioner must get the approval of the police minister, and also now a Supreme Court or District Court judge, and then there has to be a report back to parliament.

I guess the key point is that we have to demonstrate that these measures are about combating and preventing terrorism, regardless of who is the source of that terrorism. So, I went through some of the statement of principles that the Prime Minister has outlined. This is what I read to the Islamic leaders this morning:

> An overriding loyalty to Australia, and a commitment to its traditions, values and institutions is the common bond that unites us all. In confronting the challenges of terrorism, we agree that:
>
> 1. All Australians are subject to the laws of this country and in turn are entitled to equal protection under those laws;
> 2. All Australians should respect and participate in the democratic institutions and practices of this country;
> 3. All Australians unconditionally reject and denounce all forms of violence or terrorism and acts or language which promote hatred, violence or terrorism. Such behaviour has no role in advancing the political or religious objectives of any group and are contrary to the values embraced by all Australians;
> 4. Violence and acts of terrorism committed in the name of Islam are a perversion of Muslim faith;
> 5. Acts of terrorism are repugnant to all Australians irrespective of their race or religion and all Australians must work together to ensure that everything is done to prevent the scourge of terrorism from coming to Australia;
> 6. Members of the Muslim faith, and in particular its leaders, have a responsibility to challenge and counteract those who seek to encourage the use of violence and terrorism in the name of Islam.

The government must support and encourage Islamic leaders to challenge and to eradicate extremism; and

7. We commit ourselves to work together with all Australians to produce positive outcomes which protect Australia against violence, terrorism and intolerance and promote our common cause of harmony and understanding.

Then I read the following part of the statement:

We together have agreed that:

- Our discussions today represented an important exchange of ideas between the Australian Government and the Islamic community that should continue;
- The Australian Government will seek the cooperation of the governments of the States and Territories in working towards a national strategy to address intolerance and the promotion of violence;
- Those present will continue to take a lead working with their communities and with other Islamic organisations to promote harmony, mutual understanding and Australian values within their communities and to challenge violence and extremism; and
- The Australian Government will ensure that its programs and policies enhance mutual understanding between the Islamic community and the broader Australian community and promote the Australian values of harmony, justice and democracy.

So, the message coming out of this very productive meeting this morning is that all of us must together denounce violence, hatred, extremism, murder and terrorism. But at the same time, all of us must be committed to protecting the human rights of decent and peaceful peoples, and that is the difference. That is why we all, on both sides of this house, must work together with our local Islamic community to protect their children, to protect women from being subjected to abuse and to work to build relations and interfaith dialogue.

Mr HANNA (Mitchell): I have a supplementary question. If the Premier is concerned about vilification of the Muslim community, why did his Labor government quash the proposal for laws against religious vilification?

The Hon. M.D. RANN: The member for Mitchell has to get this right. You have to get this right, because on the one hand there are people who are supporters of his who say that there must be no prohibition on clerics from preaching whatever they like but, on the other hand, they say that there cannot be religious vilification. You cannot have it both ways. We needed to get broad community support for that process. Let me remind the member for Mitchell that this state for nine years, in my belief, has had racial vilification laws, and much of the abuse, denigration and discrimination is racial vilification and discrimination, which have been outlawed in the state for a long time.

Ms Chapman interjecting:

The SPEAKER: Order! I do not believe the member for Bragg sought the call. The member for Unley has the call.

Mr BRINDAL (Unley): I have a supplementary question. How many instances of racial vilification have the Premier, his ministers, any of the Premier's staff or backbenchers reported to the appropriate authorities, being the Commissioner of Equal Opportunity or the police? In his statement, the Premier clearly said that he and his government are concerned by instances of racial vilification. He cleared up for the member for Mitchell that it was racial vilification. That is unlawful in this state.

The Hon. M.D. Rann: That is what I just said.

Mr BRINDAL: Exactly. Therefore, I inquire of the Premier how many times he or his staff or his ministers have reported this to the Commissioner of Equal Opportunity or the police, and what action has been taken.

The Hon. M.D. RANN: I will get a reply for the honourable member sine die.

LOCKWOOD, Mr G.

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Attorney-General.

Members interjecting:

The SPEAKER: Members on my left might be able to hear their leader if they were a bit quieter.

The Hon. R.G. KERIN: Does the Attorney-General deny that in November 2003 he attempted to pressure the member for Torrens into sacking Mr Gary Lockwood, a potential witness in the Ashbourne/Atkinson/Clarke corruption trial and now a witness at the upper house select committee into the matter, who gave evidence to that effect this morning? Mr Lockwood has today told the upper house committee that on 24 November 2003 the member for Torrens contacted him by telephone and told him of 'a blazing row' she had had with the Attorney-General in the corridors of parliament. Mr Lockwood told the committee that, during this row, the Attorney demanded that the member for Torrens sack Mr Lockwood, who at that stage was employed in the Torrens electorate office.

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

WORK CHOICES

Mrs GERAGHTY (Torrens): My question is to the Minister for Industrial Relations. How will South Australian workers be affected by the federal government's Work Choices package, and how does this package compare with worker protection under South Australian legislation?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): It is very important for South Australians to be very clear about the issue that the member for Torrens has raised. One of the key features of the Work Choices booklet is the abolition of the no-disadvantage test. At the moment, under both state and federal law workplace agreements can only be given legally binding effect by the Industrial Relations Commission if workers are no worse off compared to the relevant award. Make no mistake: Labor supports bargaining at workplace level. After all, it was a Labor government that introduced it in the first place. But our state legislation says, and the position of our Labor government is, that workers and their families should not have their conditions slashed simply because they are not in a strong bargaining position.

South Australian legislation supports bargaining at workplace level to provide flexibility for business, but it also ensures fairness by providing that workplace agreements must not, on balance, disadvantage workers. That means that, while there are conditions such as penalty rates and overtime that employees can bargain away, the employer must by law compensate them in some other way, often in the form of increased wages. Work Choices is all about workers choosing to give away their rights and choosing to get nothing in return: some choice. There is a fundamental difference between the South Australian law and Work Choices: a difference that will decimate the incomes of working families.

Under the federal Liberal plans, about three-quarters of the rights that are currently in awards can be taken away from

workers, with no requirement for them to get anything in exchange. That is the key to this. Under South Australian laws, if the worker gives up some rights, they must get something in return. Under the federal Liberal plans, workers get nothing in return for giving up most of their rights and it is legal for employers to coerce workers. With bargaining under South Australian law, workers cannot be any worse off. Under the federal Liberal government's plans it is okay to slash workers' take home pay, it is okay to strip workers of their basic award rights and it is okay to sack workers unfairly. According to the federal Liberal government, Australian workers have a simple choice: cop it or leave.

Australian families depend on fair wages—a fair day's pay for a fair day's work—to pay the bills, to pay their mortgages and to give their children a decent start in life. South Australian families have commitments based on their guaranteed award wages, not on a significantly slashed pay packet achieved through fear and coercion. Working families already doing it tough will be placed under even more strain by the federal government's proposal to hack into award conditions with no compensation. The federal government's plans for a sign-it-or-else culture for the workplace, where workers know that they can be sacked without even being told why, are a national disgrace. We will fight to protect South Australian families and stop John Howard picking the pockets of Australian families.

The Hon. I.F. EVANS (Davenport): I have a supplementary question for the minister. Is it the intention of federal Labor to hand back the industrial relations laws to the states if they win government?

Members interjecting:

The SPEAKER: The house will come to order first. The minister is not responsible for matters—

The Hon. M.J. WRIGHT: Sir, that is clearly not a supplementary question.

The SPEAKER: He is not responsible for matters involving the federal Labor Party.

The Hon. M.J. WRIGHT: If the member for Davenport is going to become leader of the opposition he has got to find out what a supplementary question is.

Members interjecting:

The SPEAKER: Order, the member for Davenport!

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): How did the Attorney-General become aware of information contained in the confidential Anti-Corruption Branch transcript of a statement from Mr Gary Lockwood, a potential witness in the Ashbourne/Atkinson/Clarke corruption trial and now a witness to the upper house select committee into the matter? During evidence to the select committee today, Mr Lockwood told the committee his statement to the police included information that he had kept confidential. This information included an admission that he had sent a fax message to Liberal Party state headquarters in which he expressed concern about possible corruption within the government. Mr Lockwood told the committee today that the Attorney-General had referred to this matter in his discussion with the member for Torrens.

The Hon. M.J. ATKINSON (Attorney-General): As well as defaming many people today under parliamentary privilege, Mr Lockwood also defames the South Australian Anti-Corruption Branch and he accuses them, as I understand it, of leaking his statement in—

Members interjecting:

The SPEAKER: Order! I do not know whether members on my left want to hear an answer or not. If they do not we will have the next question.

The Hon. M.J. ATKINSON: First of all, this Gary Lockwood cove sends off an anonymous fax to Liberal Party headquarters, or was it two of them; he is then challenged by the Anti-Corruption Branch of the police, who have tracked him by electronic crime methods to his home. When they interview him he says—

Members interjecting:

The Hon. M.J. ATKINSON: Because the statement was tabled by your mob in another place. He says, 'Having read the contents of the fax, I am not in a position to confirm'—this is Gary Lockwood to the police—'whether I have sent that or have any direct knowledge of that fax.' The fax only went nine days earlier to the Liberal Party, yet Mr Lockwood could not remember for the police whether he sent an anonymous fax to Liberal Party headquarters.

The Hon. R.G. KERIN: Point of order, sir.

The SPEAKER: What is the point of order?

The Hon. R.G. KERIN: Sir, it is about relevance because the question was: how did the Attorney become aware?

The SPEAKER: The Attorney, I believe, is still within the rules.

The Hon. M.J. ATKINSON: As can be seen from the transcripts tabled in the upper house select committee—I thanked the Anti-Corruption Branch for an opportunity to clear my name, which I did. I was never even a suspect in that investigation, though I have been misrepresented in that matter. Mr Lockwood has told a farrago of lies today. It is a cruel exploitation of an elderly fantasist by Rob Lucas and Sandra Kanck, both of whom should resign from parliament for what they have done today. Both should resign. Mr Speaker, among the lies—

The SPEAKER: Order! The house will come to order. The Attorney will resume his seat.

Mr Venning interjecting:

The SPEAKER: The member for Schubert seems to have forgotten what I said a few minutes ago.

The Hon. M.J. ATKINSON: Everything I am saying about Mr Lockwood in here I have said out there before question time. I suggest that the member check with journalists. One of Mr Lockwood's sleazy imputations (and he has many sleazy imputations because of his longstanding enmity against me and my family) is that the Anti-Corruption Branch of the police leaked to me the fantastical contents of his declaration. They did not.

HOUSING, SOUTHERN SUBURBS

Ms THOMPSON (Reynell): My question is to the Minister for Housing. How is the government assisting the supply of affordable housing in the southern suburbs?

The Hon. J.W. WEATHERILL (Minister for Housing): I was delighted this morning to open a very important forum in the southern suburbs—Affordable Housing: Sustainable Homes—which was hosted by the Southern Housing Round Table. The national Chairperson of Anti-Poverty Week, Professor Julian Disney, presented the keynote address at that important event. Members might recall that, on behalf of all states and territories at the last national housing ministers' meeting, I moved a proposal to

commence negotiations around the new national affordable housing agreement. That was in response to a call to action, which was led by a national summit on housing affordability, in which Professor Disney was instrumental.

Professor Disney, I can say with some pride, has been a strong supporter and advocate of the state government's State Housing Plan and the leadership role it has been playing in attempting to raise and address the question of housing affordability. There is a massive commonwealth dimension to this, but there are also things that we can do at a local level. That is why I was very pleased to be working together with a group such as the Southern Housing Round Table. This group has a history of collaboration in the south, and that is exactly what will be at the heart of the solution to this issue: bringing together parties—particularly regions—and meeting and identifying housing needs in particular places. We know that the needs in the south are very different, perhaps, from the needs in the inner south, or even the north. So, it is crucial that we tackle this on a regional basis.

I have been very pleased, along with the member for Reynell and the member for Kaurna, to acknowledge the tremendous work that has been happening in the south, auspiced by the Office for the Southern Suburbs, in drawing together a range of community groups in the southern region. Our $145 million State Housing Plan will have a regional plan for the southern suburbs, and we believe that we can work closely with the Southern Suburbs Housing Round Table to meet the pressing needs of housing affordability in this state.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Attorney-General.

The Hon. M.J. Atkinson: Into the gutter!

The SPEAKER: Order, the Attorney!

The Hon. R.G. KERIN: I ask that the Attorney withdraw that.

The SPEAKER: That is unparliamentary.

The Hon. M.J. ATKINSON: Certainly, I withdraw, sir.

Members interjecting:

The SPEAKER: Members should—

The Hon. K.O. Foley: You shouldn't throw stones in glass houses.

The SPEAKER: The Treasurer also should not interject. Members should just calm down.

Members interjecting:

The SPEAKER: The house will come to order!

Members interjecting:

The SPEAKER: I am waiting for the house to come to order. I remind members not to engage in personal attacks. It does nothing for them, and it does nothing for the standing of the parliament. The leader.

The Hon. R.G. KERIN: Was the Attorney-General aware that the SDA General Secretary, Don Farrell, was actively pursuing a job for Randall Ashbourne during part of 2003? During this morning's upper house select committee hearing into the Ashbourne, Atkinson, Clarke issue the witness, Mr Gary Lockwood, told the committee that, in 2003, Mr Farrell had pursued a job for Mr Ashbourne as long as Mr Ashbourne, and I quote from this morning, 'kept a lid on things'.

The SPEAKER: The question is somewhat borderline. The Attorney.

The Hon. M.J. ATKINSON (Attorney-General): The first thing is: I do not think I am responsible to the house for the employment practices of any organisation outside government. The answer is no.

NATIONAL PARKS AND WILDLIFE CONSULTATIVE COMMITTEES

Ms BEDFORD (Florey): My question is to the Minister for Environment and Conservation. How has the government acted on the request to review the operations of national parks and wildlife consultative committees?

The Hon. W.A. Matthew interjecting:

The SPEAKER: I do not believe the member for Bright is the minister for environment. The Minister for Environment.

The Hon. J.D. HILL (Minister for Environment and Conservation): Thank you very much indeed, Mr Speaker. I thank the member for Florey for her question and acknowledge her great interest in our national parks system. Managing our state's national parks system requires meaningful dialogue with local communities, and I am pleased today to announce some changes to the way we consult with local people on the management of our most precious protected areas. The national parks—

The Hon. D.C. Kotz interjecting:

The Hon. J.D. HILL: Dorothy, all will be revealed. The national parks and wildlife consultative committees were established in the early 1980s by, I think, the Hon. David Wotton, the minister for the environment at the time, and they have played a very important role in representing community interests and getting better relations between departmental people and local communities. At the 2003 biennial forum of consultative committees, the department was asked that a review be initiated into the role of the 17 committees we have in South Australia. That request was made particularly in light of the natural resource management reforms that were coming in. So, over the past two years, the Department for Environment and Heritage has been consulting with these committees and sought comment about the governance arrangements and operations of the committees into the future.

I have now endorsed the recommendations of that review, and the major outcomes of the review will see a reduction from 17 to nine in the number of consultative committees, and this will be achieved by establishing one committee for each of the seven department of environment regions, and they are roughly consistent with the eight NRM board regions. The specialist committees of apiary and captive fauna will be retained, but these committees will be considered in the light of a broader review which is under way and which is investigating government wildlife bodies.

Other outcomes of the review include more clearly defining the role of the committees, developing operating procedures for the committees and improving membership and appointment processes, with a particular focus on achieving gender balance. Appointment to the 17 existing committees expires on the last day of this year and the new arrangements will be put into place immediately, to come into effect on 1 January next year.

I take the opportunity to recognise the contributions of the many past and current members of the existing national parks and wildlife consultative committees. Over the next few months a call for nominations to the new committees will be made through local newspapers, and I strongly encourage

current members to nominate for the new committees. I make the point that this review process was initiated by representatives of these committees themselves who wanted to see better alignment between their arrangements and the NRM boards that were being established at that time.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General.

Mr Koutsantonis: More filth. That's right—you.

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

The Hon. R.G. KERIN: I ask him to withdraw, sir.

The SPEAKER: I did not hear what he said.

The Hon. R.G. KERIN: He said 'more filth', sir.

The SPEAKER: That is out of order. The member for West Torrens should withdraw that.

Mr KOUTSANTONIS: I withdraw.

The Hon. R.G. KERIN: My question is to the Attorney-General. Is the Attorney-General aware of secret offers made by the Labor Party to the former member for Enfield, Ralph Clarke, in 2001 as raised before the upper house select committee this morning? The select committee witness Mr Gary Lockwood this morning told the committee that offers made to Ralph Clarke in 2001 were 'even more sensational' than those currently being investigated.

The Hon. M.J. ATKINSON (Attorney-General): Apparently they are so sensational that he cannot tell, under parliamentary privilege, an opposition-dominated select committee, so I do not know when he will. Mr Lockwood—

An honourable member interjecting:

The Hon. M.J. ATKINSON: No. Mr Lockwood is in need of medical treatment. He has lied all through today's select committee. Journalists who have heard him have described his contribution as rambling. He has contradicted himself time and again in his testimony. He has claimed to have had lots and lots of face-to-face meetings with me since I have been Attorney-General, but the record will show there are no face-to-face meetings at all. He claims to have received material through the post from me—a demonstrably false claim—since I have been Attorney-General.

The Hon. W.A. Matthew interjecting:

The SPEAKER: I warn the member for Bright.

The Hon. M.J. ATKINSON: When he was asked by the police about the quality of his evidence he said—

The Hon. R.G. Kerin interjecting:

The SPEAKER: I warn the leader.

The Hon. M.J. ATKINSON: Mr Lockwood said, 'Anything I have to say relating to this fax is based on hearsay.' He then goes on to say—

The Hon. J.D. Hill: He was listening to himself.

The Hon. M.J. ATKINSON: Yes. He then goes on to say: 'The board issue and, once again, hearsay, as I understood it.' The police ask him question 46—

The Hon. R.G. KERIN: Mr Speaker, I rise on a point of order. The Attorney is quoting from transcript from this morning which is not supposed to be used.

The Hon. M.J. ATKINSON: No.

The SPEAKER: The chair does not know what he is quoting from.

The Hon. DEAN BROWN: Mr Speaker, I rise on a point of order. The Attorney-General is clearly quoting from an official source of some kind, and I ask him to table it. It is clearly a government document and I ask that it be tabled.

The SPEAKER: Order! The deputy leader will resume his seat. The chair does not know what he is quoting from.

The Hon. DEAN BROWN: Mr Speaker, I rise on a point of order.

The SPEAKER: The Attorney can indicate what he is quoting from.

The Hon. M.J. ATKINSON: I am quoting from document 85 tabled and released by the opposition dominated upper house select committee. Question 46—

The Hon. R.G. Kerin interjecting:

The Hon. M.J. ATKINSON: Kero, why don't you get back to work? Why don't you do an honest day's work? Lazy—

The Hon. R.G. KERIN: Mr Speaker, I rise on a point of order.

Members interjecting:

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

The Hon. R.G. KERIN: He clearly quoted from—

The SPEAKER: The leader will sit down. The house will come to order first. Did the leader have a point of order?

The Hon. R.G. KERIN: Sir, the Attorney-General was clearly quoting from what was said in the committee this morning, not from what was tabled.

The Hon. K.O. Foley: It is.

The Hon. R.G. Kerin: It's not.

The Hon. M.J. ATKINSON: It is document 85.

The SPEAKER: Order! The onus is on members to—

Members interjecting:

The SPEAKER: Order! The onus is on members to accurately—

The Hon. K.O. Foley: It's the police report, you wally.

Members interjecting:

The SPEAKER: Order! The house will come to order. The Attorney will take his seat. The onus is on individual members to accurately address the house and not mislead the house. All members know the rule.

The Hon. M.J. ATKINSON: Mr Speaker, I am quoting from the police interview because electronic crime traced the anonymous fax to Gary Lockwood's home phone number, and of course he then tried to evade responsibility for the anonymous fax sent to the Liberal Party. He has been working in with the Liberal Party for years. What I am quoting from is not as the opposition leader says—

The Hon. R.G. KERIN: Mr Speaker, I rise on a point of order, that being relevance. This has nothing to do with the question. It is a mile away from it.

Members interjecting:

The SPEAKER: Order!

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens will be warned in a minute. The Attorney at this stage has not gone beyond standing orders. Does the Attorney wish to conclude his answer?

The Hon. M.J. ATKINSON: I am reading from an interview of Gary Michael Lockwood conducted by Detective Inspector R. Perry (that is, Rick Perry), Anti-Corruption Branch, South Australia Police in the presence of—

The Hon. R.G. KERIN: Mr Speaker, I rise on a point of order. Now that you have seen the question, you will realise that the Attorney's answer has no relevance to what was asked.

The SPEAKER: The Attorney needs to address the question; that is, whether he is aware of secret offers made by the Labor Party.

The Hon. M.J. ATKINSON: This is an allegation made by Mr Lockwood, and I am now addressing Mr Lockwood's sources for his allegations. At question 46 he is asked by police:

> You, yourself, Mr Lockwood, have no independent knowledge of any offers.
>
> Answer: No, no, look, I, I don't have any independent knowledge of this.

What we have today is a farrago of lies from a man who claims to have had all this personal contact with me since I have been Attorney-General. That contact consists of being in the same crowd as me at fundraisers. Clearly, we have the 21st century equivalent of Baron Munchausen. I do not have any knowledge of any offers whatsoever to Ralph Desmond Clarke. I spent the years 2000 and 2001 campaigning like billyo to make sure that Labor won the new seat of Enfield.

Mr Koutsantonis: And we did.

The Hon. M.J. ATKINSON: And we did—because, if we hadn't that sleazy deal that the Leader of the Opposition did with Ralph Clarke, it would have led to a—

The Hon. R.G. KERIN: On a point of order, Mr Speaker, I ask the Attorney-General to withdraw that accusation. I had no deal whatsoever with Ralph Clarke.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: The house will come to order. The Attorney should withdraw the suggestion that the leader did a sleazy deal.

The Hon. M.J. ATKINSON: Mr Speaker, it is a matter of public record that the Leader of the Opposition, when premier, intervened in the Liberal Party executive to ensure that Liberal preferences were directed to Ralph Clarke.

The SPEAKER: Order! I don't think that equates to a sleazy deal. The Attorney should withdraw the reference to the premier of the day, now Leader of the Opposition, doing a sleazy deal.

The Hon. R.G. KERIN: Mr Speaker, I still ask that the Attorney withdraw.

The SPEAKER: Order! I direct the Attorney to withdraw the reference to the leader making a sleazy deal.

The Hon. M.J. ATKINSON: Of course, Mr Speaker, I shall withdraw; it was not sleazy.

The Hon. R.G. KERIN: Unconditionally, please, sir.

The SPEAKER: Order! The Attorney has withdrawn.

Members interjecting:

The SPEAKER: Order! Members need to settle down and stop these personal attacks. The member for Giles.

ABORIGINAL APPRENTICESHIP PROGRAM

Ms BREUER (Giles): Thank you, Mr Speaker. I hope the opposition pays as much attention to the answer to my question as it has to the previous one. My question is to the Minister for Employment, Training and Further Education. Will the minister outline the apprenticeship opportunities that are being created for indigenous communities?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the member for Giles for her question and acknowledge her longstanding support for apprenticeships, training and employment. I get to do a number of good things in the portfolios for which I have responsibility, but I have to say that Friday night was a highlight, because I was able not only to attend the graduation ceremony for 18 Aboriginal apprentices from this year's program but also to announce that we will be providing a further 50 positions over the next year for the Aboriginal Apprenticeship Program.

This one million dollar program, which forms part of South Australia's work strategy, supports all existing Aboriginal apprentices from a variety of vocations, age groups and regions across the state. These employment based apprenticeships provide a supported pathway for people who have been most definitely disadvantaged in the labour market in the past. It is important to note that these South Australians are acquiring nationally recognised qualifications which will ensure that they are equipped with valuable work skills that will lead to good solid careers.

The new places will be filled by Aboriginal people who approach group training companies, job networks and the Aboriginal Apprenticeship Program. This year's graduates have earned their qualifications in areas where we have skill shortage and demand, such as, plumbing, carpentry, aged care, commercial cookery, motor mechanics and hairdressing. Graduates have gained specialised industry skills and the important skills of communication, teamwork and problem-solving. As they came up to receive the acknowledgment of their apprenticeship, it was interesting to hear the number of fantastic speeches from these graduates who said that before they started their course they had never even thought about speaking in public. It was good to see that those other skills and that confidence was also there for the graduates.

Of the 18 graduates present on Friday night, 11 were from regional and remote areas of South Australia, including Ceduna, Port Augusta, Port Pirie, Mount Gambier, Coober Pedy and Port Lincoln. A number of the apprentices had to travel to Adelaide for off-the-job training over the last three years, demonstrating their commitment to their apprenticeship, and also the additional hurdles that they had to face, as other country and remote area apprentices have to do. Once the apprentices graduate, I am pleased to say that there is now a course in place to make sure that there is ongoing monitoring and support through a post placement support program.

MENTAL HEALTH

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is to the Minister for Health, or the Acting Minister for Health, and I am not sure who that is. My question is to the acting minister, whomever that might be. Why didn't the Labor government give Dr Jonathan Phillips the support, commitment and resources to provide the mental health services needed in the community? The national Mental Health Report which was released today, which is damning of South Australia, states:

> Perhaps the best indication of the ongoing crisis in mental health services in South Australia was the resignation of the Director of Services, Dr Jonathan Phillips in May 2005.

An honourable member interjecting:

The Hon. DEAN BROWN: Yes, May 2005. The report goes on to state that South Australia is a poor performer and:

> . . . is perceived to have made little genuine commitment to support persons with mental illness to live effectively in the community.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I am representing the Minister for Health today and I have been looking forward to this

opportunity for some time because I am very familiar with the handiwork of the Deputy Leader of the Opposition. I have had the displeasure of seeing his handiwork all over the child protection system.

The Hon. DEAN BROWN: On a point of order, Mr Speaker: the question is very, very specific, so, I challenge the minister to answer the question which I raised.

Members interjecting:

The SPEAKER: Order! The minister is not answering the question. The minister needs to answer the question.

The Hon. J.W. WEATHERILL: I think that this report travels many hundreds of pages. I have only had the barest of briefings, sir, but the territory is very familiar. It documents that over the 8½ years of the previous government, there were a number of waves of reform documented in the mental health care system, all of which passed South Australia by. We have the least amount of community support of many other states. We still rank third out of all of the states and territories in terms of spending, so there are a lot of resources going into the system but, unfortunately, the system is not oriented in the way it should be. I have been working very closely with the Minister for Health in my own portfolio of disability, and we are now beginning to put in the community supports necessary to ensure that those people in the community with a mental illness receive appropriate support.

The Hon. Dean Brown interjecting:

The SPEAKER: Order, the deputy leader!

The Hon. J.W. WEATHERILL: The Housing Trust system, a whole range of other SRFs and other institutional arrangements funded by this state government are part of the mental health care system. They are not recognised as such, and no systemic response has been properly developed, but since we came into government an additional $200 million expenditure has been put into the mental health care system, rebuilding a system that had wave after wave of mental health care reform passing this state by.

The Hon. DEAN BROWN: I rise on a point of order. The question was very specific: why didn't they give Dr Jonathan Phillips the very specific support that he asked for?

The SPEAKER: I do not know whether the minister is going to add anything to what he said in what has been a very general answer.

The Hon. J.W. WEATHERILL: We will, sir. We will give a very detailed response to this important HREOC report. It tells us the things that we already know are failings in our system, and we have openly and honestly acknowledged them. An extra $200 million spending is needed in this important area, as are new programs and new community-based spending to ensure that there are supports for people in the community. We have a growing awareness and excitement that we will meet the challenge of fixing our mental health care system.

The Hon. DEAN BROWN: It sounds to me as if the acting minister has been on drugs. Mr Speaker—

The SPEAKER: Order! That is a reflection. The deputy leader will withdraw that sort of reflection.

The Hon. K.O. FOLEY: On a point of order, sir: that requires an immediate withdrawal and apology.

The Hon. DEAN BROWN: I withdraw that, Mr Speaker.

The Hon. K.O. FOLEY: And an apology.

The SPEAKER: Order! The member was asked to withdraw, and he has done so.

MENTAL HEALTH

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is again to the minister. Will the minister specify how many mental health staff have resigned in the past 12 months? Dr Jonathan Phillips, Dr Shane Gill and many other psychiatrists and mental health workers have resigned in the past year. In the national mental health report released this morning, a South Australian clinical psychologist states:

> I left the mental health system because of burnout and the feeling that in my previous role I felt like I was perpetuating the abuse because I did not have the resources I needed to do my job properly.

The Hon. M.D. RANN (Premier): I have some breaking news here. I have a report, which I think the deputy leader would remember—the Mental Health Services Review, May 2000—and it says—

The Hon. DEAN BROWN: On a point of order, Mr Speaker, the Premier knows that the question is very specific indeed.

The SPEAKER: Order! The deputy leader has made his point.

The Hon. DEAN BROWN: The question was—

The SPEAKER: Order! The deputy leader need not ask his question twice.

The Hon. DEAN BROWN: It was about the number of resignations in the past year. The Premier must answer the question.

The SPEAKER: The deputy leader will resume his seat or he will be named.

The Hon. M.D. RANN: I am used to getting advice from the deputy leader. We are like phone pals.

The SPEAKER: Order! The Premier will not put his back to the chair and he will not jump up before he gets the call.

The Hon. M.D. RANN: Thank you, sir. This report, which I really do believe deserves to be tabled in this parliament, is called 'A new millennium, a new beginning'. It talks about the system in May 2000—that vision and leadership have been lacking, and refers to structures that are ambiguous, confusing and unproductive.

The Hon. R.G. KERIN: On a point of order regarding relevance, sir, it was a very clear question.

The SPEAKER: The Premier is not answering the question. We will move to the next question. I call the member for Bragg. I do not think there is any point in continuing. The member for Bragg.

Members interjecting:

The SPEAKER: The house will come to order. We could end question time now. The chair would be quite relaxed about that.

Ms Rankine interjecting:

The SPEAKER: The member for Wright seems to want to have an early break.

The Hon. K.O. Foley: Here comes the lecture.

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

EDUCATION DEPARTMENT, ENTERPRISE BARGAINING

Ms CHAPMAN (Bragg): My question is to the Minister for Education and Children's Services. Given the government's total mishandling now of the enterprise bargaining agreement—

The SPEAKER: That is comment.

Ms CHAPMAN: —and the subsequent need for another expensive statewide teachers' ballot to occur over the next two months, will the minister guarantee that all teachers receive not only their full back pay but also the compensation for two months' delay? In September, teachers voted to accept the government's offer. Section 170LR of the Workplace Relations Act requires the government to provide access to and an explanation of the agreement to all employees. It has failed to do so, notwithstanding that the government negotiators had been alerted to the legislative requirements, all the detail, at the conclusion of the formal EB negotiations. Now the ballot has to be re-done, notice has to be re-advertised and the final documentation certified, resulting in a back pay to July not now being paid until 15 December this year.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): This is an application by the union, and Deputy President O'Callaghan has made some minor suggestions. Those minor suggestions have been agreed to by the union and also by the government. On this side of the house we actually support the opportunity for the members to have a say in those recommendations that have been put forward by Deputy President O'Callaghan. The advice that I have received is that the approximate cost of this will be about $10 000. Of course, that is $10 000 in a package that has been offered to the teachers of $670 million.

The other advice that I have received is that when the current opposition was in government, when it was doing the negotiation with the teachers, we were forced into a costly arbitration process to the tune of an approximate $1 million cost to taxpayers.

Ms CHAPMAN: As a supplementary question, Is the minister then saying that the cost of re-advertising and re-balloting is $10 000 only, and will that be added and paid to the AEU for the costs incurred?

The Hon. M.J. WRIGHT: As I have said, the advice that I have received is that this is a minor cost that may total approximately $10 000. It is a result of minor recommendations made by Deputy President O'Callaghan. Both the government and the union have agreed to his minor suggestions and, in those circumstances, it is only appropriate that the members have an opportunity to have a say in what has been recommended by the Deputy President. We actually support the Industrial Relations Commission: I know those opposite do not.

URANIUM MINING

Mr WILLIAMS (MacKillop): Will the Premier unequivocally clarify his position on new uranium mines in South Australia and whether he supports the opening of new uranium mines in South Australia, or does he support local ALP policy as confirmed at the recent ALP state convention—

Members interjecting:

Mr WILLIAMS: I will repeat the question.

The SPEAKER: There is no need to repeat the question. Is the honourable member going to explain it?

Mr WILLIAMS: No, I had not finished. The Deputy Premier parrots on and interrupts, and I want the Premier to be aware of what the question is. Will the Premier unequivocally clarify his position on new uranium mines in South Australia and whether he supports the opening of new uranium mines in South Australia, or does he support local ALP policy, as confirmed at the recent ALP state convention, that no new mines be developed in South Australia.

The Hon. M.D. RANN (Premier): I am happy to answer this question, because everyone here knows of my fundamental support for an almost trebling of the size of Olympic Dam, because I am told—

Mr WILLIAMS: On a point of order—

Members interjecting:

The SPEAKER: The Premier will resume his seat; there is a point of order.

Mr WILLIAMS: I raise the point of relevance under standing order 98. This is important to the investors who lost $12 million on the stock market last week because of his prevarication on this issue.

The SPEAKER: Order! That is not a point of order. The Premier needs to wrap up his answer.

The Hon. M.D. RANN: I have only just started: I do not know how I can wrap it up! People know that deep down I do not like uranium, which is why I want to dig it up and get it out of the country.

Mr WILLIAMS: Will the Premier confirm that it is his government's policy to seek change to the no-new-uranium-mine policy at the federal Labor convention in 2007 and, if so, why did the Premier not present that position at the state Labor convention the weekend before last? As a result of mixed messages coming from the government on this issue, last week saw the wipe off of more than $12 million from the value of junior uranium explorers registered in South Australia.

The Hon. M.D. RANN: Let me clear up things. Did you see the article by Trevor Sykes in the *Weekend Financial Review*, October 15 and 16 which stated:

> At mining conferences the state government gives away as souvenirs stubby holders bearing a quotation from Rann saying: 'We in South Australia are pro business, pro jobs and pro mining.'

'If only all of the states had the same attitude,' says Trevor Sykes. Can I just say—

Members interjecting:

The Hon. M.D. RANN: I know you're all jockeying for positions—

Members interjecting:

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

Mr WILLIAMS: On a point of order, Sir. Again I draw to your attention standing order 98, which suggests that the minister in answering a question has to go to the substance of the question.

The SPEAKER: Standing order 98 is relevant in question time: the Premier was debating then. I call the member for Playford.

LOITERING LAWS

Mr SNELLING (Playford): My question is to the Attorney-General. Following the Attorney's fascinating exposition on the state of loitering laws in South Australia and the equally fascinating ignorance on the part of the opposition as to their existence—

The SPEAKER: Order! That is comment.

Mr SNELLING: —could the Attorney update the house on any recent developments?

The SPEAKER: Order! There was a lot of comment in that. The Attorney.

The Hon. M.J. ATKINSON (Attorney-General): I am trying to obtain advice about how much the Liberal opposi-

tion policy to reintroduce a law that has been there for more than a hundred years costs. Members of my staff have alerted me, after the Liberal claim that Don Dunstan had got rid of the loitering laws—

An honourable member interjecting:

The Hon. M.J. ATKINSON: He did? Don Dunstan got rid of the loitering laws? That is very interesting. I am going to answer that.

Members interjecting:

The Hon. M.J. ATKINSON: The opposition claim about the loitering laws is either that Don Dunstan abolished the loitering law when he was attorney-general and before he was premier or he abolished the loitering law when he was premier. I will leave the opposition to resolve that. But my staff, assiduous as ever, has found a report, from the very early hours of the morning, in this very precinct. At half past 12 today—and I quote from AAP (Australian Associated Press):

> Seven women out on a hens' night, including the future bride, have been arrested, after their rowdy celebrations erupted into violence in Adelaide today. Police were called to a club in Hindley Street about 12.30 a.m. central standard time when a group of 12 women, all aged in their 20s and early 30s allegedly refused requests to leave after behaving in a disorderly manner.

Members interjecting:

The Hon. M.J. ATKINSON: I interpolate at this point that the Liberal Party would have us believe that these police officers are bereft of power to charge anyone with loitering owing to Don Dunstan. It continues:

> The arrival of numerous police officers at the club triggered heated discussions that became worse when one woman, believed to be the bride to be, allegedly punched a female officer in the face. Seven arrests were made for offences which included hindering police and—

wait for it—

> failing to cease loitering, resisting and assaulting police.

The Hon. I.P. LEWIS: Mr Speaker, on a point of order: I am fairly distressed at the levity the government gets from the last question, and let me explain. I think that since those people have been charged the matters are sub judice, and the dissertation we have just heard clearly will prejudice the capacity of the court to provide an unbiased opinion of the events.

The SPEAKER: The member for Hammond makes a valid general point. When matters are before the court, or are likely to be, members should be careful.

MENTAL HEALTH

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I lay on the table a copy of a ministerial statement relating to mental health services made in the other place by the Minister Assisting in Mental Health.

MURRAY RIVER, ENVIRONMENTAL FLOWS

The Hon. K.A. MAYWALD (Minister for the River Murray): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: I have great pleasure in advising the house that this morning at Mannum the Hon. David Wotton, Presiding Member of the South Australian Natural Resources Management Board, and I publicly released a new strategy called Environmental Flows for the River Murray. This strategy establishes a framework to manage environmental flows in South Australia (including the 500 gigalitres to be recovered for the Living Murray Initiative) on the projects that will be delivered in South Australia and provides incentives for donations of water for additional environmental projects.

The strategy establishes the new function of the River Murray Environmental Manager, with the South Australian Murray-Darling Basin Natural Resources Management Board, to provide clear accountability for delivering environmental flow outcomes for the River Murray. The Environmental Manager will oversee environmental flow decisions and actions and work with the community to determine priorities for environmental watering initiatives. The federal government has also supported this exciting South Australian initiative with the announcement today of an investment of $150 000 towards on-ground works needed to deliver donated water to environmental projects in support of this initiative.

South Australia has provided the lead across the Murray-Darling Basin in regard to environmental flow initiatives, including the highly successful watering projects on the Chowilla floodplain, weir pool raisings to provide water to drought affected floodplains and wetlands and environmental barrage releases. South Australia also initiated and coordinated the survey on river red gum health that has led to the recent agreement by the Murray-Darling Basin Ministerial Council to provide funding to undertake a river red gum rescue along the length of the River Murray.

The role of the Environmental Manager provides an excellent opportunity to harness the tremendous community goodwill toward the River Murray. The river in South Australia has already benefited from a number of donations to environmental watering projects. Irrigators have donated water to local projects at Katarapko, Clarke's Floodplain, Riversleigh and Paringa.

We have also seen the establishment of strong partnerships with other organisations, notably, with the New South Wales Murray Wetlands Working Group, which provided 1 500 megalitres of water to complement water made available by the South Australian government to undertake the Chowilla watering trial projects. I look forward to strengthening these existing partnerships and building new partnerships in the future.

A number of groups have expressed interest in establishing environmental water trusts for the River Murray. The government is encouraging organisations outside of government to establish their own environmental water trusts and to work closely with the environmental manager to deliver the best possible outcomes for the River Murray. Donors will be able to donate water to environmental water trusts, specific environmental watering projects or direct to the River Murray Environmental Manager. These donations could be temporary or permanent. All watering projects need to be accredited by the environmental manager.

Water donations for the environmental projects provide a significant opportunity to improve the health of the River Murray. To encourage environmental water donations, people who donate or dedicate water to accredited environmental purposes will be exempt from a number of fees:

- licence application fees for new water licences, where the licence is an environmental licence accredited by the SA Murray-Darling Basin Natural Resource Management Board;

- administration fees for the transfer of a water licence or allocation, where the transfer is a donation to an environmental licence accredited; and
- stamp duty on the transfer of a water licence or allocation, where the transfer is a donation to an environmental licence.

In addition, where some or all of an allocation is donated during the financial year, the donor will be entitled to a refund of all or part of the River Murray levy paid in relation to that water.

The proportion of the levy to be refunded will be dependent upon when the water is donated. Water donated early in the financial year will be most valuable, as its use on environmental projects will be able to be planned well in advance and coordinated with other projects. Water donated toward the end of the year will not be as valuable for use on specific environmental watering projects, although it will still provide some general benefit to the river. Therefore, the earlier in the financial year that the donation is made, the greater the refund.

The Environmental Manager will develop an E-water Register, which will ensure that all environmental water, including donations, is accounted for and managed in a transparent manner. All environmental water donations will be publicly acknowledged in the Environmental Manager's annual report to the Minister for the River Murray. This will include a balance sheet for environmental water allocations for that year, including details relating to water delivery, distribution and outcomes. This is another example of South Australia's commitment to the future sustainability of our great River Murray.

NATURAL RESOURCES COMMITTEE

Mr RAU (Enfield): I move:

That the committee have leave to sit during the sitting of the house today.

Motion carried.

GRIEVANCE DEBATE

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): Today I would like to share with my colleagues some of the goings on at the select committee this morning where Mr Gary Lockwood appeared. It made fascinating listening, despite the outrageous attack by the Attorney-General on a citizen who was invited to appear before that committee. He was asked to come forward, he did so, and he answered every question he was asked truthfully. In typical bullyboy fashion, because he did not agree with what Mr Lockwood said, the Attorney has called him a liar and attacked him as hard as he can, just because—

Mr Koutsantonis: He is. He is a liar!

The Hon. R.G. KERIN: Mr Speaker, you heard that.

The SPEAKER: The member for West Torrens should not be interjecting.

The Hon. R.G. KERIN: Sir, I ask that you ask the honourable member to withdraw what he said.

The SPEAKER: Within parliament a member can call someone other than a member a liar.

The Hon. R.G. KERIN: I would not have thought we would encourage it, sir.

The SPEAKER: I am not encouraging it, but that is the rule.

The Hon. R.G. KERIN: I think the attack by the Attorney is an absolute misuse of the office of the chief law officer of this state. He has accused a citizen who has been asked to come before the committee. That citizen has done so and given his evidence. But, because the Attorney did not like it, he called him a liar, and I think that is despicable.

The other thing is that the Attorney said in this chamber that the journalists thought the evidence was rambling. That is not the opinion of the journalists to whom I have spoken. I hope that the attack dogs and the boys from the Labor Party have not been leaning on journos to try to change the impression that they had. Quite frankly, I can tell the member for West Torrens that this morning Mr Lockwood came over as very credible. He was measured and logical. Furthermore, anyone who was there would have seen that he absolutely took the Hon. Paul Holloway to the cleaners.

The Hon. Dean Brown: Do you think the Attorney-General is now going to appear before the committee?

The Hon. R.G. KERIN: The Attorney-General should appear before the committee, but I bet he does not have the courage that Mr Lockwood has to do it. Anyway, we heard the accusations this morning, with great consistency, about what the Attorney had said to the member for Torrens and the member for Florey. It was very telling. The member for Torrens got up previously to make a statement in this house. Obviously, a truce has been made. It may have something to do with the fundraiser the other day. The Attorney-General and his right faction have suddenly jumped into bed with the left and helped fundraise for the member for Torrens. And, lo and behold, there was a little mystery at the ALP AGM about where some extra votes came from. I have heard from several sources over the last 24 hours that that may well have had something to do with it as well. The main game for the Attorney-General—

The Hon. M.J. Wright interjecting:

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Minister for Industrial Relations and the Attorney are way out of order.

The Hon. R.G. KERIN: The main game for the Attorney-General, and what is very telling today, is that the member for Florey has courage, because she would not be bullied into either getting rid of Mr Lockwood or getting up in the house and making a statement such as that made by the member for Torrens today. So, the issue remains as to what the Attorney-General said to the member for Florey—

Mrs GERAGHTY: I have a point of order, sir. The leader has said that I was bullied—or inferred I was bullied—into making a statement.

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

Mrs GERAGHTY: Sir, he has made a statement that clearly is not correct.

Members interjecting:

Mrs GERAGHTY: No-one is going to bully me in this place, including members of the opposition.

The SPEAKER: Order! The member for Torrens will take her seat. If the member wishes—

Members interjecting:

The SPEAKER: Order! If the member for Torrens wishes to make a personal explanation, she can.

The Hon. M.J. Atkinson: Kero is on message again.

The SPEAKER: The Attorney will be named in a second, if he is not careful. If the member for Torrens wishes to make a personal explanation, she can do so.

Mrs GERAGHTY: I just want to reiterate that I have not been bullied.

The SPEAKER: No, that is not a point of order.

The Hon. DEAN BROWN: Mr Speaker, I rise on a point of order. The member for Torrens raised a point of order. She cannot make a personal explanation until after the speech.

The SPEAKER: That is right; that is exactly what the chair is saying. The leader will get an extra minute to make up for the disruption.

The Hon. R.G. KERIN: The real point is that the member for Florey has had the courage to stand up to the Attorney-General. Some very serious accusations were made to the committee this morning on a range of issues. The one way to clear this up is for the Attorney-General to appear before the committee. The Attorney-General should appear before the committee. The member for Torrens and the member for Florey should also appear before the committee. It is not good enough for the chief law officer of this state to call someone who was asked to appear before the committee to give truthful evidence a liar because he does not like what was said. We need these people to front the committee and answer the allegations made by Mr Lockwood—not call him a liar. They need to put their own point of view. They have the opportunity to go before that committee. I challenge the Attorney to take up that opportunity to go before the committee.

The Hon. M.J. Atkinson: That's not a committee—a kangaroo court.

Mr BRINDAL: Mr Speaker, I rise on a point of order. The Attorney-General audibly referred to a committee of this parliament as a kangaroo court. That is an offence in the face of the house, sir, and I ask you to take him to task over it. You cannot, sir, call a committee of the parliament a kangaroo court and get away with it in any reasonable democracy.

The SPEAKER: Order! It is inappropriate language. The Attorney should not refer to a committee in that way. I ask him to withdraw that reference to the committee as a kangaroo court.

The Hon. M.J. ATKINSON: Sir, it is a committee of another place. I suggest that you take advice from the Clerk.

Mr BRINDAL: Mr Speaker, I rise on a point of order. What part of a direction does the Attorney-General not understand?

The SPEAKER: The point is that it is not strictly unparliamentary, but it is unhelpful to reflect on a committee, even in another place, and it is not a practice that should be encouraged. I ask the Attorney to withdraw his reflection on the committee.

The Hon. M.J. ATKINSON: On this occasion, I will withdraw.

Mr KOUTSANTONIS: Mr Speaker, I rise on point of order. This is not to waste anyone's time, but I refer to standing order 127, personal reflections on members. The Leader of the Opposition implied that the member for Torrens was bullied. Sir, you ruled that he can imply that she was bullied and that it is not unparliamentary. I say that standing order 127 is there for that reason. He cannot accuse a member of being bullied.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The house will come to order. The chair did not say that was unparliamentary. I said that, if the member for Torrens wished to make a personal explanation, that avenue was open to her.

MENTAL HEALTH

Ms RANKINE (Wright): Today I want to address the house about the shameful administration of the federal government's mental health programs. The Human Rights and Equal Opportunity Commission today released its report into mental health services in Australia. I note that the very lengthy report was sponsored by grants from the commonwealth Department of Health and Ageing, as well as members of a pharmaceutical collaboration, namely, six drug companies. It seems to me to be a sad day in this country when human rights' reports have to be sponsored by drug companies.

The executive summary of this report contains two interesting statements regarding the federal government's mental health funding programs. First, it lauds the commonwealth for increasing funding for mental health by 128 per cent in recent years. What it does not say is that the main driver for this increase in commonwealth funding has been the increase in the cost of psychiatric drugs provided through the Pharmaceutical Benefits Scheme. This PBS increase in the cost of psychiatric drugs accounts for 68 per cent of the increase in mental health funding. It is not a reflection of government commitment; it is a cost driven by demand. The other praise for the commonwealth in the executive summary is for its program called Better Outcomes for Mental Health, which is intended to assist general practitioners to develop their skills in mental health diagnosis, care planning and treatment.

The Adelaide Northern Division of General Practice Psychological Service has conducted a review of the Better Outcomes for Mental Health program. The review reports that the program led to marked improvements in patients and that 91 per cent of GPs agreed that their patients benefited. What is disgraceful is that the Minister for Health (Tony Abbott) and the Parliamentary Secretary Assisting (Christopher Pyne) have run this program so poorly that less than half the money allocated has actually been spent on this program which the Human Rights Commission believes is a great initiative. The Howard federal government promised to spend $120 million over four years on the Better Outcomes for Mental Health program, then, during the election campaign it promised a further $30 million for the program; however, during the last budget it revised the figure to be spent down to only $102 million, a shameful drop of $48 million from what was promised.

The disgrace is that, on top of this after they had already reduced the amount by $48 million, the federal government created so much red tape that it underspent even the revised estimate by a further $63 million. This money has now disappeared from the mental health system. They promised $150 million; spent $39 million. It appears the federal government has spent $111 million less than it promised on this important program—$100 million that should have been spent on helping GPs to treat mentally ill patients. Why did this $63 million not get spent? Because a South Australian GP, Dr Pasquale Cocchiaro, said that GPs found accessing the incentive payments 'a bureaucratic nightmare'. It had nothing to do with a lack of GP interest in the program. The GPs were very keen, and the take-up of the program was

high. Over 4 000 doctors were involved in the program but, as Dr Pasquale remarked in the *Australian Doctor*, 'there are just too many hoops to jump through.'

The Rann government, however, recognises the importance of GP partnership in mental health. We have directly funded the South Australian Division of General Practice with $3.25 million this year to develop shared care programs and employ allied mental health professionals to work with GPs and specialist mental health services. South Australia needed this money that the federal minister lost. I am amazed and disturbed that a government that can underspend its mental health allocation by $63 million cannot find enough money to support the Human Rights and Equal Opportunity Commissioner's work so that it does not need to be sponsored by drug companies. The state government takes mental health seriously, and we are working to rectify the system that was left destitute by the previous government. Those are not my words; those words are contained in a report of May 2000, which was commissioned by the former government, I understand. It states:

> We went from leading the nation in mental health services in the 1980s to lagging under the Liberals under the stewardship of the Deputy Leader of the Opposition.

URANIUM

Mr WILLIAMS (MacKillop): I rise today to discuss a very important issue for the future of South Australia and to inform the house why I believe the current Premier is not fit to be the leader of this state. The Premier applies both sides of the argument with regard to uranium. He would have the community believe that he is absolutely against uranium by the stance he took against the federal government when it wanted to build a low-level, short-term radioactive waste repository in the north of South Australia. He ran the anti-uranium argument then.

On the other hand, he would have the mining sector believe that he is a strong supporter of uranium mining and new uranium mines in South Australia. I want to point out where the Premier has come unstuck, because that is what he has done. He had the opportunity today, on at least two occasions, to put on the record where he stands on this very important issue. As the shadow minister for mineral resources in South Australia, I understand the importance of the mining sector for the future of this state. I even believe that the government's minister in another place, the Hon. Paul Holloway, understands that. There might be two or three other people in the government who understand it, but the Premier certainly does not. The Premier is more than happy to play politics with the future of South Australia because that is what he is doing, and he demonstrated in the house today that he wanted to continue with that.

I read mining journals—journals which are read exclusively by people within the mining sector—and for some period now, at least 12 months, those journals have been reporting to the mining industry all over Australia that South Australia is pro-mining. They recognise—as all of us here who have taken any interest in this sector know—the chances of finding uranium associated with the valuable mineralisation of a whole range of minerals in South Australia, particularly in the north. So, by and large, when opening a mine, particularly for copper-gold mineralisation in the north of South Australia, there is more than likely going to be uranium also. We know that the biggest proved deposit of uranium anywhere in the world is in South Australia, and we have a fairly good understanding that there is a lot more of it out there.

So, I am saying to the house that the future of the mining sector in South Australia is closely aligned with the future of the uranium mining industry in South Australia. This is where the Premier gets it wrong and he tries to play both sides. He tries to say that he is pro-mining, and every time he is asked the question he says that he is all about doubling the size of the Olympic Dam mine. That is fine, but there are a whole range of junior exploration companies that have floated on the stock market and raised funds, and that is not all that easy to do. It is a bit easier to do at the moment with uranium worth $US33 a pound, which is over three times more valuable than it was 12 months ago.

Some of those investors are putting money specifically into uranium exploration in the north of South Australia, and, when they saw the duplicity of the Premier last week, when he did not have the ticker at the recent Labor conference to tell the people what he believed (to borrow a term that my federal colleague the Prime Minister used), those investors wiped $12 million off the stocks of those junior exploration companies. That will do nothing for the future of mining in South Australia, and the Premier should be ashamed of his actions.

The Premier has to come out and say whether he believes in the future of uranium mining—in new mines in South Australia—so that the industry can get back off the floor with confidence, and the investment community can confidently put money into exploration in South Australia, or he has to stop this charade, a charade that even sees taxpayers' dollars going to subsidise the drilling activities of these junior exploration companies. He has to stop that charade and tell them that he is not going to have any new mines in South Australia, like Kim Beazley said in Canberra two or three days ago. The Premier cannot have it both ways. He has to tell us what he thinks.

Time expired.

LIBERAL PARTY

Mr KOUTSANTONIS (West Torrens): I found it interesting, sir, that the member for MacKillop said that the uranium industry was on its knees in South Australia. I think that it would disagree with him. Anyway, I did not interrupt the member for MacKillop at all—

Mr Williams interjecting:

Mr KOUTSANTONIS: I know that he has absolutely no manners whatsoever, and that he is feeling a bit touchy. I want to reflect on the last week's activities in the Liberal Party. I agree with the Premier. If you cannot govern yourself and your own internal workings, how can you govern the state? We saw the hapless member for Waite stick his head up over the trenches, blow the whistle and go over the top. The member for Waite obviously learnt to count in preschool like the rest of us, but he could not get past one. One thing that I was taught very early on in the Labor Party was how to count. It is a fairly basic principle. You ring people up, and you definitely count the people who say that they are not supporting you. For the ones who are supporting you, you put a 'maybe' next to their name; you talk about them; you hold their hand for a while; you bring them in with you; but, generally, you work out where you are based on those who are not voting for you.

From my discussions with the honourable member's colleagues, who are all pretty much laughing at him, I

understand that they were all honest with him. I have not found anyone who said to him that they were going to vote for him. Of course, after the event, people change their mind and they want to back the winning team, the Leader of the Opposition's team, so they do not want to say that they were backing a losing horse. It seems to me that the ex-hero of the Liberal Right, the member for Waite, went to the ballot with only one vote, which I think is a very embarrassing situation.

I have made a list. It is a shame that the member for Bragg has left the chamber because I was going to run through her numbers for her. I have brief calculations of the votes that I think would be allocated if there were a ballot today. I have not done the upper house because I am not sure of their voting intentions. For the member for Davenport, I have marked down votes from the members for Mawson, Morialta, Newland, Light, Unley, and Kavel. I am not sure about the member for Heysen. For the member for Bragg, I have put down the members for Hartley, Bright—the current member, but not the proposed member for Bright because I would say that he is an Evans supporter—and, of course, the member for Stuart, who would be a moderate. That is not all the lower house members. I have gone through only the ones who I think will lose at the next election.

It is very important to note that the member for Davenport was very clear in his statement when he said that there would be no challenge to the Leader of the Opposition until the election. He did not say that it would be if they lost: he just said 'until the election'. Are we to believe that the people of South Australia will go to the polls on 18 March, voting for either the current Premier or the Leader of the Opposition to replace the current Premier, with the member for Davenport not having ruled out a challenge to the leadership, even if the Liberals are successful, or is it even more sinister? Has he already given it up? Has he already conceded defeat? Have all the Liberals already given it up? He did not say, 'If we win, I will not be challenging'. He said, 'I will not be challenging until the election is over.' He did not talk about a result.

The Labor Party may or may not be successful at the next election. I do not know; I am not arrogant. I do not know what the people of South Australia are thinking. I do not believe the polls, believing as I currently do that it is neck and neck. I do not know why the member for Light is laughing so much. I think it is very close. Let us say that Labor wins—that in some miraculous way we win the election. The members for Mawson, Morialta, Newland, Hartley, Bright, Light, Unley, maybe Heysen, maybe Kavel, and Stuart will be gone. Who will win the leadership ballot then? We know that the member for Waite has one vote—his own. We know that he will run again.

Mr Snelling: Even that's not sure.

Mr KOUTSANTONIS: He is not even sure about that! He has not finished lobbying himself on it! What will happen to the member for Davenport? Who will lose? There are six votes in a caucus of what? Let us say that they win five seats in the upper house and 15 to 17 seats in this place, and the honourable member loses six votes. Can he still win? We will wait and see.

Time expired.

SCHOOL BUSES

The Hon. M.R. BUCKBY (Light): The member for West Torrens is always colourful in this house. I will not bother correcting him on anything bar one fact, and that is that I will be here after the next election. I want to raise a problem that my constituents, the Patrick family from Templers, are having at the moment with regard to school bus access for their children. The Patricks have two sets of twin daughters, one set aged 13 and currently attending Kapunda High School and the other set currently attending Freeling Primary School. I have to give commendation to the Minister for Education here, because we have been working together on this one and she has tried extremely hard, but we have not quite got the result that we wanted. I am sure that the member for Taylor well knows the transport section within the Depth of Education and just how belligerent it can be from time to time. She is nodding her head: I also had that experience.

The problem for the Patricks is that their twin 13-year old girls catch a bus at Templers in the morning to travel to Kapunda High School. Both parents work. Mrs Patrick is self-employed and, as a result of that, can need to use her car to visit clients at any time during the day. As a result, she cannot be guaranteed to be at the Templers bus stop to collect her two daughters in the afternoon. Their home is seven kilometres from the bus stop and, obviously, that is too far for two 13-year old girls to be left walking home. What the Patricks have asked is that a diversion of the bus of five kilometres be undertaken so that their daughters could be dropped off in the afternoon. It is not in the morning: the situation there is fine; but in the afternoon it would help the family no end.

There are two buses that travel the same route, morning and afternoon. If that were only a single bus, we would not be asking for that to be changed, but there are two buses and we are seeking one of those to be diverted five kilometres. As I said, the minister has worked with me on this one and I appreciate the work she has done, but I am asking her to overrule her transport section, because this situation is going to be around for some time. Obviously, these two daughters who are 13 are attending Kapunda High School and the two daughters who are at primary school will also be attending Kapunda High School, so the situation will be around for about 10 years. When the Patricks purchased the property on which they reside, a bus route came within two kilometres of their home and that bus collected one child only, yet here the transport section of the Education Department is saying 'No, we are not going to divert this bus,' even though the four girls will be using the bus over a long period.

I think it is particularly hard hearted. In this case there is no out-of-school-hours care available to the Patricks for their two 13-year olds at Kapunda High School to access so they could be picked up later by their parents. There are no alternatives. There are no neighbours who can collect the children for them, and we are only asking for a diversion in the afternoon, not in the morning. We are talking 10 kilometres per day. I do not think that that will break the Education Department's budget, by any stretch of the imagination, but it would certainly help the Patrick family no end. Given that the route had been established before for one child, I see no reason for this not to be reinstated for the twin daughters.

I ask the minister to go back again and overrule the advice of her transport section and allow the Patricks some flexibility in the system, and show that there is flexibility in the system to be able to accommodate their needs. I well remember the same thing happening at Kybybolite when I was minister, and I did overrule it.

DOME

Ms BEDFORD (Florey): A few weeks ago it was my honour to represent the Premier at the 24th AGM of DOME. DOME is a not-for-profit charitable organisation funded by the state government through the Department of Further Education, Employment, Science and Technology that specialises in mature age training and employment for the over 40s. It provides training to mature age individuals and an employment service to commerce, industry and government. Over the years, DOME has helped many experienced workers regain employment.

DOME—Don't Overlook Mature Expertise—was formed in 1981 by a small group of over 40-year old unemployed people who were having great difficulty in finding work. The state government supplied the premises for an office and some furniture and the office opened its doors in December 1981. From July 1982 to 1986, two full-time positions were created with the rest of the support filled by unemployed people who volunteered their time in such positions as job placement officers, clerical assistants, receptionists, job matching officers, interviewers and research officers. The organisation's aims and objectives have not changed and DOME has grown into a nationally recognised and respected organisation. The association is continually expanding and has in excess of 3 200 members registered on their books. I have been aware of DOME's work for many years and so I was very delighted to attend the meeting and to meet the people currently involved in its management.

While DOME was primarily formed to place mature age workers who became unemployed for many reasons, it was apparent that, for it to succeed, the organisation would first have to establish credibility with employers, government and the community. Until its establishment, very few places were able to offer specific support to this important group of workers. Loss of employment, as we know, leads to loss of confidence and self-worth in any age group. The core aim has not changed some 25 years later, and DOME remains a highly sought after agency for its clients who deliver to other providers like Centrelink, Job Network and other government agencies and community groups. DOME's success can be attributed to its strong and large volunteer base—80 volunteers a week—utilising a considerable amount of mature age experience and it is a registered training organisation, servicing vocational education and training.

Age discrimination on the part of employers, agencies, colleagues and the unemployed themselves perpetuates the myth that older unemployed people are less capable than others of securing work. Without doubt age discrimination is a major concern for the mature aged in obtaining work, and the mature age job seeker has to carry the additional burden of financial and emotional distress at such a difficult time. The reality is that ageism is the greatest problem the mature age unemployed face, and age discrimination in the workplace—that is, training opportunities and promotion—leaves the older worker as the most likely to be chosen for redundancies or retrenchment. The feelings of worthlessness, despair, lack of self-esteem, loss of social place and motivation specifically tied to the mature age unemployed mean that many need assistance to pick up the pieces. The state government's social inclusion policy sits well with DOME's objectives, which are consistent with the Premier's priorities of job growth, economic development and social inclusion.

At the AGM I learned of the death of Michael Conry, who had been associated with DOME from 1992 until his sad death in July this year. The AGM elevated Michael to chair emeritus in recognition of his commitment and service to the organisation. Michael's obituary in *The Advertiser* on 6 August this year—and I refer to Shane Maguire's article—gave me an insight into the obviously special man he was. Mick (as he preferred to be known) was a highly regarded photographer with the then Adelaide newspaper *The News* where he began his career as a 15-year old copy boy running messages. After being a cadet photographer in the days of real cameras with film in them, he began a distinguished 43-year career, covering news stories. In fact, one of his sporting photos hangs at Lords.

He also became president of the AJA, the forerunner to today's union for media and journalists, the MEAA, receiving that union's highest honour, only the second photographer ever to be recognised in that way. When *The News* closed in 1991, Mick was retrenched. While he had always been generous with his time, serving the community and organisations like Red Cross and Rotary (with which he had been involved for 20 years, again receiving the highest award of that organisation), his situation reminded him that he had taken a photograph of the CEO of a group called DOME, and the rest, as they say, is a happy history and association.

In a eulogy to Mick, DOME's current chief executive, Sharon Davis, described him as a man with 'a high level of concern for humanity'. There was not one person Michael knew who did not appreciate his strong views on how people should and should not behave. His last words were to 'keep winning'. Michael is survived by his wife Cecily and daughter Suzanne and a thriving organisation that continues to serve the community, in particular, the mature aged unemployed who have much to offer employers and society in general.

PUBLIC WORKS COMMITTEE: LOCHIEL PARK GREEN VILLAGE DEVELOPMENT

Mr CAICA (Colton): I move:

That the 227th report of the committee, on the Lochiel Park Green Village Development, be noted.

The Land Management Corporation intends to develop Lochiel Park at Campbelltown as the nation's model green village, incorporating ecologically sustainable development technologies. The site is approximately 15 hectares of land which was identified as surplus to the requirements of government agencies—the Metropolitan Fire Service, TAFE and the SA Health Commission—which formerly occupied the site. As an aside, when the debate began in relation to the future of Lochiel Park, I wondered where it was, only to learn subsequently that I did my recruit fire training course there—and, indeed, my senior firefighting examinations—and it was the hub of fire fighter training for many years whilst I was in the fire service. It was referred to as Brookway Park by the members of the fire service. So, it was nice to get back to that area and see what was being developed for it.

The land will be developed as a model green village of national significance, incorporating a range of best practice sustainable technologies, which will serve as a model for other urban developments. The development will facilitate the planning and development of the open space areas, incorpo-

rating an urban forest and wetlands. The benefits the project is expected to provide include:

- reduced community CO_2 emission;
- reduced use of potable water;
- water quality improvements of local stormwater catchments through wetlands prior to discharge in the River Torrens;
- reuse of 100 per cent of the urban stormwater from the project, thereby reducing stormwater run-off into the River Torrens;
- a reduction in wastes to landfill; and
- ready access to urban forests and walking trails, leading to healthier lifestyles and wellbeing.

In addition, this development will utilise technologies and initiatives transferable more widely. The master plan for the project incorporates a 4.25 hectare residential development of 81 dwellings, including a central park. The dwellings will display best practice sustainability initiatives in urban design, water management, energy efficiency, landscape, building design, waste management, community transport and information communications technology.

The development will set new standards for sustainable living in South Australia and Australia. Approximately seven hectares of land to the north of the residential development will be transformed into an urban forest or woodland park. This will enhance local biodiversity and habitat by the planting of native species endemic to the Torrens River floodplain and local Campbelltown areas.

The northern area will also be the location for a stormwater detention wetland to clean stormwater from a 50 hectare catchment prior to releasing it into the River Torrens. Approximately two hectares of land to the south of the development will be the site of a wetland to clean stormwater from a 189 hectare catchment to the east of the site prior to releasing it into the River Torrens. The two wetlands will provide a resource for recycled water, which will be used on the site for toilet flushing and irrigation of both private and public open space.

Throughout the open space provision is made for an extensive network of pedestrian and cycleway links. The forest will also incorporate areas for passive and active recreation, a public toilet and a public car park. Some 6 000 square metres of land will be provided at no cost by the LMC as a curtilage to allow council to reinforce the function and value of Lochend House, with the possibility of developing a community garden centre or urban farm.

A commitment has been given by the government to preserve 100 per cent of the existing open space at Lochiel Park. This will be implemented by amendment to the Local Government Act 1999 to provide for irrevocable protection of the community land—and, indeed, we had the debate last night. Council will accept responsibility for the recreation, open space and stormwater detention aspects of the development, which will be included in the legislation. LMC has agreed to accept responsibility for the first two to three years of maintenance costs. Approximately 1 700 square metres of land will be added to the Torrens River Linear Park along the frontage of the development area. Specific proposed sustainability initiatives include:

- increased allotment density to reduce the ecological footprint;
- site design and road and allotment orientation to maximise solar access;
- allotment layout and provision of public open space areas within the development to maximise connectivity and views and to foster a sense of community;
- provision of shared use areas to reduce car usage and promote pedestrian and cycle use;
- incorporation of crime prevention through environmental design principles;
- stormwater detention and cleaning from two catchments prior to reuse or release into the River Torrens;
- innovative water sensitive urban design initiatives to collect, clean and store stormwater from within the development;
- investigations into aquifer storage and recharge systems for water reuse within the development and adjoining facilities;
- approximately 10 hectares of urban forest planted with native species endemic to the Torrens River floodplain in the local Campbelltown area to provide a biodiversity corridor;
- connect to and enhance local habitat and offset greenhouse gases from the development; and
- infrastructure to support broadband distribution.

These initiatives will be supported by the proposed sustainable building design elements. The orientation and design of building envelopes will optimise natural lighting and exposure to prevailing winds, maximise solar access and energy efficiency and minimise overlooking and overshadowing of neighbouring allotments. Dwellings will also feature rear garaging to reduce the impact of motor vehicles and to enable street tree establishment and higher amenity streetscapes.

Total expenditure, including contingency funds and professional fees, is to be capped at $15.4 million (excluding GST). This will return an estimated profit of $2.779 million to LMC, but this includes a community service obligation payment of $9.35 million. Therefore, the indicative budget impact of this project is a net reduction in the forward estimates of $6.397 million. Construction of the project is anticipated to commence in May/June 2006, and the site developed before March/April 2007. This will allow the first dwellings to be commenced in mid 2007.

The life cycle benefits of the sustainability initiatives have yet to be fully costed or understood. There may be opportunities to reduce costs by careful selection of initiatives that achieve the most cost-effective outcomes, whilst not detracting from the project objectives. A cost benefit analysis of the initiatives will be undertaken by LMC and the Office of Sustainability and provided to the committee. It is anticipated that the Lochiel Park Green Village Development will contribute to meeting a number of South Australia's strategic plan sustainability objectives and targets. Based on this evidence, the Public Works Committee reports to parliament that it recommends the proposed public work.

Mr SCALZI (Hartley): I rise to make some brief comments on the Lochiel Park Green Village Development Report of the Public Works Committee. I made a contribution on this project before the bill to enable the project to be passed through this place last evening, and it is to be debated in another place when parliament resumes. As I pointed out last night, I support the project in principle. However, I made it clear in my contribution that, if the Minister for Infrastructure had not met with the Campbelltown council and the LGA representatives, I would have referred the bill to a select committee, given that it is a hybrid bill. However, the

minister gave an undertaking on the 17th to the Mayor (Steve Woodcock), a representative of the LGA and, I understand, the CEO of Campbelltown council that the concerns of the council would be addressed, and I would like to reiterate the council's concerns.

I will quote from a letter from the Campbelltown council to the minister which was a result of a meeting of the Campbelltown council on 4 October at which the council considered correspondence dated 20 September. Basically, the council directed the Mayor and the CEO to have a meeting with the Minister for Infrastructure to put their concerns directly to him. All along, the council and, indeed, I, as the local member, have made it clear that we do not oppose the project in principle, and the honourable member would know as chair of the Public Works Committee that I stated that also at that meeting. The concerns that the council had, and still has, and I trust that the minister will resolve, are these, and I quote from the letter:

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

I quote further from that letter, as follows:

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

I understand that the minister has given a commitment to address those two main issues, and I am placing on record the council's position. The letter continues:

> That approach ignores what has recently become very obvious to all spheres of government—that new infrastructure must be regarded as ongoing and long-term liability.

That is a very important point. The LGA got involved because it was concerned that this would be a precedent for state projects to impose on local government and therefore put pressure on council rates. As I said last night, that is a very important issue to be addressed, because the Labor Party—that is, the Labor candidates in Hartley and in Morialta—in its campaigning has really talked about council rates in Campbelltown. However, on this very issue, as I said last night, it has been silent. It has not helped me. I would have been quite happy to work with the Labor Party to ensure that the Campbelltown council and the ratepayers would not be faced with the future burden of increasing rates due to unforeseen costs of a state project.

I trust that the minister will honour that commitment and, if he does, I look forward to the benefits of the project. That does not mean that I will not monitor the project and have some constructive criticism to offer on some aspects of the development. For example, what has happened to 10 per cent being available for affordable housing and 5 per cent for disability housing on which Labor prides itself and which is missing from this project; the fact that the government failed to negotiate with the two gun clubs adjacent to the development; and the phone tower? It is my responsibility as the local member to try to get the best outcome for a development in my electorate and to ensure that there are not future costs.

Mr Caica: Who removed the 20 per cent?

Mr SCALZI: The honourable member talks about the 20 per cent. The reality is that we are talking about the same 15 hectares. The reality is: how many allotments were in a previous plan and how many allotments are there now? The answer is 148, because it was between 160 something and 148. One hundred per cent will not give you 81 private housing allotments, which the Premier ruled out when he was Leader of the Opposition. I thank the honourable member for interjecting, as it has given me the opportunity to put the record straight. I look forward to the urban forest, the integration with the Torrens River and the linear park. I also look forward to a wetland.

The honourable member might not know that the Geoff Heath golf course, the par 3, nine hole golf course adjacent to Lochiel Park, was also going to be developed. It was as a result of minister Ingerson at the time working with the Campbelltown council and me which ensured that par 3, nine hole golf course adjacent to this development. I have always had a good track record on supporting open space and, indeed, I fought very hard in this respect. Indeed, the council had 20 per cent freehold, whereas now it only has 6 000 square metres. The council at the time had the opportunity to purchase more if it wished, but it did not take up that option because it did not want to put an impost on the ratepayers of Campbelltown. I want to ensure that this development does not put an impost on the ratepayers of Campbelltown.

Mr BRINDAL (Unley): I would like to state unequivocally that governments do not always get it right, and I have come to the impression that it was not a bad thing for this Labor government to propose that Lochiel Park should be retained for open space. I freely admit that we were going to sell it for housing development and, having now weighed up all the factors, I do not know that that was the best decision. I do not say that it was anyone else's decision—I sat at the cabinet table and I was part of the decision making process. I think this decision is a better one. The decision is limited not only for what the member for Hartley has said to the house but also for some other factors. I point out to the house (and as usual hindsight is always 100 per cent) that Lochiel Park is a unique and very beautiful parcel of land, in many ways almost pristine, but it nestles on the bank of the Torrens and therefore, in strategic terms, I believe it is a very important location.

I remind members that over the past 30 years a succession of governments—Liberal and Labor—have sold huge quantities of land around inner metropolitan Adelaide. When I was younger, there were hectares of agricultural experimental land at Northfield on which I think Sir Ross Smith landed. The infectious diseases hospital was on that land. A parcel of land was taken out of the corner just before I was born by the Housing Trust, and Northfield resulted from a subdivision of that land. At Gepps Cross, again there were hectares of abattoir land which effectively was in the control of the state. We had the sewerage works at Islington, and there was also Lochiel Park. In fact, we had very valuable and very large parcels of government owned assets all over metropolitan Adelaide.

However, in my time in parliament (and even before), we started to realise that maybe an abattoir so close to Adelaide was not necessary, so we flogged off the abattoir. It does not matter whether a Labor or a Liberal government did it. We flogged off Northfield. We have flogged this, that and something else. If we look around inner to middle Adelaide, what do we have left? There is actually very little left. If in 50 years' time or 100 years' time this chamber says, 'Well, we need to do something. We need to provide something for Adelaide, but we cannot afford to do it because we cannot afford to acquire the land,' who then has been negligent? Is it those people in 100 years who realise that there is a need and try to fill it, or is it the people in this chamber in the past 30 years who profligately have wasted the resources accumulated by previous premiers—Labor and Liberal—in this state?

What we have not done adequately as a chamber, a parliament and as a series of continuing governments (whatever their political complexion), is analyse the needs of a developing city and say, 'How much land needs to be kept in reserve simply because the state might need it?' It does not mean that you do nothing with it. It does not mean that you let the docks grow on it and the wild and feral pests breed. It means that you can turn it into a linear park or a wetland. You can do a number of things with it which make it beautiful and which utilise it in a way that is relevant to this time but does not lock it away from the people for all time.

I think that one of the things that this government has done in respect of Lochiel Park which is intelligent and which is supported by the local members is to turn a vast proportion of that land into open space. Members opposite would not expect me to give the government unequivocal praise without putting a sting in the tail. The sting in the tail for this development I believe is this: as I said, when I looked at a map (and I did it after we made the site inspection), Lochiel Park virtually nestles beside the Torrens and so is an appropriate venue for the re-utilisation of water, and so one day that whole site might be pivotal. The main creek is below the gorge, and some of the tributary creeks flow into the River Torrens at around that area.

In terms of the ability to harvest the catchment to use the waters in the way that Salisbury council does (putting it through wetlands and then maybe underground) that site is unique. Insofar as a lot of the site has been preserved, if that is a future part of waterproofing Adelaide the credit will write to go to this government for doing so. For that it is to be congratulated.

Where I think a mistake has been made—they might blame us for this because we gave them the idea: we were going to sell the whole parcel of land for real estate—is that they said they would keep it all for open space. The member for Hartley can correct me if I am wrong, but that is my memory. If I am slightly wrong, I apologise. We wanted to sell a lot of it for open space, but Premier Mike Rann said, 'We will keep the open space.' He has been very clever in that he has not dishonoured his word because he has kept the open space for that purpose. He has demolished the buildings. It was not all buildings, there was grass between the buildings, but where the built form was he has subdivided for housing.

I do not say that the Premier's commitment was less than honourable, and I do not say that he has not fulfilled his word. However, I do say that therein lies a problem because, if we analyse the LMC's mathematics of the subdivision of the land, whilst the government comes out at one end making a profit, at the other end it has to contribute to the LMC a community service obligation (CSO). When we looked at the cost of the community service obligation vis-a-vis the profits at the other end, it became obvious to the committee that the existence of houses on that site would cost the taxpayers of South Australia money. That is a constructive criticism. I think it is bizarre to split this beautiful site into three bits. The housing development separates what will be a wetland from what will be open space by putting a swathe through the middle of the site. So, to divide the site by taking maybe a quarter from the middle of it for people to go and live there at the cost of the taxpayers of South Australia strikes me as diminishing an opportunity which this government saw but did not quite grasp.

Mr Scalzi interjecting:

Mr BRINDAL: I will not be unfair. I believe the member for Hartley has the right to say that: they promised open space. I believe that technically they have fulfilled their obligation, but I also believe that, if they had realised that, on the one hand, the development of the housing estate was going to cost money and, on the other hand, that it was going to diminish the capacity of the open space to be retained as open space, that would have been a better outcome. I give the following analogy. What would the people of South Australia say—the member for Adelaide might be interested in this—if we were to say, 'We're going to put a new edifice in the middle of the parklands; and while we take that land away from the people of South Australia incidentally it will cost us money to do so.' Or worse: 'we are going to give a parcel of land to Rupert Murdoch to build a new Advertiser building in the middle of the parklands, and for allowing Rupert Murdoch to do that we are also going to part with a million dollars.' There would have been absolute uproar.

In this case, whether by design or accident, we have arrived at a situation where we are taking away from the people of South Australia a beautiful piece of open space, and the people of South Australia are paying for that privilege. I do not believe the matter can be recommitted to this house for further consideration, but I do record that I think that aspect was a mistake and I hope that this government or any future government will analyse all aspects of any proposition a little more intelligently and come to a conclusion that is more conducive to the interests of South Australia. I do not believe that the continued genuflection to the disposal of state assets in the name of political expediency, the squandering of stuff that Playford and Dunstan reserved, is good for the people.

Time expired.

The Hon. I.P. LEWIS (Hammond): Before the member for Colton summarises the debate on the proposition, without wanting to repeat anything that was said last night on the matter, my association with this land is something that I wish to record. I, along with my brothers, used the land for (in part) market gardening from 1964 to 1971. It had been used by the Pearson family who were its owners before that, and then the highways department bought it for a transport corridor. That is the story of my life: I have been shunted from one piece of land to the next by the government compulsorily acquiring the bits of land where I had chosen to set up my market gardening operations along with my brothers.

The same thing happened at Athelstone. In that instance, a good part of the land grew excellent vegetables. It is a pity that it was not set aside as rural land used for vegetable production as an historical farm of the kind that does not exist anywhere. There is no reason at all why there could not be a

display farm with horses and equipment used by individual family enterprises for market gardening in the Torrens Valley at the time. I do not know whether the wells on that land have been filled in. At Marleston the government stupidly—the bloody idiots that were involved—simply pushed rubbish into the wells that I had personally slaved day and night to re-timber from the top down to the water, and in one instance that was 68 feet. I can tell members that lumping the timbers down on a yorke hoist and holding them in place on the top of your shoulder while you drill a hole into the beams to affix them by bolts is not funny, but you do these things because you believe that you are doing something worthwhile, only to find the kind of vandalism that occurs afterwards when people who do not understand, and do not care, take over.

This land is very good land. It is deep, alluvial, well-drained sandy loam. It could have been used in the fashion in which I have suggested. It still could be used to establish an historical market gardening farm using horses, literally, to which tourists could then go. However, that is not what the government had in mind, and nobody suggested it at the time, and nobody thought of it, so it is not going to happen.

It was whilst there that I first became aware of the torment of some of the people who were wards of the state living in the two institutions for boys on that place, that is, the house at Lochend and the premises that were right across the fence from me—the name of which escapes me, and I am astonished at that.

Mr Caica: Brookway Park.

The Hon. I.P. LEWIS: Brookway Park. That is right, and I thank the honourable member for Colton for that prompt. My work habits are different and always have been to those of many other people I know. In the evenings, it is best to harvest vegetables after sunset, when you have a turnaround in the reverse of the cycle in photosynthesis in the leaves of your vegetables when there is no sunlight on them. It is not only a matter of having them cool, it is a matter of having them in darkness. It changes the physiology of the leaf structure and extends the shelf life enormously. I used to harvest my cauliflowers, lettuces, zucchinis, sweetcorn—whatever we were growing on the land—at dusk and work on through the night. You get accustomed to seeing in what everybody else considers gloom and darkness.

During the time that I was there, sometimes until three and four o'clock in the morning, after loading cauliflowers, for instance, I might drive them straight into the market, or my brother would, and I would go off and do some other work somewhere else having worked throughout the night to get what we were seeking. Boys from Brookway Park and Lochend more than once deliberately absconded—that is the word I will use—to avoid the torment to which they believed themselves to be subjected, and they would make their way into my market garden where the storm drains came from Campbelltown and Hectorville through into the river just upstream from the James Street ford.

On occasions they tarried a while to tell their story, or to tell part of it when I initially took a more officious view of it and tried to accost them, hold them, and not allow them to do what I thought was improper. I soon came to learn from them that what they were saying about what was going on was not at all pleasant, and I did not blame them. At that stage I had been a member of the armed forces myself for several years. I had some knowledge of what went on at Roseworthy as well, and the kind of bastardisation that was going on in those other institutions in which I had been personally involved was not a lot different to the kinds of things that these boys were complaining about, and they were complaining about worse.

That is part of the history of the land. It is also part of the reason why I got involved, I guess, in the investigation of the activities of paedophiles in South Australia in general and the predation they made upon wards of the state in particular. I am not here to discuss that; I am here to simply state that that is where one of the first occasions, you might say, occurred, where this problem came in my face, and it has continued to do so until I decided to do something about it in these most recent years here. Some of the boys that I met there, just a few years younger than me, who are now much older men, and have found their way in varying degrees of success in life elsewhere, have come back to me since and said that they knew that I was the market gardener on the land adjacent.

This land ought to be used, not so much in the fashion in which it is being used now for subdivision of the kind that is being proposed, but rather if we are not going to take the liberty and opportunity of creating a museum piece, we ought to at least think very carefully about the kind of housing we would put there, and the Land Management Corporation has not addressed that, and the Public Works Committee was not required to. The kind of development that I speak of is where there is not only land that is owned by those people, such as is the case in strata title holdings, that is, exclusively for their family enjoyment, but also land held in common by all strata title holders, which is, as it were, enclosed within the enclave of the building surrounds, so that young children can be put in a communal backyard to get along with their neighbours in an area where there are no fences dividing them from their neighbours, but rather there is an access gate from their dwelling into the common land that is surrounded by all of the dwellings.

That is the kind of housing which ought to be adopted because it makes far better use of what otherwise becomes territorial wasteland in the backyard of many homes—high back fences and no connection between each of the backyards. On the other hand, that area could have had a communal barbecue and communally shared shade as well as shared recreational activity equipment for the strata title holders. I think honourable members will understand the vision that I have. The children are safe with the parent or parents—these days it is all too often one parent bringing up the kids because the parents have decided that they cannot tolerate each other any more. The child or children mix with their neighbours in a way in which they do not feel guilty about being in their neighbour's house or in their own back yard. It is not territorial to any one particular family: it is territorial to the entire group of dwellings. They all own that land in common with one another and it is managed as part of the strata title.

Time expired.

Mr CAICA (Colton): I thank all members for their contribution to this report. In particular, I wish to highlight the contribution of the member for Unley, who is a very hard working member of the committee, and ensure that the house understands that this report was one unanimously agreed by all committee members. In the future the house will miss the very thoughtful contributions made by the member for Unley on very many subjects. I want to respond briefly to a couple of the comments by the member for Hartley, who implied on several occasions that he trusted that the minister or hoped that the minister would undertake his commitment to engage in dialogue with council representatives in relation to those

matters that still need some discussion between the LMC, the minister and the council.

The minister gave that undertaking last night, and I do not think it was necessarily useful for the member for Hartley to imply that that might not be the case. Most certainly, that was a commitment given by the minister last night and it will be fulfilled. We know that the member for Hartley has pushed for some time to reinforce the point that he believes was made in relation to Lochiel Park, that there would be 100 per cent of open space retained, but in reality the commitment was that 100 per cent of existing space, that is, existing space outside of the footprint made by the former buildings, would be retained as open space.

Mr Hanna: He could never have got that from the Liberal government.

Mr CAICA: I thank the member for Mitchell, because we know that the member for Hartley does work very hard and diligently on behalf of his local constituency but in this matter he did get rolled by his cabinet, as the decision previously was to retain just under 20 per cent of that area for open space. This is a very good project. The member for Unley also raised the aspect of the CSO obligations, the money involved with that and, indeed, the cost impost placed on taxpayers as a result of this development. He understands that the committee did find it difficult to grapple with placing a dollar mark on the long-term benefits that might accrue from this project in relation to innovative design and ecologically sustainable development, and it will be a model green village that will be the envy of Australia, if not equal to any throughout the world.

The member for Hammond's comments in relation to that, which could have been considered with respect to the building design and, more importantly, the community aspect that might have arisen through a different machination in relation to how those buildings might be built, the titles that would apply to those buildings and the use of common space, is a very interesting concept and worthy of further exploration in the future but, as he pointed out, not considered by this committee because there was not the need to do so. It was not the project that was before it. I do congratulate the member for Hammond for thinking outside the square, as usual, with respect to future developments and his contribution to the debate.

This is a good project and it was seen last night that it had support on both sides of the house. I look forward to those matters that are unresolved being resolved through discussions between the council and the minister so that all parties can go forward hand in hand with respect to this very important project, not just for the north-eastern suburbs but for South Australia, in relation to ecologically sustainable development and the environmental benefits that will accrue from the forms of buildings that will occur out there. I commend the report to the house.

Motion carried.

BOTANIC GARDENS AND STATE HERBARIUM (LIGHTING OF FIRES) AMENDMENT BILL

The Hon. I.F. EVANS (Davenport) obtained leave and introduced a bill for an act to amend the Botanic Gardens and State Herbarium Act 1978. Read a first time.

The Hon. I.F. EVANS: I move:

That this bill be now read a second time.

On Sunday I had the opportunity to attend the Blackwood Neighbourhood Watch Good Neighbours Day barbecue in Wittunga Garden, and the purpose of this bill is to ensure that in future community groups will not have to go through what Blackwood Neighbourhood Watch had to go through to have a barbecue in Wittunga Garden. For those who do not know, Wittunga Garden is part of the Botanic Gardens on Shepherds Hill Road, and it is a fantastic setting. Unfortunately, it is only open between 10 a.m. and 4 p.m. most weekdays and until 5 p.m. on weekends. Blackwood Neighbourhood Watch, to its credit, has for the past five or seven years run what it calls a Good Neighbours Day, when it invites all the residents of its district for a barbecue and neighbours get to know each other.

It is a good program, because we have all heard stories about lonely or ill people in their homes on their own not getting the help they require at the time, and bringing people together actually extends a good-natured relationship throughout the community generally. So, it is a good program that Neighbourhood Watch runs. The genesis of this bill is that it approached the Botanic Gardens about having a barbecue in the Wittunga Garden, and they were not allowed to because the regulations do not provide any power for the Director of the Botanic Gardens to allow a barbecue in any botanic garden other than the Adelaide Botanic Gardens. We rang Stephen Forbes and, to his credit, the director tried to find a solution which was legal and which would keep the community happy.

At one stage the solution was that they were going to have to cook the barbecue outside the gardens and walk it into the gardens, because you were not allowed to have a barbecue on the lawn in the botanic gardens, which to me is absolute nonsense. Eventually, a compromise was reached whereby they actually cooked the barbecue in the storage area of the gardens, employed a staff member on a Sunday with a small tractor, and the barbecued meat was tractored by the staff member from the storage area to the area where Blackwood Neighbourhood Watch and 170 local residents were enjoying a good afternoon. While that solution worked, it really is a nonsense that the community has to go through that sort of carry-on to get simple permission to have a barbecue in the Wittunga Botanic Gardens.

All my bill does is simply give the director the power to be able to approve certain events— in other words, barbecues—in the Wittunga Botanic Gardens on application. That means it will not be opened up like a national park or recreation park, where you can go in and use barbecues that are already there. There are no barbecues in Wittunga, but you will be able to book the event and, with the approval of the director, have a barbecue in a set area. So there still is a control mechanism and Wittunga Gardens will not get damaged as a result of these events.

It really is a very simple bill. It simply gives the director the power to approve barbecues and like events being held in the Wittunga Botanic Gardens at Blackwood. I confess that I would like to have other events in the gardens if the bill goes through. I know that the Lions Club holds a fantastic jazzfest in Wittunga and it has been technically in breach of the law. I know that they are now in negotiations with the botanic gardens about how they get around that for its jazzfest in February. I do not see a problem at all with the community being able to go to the director and say, 'We want an event on a day,' and the director saying, 'That's fine. Put your barbecue over there.' If it is a controlled event and it is by approval, I think Wittunga Gardens can still be kept in their

very good condition and the director can have power to keep the community happy. With those few words, I again congratulate Blackwood Neighbourhood Watch and hope the house will support the bill.

Mrs GERAGHTY secured the adjournment of the debate.

ELECTORAL (CAMPAIGN DONATIONS) AMENDMENT BILL

Ms CHAPMAN (Bragg) obtained leave and introduced a bill for an act to amend the Electoral Act 1985.

Ms CHAPMAN: Mr Deputy Speaker, I indicate to you and to the house that the bill was provided during the course of an earlier sitting, and it seems as though the attendants are unable to locate it.

The DEPUTY SPEAKER: It has been carried that the bill be read a first time. With the indulgence of the house, the Clerk can read the title of the bill from the *Notice Paper*. Is the honourable member in a position to deliver her second reading explanation?

Ms CHAPMAN: Yes, sir.

The DEPUTY SPEAKER: As long as the house is happy with that, we can proceed on that basis.

Ms CHAPMAN: I am happy to do so, but I am hearing some discontent about that.

Members interjecting:

The DEPUTY SPEAKER: Order! With the house's compliance with that course of action, the bill will be read a first time.

Bill read a first time.

Ms CHAPMAN: I move:

That this bill be now read a second time.

This purpose of this bill is to introduce amendments to the Electoral Act 1985.

Members interjecting:

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: Under the Commonwealth Electoral Act 1918, all political parties are required to disclose campaign donations. This requirement was introduced concurrently with public funding of federal elections. I am sure that that is well known to members of the house, particularly those who are members of political parties that are registered at a federal level. Indeed, it covers all donations, including donations made in relation to state election campaigns. Australia-wide, parties such as the Liberal Party of Australia, the Australian Labor Party, the National Party of Australia and the Australian Democrats are required to file returns and make disclosure within certain time limits immediately after the election. However, parties, or individual candidates who contest only state elections or who, at the very least, are members of a political party that is not registered at the federal level, are not required to make any disclosure, because the Electoral Act in South Australia—that is, our Electoral Act 1985—does not require it.

This is a bill to remedy that anomaly. If passed, it will require that all candidates at the next state election, whether or not they are a member of a political party, or if they are a member of a political party but are not registered at the federal level, will be required to make disclosure. I suggest that that is particularly important in the current circumstances. The Australia Labor Party is in government in South Australia, and it sits in government with two Independent members who are part of the cabinet.

Under the current law, they are not required to disclose any state election campaign donations to them. So we have a situation where, for all of the reasons for which disclosure laws apply, and have now for a number of years, they are avoided by members in that situation, yet those members form part of a government which deals with some $10 billion a year. I make that statement without suggesting that there is any particular reason why they should apply to the current two Independent members who sit in cabinet. I simply highlight that they are, of course, exempt under the current rules from its application, and obviously the proposed bill would affect anyone in that situation.

I highlight that we have a situation in South Australia at present where we have such members who are currently under that obligation who are part of a government and therefore are directly responsible for decisions made in relation to the raising, disposal and expenditure of considerable funds of South Australians.

I think it is important to note that in 2001 the Liberal Party had accepted an amendment originally standing in the name of the Hon. Terry Cameron in another place to the then electoral bill to introduce campaign disclosure. In essence, the effect of the bill is such as to replicate what is currently in the Commonwealth Electoral Act 1918 and, to do that, it introduces a new part into the Electoral Act headed Disclosure of Campaign Donations. It requires registered parties to appoint a registered agent—that is under sections 130B and 130F.

For anyone who wishes to make any comparison with the commonwealth legislation, part 20, titled Election Funding and Financial Disclosure division 1 (and I will refer to subsequent divisions), is the commencement of the legislation at the commonwealth level which this bill follows. That includes, of course, the registration of an agent, as I have indicated. It provides that each agent and candidate must, within 15 weeks of polling day, file a campaign donation return showing the total value of all donations (which are called, and defined as, gifts under the legislation), the amount of each gift, and the identity of each donor of $200 or $1 000. Proposed sections 130G and 130H deal with those matters.

Persons making gifts of over $5 000 to a political party or over $500 to a candidate are required to file a return. That is to be incorporated in the proposed section 130L. Parties are banned from receiving anonymous gifts of over $200 or $1 000 to a group—that is under section 130J. Parties receiving loans of $1 500 or more must ensure that records are kept, and section 130K as proposed would cover that matter. Registered parties and associated entities must file an annual financial return within 16 weeks at the end of every financial year, showing the total amount received and the details of receipts of donations and loans exceeding $1 500. The proposed sections 130M and 130N will deal with that.

As I indicated, parties who are currently registered under the commonwealth legislation are already obliged to carry out the obligations that are outlined in this bill, so there is a specific exemption in this bill from the requirements to make disclosure or to file the information if that person or party is already required to do so under the Commonwealth Electoral Act. I simply highlight that for the benefit of those who wish to follow the debate, and to assure anyone who is concerned that this will impose a second obligation on a number of political parties (in fact, it would cover almost all those here in the house) that they are clearly exempt under the proposed legislation. So, there would not have to be two sets of agents' registrations, two sets of annual returns, two sets of full

disclosure and financial returns and the like. Therefore, to be quite clear, there is no intention that this bill will introduce any further obligation on those who already have to carry out obligations under the commonwealth legislation.

So, this is a matter which will, we suggest, deal with that anomaly. It is important, as I say, particularly when members who are independent or members of parties not registered at commonwealth level are exempt from the current obligations. I do not think it is necessary for the house to traverse the purposes of the legislation that operates at a commonwealth level. It is important legislation. It is legislation which has had, effectively, bipartisan support in the long time it has operated, and probably I think it is fair to say also that it is not a question of capturing all others. Rather, it is a question of ensuring that they, too, have the benefits of disclosure legislation so that any allegations cannot be made in relation to the receipt of campaign funds which is not otherwise on the public record. To some degree, a disclosure obligation also provides a register which can be clearly relied upon for the purposes of all those who represent constituents in the South Australian parliament. I commend the bill to the house.

Mr CAICA secured the adjournment of the debate.

OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE

Mr CAICA (Colton): I move:

That the 2004-05 annual report of the committee be noted.

The Occupational Safety, Rehabilitation and Compensation Committee has an important role in investigating matters relating to the administration of the state's occupational health, safety and compensation legislation and other legislation affecting these matters, including the performance of the WorkCover Corporation. Whilst a number of factors are identical to all standing committees of parliament, the Occupational Safety, Rehabilitation and Compensation Committee differs substantially in one aspect to other standing committees; that is, the members are not remunerated. However, the workload of the committee for the reporting period remained substantially heavy due to the government's reform agenda which touches the jurisdiction of the committee.

All the members are committed to the important work of the committee and have applied themselves diligently to their responsibilities. The committee has worked well and collectively, and each member has contributed an enormous amount of time for a very important cause, and each can feel proud of his or her efforts. The Occupational Safety, Rehabilitation and Compensation Committee met on 13 occasions in the past financial year and undertook four inquiries, one of which, the Occupational Health, Safety and Welfare (SafeWork) Bill 2003, it has completed and already reported on to this house. The other inquiries relate to the government's review into the workers' compensation system known as the Stanley Review; the WorkCover Corporation fraud prevention initiatives; and the matter of crown exempt employers. The committee continues with its work in relation to these matters.

The committee again notes that WorkCover's estimated liability remains high and was reported to be $631 million in December 2004, of which 40 per cent of claims exceed three years' duration, with the major cost factor being income maintenance. WorkCover has proposed a number of initiatives aimed at reducing the unfunded liability, including renegotiation of claims agent and legal provider contracts. However, the Stanley report found significant difficulties in relation to rehabilitation and return to work, which were further reinforced in the 'Restoring Claims Management Excellence' report and the 'Gender, Workplace Injury and Return to Work' review.

WorkCover has now undertaken three reviews of this kind which have consistently identified the same problems with rehabilitation and return to work. The committee realises that it will take the board some time and a range of strategies to bring about an improvement in WorkCover's performance. However, this is not just a matter for the WorkCover board—it is important for every employer and employee to focus on workplace health and safety so that workplace injury, death and disease are prevented. This is one of the most important ways that individuals can help reduce the unfunded liability.

In relation to the proposal to renegotiate claims agent and legal provider contracts, WorkCover advised the committee that it did not have the expertise to manage claims and therefore did not consider the recommendation of the Stanley report to 'in source' claims management as viable. Shortly after that advice to the committee, WorkCover exercised its 'step-in rights' to reclaim 220 long-term clients, and has appointed Jardine Lloyd Thompson to advise in regard to their management. WorkCover undertook a selected tender process in the appointment of Jardine Lloyd Thompson, but the transparency of this process is of concern to the committee.

Other issues which have been of interest to the committee relate to claims agents contracts and accountability and WorkCover performance monitoring against established and agreed outcomes versus the current process focused approach to managing claims.

Another matter over which the committee will maintain a watching brief are the ramifications of the declaration by the federal Workplace Relations minister (Hon. Kevin Andrews) to allow Optus to exit the Victorian WorkCover Authority and join Comcare. The matter is on appeal to the High Court. The concern of all state WorkCover authorities is that this test case may provide the opportunity for all large registered employers to exit state schemes and leave their debts behind. The committee is aware of the pressure that a move such as this will have on the South Australian scheme.

In the reporting period, the committee also conducted an inquiry into crown exempt employers and was advised that 86 885 people are employed in the South Australian public sector, representing 12.1 per cent of the total South Australian work force. The workers' compensation actuarially assessed outstanding liability in the public sector is reported to be $304 million.

The most common form of injuries reported in the public sector are sprains and strains, psychological injury and musculoskeletal injury, with psychological injuries accounting for $27.29 million (32.1 per cent) of total claims expenditure. Whilst the first objective of the public sector is to return injured employees to work, the committee was not advised about any formal processes for redemption, except that agencies make a written application to a central agency for determination.

However, 39.7 per cent of all open claims have been open longer than 12 months, and the largest cost of these claims is the income maintenance component. The committee was advised that several public sector agencies have not been regularly evaluated by WorkCover in accordance with the exempt employer performance standards. Also, several

agencies that undertake work of a high risk nature had never been evaluated by WorkCover, whilst others had not been evaluated for several years, even though the public sector is subject to the same evaluation criteria as private exempt employers.

The ninth report of the Occupational Safety, Rehabilitation and Compensation Committee summarises the committee's work for the financial year 2004-05, which has been extensive, whilst the cost to the taxpayer of this work has been minimal: the total expenditure of the committee for the financial year was $2 880.

I would like to take this opportunity to thank all those people who have contributed to the inquiries undertaken by the committee. I thank all the people who took the time and made the effort to prepare submissions for the committee and to speak to the committee. I extend my sincere thanks to the members of the committee: the member for Mitchell, the member for Heysen, the Hon. John Gazzola, the Hon. Nick Xenophon, and the Hon. Angus Redford from the other place, and I welcome the member for Newland to the committee following the recent resignation from the committee of the member for Heysen, whom I also thank for her efforts during the reporting year. I also want to place on the record my sincere thanks to the Hon. Ian Gilfillan who, for an extended period of time, served on the committee during the year under report.

I also extend the committee's thanks to our former principal research officer, Ms Sue Sedivy, who left the committee in July 2005 to pursue career opportunities. We wish her well and thank her for her well-researched and frank advice. I commend the report to the house.

Motion carried.

NATURAL RESOURCES COMMITTEE

Mr RAU (Enfield): I move:

That the first annual report of the committee for the period November 2003 to June 2005 be noted.

The Natural Resources Committee was established in November 2003 under the Parliamentary Committees Act 1991 as a House of Assembly Standing Committee. The principal functions of the committee are: to take an interest in and keep under review the protection, improvement and enhancement of the natural resources of the state; to investigate the extent to which it is possible to adopt an integrated approach to the use and management of the natural resources of the state that accords with principles of ecologically sustainable use, development and protection; and to consider the effectiveness of components of the River Murray Act 2003.

Given these functions, the committee's first order of business was to familiarise itself with the most pressing current natural resource and River Murray issues facing South Australia. It did this by receiving extensive overview briefings from government agencies on matters such as: the direction of natural resource management in South Australia, including implementation of the Natural Resources Management Act 2004 and its relationship to other statutes: water related issues in the Mount Lofty Ranges, the South-East and Eyre Peninsula; the restructuring of irrigation practices in the Lower Murray region; salinity zoning; entitlement flows to South Australia; salt interception schemes; the River Murray Act; and environmental flows in South Australia.

The committee also travelled quite extensively during this period, principally along the River Murray, in order to familiarise itself with the numerous issues and government programs along the river. This also gave the committee the opportunity to personally meet with those communities directly affected by the river's current state of health and the programs being implemented to address these issues.

We have tabled three reports during this reporting period. The committee's first report was its investigation into the prescription of water resources in the Eastern Mount Lofty Ranges as its first inquiry. The committee received 10 submissions and took evidence from 13 witnesses. After examining the evidence, the committee concluded that prescription will be of great benefit to the community and the environment. We did, however, make a series of recommendations on how the prescription process could be improved.

We investigated irrigation issues in the Lower Murray reclaimed irrigation areas for our second inquiry. This inquiry included an examination of the Department of Water, Land and Biodiversity Conservation's restructuring and rehabilitation program of flood irrigated dairy farms, and the issues faced by irrigators in the area. We took evidence from six witnesses and visited the region twice. After consideration of the evidence we concluded that we support the work of the department in its program to achieve more efficient use of water and elimination of pollution of the River Murray in the Lower Murray reclaimed irrigation area. However, there remain various matters of concern to the committee, including: consultation processes, funding of rehabilitation work, and ongoing management of retired land.

The committee investigated irrigation issues around the Lakes Albert and Alexandrina area for its third inquiry. This inquiry included an examination of the issues faced by irrigators in the area, including: low water levels in the lakes, increasingly saline water, and licensing matters. For this inquiry we took evidence from the Meningie and Narrung Lakes Irrigators Association. This association is made up of irrigators on the Narrung Peninsula and the eastern shores of Lakes Albert and Alexandrina. We heard evidence on some of the unique issues being faced by these irrigators, and our report includes recommendations specific to these lakes irrigators.

This annual report provides a detailed summary of the conclusions and recommendations of the committee on all of these inquiries. The committee also has statutory obligations in relation to the ongoing review and consideration of South Australia's natural resource associated legislation. Importantly, this includes monitoring the implementation of the new Natural Resources Management Act 2004 and the regulations under that act.

Finally, the committee was represented at various state and national conferences relating to natural resource management. These included: the Annual Conference of Parliamentary Public Works and Environmental Committees in Melbourne; the Murray-Darling Association Annual Conference in Renmark; and the Ozwater Specialist Conference in Brisbane. A brief summary of these conferences is included in this annual report.

I wish to thank all those people who have contributed to the Natural Resources Committee's operations, including witnesses, respondents to correspondence and those people who have provided briefings and written submissions to various inquiries. I also extend my sincere thanks to the members of the committee: Mr Paul Caica MP, who performed the role of acting chair absolutely magnificently for a considerable period between 24 July and 13 September 2004 without grimace or complaint; Ms Vini Ciccarello MP;

the Hon. Sandra Kanck MLC; the Hon. Caroline Schaefer MLC; the Hon. Bob Sneath MLC; and Mr Mitch Williams MP. I also acknowledge the work of the Hon. Karlene Maywald MP, the previous chair of this committee. Finally, I thank the members of staff (both past and current) for their assistance. I am pleased to present the house with the annual report of the Natural Resources Committee for the period November 2003 to June 2005.

Mr CAICA (Colton): I will be very brief in my comments. I commend the annual report to the house and, in doing so, place on the record my gratitude to the many people who made submissions throughout the inquiries that we conducted, and for the honour and privilege of working on such a committee. I did not necessarily know what to expect of the role and function of the committee when I was appointed, knowing full well that it was—I guess, for want of a better term—a committee that arose out of the River Murray Act, but we have expanded that role to look at several other aspects not necessarily specifically isolated to the River Murray.

I think that one of the stand-out features of this particular committee is the bipartisan approach taken by the members of the committee. I know that our presiding member spoke about the work and the input of other members, and I can only reinforce that point. We have an exceptionally good working relationship in regard to this committee. That is not to say that we necessarily agree with each other all the time but we certainly have an attitude where matters can be worked out and compromises reached, and that we can report to the house in a bipartisan and unanimous way. I would particularly like to place on the record the outstanding work of our presiding member, the honourable member for Enfield, who was thrust into the position of chairperson at very short notice and has put the bit between his teeth and taken all before him, and done an outstanding job in ensuring that the committee actually achieves its objectives and, most importantly, that is the working relationship that has developed between the members of the committee.

The presiding member talked about the inquiries that we have conducted, the first one being in the Eastern Mount Lofty Ranges Catchment Area. In fact, he informed the house of the recommendations that arose out of that inquiry into the prescription that is to apply to those areas. It was very interesting talking to the people who live along the catchment, because if you spoke to those people who live in the upper catchment, where they were getting ample rainfall and there was a lot of water in the creeks and the river, you would think that there was no problem whatsoever with water supplies, and that is true from their perspective, and that prescription was not required. As you worked your way further down the catchment, we saw that there certainly was a problem in regard to reliable water supplies in the lower part of the catchment, and that prescription was an important aspect of ensuring that those people were able to have supplies into the future to continue their form of business. So, it was unanimously agreed by the committee that prescription was an important aspect that was going to ensure future water supplies, and the sustainability of that catchment.

Our other inquiries included the Lower Murray reclaimed irrigation areas and the Meningie and Narrung irrigators, and the most rewarding aspect of my involvement in those inquiries was talking to the witnesses who appeared before the committee, listening to their concerns, and listening to their vision for the future and how that might well be achieved. Again, that is not to say that the committee necessarily agreed with all that we heard, but it was very interesting to hear their views and, as best we can, to incorporate those views into the recommendations that we bring before parliament.

One of the aspects spoken about by the presiding member, the member for Enfield, was the perceived relationship, or the working relationship, between the departments and people affected in those regions. I think that there may well be some room for improvement. That is not to say that the department is not trying its best to achieve the outcomes that it wishes—those outcomes being what is best for those individuals and the environment as a whole—but there are certain aspects that can be reviewed in relation to communication between the department and the individuals affected, and I know that the department is working towards an ever-improving relationship in that regard.

This committee is certainly a worthwhile one and it is a privilege to serve on it. I know that, for the remainder of the term of this parliament and throughout the next parliament, the 51st parliament, this committee will have an important reporting role. I commend the report to the house.

Motion carried.

CAPE JAFFA LIGHTHOUSE PLATFORM (CIVIL LIABILITY) BILL

Adjourned debate on second reading.

(Continued from 23 September 2004. Page 264.)

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I rise in support of this bill. It makes a lot of commonsense. Robert Mock has championed a large group of people in the South-East to come behind him in terms of finding a way for a body to take over care and control of this lighthouse platform, without inheriting potential liability. This bill simply says that, if a local government, or a body under its control, takes over care or control of the platform on Margaret Brock Reef, it will not be exposing its ratepayers to any liability. That platform ought to remain there. It is part of the history and heritage of the region, particularly of Margaret Brock Reef. The lighthouse itself is no longer on the top of the platform. It is now on land and is a tourism asset at Millicent. The rest of the platform and the jetty ought to be left there. We believe that that can be done if this house supports this civil liabilities initiative by the member for MacKillop. I indicate my full support.

Mr WILLIAMS (MacKillop): At last I hope that we bring this matter to an end today in this chamber. This has been on the *Notice Paper* for over 12 months and I thank the member for Mount Gambier for indicating his support, and I understand that the government also supports this proposition. My constituents and many other people in South Australia will be most pleased if the house supports this. I will conclude my remarks there and allow the house to get on with the vote.

Bill read a second time and taken through its remaining stages.

SELECT COMMITTEE ON THE REGULATION OF THE TATTOOING AND BODY PIERCING INDUSTRIES

The DEPUTY SPEAKER: Given that the select committee tabled its report earlier today and notice of motion was given to note the report on 9 November, Order of the Day No. 2, Private Members Business, Bills/Committees/Regulations, is now redundant and stands withdrawn from the *Notice Paper*.

CROWN LANDS (GLENELG RIVER SHACK SITES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 September. Page 3 350.)

Mr WILLIAMS (MacKillop): I support this bill but notify the house that I will be moving a number of amendments to it that I think will vastly improve the bill. It will basically deliver the same outcome. The member for Mount Gambier and I and a number of other people have been working with the shack owners, and I have no problem in acknowledging that the member for Mount Gambier has been working on this issue for a long time now, probably since a few days after he became a member back in 1997.

As I said a few moments ago on the Cape Jaffa matter, I hope the house can deal with this today, get it off the *Notice Paper* and satisfy the requirements of the constituents of the member for Mount Gambier and a few of my own who have shack sites on the Glenelg River.

This is a vexed question. It is a little unusual, but at the end of the day what we are proposing to the house overcomes a lot of the problems that ministers and governments have grappled with for a long time now and will deliver some certainty, will improve the environmental outcomes on the Glenelg River, and will certainly deliver equity to those people who have holidayed in that part of South Australia, in many cases for many generations.

I am aware that the government does not support this, and that is one of the reasons why this is a little unusual. Notwithstanding that, we may very well have the numbers to get this matter through the house today. The amendments that I will be moving in committee have the support of the Grant District Council (they involve that council) and also the Glenelg River shack owners lobby group.

I am hoping that the house will take note that not just the shack owners but also many thousands of people in the local community have supported this move to give security of tenure and the opportunity for the transfer of tenure to these people. The proposal that I will be putting before the house is that that be done through the local council, which had care and control of this area for many years, up until the 1980s.

I will not go into the full history of the matter, as I am sure that all members are aware of that, our having debated this topic when the parliament visited Mount Gambier back on 10 May. I will conclude my comments there. I may be called on to answer some questions during the committee stage. I support the bill.

The house divided on the second reading:

AYES (19)

Brokenshire, R. L.	Buckby, M. R.
Chapman, V. A.	Evans, I. F.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.

AYES (cont.)

Kotz, D. C.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J. (teller)
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (21)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D. (teller)	Key, S. W.
Koutsantonis, T.	Lewis, I. P.
Lomax-Smith, J. D.	O'Brien, M. F.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Snelling, J. J.
Thompson, M. G.	Weatherill, J. W.
Wright, M. J.	

PAIR(S)

Kerin, R. G.	Conlon, P. F.
Brown, D. C.	Stevens, L.
Brindal, M. K.	White, P. L.

Majority of 2 for the noes.

Second reading thus negatived.

SELECT COMMITTEE ON NURSING EDUCATION AND TRAINING

Ms THOMPSON (Reynell): I move:

That the time for bringing up the committee's report be extended until Wednesday 9 November.

Motion carried.

STATUTES AMENDMENT (RECREATIONAL TRAILS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 July. Page 3134.)

Mr HANNA (Mitchell): On behalf of the Greens, I support in principle greater consultation in respect of changes to recreational trails, and that is the purpose of the bill brought in by the member for Davenport. The member for Davenport's bill seeks to make compulsory consultation with the Walking Federation, and that is a good thing. My position is that the second reading should be supported, but that there be scope for amending the bill to include other relevant groups representing horse riding, for example, and various other recreational activity groups. For that reason, I suggest to the members present that we support the second reading of the bill and then look to how we might include other relevant groups in the consultation process before we vote on the third reading.

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): The government does not support the bill. The bill may have been introduced by the member for Davenport with good intent—

Mr Williams: As always. How else would it have been done?

The Hon. M.J. WRIGHT: As always. We do not support the amendments proposed by the member for Davenport on the ground that an adequate procedure is already in place to address consultation with the Walking Federation of South

Australia and we do not feel that, by specifying the federation as he does, it will add to the process that is already in place. I have been informed that consultation on a greenways closure is addressed through the Walking Federation's representation on the SA Trails Coordinating Committee. The Office for Recreation and Sport chairs that committee, and I know that it meets regularly. I also have been informed that the Walking Federation of South Australia is a regular attendee at meetings of that committee.

I am also advised that the Office of Recreation and Sport, as a prescribed authority in the Roads (Opening and Closing) Act 1991, has a procedure in place for assessing road process orders and consulting with peak activity groups where recreational trail access is involved. The Walking Federation of South Australia also has the opportunity to comment on all proposed closures within the framework of the roads act 1991 community consultation. I have also been advised that the legislation as currently framed requires that, with the exception of roads closed under the special powers of the minister, all proposals are advertised in the *Government Gazette*, which is available to the public either in paper form or through the government's internet site. Consequently, persons who may have interest in a proposed road closure can access information about the proposal and, if they wish to do so, lodge an objection with the Surveyor-General.

The majority of road closures that the Commissioner of Highways initiates are related to closures of portions of road reserves to rationalise road reserves following realignments. In these cases, additional consultation processes would impose unnecessary delays to what is already a lengthy process and may have unacceptable implications for a road closure, and amalgamation forms part of a compensation package for an affected landowner.

So, I think there is a process in place that already works well and, as I said, the Walking Federation certainly plays a role in that. As a member of the SA Trails Coordinating Committee, which is chaired by the Office of Recreation and Sport, with respect to greenways, it is certainly very much involved in that process. As I said, there are other avenues with respect to the act regarding the closure of roads, and a process is in place that also gives the Walking Federation of South Australia an opportunity to be involved.

Although I am sure that these amendments were probably proposed with good intent, we do not support them, because we do not think that they add to the process: in fact, quite the opposite. We believe that what is already in place works well and, certainly, through the SA Trails Coordinating Committee, the Walking Federation is an important member, along with Bicycle SA, Canoe SA, Horse SA, Scuba Diving SA and the LGA, amongst other groups, and they play an important role in the consultation that occurs in regard to greenways. As I said, procedures are in place with respect to other areas that are covered by these amendments that also provide for the Walking Federation of South Australia to be involved in that consultation process.

For those reasons, the government does not support the proposed amendments of the member for Davenport. We are not too sure what these amendments will add. We think that they will add an unnecessary additional bureaucratic process. I would be interested to hear more from the member for Davenport as to what he sees these amendments add to the process that is already in place, which I have been advised works well, and certainly has the involvement of the Walking Federation of South Australia.

The Hon. I.F. EVANS (Davenport): In closing the debate, I thank the member for Mitchell supporting at least the second reading. I indicate that, if the member for Mitchell wishes to move amendments to bring in other groups that are affected by road closures, I would be happy to support those amendments.

The minister's argument makes no sense. On the one hand, he says that this adds nothing to the process and that they are already consulted and, on the other hand, he says that it will add time, cost and duplication. That really makes no sense: if it is already happening, it will add no extra cost and no extra time to the process. Members of the Walking Federation have approached me consistently over the last three or four years. Indeed, they did so when we were in government, and we tried to put in place a process so that they would be better consulted about the closure of road reserves.

A road reserve committee was established back in the 1980s. That was a desk top audit of road reserves. Committee members sat at the desk and said, 'Which road reserves might be good for future recreational paths?' They did not inspect them: as I understand it, it was a desk top audit. What happens now is that, when a road reserve is going to be closed, naturally those in the recreational community like to be notified so that they can go out and look at the road reserve that will be closed—and the reason for their being closed is either to sell them to the local property owner (usually a farmer) or, indeed, the council might want to use them as a road, which is their intended purpose. But, if the road is going to be closed and sold and not used as such, the recreational community I think has a valid argument to say, 'At least let us be notified so that we can go and see whether these corridors of road reserves can be used as recreational links.' The government has a program called NatureLinks, which is a broader concept but based on the same principle, to link areas of nature conservation. The same principle applies to the recreational community.

The most popular recreation in South Australia is recreational bushwalking, and that community is saying to me that the parliament does not understand the importance of road reserves to the long-term recreational community. The minister would be aware that we have a problem with the Heysen Trail in that it is not registered on the certificates of title and, every time a new land holder takes over land and decides that they do not want the trail on their property, the Heysen Trail and maps have to be changed. It is almost impossible to know where it goes at any one time because of the continuous changeover of the 1 800 property owners somewhere up and down the trail. So, using road reserves means that they are already in and under local government control, and by using road reserves you do not have the problem of public liability for the private owner and you do not have the problem of rotation of ownership.

So, all this bill does is simply say that, when a road or greenway is to be closed, the Walking Federation must be notified so that it can formally put in a submission. I am happy if other organisations such as cycling and horseriding want to be included. I do not think that diving and canoeing have a lot to do with road reserves, but the associations of land-based recreations could also be added to the bill. That does not worry me two hoots. But it seems to me that there is a flaw in the process, because I have been getting consistent complaints for at least three years, and probably when we were in government we got similar complaints. We tried to deal with it a different way and it has not worked.

Once the road reserves are sold, of course (and we all understand this), the money goes to councils. So, councils are basically offloading road reserves on the basis that it is quick and easy money, and the recreational community is seeing all these road reserves go. It does not believe there is proper consultation and, once they are sold, of course, that is it—they are gone. So I would argue that all this bill does is put in place a proper process. And if, as the minister said, they are already consulted, it adds no extra cost and no extra time. All this does is put an obligation on the Office of Recreation and Sport, and others involved in the Roads (Opening and Closing) Act. I hope that the house supports the second reading.

Time expired.

The house divided on the second reading:

AYES (19)

Brokenshire, R. L.	Buckby, M. R.
Chapman, V. A.	Evans, I. F. (teller)
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Hanna, K.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (21)

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

PAIR(S)

Kerin, R. G.	Conlon, P. F.
Brown, D. C.	Stevens, L.
Brindal, M. K.	White, P. L.

Majority of 2 for the noes.

Second reading thus negatived.

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

TERRORISM (POLICE POWERS) BILL

The Hon. M.D. RANN (Premier) obtained leave and introduced a bill for an act to give special powers to police officers to prevent and investigate terrorist acts, to amend the Emergency Management Act 2004; and for other purposes. Read a first time.

The Hon. M.D. RANN: 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.

Background

The threat of terrorism has been thrust to the forefront of government policy by events over the past four years.

Major incidents include the hi-jacked aircraft attacks on the United States on 11 September, 2001 *(in excess of 3 000 fatalities)*, the 2002 bombings in Bali *(202 fatalities)*, the 2003 bombing at the Marriott Hotel in Djakarta *(13 fatalities)*, the 2004 bombing at the Australian Embassy in Djakarta *(10 fatalities)*, the 2004 train bombings in Madrid *(191 fatalities)* the 2005 bombings in London *(56 fatalities)* and the 2005 bombings in Bali *(26 fatalities)*.

These events have occurred overseas. In some of these events Australians have been directly targeted, and the Australian Government through its law enforcement agencies and intelligence gathering agencies and networks has identified very specific security threats and terrorist links within Australia.

At the COAG Summit on Terrorism and Multi-jurisdictional Crime on 5 April, 2002, leaders adopted a number of recommendations, including Recommendation 4, which reads:

> all jurisdictions will review their legislation and counter terrorism arrangements to make sure that they are sufficiently strong.

The legislative review of police powers has occurred and areas in need of improvement have been identified.

Part of the Inter-Governmental Agreement on Counter Terrorism Laws also required the States and Territories to refer their authority to deal with terrorism to the Commonwealth. To this end, South Australia complied by enacting the *Terrorism (Commonwealth Powers) Act 2002*, which came into operation on 3 April, 2003. It is essential that South Australia's legislative effort dovetail with that of the Commonwealth in relevant ways.

Over the past two to three years, the Commonwealth has enacted a comprehensive suite of legislative measures dealing with terrorism. Over 20 pieces of separate legislation have been enacted by the Commonwealth to deal with the terrorist threat. The legislation covers the criminal code, the Australian Federal Police, ASIO and telecommunications interception. to name but a few areas.

It is clear that the Commonwealth has assumed primary responsibility for dealing with terrorism and terrorism related matters from intelligence, investigation, detection, prevention, prosecution and punishment perspectives. Nevertheless, it is necessary for the States and Territories to have complementary legislation. There are two reasons for this. The first is that it may well be the case that the initial reaction to an imminent terrorist incident or a completed terrorist act will lie with State authorities. The second is that extraordinary and special State police powers will be needed in such an eventuality.

It should be emphasised at this point, however, that in reacting to a planned, imminent or completed terrorist event, the State would not be acting on its own. There can be no doubt that, in such cases, the Commonwealth authorities will quickly act in co-operation with State authorities using the extensive powers already enacted by the Commonwealth Parliament. Those co-operative arrangements were tested in exercise Mercury 04 and further developed in Mercury 05.

It is equally clear, though, that even if Commonwealth and State legislation should be complementary, it is not feasible for the legislation to be uniform. The Commonwealth has far greater legislative powers than the State—which enable it to have such organizations as ASIO and D.S.D. for example, and exclusive control over telecommunications and their interception.

What is happening elsewhere

Given the potential for death, injury and the destruction of critical infrastructure that may result from a terrorist attack, it is essential to have the ability to intervene at the earliest opportunity and, if at all possible, prevent such an attack occurring. It is also essential to have sufficient powers to deal with the consequences of a terrorist attack should one occur. This must be done in contemplation of joint operations, rather than looking at the position as if South Australian authorities will have to cope with the entire emergency on their own.

Other State jurisdictions have recognised these problems and enacted legislation.

It is desirable that South Australia retains a high degree of similarity with comparable laws already in force. It is considered that, in general terms, the approach taken by New South Wales and the Northern Territory should be followed.

General principles

Terrorist acts can, in general, be distinguished from conventional crime in that they:

- are directed at the public and society in general; conventional crime is normally directed at specific victims, but terrorist acts are directed at society in general;
- frequently involve lethal force; terrorist acts frequently involve widespread death or serious damage, using lethal weapons;

- create generalised fear; terrorism creates fear throughout a society as opposed to apprehension to a specific victim of conventional crime;
- have a political or ideological purpose; conventional crime is committed to satisfy the individual need of the criminal but terrorism is based on a far broader political or ideological agenda;
- are frequently perpetrated by zealots; generally terrorists are trained, organised, financed and driven by politically or ideologically based organisations; and
- are sometimes perpetrated by people who have little or no regard for their own safety and place themselves at risk of injury or death; this makes offenders or potential offenders particularly dangerous to the public, with their early detection and apprehension being of vital importance.

During a conventional criminal investigation, police already have available to them considerable and effective powers of investigation. However the police may exercise powers of, for example, search or inquiry only when they have information that is substantial and credible enough to give rise to a 'reasonable cause to suspect'. The legal requirement that the exercise of police powers are ordinarily based on a suspicion or belief on reasonable grounds, usually limits the scope and application of the powers to an individual person, vehicle or premises to which the suspicion is attached. In short, conventional powers are usually directed towards a particular person, vehicle or premises.

Although this degree of particularity is appropriate for conventional criminal investigation, it is not adequate for responding to terrorist activity owing to its covert, complicated and sophisticated nature.

Three areas (or gaps) have been identified that need to be addressed:

- Law enforcement authorities may be aware that terrorist activity, such as assembling a bomb, is taking place in a general area—such as a street in a suburb—but no more than that. Police may need to locate the premises and the device and, to do so, may need to conduct a house-to-house search of an area. Information to hand is insufficient to pin down any particular premises that may be the subject of reasonable suspicion, although reasonable suspicion may exist about a target area. Conventional entry and search powers cannot deal with that situation. Law enforcement cannot compel the search of premises within that target area.
- Law enforcement authorities may be aware that terrorist activity, such as assembling a bomb, is taking place in a vehicle—for example a bomb has been placed in a bus, plane or boat—but no more than that. Again, police may need to locate the vehicle or location and, to do so, may need to stop and search all vehicles of a particular description—such as all vans of a type. Information to hand is insufficient to pin down any particular thing that may be the subject of reasonable suspicion, although reasonable suspicion may exist about a target vehicle. Conventional stop and search powers cannot deal with that situation. Law enforcement cannot compel the stop and search of all vehicles of the target type.
- Similar considerations apply about a particular type of person. Again, there may be reasonable suspicion that a person answering a general description is involved in terrorist activity, but insufficient reasonable suspicion to warrant attention being given to any one person answering that description.

Other issues arise in extreme cases as well. For example, current law contains police powers to deal with or restrict the movement of people. Loitering laws in s18 of the *Summary Offences Act* allow police to move people on. Section 74B of the *Summary Offences Act* permits the establishment of roadblocks (with consequent powers to search and so on). Section 83B of the *Summary Offences Act* deals in part with dangerous areas. But these are piecemeal powers. Should a terrorist attack actually happen, be it by bomb, chemical attack, biological or radiological attack, police will need a fountainhead of power to deal with the consequences. Those consequences will include cordoning off an area, keeping people out of it, getting people out of danger and requiring persons to undergo decontamination. It is necessary that certainty exist in such a situation for an immediate and predictable response.

Details of statutory provisions—the powers

At its core, the Bill provides for the declaration of a ***special powers authorisation*** by the Commissioner of Police (or other senior police officer above the rank of Superintendent if the Commissioner is unavailable to issue the authorisation).

A ***preventative special powers authorisation*** may be issued if the Commissioner is satisfied there are reasonable grounds to believe:

- that a terrorist act is imminent and that the exercise of the powers under the Bill will substantially assist in the prevention of the terrorist act.

An ***investigative special powers authorisation*** may be issued if the Commissioner is satisfied there are reasonable grounds to believe:

- that a terrorist act is being or has been committed and that the exercise of powers under the Bill will substantially assist in the investigation of the terrorist act.

The Bill incorporates important safeguards to prevent the inappropriate use of the extraordinary powers proposed in the Bill.

Special powers authorisations must not be issued unless the Minister for Police **and** a Judge of the District or Supreme Court have confirmed that the Commissioner of Police has proper grounds for issuing the authorisation.

In urgent circumstances a ***special powers authorisation*** may be issued without Ministerial or Judicial confirmation but confirmation must be sought as soon as possible. The Minister or Judge may refuse to confirm such an authorisation if they are not satisfied that there were proper grounds for issuing the authorisation. If either refuses to confirm the authorisation it ceases to have any force.

Once issued, a ***special powers authorisation*** must be revoked if the Minister for Police so directs. It must also be revoked if so directed by the Commissioner of Police in cases where an authorisation was issued by a police officer other than the Commissioner of Police. A senior police officer may also direct the revocation of an authorisation issued by a subordinate officer.

An initial ***special powers authorisation*** must not exceed 7 days in the case of a preventative authorisation and 24 hours in the case of an investigative authorisation.

The period may be extended if a further ***special powers authorisation*** is issued (subject to Ministerial and Judicial confirmation).

In the event of an extension the total period must not exceed 14 days in the case of a preventative authorisation and 48 hours in the case of an investigative authorisation.

Short Description of Powers and Conditions For Exercise of Powers

The authorisation issued by the Commissioner of Police must be in writing and must contain certain information including the time and date of issue, whether it is a preventative or investigative authorisation, a description of the general nature of the terrorist act and the area of the State in which the powers may be exercised and/or the persons and/or vehicles sought.

The persons, vehicles or areas that are the subject of the authorisation are known as the target of the authorisation.

The issue of a ***special powers authorisation*** does, as the term implies, grant extensive additional power to the police for the prevention or investigation of terrorist acts. The special powers invoked by the authorisation are exercisable in relation to the target of the authorisation.

The Bill provides that a police officer may require a person to disclose and provide proof of his or her identity, and may without warrant search a person, if the officer suspects on reasonable grounds that the person:

- is the target of an authorisation, or
- is, in suspicious circumstances, in the company of a person who is the target of an authorisation, or
- is about to enter, is in or has recently left a vehicle that is the target of an authorisation, or
- is about to enter, is in or has recently left an area that is the target of an authorisation.

The Bill gives police the power to search vehicles of any kind and anything in the vehicle without warrant if the police officer suspects on reasonable grounds that:

- the vehicle is the target of an authorisation;
- a person who is about to enter, is in or has recently left the vehicle is the target of an authorisation or
- the vehicle is about to enter, is in or has recently left an area that is the target of an authorisation.

The Bill also gives a power to break, enter and search premises without warrant if a police officer suspects on reasonable grounds that a person who is the target of an authorisation may be on the premises; or suspects on reasonable grounds that a vehicle that is the target of an authorisation may be on the premises; or the premises are in an area that is the target of an authorisation.

The Bill allows a police officer to cordon off an area that is the target of an authorisation or part of such an area. Police may stop people entering the area; require people to remain in the area or stop people exiting the area. Similar powers are proposed in relation to vehicles.

The Bill provides that any use of force must be reasonably necessary to exercise the power bestowed under the Act and that the use of force may only cause damage to a thing or premises if it is reasonably necessary to enable the effective exercise of the power.

A police officer may, in connection with a search, seize and detain all or part of a thing (including a vehicle) that the officer suspects on reasonable grounds may provide evidence of a terrorist act, or all or part of a thing (including a vehicle) that the officer suspects on reasonable grounds may provide evidence of the commission of a major indictable offence (whether or not related to a terrorist act). This power includes a power to remove the thing or to guard it where it is found.

In the exercise of these powers the police are duly protected. If proceedings are brought against any police officer for anything done by the police officer pursuant to an authorisation, the police officer is not to be convicted or held liable because there was an irregularity or defect in the giving of the authorisation or because the person who gave the authorisation lacked the jurisdiction to do so.

It is also important that the Commissioner is given power to authorise police officers from other jurisdictions to assist where necessary in the situations contemplated by this extraordinary legislation. The Commissioner may, in writing, appoint Federal Police and members of police of another State or Territory for a period specified in the written appointment but which may not be longer than 14 days.

There are appropriate offences backing the exercise of the powers conferred by this Act.

Special provisions—random bag searches

The Bill incorporates powers for random bag searches at places of mass gathering or transport hubs as agreed by Commonwealth, State and Territory Leaders at the COAG meeting on 27 September 2005. The Bill provides that the Commissioner of Police may, with the confirmation of the Minister and a Judge of the District or Supreme Court, issue a special area declaration in relation to a transport hub, an area of a special event or a public area of mass gathering, if the Commissioner is satisfied that the declaration is required because of the nature of the area and the risk of a terrorist act. The declaration must define an area by boundary and state the period for which the declaration is in force or whether it remains in force until revocation. The declaration must be published in the Gazette.

The declaration authorises the search, without cause, of anything in the possession of any person in the special area. Persons in the special area may be required to open any baggage, parcel, container, or other thing in their possession or under his or her control.

It is envisaged that special area declarations may be used in relation to airports, railway stations, sporting fixtures and special events such as New Year celebrations.

Details of statutory provisions required—protections

There are several constraints on the exercise of these extraordinary powers. Those constraints are comprised of the definition of terrorism, post-event accountability mechanisms, a requirement for review of the measure and a sunset clause. In addition, there are very specific and detailed protections dealing with personal searches.

The Definition of Terrorism

The definition of terrorism or a terrorist event is critical. It defines the limits for the triggering of these exceptional powers. But it is not a matter that should arouse controversy. Subject to one minor and inconsequential change the Bill proposes the same definition of terrorism adopted from time to time by the Commonwealth in its counter terrorism laws. That definition presently is:

(1) ***Terrorist act*** means an action or threat of action where:

(a) the action falls within subsection (2) and does not fall within subsection (3); and

(b) the action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and

(c) the action is done or the threat is made with the intention of:

(i) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or

(ii) intimidating the public or a section of the public.

(2) Action falls within this subsection if it:

(a) causes serious harm that is physical harm to a person; or

(b) causes serious damage to property; or

(c) causes a person's death; or

(d) endangers a person's life, other than the life of the person taking the action; or

(e) creates a serious risk to the health or safety of the public or a section of the public; or

(f) seriously interferes with, seriously disrupts, or destroys, an electronic system including, but not limited to:

(i) an information system; or

(ii) a telecommunications system; or

(iii) a financial system; or

(iv) a system used for the delivery of essential government services; or

(v) a system used for, or by, an essential public utility; or

(vi) a system used for, or by, a transport system.

(3) Action falls within this subsection if it:

(a) is advocacy, protest, dissent or industrial action; and

(b) is not intended:

(i) to cause serious harm that is physical harm to a person; or

(ii) to cause a person's death; or

(iii) to endanger the life of a person, other than the person taking the action; or

(iv) to create a serious risk to the health or safety of the public or a section of the public.

(4) In this Division:

(a) a reference to any person or property is a reference to any person or property wherever situated, within or outside the State (including within or outside Australia); and

(b) a reference to the public includes a reference to the public of another State or Territory or of a country other than Australia.

It is obviously important that the definition of "terrorism" be consistent with interlocking State and Commonwealth legislation. The comparable legislation in New South Wales, Victoria, Queensland and the Northern Territory legislation also adopt the Commonwealth definition of terrorism.

The definition has to be modified slightly so as to remove the reference to a "threat" of a terrorist act. The substantive provisions of the Bill itself deal with threats of terrorists acts and it is therefore unnecessary and potentially confusing to refer to threats in the definition provisions.

The definition in the Bill refers to the Commonwealth definition, as it exists from time to time. As a result of the last COAG meeting on Counter-Terrorism, it is clear that the Commonwealth intends to amend the definition of "terrorist act". It would be inefficient and counter-productive if the State was compelled to amend each of its references to "terrorist act" each time the Commonwealth amended its definition. Therefore it is proposed that the reference to the definition be from time to time.

The Process of Authorisation

The requirements for Ministerial and Judicial confirmation of the application of these extraordinary arrangements and the powers that are thereby invoked have been addressed above.

An authorisation (and any decision of the Police Minister under the Act with respect to the authorisation) may not be challenged, reviewed, quashed or called into question on any grounds whatsoever before any court, tribunal, body or person in any legal proceedings, or restrained or otherwise affected by proceedings in the nature of prohibition or mandamus. However, it should be well noted that none of this precludes the jurisdiction of the system for determining complaints against the police.

The Duty To Report

The ***special powers authorisation*** described above is extraordinary and intended only for use in a genuine terrorist emergency. It is to be hoped that it will be a rare occurrence. There will be very great public interest in the deployment of these powers. In addition to overview by the Minister and a judicial officer it is proposed that there be a double layer of public accountability:

· As soon as practicable after an authorisation under the Act has expired, the Commissioner of Police must report in writing to the Minister for Police and the Attorney-General. That report should at the very least set out the terms and duration of the authorisation, the reasons for invoking the authorisation, a description of the powers used and how these were used and the results of the use of the powers.

· Within 6 months of the delivery of the Commissioner's Report to the Ministers, the Attorney-General must cause a similar report to be tabled in the Parliament. This report is "similar" in the sense that it should not, of course, disclose to the public any operationally sensitive police information.

Review and a sunset clause

The Bill requires that the Act be reviewed after 2 years of operation and after 5 years of operation (in both cases with a view to determining the extent to which it has contributed to preventing and investigating terrorism) with the report to be tabled in Parliament within 12 sitting days of it being received by the Minister. In addition, the Act will expire after 10 years unless the Parliament otherwise determines.

Special provisions about searches of the person

This Bill proposes that people may be searched. Searches can be intrusive and may involve strip searches. The New South Wales Act contains detailed rules for the conduct of personal searches, particularly strip searches. The Bill proposes that similar and very detailed rules be in place here.

Conclusion

I have attended two COAG meetings on terrorism and I have come from them committing this Government to do all that it can to have adequate and proper legislation in place to make tough provision against terrorism. As recently as 27 September, I committed this Government to legislate, and this Bill amounts to the delivery of the first stage of the package on time—indeed, in some respects, before time. This Bill implements 2 of 3 areas of committed State Government legislation arising from that recent COAG communiqué. It is important that the Parliament commits to passing this legislation quickly and without acrimony in the interests of bipartisan national agreement.

At the recent COAG meeting I undertook to legislate to give effect to our agreement to supplement Commonwealth powers to provide for preventative detention of terrorist suspects subject to judicial oversight. The Commonwealth is currently finalising the proposed legislation in this area in consultation with the States. I will introduce complementary legislation in early November in accordance with my undertaking.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Interpretation

Various terms are defined for the purposes of the measure.

Police officer is defined to include a member of the Australian Federal Police or the police force of another State or a Territory if appointed as a recognised law enforcement officer under clause 19.

Relevant judicial officer is defined to mean a Judge of the Supreme Court or a Judge of the District Court.

Special event is defined to mean a community, cultural, arts, entertainment, recreational, sporting or other similar event that is to be held over a limited period of time.

Terrorist act is given the same meaning as in Part 5.3 of the *Criminal Code* of the Commonwealth, except that it will not include a terrorist act comprised of a threat. The text of the definition is set out in the report.

Part 2—Special powers

Division 1—Special powers authorisation

3—Issue of authorisation

The relevant authority may issue a special powers authorisation (a ***preventative authorisation***) if satisfied there are reasonable grounds to believe—

· that a terrorist act is imminent, whether in or outside this State; and

· that the exercise of powers under the measure will substantially assist in the prevention of the terrorist act.

The relevant authority may issue a special powers authorisation (an ***investigative authorisation***) if satisfied there are reasonable grounds to believe—

· that a terrorist act is being or has been committed, whether in or outside this State; and

· that the exercise of powers under the measure will substantially assist in the investigation of the terrorist act.

The ***relevant authority*** is the Commissioner of Police or, depending on availability, the holder of a subordinate position descending in the police hierarchy down to and including a position of superintendent.

A special powers authorisation may be issued orally in urgent circumstances, but if issued orally, must be confirmed in writing as soon as practicable after its issue.

The relevant authority must not issue a special powers authorisation unless both the Police Minister and a relevant judicial officer have confirmed that the relevant authority has proper grounds for issuing the authorisation.

However, the relevant authority may issue a special powers authorisation without such confirmation if satisfied that it is necessary to do so because of the urgency of the circumstances, but, in that event—

· the relevant authority must seek confirmation, as soon as possible, of the Police Minister and a relevant judicial officer that the relevant authority had proper grounds for issuing the authorisation; and

· the authorisation ceases to operate if the Police Minister or relevant judicial officer refuses to confirm that the relevant authority had proper grounds for issuing the authorisation.

4—Duration of authorisation

A special powers authorisation commences to operate when it is issued and ceases to operate at the time specified in the authorisation (unless it ceases to operate at an earlier time under clause 3 or 6).

The period for which an authorisation operates must not exceed—

· in the case of a preventative authorisation—7 days;

· in the case of an investigative authorisation—24 hours.

A further special powers authorisation may be issued in relation to the same terrorist act in order to extend the period of operation of an earlier authorisation, but only so that the total period of operation of the authorisations does not exceed—

· in the case of preventative authorisations—14 days;

· in the case of investigative authorisations—48 hours.

5—Content of authorisation

This clause spells out what must be the content of an authorisation. Amongst other things, the authorisation must name or describe (if appropriate by using a picture, map or other visual depiction) 1 or more of the following:

· an area of the State in which the special powers may be exercised;

· a person sought in connection with the terrorist act;

· a vehicle sought in connection with the terrorist act.

The person, vehicle or area is referred to in the measure as the ***target of the authorisation***.

An area that is the target of an authorisation must not be larger than is reasonably necessary for the prevention or investigation of the terrorist act.

6—Revocation of authorisation

A special powers authorisation may be revoked by the relevant authority who issued it or a police officer of a more senior rank, and must be revoked if so required by the Police Minister.

The cessation of operation of a special powers authorisation (by revocation or otherwise) will not affect anything lawfully done in reliance on the authorisation before it ceased to operate.

Division 2—Powers resulting from special powers authorisation

7—Exercise of powers under authorisation

A special powers authorisation will authorise any police officer, with such assistants as the police officer considers necessary, to exercise the powers conferred by this Division for the purposes of—

· in the case of a preventative authorisation—preventing the terrorist act described in the authorisation; and

· in any case—investigating the terrorist act described in the authorisation.

A police officer will be able to exercise a power without being in possession of a copy of the special powers authorisation and without any other warrant.

8—Power to require disclosure of identity

A police officer will have power to require a person to disclose his or her identity if the officer suspects on reasonable grounds that the person—

· is the target of an authorisation; or

· is, in suspicious circumstances, in the company of a person who is the target of an authorisation; or

· is about to enter, is in, or has recently left, a vehicle that is the target of an authorisation; or

· is about to enter, is in, or has recently left, an area that is the target of an authorisation.

A police officer may also require proof of identity.

9—Power to search persons

In the same circumstances, a police officer may stop and search a person, and anything in the possession of or under the control of the person, and detain a person for as long as is reasonably necessary to conduct the search.

Schedule 1 sets out detailed rules which will apply to such a search.

The protections contained in section 81 of the *Summary Offences Act 1953* and regulations made under that section will apply to a videotape recording made under Schedule 1.

10—Power to search vehicles

A police officer will have power to stop and search a vehicle, and anything in the vehicle, if the officer suspects on reasonable grounds that—

· the vehicle is the target of an authorisation; or

· a person who is about to enter, is in, or has recently left, the vehicle is the target of an authorisation; or

· the vehicle is about to enter, is in, or has recently left, an area that is the target of an authorisation.

A police officer may detain a vehicle and a person who is in a vehicle for so long as is reasonably necessary to conduct such a search.

11—Power to search premises

A police officer will have power to—

· enter and search premises in an area that is the target of an authorisation; or

· enter and search any premises for a person or vehicle that is the target of an authorisation if the officer suspects on reasonable grounds that the person or vehicle is on the premises.

A police officer may detain a person who is on the premises for as long as is reasonably necessary to conduct such a search.

12—Powers in relation to target area

A police officer may cordon off all or part of an area that is the target of an authorisation.

If an area is cordoned off—

· the cordon may include any form of physical barrier, including a roadblock on any road in, or in the vicinity of, the target area; and

· reasonable steps must be taken to ensure that the existence of the cordon is apparent to persons approaching the cordon; and

· a police officer must remain near the cordoned off area.

A police officer may—

· require a person not to enter, to leave, or to remain in, an area that is the target of an authorisation or an area that is cordoned off;

· require a person in charge of a vehicle not to take the vehicle into, to remove the vehicle from, or not to remove the vehicle from, an area that is the target of an authorisation or an area that is cordoned off.

Division 3—Search powers in special areas

13—Special area declaration

The Commissioner of Police may issue a special area declaration declaring any of the following to be a special area:

· the site of an airport, train station, bus station, tram station or ship or ferry terminal;

· the site of a special event;

· an area that is a public area where persons gather in large numbers,

if the Commissioner is satisfied that the declaration is required because of the nature of the site or area and the risk of occurrence of a terrorist act.

A special area declaration operates for the period stated in the declaration.

The Commissioner of Police must not issue a special area declaration unless both the Police Minister and a relevant judicial officer have confirmed that the issuing of the declaration is appropriate in the circumstances.

A special area declaration may be revoked by the Commissioner of Police, and must be revoked if so required by the Police Minister.

14—Power to search baggage etc in special area

A police officer may, in a special area, stop and search anything in the possession of or under the control of any person.

A police officer conducting such a search may require the person to open any baggage, parcel, container or other thing and to do anything else that is reasonable to facilitate the search, and may detain a person for as long as is reasonably necessary.

A police officer may conduct such a search without being in possession of a copy of the special area declaration and without any other warrant.

Division 4—Incidental powers

15—Power to seize and detain things

A police officer may, in connection with a search, seize and detain—

· all or part of a thing (including a vehicle) that the officer suspects on reasonable grounds may provide evidence of the commission of a terrorist act; or

· all or part of a thing (including a vehicle) that the officer suspects on reasonable grounds may provide evidence of the commission of an indictable offence (whether or not related to a terrorist act) that is punishable by imprisonment for life or for a term of 5 years or more.

A power to seize and detain a thing includes a power to remove a thing from the place where it is found or to guard the thing in or on the place where it is found.

16—Power to use reasonable force

It will be lawful for a police officer to use such force as is reasonably necessary to exercise a power (including force reasonably necessary to break into premises or a vehicle or anything in or on premises, a vehicle or a person).

However, a police officer must take steps to ensure that any harm to a person or damage to a thing or premises arising from the exercise of a power is limited to that which is reasonably necessary to enable the effective exercise of the power.

Division 5—Offences relating to exercise of powers

17—Offences relating to exercise of powers

Various offences are created each punishable by a maximum penalty of $10 000 or imprisonment for 2 years. It will be an offence to—

· fail or refuse to comply with a requirement made by a police officer under the measure;

· give a name that is false in a material particular;

· give an address other than the person's full and correct address;

· enter an area that is cordoned off under the measure;

· damage, destroy, interfere with or remove any thing in an area that is cordoned off;

· obstruct or hinder a police officer in the exercise of a power.

Division 6—Procedural and other matters

18—Process for seeking judicial officer confirmation

The Commissioner of Police or other police officer concerned must comply with the process prescribed by the regulations in seeking to obtain from a relevant judicial officer the confirmation required under the measure in respect of the issuing of a special powers authorisation or special area declaration.

19—Recognition of other law enforcement officers

The Commissioner of Police or an Assistant Commissioner of Police may appoint a member of the Australian Federal Police or the police force of another State or a Territory as a recognised law enforcement officer.

The instrument of appointment must specify the term of the appointment which may not exceed 14 days.

The Commissioner of Police or an Assistant Commissioner of Police may revoke such an appointment.

A recognised law enforcement officer will have the powers and immunities of a constable appointed under the *Police Act 1998* (including powers and immunities at common law or under any Act).

A recognised law enforcement officer will remain subject to the control and command of the police force of which he or she is a member.

20—Supplying police officer's details and other information

A police officer must, before or at the time of exercising a power under this Act or as soon as is reasonably practicable after exercising the power—

- if requested to identify himself or herself by the person the subject of the exercise of the power—
  - produce his or her police identification; or
  - state orally or in writing his or her surname, rank and identification number; and
- if requested to do so by the person the subject of the exercise of the power, provide the person with the reason for the exercise of the power.

The Commissioner of Police is to arrange for a written statement to be provided, on written request made within 12 months of the search, to a person who was searched, or whose vehicle or premises were searched, under the measure stating that the search was conducted under the measure.

21—Return of seized things

A police officer who has seized a thing must return it to the owner or person who had lawful possession of it before it was seized if the officer is satisfied that its retention as evidence is not required and it is lawful for the person to have possession of the thing.

22—Disposal of property on application to court

A court may make an order that property that has been seized by a police officer be delivered to the person who appears to be lawfully entitled to it or, if that person cannot be ascertained, be dealt with as the court thinks fit.

In determining an application, the court may do any 1 or more of the following:

- adjust rights to property as between people who appear to be lawfully entitled to the same property or the same or different parts of property;
- make a finding or order as to the ownership and delivery of property;
- make a finding or order as to the liability for and payment of expenses incurred in keeping property in police custody;
- order, if the person who is lawfully entitled to the property cannot be ascertained, that the property be forfeited to the State;
- make incidental or ancillary orders.

Property ordered to be forfeited to the State—

- in the case of money—is to be paid to the Treasurer for payment into the Consolidated Account; or
- in any other case—may be sold by or on behalf of the Commissioner of Police at public auction and the proceeds of sale paid to the Treasurer for payment into the Consolidated Account.

23—Protection of police acting in execution of authorisation

If proceedings (including criminal proceedings) are brought against a police officer for anything done or purportedly done by the police officer under the measure, the police officer is not to be convicted or held liable merely because—

- there was an irregularity or defect in the issuing of a special powers authorisation or special area declaration; or
- the person who issued a special powers authorisation or special area declaration lacked the power to do so.

24—Other Acts do not limit powers and powers under other Acts not limited

Nothing in any other Act is to limit the powers, or prevents a police officer from exercising powers, that the police officer has under the measure.

Nothing in the measure is to limit the powers, or prevents a police officer from exercising powers, that the police officer has under any other Act or at common law.

25—Authorisation or declaration not open to challenge

A special powers authorisation or special area declaration (and any decision of the Police Minister with respect to the authorisation or declaration) may not be challenged, reviewed, quashed or called into question on any grounds whatsoever before any court, tribunal, body or person in any legal proceedings, or restrained, removed or otherwise affected by proceedings in the nature of prohibition or mandamus.

However, nothing will prevent a special powers authorisation or special area declaration being called into question in proceedings under the *Police (Complaints and Disciplinary Proceedings) Act 1985*.

26—Evidentiary provision

In any legal proceedings, an apparently genuine document purporting to be a certificate of the Commissioner of Police and to certify that —

- a special powers authorisation or special area declaration was issued in the terms specified in the certificate and was in operation between specified days and times; or
- a specified person was, between specified days and times, a member of the Australian Federal Police or the police force of another State or Territory, appointed as a recognised law enforcement officer,

constitutes proof, in the absence of proof to the contrary, of the matters stated in the document.

Part 3—Miscellaneous

27—Report to be given to Attorney General and Police Minister

As soon as practicable after a special powers authorisation ceases to operate, the Commissioner of Police is to provide a report to the Attorney General and the Police Minister—

- setting out the terms of the authorisation and the period during which it operated; and
- identifying as far as reasonably practicable the matters that were relied on for issuing the authorisation; and
- describing generally the powers exercised under the authorisation and the manner in which they were exercised; and
- stating the result of the exercise of those powers.

If a special powers authorisation is issued so as to extend the period of operation of a special powers authorisation previously issued in relation to the same terrorist act, this provision is to apply as if the series of authorisations were a single authorisation.

The Attorney-General must, within 6 months after receiving a report, lay a copy of the report before both Houses of Parliament.

Before the Attorney-General lays a copy of the report before both Houses of Parliament, the report may be edited to exclude material that, in the opinion of the Attorney-General, may be subject to privilege or public interest immunity.

28—Regulations

This clause provides for the making of regulations.

29—Review of Act

The Minister must cause the operation of the measure to be reviewed as soon as is practicable after—

- the second anniversary of the commencement of the measure; and
- the fifth anniversary of the commencement of the measure.

The purpose of a review is to produce a report on the extent to which the exercise of powers under the measure has contributed to preventing and investigating terrorism.

The Minister must, within 12 sitting days after receiving a report, cause a copy of the report to be laid before both Houses of Parliament.

30—Expiry of Act

The measure is to expire on the tenth anniversary of its commencement.

Schedule 1—Conduct of personal searches

Detailed rules are established governing the conduct of personal searches.

Provision is made for a police officer to conduct a strip search of a person but only if the officer suspects on reasonable grounds that—

- the person is the target of an authorisation; and
- it is necessary to conduct the strip search; and
- the seriousness and urgency of the circumstances require the strip search to be conducted.

A police officer conducting any search will not be entitled to examine a person's body by touch or to introduce anything into an orifice (including the mouth) of a person's body.

The following rules apply to the conduct of any search:

- the cooperation of the person must be sought;
- if the person seeks an explanation of the reasons for the search being conducted in a particular manner, an explanation must be offered;
- the intrusion on the person's privacy must be no more than is necessary to fulfil the purpose of the search;
- the search must be conducted as quickly as is reasonably practicable;
- the search, if a search of the person, must be conducted by a person of the same gender as the person (unless the search is conducted by a medical practitioner or nurse and the person consents to it being conducted by a medical practitioner or nurse not of the same gender);
- if the search involves the removal of clothing or footwear, the person must be allowed to replace the clothing or footwear as soon as the search is finished;
- if clothing or footwear is seized because of the search and the person is left without adequate clothing or footwear, the person must be offered adequate replacements;
- the search must not be conducted while the person is being interviewed or is participating in an investigation, but the interview or investigation may be suspended while the search is conducted.

The following rules apply to the conduct of a strip search:

- the search must be conducted in a place that provides reasonable privacy for the person searched;
- the search must not involve removal of more articles being worn by the person than is reasonably necessary for the purposes of the search;
- the search must not involve more visual inspection of the person's body than is reasonably necessary for the purposes of the search and, in particular, visual inspection of the breasts of a female, the genital area, anal area and buttocks must be kept to a minimum;
- the search must not be conducted in the presence or view of—
  - a person who is not of the same gender as the person being searched; or
  - a person whose presence is not necessary for the purposes of the search or the safety of all present,

except as follows:

- a search may be conducted in the presence of a medical practitioner or nurse not of the same gender if the person consents;
- a search of a person who is under 18 years of age or has a mental or intellectual disability must be conducted in the presence of a parent or guardian of the person or of another person (other than a police officer) who can provide the person with support and represent the person's interests;
- a search of a person other than a person who is under 18 years of age or has a mental or intellectual disability may, if the person so requests, be conducted in the presence of a person (other than a police officer) who can provide the person with support and represent the person's interests;
- the search must be recorded on videotape unless it is not reasonably practicable to do so due to mechanical failure of recording equipment or the lack of availability of recording equipment within the period for which it would be lawful to detain the person.

A search must be conducted in accordance with any other requirements imposed by regulation.

Schedule 2—Related amendments

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Emergency Management Act 2004*

2—Amendment of section 25—Powers of State Co-ordinator and authorised officers

Power to subject a place or thing to a decontamination procedure, or require a person to submit to a decontamination procedure, is added to the action that may be taken in response to a declared emergency.

Mr WILLIAMS secured the adjournment of the debate.

MINING (ROYALTY No. 2) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 September. Page 3415.)

Mr WILLIAMS (MacKillop): I indicate to the house that I will be the lead speaker on behalf of the opposition. I also indicate up front that the opposition will support the bill. Having said that, I want to make a few comments about the bill and the mining industry in South Australia in general. The government announced in its budget—not the most recent budget, I think it was the one before—that it intended to make a variation to the mining royalties charged in South Australia. Although the Mining Act 1971 establishes the royalties to be at a level of between 1.5 and 2.5 per cent, in practice royalties have been charged at the level of 2.5 per cent. I point out that that excludes extractive minerals such as sands, gravels, clays, etc. Members will recall that we addressed that matter earlier this year. This is the Mining (Royalty No. 2) Amendment Bill 2005 because we have already dealt with the Mining (Royalty) Amendment Bill which addressed extractive mineral royalties.

After coming to power early in 2002, it took some time, but I congratulate the government for eventually coming on board and recognising the importance of the mining sector to the economy of South Australia. A former Labor government back in the late-1980s and early 1990s—I think, from memory, Frank Blevins might have been responsible for this—I think I saw him earlier today in the house—recognised the potential to increase mining activity in South Australia and did some good work in starting to gather together geotechnical information. On coming to power in 1993, the Liberal Party took on that role with some vigour and increased the amount of effort and substantially increased the amount of money that was put into the collection and dissemination of geoscientific data, and established incentives for mineral exploration companies to come to South Australia and explore.

South Australia is a relatively difficult place to explore for mineral wealth because much of the state is covered by up to 200 to 300 metres of sand. To find minerals in this state you have to metaphorically look through that covering layer to determine what minerals might lie within the bedrock underneath. So, throughout the 1990s a lot of geomagnetic work was done using specially equipped aeroplanes flying over a lot of South Australia taking magnetic readings and putting that information into a form which was made freely available to prospective mineral exploration companies and consequently mining companies—and that has borne some fruit.

In 1989, the then Liberal government established a minerals task force and put together a high-level group to examine how we could take the next step forward to promote exploration and mining industries in South Australia so that South Australia could obtain its share of the Australian investment in mineral exploration and mining itself. I want

to make sure that the house is aware that the government of Western Australia went through a similar process probably 20 years earlier in the late 1960s or early 1970s. Western Australia at that stage was a much smaller state than South Australia, more totally reliant on agricultural pursuits and agricultural production than even South Australia was—probably not dissimilar to South Australia in the 1930s and 1940s.

The big turnaround was when Western Australia began to attract mineral explorers and mining companies to tap the huge potential that that state had, and that has grown, and now in excess of 25 per cent of the GDP of that state is due to is mining and exploration industry. I have had the happy fortune—and I do not mind telling the house that my eldest daughter worked in that industry in Western Australia for eight years—and I have had the opportunity over that time to visit a number of mine sites in Western Australia and get to understand a little bit of the industry in that state, particularly the gold industry. Probably the larger industry as far as material moved is the iron ore industry but Western Australia has hosted a very active mineral resources industry over a long period of time now.

My first visit to Perth, I think, was in 1969 or 1970, and to me at the time it did not appear much different than my local large town, Mount Gambier, which was not far from where I lived. Perth was just an overgrown country town in my opinion at that stage. I think that it had one building that was more than about four or five floors in height. Today you go to Perth and I think that it probably has the best public transport system of any Australian capital city. It is a beautifully laid out city and just exudes wealth. A lot of that comes from its mineral resources.

It was recognised in the task force report that South Australia could achieve those same sorts of benefits if we promoted mineral exploration and mining, and downstream value adding sectors here in this state, and that job began in the late 1990s and continued on. As I said a few moments ago, I congratulate the current government on that, probably 18 months after coming to office, all of a sudden the penny dropped and it took up that role of promoting the mining sector in South Australia, albeit, as is the wont of the current government, that it wanted to set the perception that this was all its idea and its own doing. So, the very successful TEiSA program—targeted exploration initiative South Australia program—which was the program run by the previous Liberal government to help aid and encourage mining exploration—notwithstanding that it is the same program, the government decided that it had to change the name and now we have the PACE program. It is the same program in that the minerals section of PIRSA seeks to aid, help and encourage mineral exploration in this state with the view to building a much larger industry, and I congratulate the government for taking that on board.

This whole bill is basically about the Olympic Dam operation. I have talked a little bit about that but it is the largest mine by a fair way in South Australia, and will continue to be, I would say, for a very long time. It would be fantastic if we found another resource of the scope that BHP Billiton now owns and operates at Roxby Downs. I honestly believe that it is unlikely that we will find another resource of that size—who knows, we may. However, I am also equally confident that there are many other deposits out there of a significant size that are just waiting to be found.

I will not go through the whole history of the setting up of Roxby Downs or the Olympic Dam mining operation, but because uranium was involved in that particular mineral deposit, when it was first discovered the Labor Party was in power and it held a longstanding anti-uranium position, so the mine was just not going to get up whilst the Labor Party was in power. When the Tonkin Liberal government came to power in 1979, it moved to establish the appropriate licences so that mining operation could get under way. Because that particular government, like virtually every other government in South Australia, did not control the upper house, and it looked like the government's measure would be thwarted. I do not think we could have a serious discussion about the mining industry in South Australia without mentioning Norm Foster crossing the floor, leaving the Labor Party, and giving that essential vote to ensure that the Roxby Downs mine became a reality.

The man who is now Premier published a booklet against the idea of South Australia allowing the establishment of that particular mine, and he referred to it as the mirage in the desert. I invite members to go down to the library and read it. How wrong he was then. It is odd that even today during question time I tried to get the Premier to establish his real position or his attitude to new uranium mines in South Australia, and I think it was quite telling that he refused to answer the question and refused to put his position down.

The Roxby Downs mine was established, it got under way, and over the years it has had several great increases in its production. It is currently producing about half a million tonnes of copper per year, about 4 000 tonnes of uranium, and gold and silver. I am not sure off the top of my head of the quantities produced, but it is a world-class mine producing very valuable product and providing a lot of money for the Treasury and the economy of South Australia. An indenture bill was passed through this parliament to establish that mine, which set out a lot of the things which allowed the mine to operate. It set out the royalty regime that would be charged by the state of South Australia to the company operating that mine.

The reason for my giving this background is that this bill is all about that particular indenture act and the royalty rate that was struck in that act. Way back then the royalty rate was struck so that it would be 2.5 per cent of the value of the minerals—at the mine gate, which this bill carries forward—for the first five years of the operation of that mine. It was then established that from that point on, from the fifth anniversary of the establishment of the operation until 31 December of this particular year (2005), the royalty rate would be 3.5 per cent. Thereafter, the indenture sets down the royalty rate at that which is charged generally across the industry via our Mining Act. That is where the government has come from to introduce this bill, because the Mining Act, as I said, basically set the royalty rate of 2.5 per cent across the board.

We have two types of mineral resources in South Australia—petroleum resources (almost exclusively out of the Cooper Basin area) and mineral resources. I think that the budget this year predicted that the state would receive about $95 million in royalties from those two sectors. The majority of it comes from the petroleum sector, but it is not a huge majority. A substantial amount of those moneys come out of the mineral sector—the vast majority of which come from the Olympic Dam mine and its operations. I cannot give a figure of the exact percentage, but probably 80 to 85 per cent of the total minerals royalties come from that operation. As of 31 December, without this bill, the royalty rate would drop from 3.5 per cent to 2.5 per cent. The government took the

decision a couple of years ago to change the Mining Act to increase the percentage to 3.5 percent and that way it would protect the revenues out of the Olympic Dam operation.

A couple of things about that disturb me. One is that Olympic Dam, as we all know, is going through a feasibility study at the moment, and I do not think that anybody doubts that that will lead to at least the doubling of the production from that site. Anybody who suggests that BHP Billiton is still thinking about whether or not it is going to double the production out of there—I do not know whether it would be tripled—is kidding themselves. It paid about $9 billion to buy the mine and the operation. My understanding is that Western Mining's plan was to spend about $5 billion to establish the enlarged mine and probably go from an underground operation to an open cut operation. My understanding is that the figure has now increased by about $6 billion, so the total costs for BHP Billiton as a company to buy that mine and to expand it to increase its production substantially is going to be about $15 billion. I suggest that it is probably the biggest single investment that has ever been put into this state.

It is very important, but the royalty revenues to the government of South Australia are going to increase dramatically over the next period. I said a moment ago that I think the royalty revenues in this year's budget were about $90 million. In today's terms, by 2012, which is not all that far away, BHP Billiton would expect to be contributing at least $70 million in royalty revenues to the state of South Australia. That is what this bill is about. It is about protecting that revenue stream from the Roxby Downs mine. The other point is that right at the moment—and the government probably was unaware of this when it announced that it would increase the royalty rate—we are going through a resources boom and the price of these commodities that are produced, at that mine and all other mine sites across South Australia, have increased dramatically. Uranium, for instance, has gone from about $US10 a pound about 12 months ago to about $US33 a pound today.

The royalty rate is struck on the value of the product at the mine gate. Already we could expect that the royalty received from the uranium produced at that site has at least trebled. Other products come out of there; for example, a substantial amount of gold comes out of that mine. I know because I follow the gold price. I know that the value of gold has increased dramatically over the past 12 months, as has copper and virtually all base metals. The government will receive a vastly increased royalty stream, notwithstanding the potential drop in the rate—both from an increase in the value of the product coming out of there and an increase in the actual rate of production.

Again, I am not sure of the necessity for this bill to protect the revenues to the state. I will not bore the house by suggesting that the revenues to the state from other sources have increased dramatically over the past couple of years and for the state to forgo a few million dollars over a short period to maintain the royalty rates at 2.5 per cent, I would not have thought too difficult for the Treasury to put in train, but, of course, the government has taken another tack. One of the disturbing things about the announcement that was made at the time of that budget a couple of years ago was that the mining industry per se was caught on the hop because nobody had bothered to talk to them. Nobody from the government had consulted the South Australian Chamber of Mines and Energy (SACOME). Nobody had talked to any of the industry bodies or any of the particular mining sectors. They were left right out of it and the first thing they knew about it was when they read the headline that the royalty rate was going to be increased by some 50 per cent. I guess that is why the announcement was made almost two years ago, yet we are just seeing the bill now. Of course the bill did not have do get through the parliament until the end of this calendar year.

Notwithstanding that, my understanding is that a fair bit of that time has been taken up in negotiations between the various people involved in the mining sector and the government to come to a landing where the increase in royalty rate did not have too much of a deleterious effect on the other part of the mining sector separate from the Roxby Downs mine. The bill itself increases the royalty rate but does something else to appease the mining sector in general: it establishes a new principle, that of what is referred to as a new mine. It will increase the rate from 2.5 to 3.5 per cent, but a miner or potential miner can apply to the minister to be gazetted as a new mine and, if they are successful in that application, can then achieve a royalty rate of 1.5 per cent for the first five years of their operation.

I understand that the mining industry is quite taken with that. The government's line, of course, is that this is about inducing start-up, inducing new companies to come to South Australia and start mines because the cost of royalty payments will be reduced in the first five years of the operation. I do not think that was the intention of the government. I think the intention of the government was to get as much money as quickly as it could. That was one of the compromises that the government came to with the industry in general to get some sort of agreement to go ahead with this move to increase the standard rate. If you can establish that you are a new mine, you get a reduced rate for five years. The difficulty with this is how you define what is a new mine and what is an old mine. I will give a couple of examples, because I have been trying to work through how the government and the bureaucrats might approach this and how they might come to a landing on what is a new mine and what is not.

I am sure that many applications will come in and there will be very novel attempts by people in the business of extracting minerals to convince the minister that they are in fact operating a new mine. As an example we can look at the Olympic Dam operation. If, having spent all the money I referred to earlier, $6 billion, to go from what is basically at the moment an underground operation where the ore is mined underground using a traditional stoping method, then the ore is brought to the surface, put through the mill and the processing plant to extract the various minerals from the ore, my understanding is that the operation will continue that underground working but will then open a new open cut mine on an adjacent site south of the existing mine. Will the minister regard that as a new mine?

Here is a company that is using an underground mining method with a certain production rate and it is going to spend $6 billion completely changing its system of mining, going from undergrounding to an open cut system—

The Hon. K.O. Foley interjecting:

Mr WILLIAMS: I am just posing the question. The minister and his bureaucrats have to work their way through these issues as time goes on. I think the operators could quite well argue that this is a new mine. My understanding is that most of the $6 billion that will be spent there will be just digging the hole to get to the ore: digging a huge hole in the ground. I understand that they will be digging for two or three years, carting a million tonnes of material per day for up to three years before they get to the ore. If that is not establishing a new mine, I do not know what is.

Another example is that of Australian Zircon, which wants to establish a sand mining operation for mineral sands in the mallee in South Australia, and its first target is in the Mindarie area. When you mine for mineral sands, you mine what they call strands. I will not go through the description of the way the mineralisation is laid down, but basically it is found in strands. They may be only tens of metres wide, they might be a couple of hundred metres wide, but they might run for some kilometres in length, and they will take the overburden off and come to the actual mineral sands, remove those and put those through a concentrating process. As you go along the strand of that particular mineralisation, you work it out, extract all the mineralisation out of it, close it off and go on to the next strand.

Australian Zircon has tenements in the Mindarie area and I understand that it also has prospects at Loxton. That is probably 100 kilometres away. If it starts mining at Mindarie and works there for four or five years, obviously, in the first instance, that will be established as a new mine, and if it works out that area and then moves its operations to Loxton and works on the discoveries it believes that it has in that area, is that to be regarded as a new mine or not? Another example is Luka Resources, which has a similar mineral sands operation it wants to develop in the west of the state north of Ceduna. I understand that it believes that the mineral sands deposits there stretch from the area north of Ceduna potentially all the way to Esperance. What happens if they start mining a few tenements north of Ceduna? I think it is about 140 or 160 kilometres north to north-west of Ceduna. What if they mine there for five years and then move 100, 200 or 300 kilometres to the west and mine some strands in that area? Is that regarded as a new mine or is it just an extension of the existing mine?

By establishing this idea of a new mine, the government has added an incredible complication, in my opinion, into the whole process of establishing what royalty rate will be charged. This was done for no other reason than to appease the mining sector and to get it over the line—not necessarily to agree with this measure, but to stop it from seriously opposing it. Of course, the spin comes out at the end of the day that this is about encouraging new mines and giving them a discount rate in the first five years of operation. I do not buy that.

The Hon. K.O. Foley: Well, oppose the bill.

Mr WILLIAMS: No. As I said, the mining sector has come on board, and I am quite happy to allow the minister to have his bill. However, I just want to put it on the record to make sure that it is quite clear that the opposition is well aware of how we reached this position. There were several simple steps, and if the minister wants me to go back over them all I will do so. It is to protect the revenue source from the Olympic Dam operation, notwithstanding that both the value of the product and the rate of mining in that area will increase dramatically over the next few years. We have landed on this concept of a new mine to get the mining sector to accept the 50 per cent increase in the royalty rate—because that is what we are getting.

The Hon. K.O. Foley: That is not true. That is misleading the house.

Mr WILLIAMS: It is not misleading the house.

The Hon. K.O. Foley: There has not been a 50 per cent increase in the royalty rate. We're not changing the royalty rate.

Mr WILLIAMS: From 2½ per cent to 3½ per cent?

The Hon. K.O. Foley: We are not changing it for Olympic Dam. We are not changing it.

Mr WILLIAMS: No, the minister is changing the royalty rate in the Mining Act. Do not tell me that I am misleading the house. The minister is asking the house to approve an increase in the royalty rate in the Mining Act from 2½ per cent to 3½ per cent. That is a significant increase; it is about 50 per cent.

The Hon. K.O. Foley interjecting:

Mr WILLIAMS: We will see about that. I want to leave the house in no doubt that the opposition is aware of why we have this bill and how we have reached the position that we have. The opposition has understood for a long time the importance and the potential of the mining sector with respect to the state of South Australia, and I talked briefly about that earlier. I am not too sure that the government is fully aware of that. As I said in a speech to the house earlier in the day—

The Hon. K.O. Foley interjecting:

Mr WILLIAMS: If the minister was listening, he would know what I am talking about. If he does not want to listen, he should not interject. As I said earlier in the day, I suspect that the Minister for Mineral Resources Development in another place (Hon. Paul Holloway) has some understanding of the importance of this industry to the state, but I am not sure that too many others in the government share that understanding, to be quite honest.

The bill does not change a lot of things, apart from the rate and introducing the concept of a new mine. However, one of the other important changes is that, instead of having the minister assess the value on which the royalty rate should be based, a scheme which I suppose I could loosely refer to as a self-assessment scheme is introduced in this bill, where the royalty will be based on the contract sale price that the mine operator achieves. I think that is probably a good move in the right direction and it is something that I am sure, once the teething issues are sorted out, will work well. I do not see that there would be a lot of problems with that.

One of the things that I had some questions about (which have largely been answered) related to the penalties for giving false or misleading information in regard to returns given to the Director of Mines about mining activities. They have been increased substantially from a few hundred dollars up to $5 000. Again, I do not have a problem with that: I think that is probably fair and reasonable. The mining sector is a large business, and one that I hope will become much larger. There is a significant incentive for mining operators to fudge the figures if they can, because we are talking large amounts of dollars. As I said, currently the royalty revenues to the state are about $95 million. I expect that, within five or six years, that will be at least $150 million in today's terms, if not approaching $200 million, if we get a few more positive signs coming out of the exploration work that is now being done.

There are a couple of other minor changes to make the operation of the act a little easier. One of the interesting ones is the amendment to section 77 relating to records and samples. It will now be obligatory for mine operators to provide records and information at a place designated by the Director of Mines. When I asked the departmental officers why that was (because I was wondering whether they were having trouble obtaining the information they required from mining operators), they pointed out that a number of the companies that currently operate in South Australia are international companies whose head offices are on the other side of the world. It has been seen to be necessary that,

instead of having officers from our department travel around the world to view the business records to establish how much should be paid by way of royalties, those records should be made available here in Adelaide. Certainly, the opposition supports those sorts of what are generally referred to as 'nuts and bolts' issues in the bill.

I think I have given an overview of the bill before us, and I think I have given an overview of why I believe and why the opposition believes we have the bill before us. As I said at the outset, we support the bill as it is: I do not propose to move any amendments to the bill. I reiterate that I think the mining sector is the one sector in South Australia that, if looked after and nurtured, can do great things for this state. It is a sector that has probably been overlooked for 50 to 100 years. Some of the early very successful businesses in South Australia were built around the mining sector. It was mining activity, particularly in gold and copper, in the early days of the state that helped establish South Australia as a viable state. I think we can see in the future, if handled properly by government and nurtured in the right way, a much brighter future for this state.

The government has made a lot of having an economic development plan, population targets and these sorts of things, and has produced figures that, by and large, have been pulled out of the air, but I think the mining sector is one of the few sectors that can deliver on some of those targets, particularly a population target. We have seen what has happened in Western Australia in recent years with the incredible increase in population.

So, if that is what we all want for South Australia—and I think everyone in this place probably does—I think the mining sector has a greater ability to deliver those sorts of advances for this state, economically, socially and environmentally, into the future. So, I conclude my remarks—

An honourable member: Not already!

Mr WILLIAMS: I have possibly gone a few minutes longer than I initially expected to.

Mr HANNA (Mitchell): I rise on behalf of the Greens to speak on this mining royalty bill. There seem to be two aspects to it. One is to increase royalties across the board to an extent, and the other aspect is to give a five year royalty holiday to new mining companies. That is to put it in simplistic terms. One of the key questions that comes out of this is how South Australia compares to other states, and I understand that in other states there are various regimes. There is a far from uniform percentage among the various states. Various states have various categories, etc.

Something novel in this legislation, according to my understanding, is that the five year tax exemption, or special treatment for new ventures, is something that is not repeated in other states. Perhaps the Deputy Premier can confirm that. In responding to second reading contributions on the bill, I hope that the Deputy Premier will provide more detailed information about other states. Hearing that, we can better judge whether these measures are appropriate for South Australia.

I must say that I have a number of constituents and a number of business owners in my own community in the south-western suburbs of Adelaide who would very much appreciate a tax-free treatment for the first five years of their business. It is interesting that the mining industry has been singled out for this specially beneficial treatment. The Deputy Premier might also care to advise us of the role of Mr De Crespigny in discussions in the formulation of the policy behind the legislation. He, of course, is famous, and rightly so, for his success in the mining industry, and of course he is now part of a special group, apparently above and beyond cabinet, whereby the insights of Mr De Crespigny and Monsignor Cappo can be shared with the other gentlemen who basically run the state. It would be of value to the parliament to get that on the record, and it would be good to hear from the Deputy Premier in relation to that. With those remarks, I will simply sit down and wait to hear, with interest, what the Deputy Premier has to say by way of response.

The Hon. I.P. LEWIS (Hammond): The legislation is a significant rewrite of important provisions in the Mining Act. The Deputy Premier's second reading speech outlined that, and the contribution made by the member for MacKillop as spokesperson for the opposition raised some elements of curiosity, as I recall, that he has about motives and other things, outlining at the same time the general sentiments which the opposition has to the mining industry and the way in which the opposition sees that industry contributing, and potentially contributing, to the state's economic stability, not just development, over the medium to long haul.

In fairness to minister Holloway, I think one has to acknowledge that this is a pretty bold piece of legislation for the Labor Party. At any time in the last 30-odd years, you would not have expected the Labor Party to come up with a piece of legislation containing the proposals which this bill has in it. Indeed, there was a time that I can remember when anything but this kind of proposal would have been contemplated.

I noted the remarks made by the member for Mitchell and, while they are not in any sense antagonistic to the thrust of the legislation, they nonetheless belie a concern that is not well founded. What South Australia has to do is remember that it is not just competing with other states. The greatest competition for the capital we seek in this state is coming from outside the country, and that competition is in places where they have learned through the study which has been undertaken by their brightest scholars in countries such as ours, the United Kingdom or elsewhere in Europe, or, more particularly, the United States and Canada. Having done that study as students from those countries, they return home and devise policies which as rapidly as possible will develop their economies; and those who have specialised in economics, particularly economic geology, realise that one of the primary drivers—if they have any mineral wealth at all—in rapid development of an economy can be the development of a mining industry and downstream processing based upon it.

They do not have the technological expertise and the trade skills that are involved but, my God, they will never get them unless they get some mines in the first instance. What they then do is obtain the skills from the West for the exploration work that has to be done. They do that on a contract basis—and it is pretty favourable, much more favourable than it is in this country at the present time. Having done so, they identify their opportunities and encourage companies that have the capital and expertise to establish the mines to come in and do so. Sometimes they do it without proper regard for the consequences for the environment, but that is rare.

By comparison, our history was probably more disastrous because we were learning and feeling our way as a culture before many of our forebears left Cornwall, the Midlands, or anywhere else—the coal pits in Wales and the like—and we

have learned those lessons and devised the means by which to avoid the adverse consequences for our landscape, our surroundings, our communities and our children in the process of doing so—and they are being followed.

Whether it is in places such as Chile, China, Brazil, Bangladesh or even South Korea, they know that what they cannot do, in simple terms, is foul their surroundings, because to do so is simply to get a short-term gain for a lot of long-term pain, any and all of which could have been avoided. We have to be sensible in that respect. I know that is the kind of thing about which the member for Mitchell is concerned. His equal concern, though, is mistaken if he thinks that we ought not to be too generous to mining companies in getting them to come in here and do what the Hon. Peter Duncan used to happily proclaim against the mining industry, the Liberal Party and those who were pro-active in aiming at getting mining development going, saying of those of us who were advocates for sustainable investment of capital giving us a relatively sensible profit in return on it, that all they can do is dig it up, chop it down and sell it.

Well, that is garbage, because as the member for Mitchell and all other members in this chamber know, the stem of this microphone and the box on which it is mounted, the wires that connect to it, the machine that cut the timber and the equipment that was used to remove the hides from the animals from which they were then taken and cured, treated and dyed and even the studs that are used to tack the leather to the joinery to make the benches, all require us to have a sophisticated mining industry. You cannot do anything from the moment you wake up in the morning without, within a matter of seconds, relying upon the mining industry to enable you to have done it. More particularly, you would not sleep on a bed: you would lie around in the dirt and the fleas if you did not have a mining industry.

You would not have any clothing because the machines that manufacture the fibre into a form that can be turned into textiles and those textiles as bolts of cloth turned into garments for us to wear, all depend on our ability to mine from the ground upon which we stand those things that enable us to make the machines that produce those comforts that make it possible for us, in that sense, to be civilised. We do not do that by accident. It does not happen by magic. It requires good science to be applied to the circumstances of production, refining and manufacture; and, once the science is known, a great deal of it is artwork.

For instance, in the iron and steel industry, once you know you have an ore deposit, the ore itself is not homogeneous, and to get good steel from it you know the process, but batch to batch there is variation. It is as much an art in the management of the blast furnace that produces it by people who are skilled at doing that as it is an art to drive a car and win the Bathurst 500. There are a lot of good drivers out there on the track—they would not be there if they were not—but one of them is best at it. The same thing I guess goes in politics. There may be a lot of good politicians in this chamber, but only one of them is Premier. It is no different in the mining industry.

What this legislation aims to do is provide appropriate incentives for South Australia to continue to accelerate the development of its mining industry by providing greater confidence to explorers and greater incentive to those who then develop the mineral ore bodies that are discovered. It does that by taking away the uncertainty of the discretionary provisions. I refer, for instance, to section 17 of the Mining Act, in relation to which a bit of argy-bargy always goes on between the proponents of a new mine who want to minimise their outlays arguing that, under the provisions of section 17(4), the minister ought to allow them the 1.5 per cent royalty rate instead of something nearer to 2.5 per cent or 2.5 per cent.

So, what this legislation does is give certainty to that, and it does it for a damn good reason, because small deposits and/or small miners do not have a lot of capital. You cannot borrow against oil in the ground; you have to prove a reserve before you can even begin to think about leverage finance. It enables those small miners and owners of small deposits to get on their feet with the minimum amount of capital and strike the optimum rate, if you like, of recovery from their deposit in recognition of the fact that the payback period in mining is the simple way in which most investors assess whether they will put in their money or not.

Therefore, if you reduce the royalties for the first five years to 1.5 per cent and strike that as the standard rate across the board you provide greater incentive for them to invest their capital in South Australia in the future than has been the case in the past. It gives them certainty at that point and, more particularly, it enables them to get their cash back again more quickly. It might not sound like a lot of difference, Mr Speaker—1.5 per cent royalty for five years, 3.5 per cent after that—but remember that is coming straight out of the gross income; it does not come out of what is left after costs have been deducted. It is out of the gross income, so as a proportion of the gross profit or contribution margin it is much higher than that. Accordingly, the payback period to recover the outlays that have to be made to get into the business of mining the deposit that has been discovered and selected are significantly shortened by that measure.

We give ourselves an advantage in South Australia now and that is why I am commending the minister, and the people who have been advising him, for having come up with this proposition, albeit after a lot of consultation with the industry. It is sensible, and it is fortunate that the Labor Party has a fellow like the Hon. Paul Holloway, who understands these things and who has done some relevant study in the course of his adult life to enable him to understand what it is that investors are talking about in the primary industries at large and in the mining industry in particular.

I should have stated at the outset that I have an interest. I did that last night and I must say it again in the course of these remarks now. I have made no secret of the fact, and it is in my pecuniary interest statement, that I do have an interest in exploration and in mining. I determined to do that in more recent years because I saw too much of South Australia—which very intelligent and very wise men like Sir Douglas Mawson saw, and others who have been around the place as well—not being properly explored and developed. Indeed, the dead hand of an indifferent bureaucracy and an ignorant government for over three decades has a bad effect on the development of mines, small mines and short-life mines in particular.

All too often, in the 1960s and 1970s, and since that time, up until the 1990s, the government's attitude was that you need to leave it to the big corporations, that the small prospectors and explorers are just a bloody nuisance and that all they do is increase the amount of paperwork that the bureaucrats have to do in the course of the discharge of their duties, for very little additional economic gain in the state's finances and the state's economy. But, regrettably, that attitude drives away those people who are referred to these days as the juniors, because they are treated with disdain if

they want to go and investigate something with limited resources which might not produce a big corporate mine like Olympic Dam, or like the Middleback Ranges, or like the Leigh Creek coalfield has done.

More recently, there has been a shift in attitude, which began with the election of the Liberal government in the 1990s, and finally, under the current Leader of the Opposition, a considerable measure of change occurred when it was realised just how important it was to get exploration going. The Leader of the Opposition, who was the minister at the time (before he became premier), encouraged this shift in mindset, more so than his immediate predecessor, Dale Baker. I think that is fortunate because it has made it possible for personnel in the department to further develop that and with confidence go to their minister and get the kind of mindset in the approach they have taken to develop export-oriented minds which are contributing substantially to the future stability of the state's economy.

There is no other way that we can regain head office locations for firms of any kind than to do it through the mining industry. I know the current Treasurer understands that. In times gone by when he was more inclined to talk to me those were conversations I had with him. He understands that if it is not export then it is not going to provide us with the creation of a new head office. If we want to grow the state's economy and have new head offices established here that will give our younger professional people a real career path within South Australia from start to finish, then it will only be in the mining industry. There are not many opportunities left in agriculture and there are no opportunities left in manufacturing.

The rapid growth of technology awareness and savvy in both China and India as well as in other places such as Brazil is making sure that that will never again happen in manufacturing. So, that leaves us now literally with the need to recognise that our future is inextricably interwoven with the success of our mining industry. There will not be growth in the economy that is not based on what we can get out of the ground by using our wit, wisdom and artistic abilities to do it efficiently, effectively and, more especially, sustainably. The responsibility for sustainability is still in the Mining Act and still in the hands of the minister, and it is still in the hands of the responsible people left in the department to ensure that that happens.

You do not need somebody imbued with the zeal of trying to stop anyone who wants to dig a hole from doing so unless they pay some sort of penance or other. That is a mad mindset, and it has not been very helpful in recent times to denigrate the mining industry in that way. It is the generator of our wealth; it is the future for our sustainable base, economically. You cannot save any damn anything or anyone unless you have prosperity in the first place. Let me state that more plainly: you cannot solve poverty unless you have wealth to redistribute. You will not be able to provide a better future for your children than your parents had if you do not recognise those simple truths. It is for that reason that I speak in strong support of the measure.

I mention only one thing about which I am disappointed, and it is always the case: I do not like to leave the discretion in the hands of the bureaucracy at any time when we can state it in law, and we could do that in this instance. However, I am pleased to note that the 1.5 per cent royalty for new mines is stated in law in proposed new section 17A(2). That is the bit that I like out of all the bits that are in here. None of the parts of the Mining Act that are amended or the parts that remain unamended will prevent the minister from introducing wherever it is considered necessary an indenture bill of the kind which we first negotiated in South Australia for the Olympic Dam mine. That is still possible and may from time to time be necessary. I wish the minister well, and I commend the bill to the house and to the industry.

The ACTING SPEAKER (Mr Koutsantonis): Order! Before I call on the minister, I remind the two gentlemen in the Speaker's gallery that mobile phones are not to be used. The minister.

The Hon. K.O. FOLEY (Deputy Premier): Would those two gentlemen be members of my staff, Mr Acting Speaker?

The ACTING SPEAKER: They might be, Mr Treasurer.

The Hon. K.O. FOLEY: Mr Michael Brown and Mr Stephen Mulligan. I thank members for their contribution, the member for Hammond, the member for Mitchell and, of course, the shadow minister. The government's commitment to the mining industry is absolute. I note the comments that the shadow minister made with respect to the initial program of exploration. I remember the very meeting when the decision was taken back under the Bannon government in the late 1980s or early 1990s when three things were happening. First, the economy was tanking nationally; secondly, the State Bank was tanking; and, thirdly, the fortunes of the Labor government were tanking. It was a period of great tanking in spite of the brilliance of advice such as mine, but there is a limit to how much one adviser—

An honourable member interjecting:

The Hon. K.O. FOLEY: —or two advisers can do to make up for the collective incompetence of various members of the State Bank board and others at that time. One of the initiatives by the then government with premier Bannon and minister Arnold was the work undertaken by Arthur D. Little to look at the economic opportunities for South Australia. Arthur D. Little immediately identified one of the great opportunities for South Australia, that is, the mining potential of our state.

One of the great initiatives to come out of that was the issue to which the shadow minister referred, namely, the expensive cost of exploration in South Australia because of the significant sediments. In non-geological terms, the great big hunk of sand that sits above the crust, the rock, or whatever it is in South Australia, makes it a very expensive exercise. So, Arthur D. Little recommended the expenditure of some, from memory, $6 million, $7 million or $8 million a year—it might have been less than that in those days—to pay for the geospatial data, satellite, planes, and whatever other technology that was implemented to look at it. That was an exceptionally good program and I know that Western Mining, in particular, made good use of that data, and it may well have been part of assisting them in identifying their resource opportunities.

When the then Liberal government came into office, it maintained that program and, from memory, probably increased resources to it, as we did when we came into office. One of the points that Robert Champion de Crespigny made to the government (and he is obviously somebody with great experience and expertise in this area) was that in his opinion, and in the opinion of those senior people in the mining industry, South Australia represents one of the great mineral opportunities, not just in Australia but in the known world. That is, particularly in a stable economy, and a stable political environment—so we are not necessarily comparing some of the land masses of Africa and other parts of Asia and South

America—and when you look at the political stability of the globe on which we live, as well as the opportunity involved, South Australia is probably the most under-exploited region of known mineral opportunity in the world when you put in those other factors.

The Hon. I.P. Lewis: You got that dead right.

The Hon. K.O. FOLEY: Thank you. I have had a discussion at the side bar with the shadow minister about the type of companies that are putting risk capital into exploration. The big players, BHP, Western Mining, Rio, and CRA do not need government assistance—although, trust me, they will take it. Although they will be at the head of the queue, they do not need it. I know that the member for Hammond has particular experience, expertise and knowledge of this, and it takes a degree of government intervention to stimulate smaller and mid-range explorers who can see their very limited capital base quickly chewed up through the expensive cost of exploration.

We have done this work; it is paying dividends; we are seeing Oxiana with Prominent Hill from memory; we are seeing a number of other opportunities in the Gawler Craton; we are seeing Mineral Sands; and this program of which Mr de Crespigny was a strong supporter is proving to be exceptionally beneficial.

At that point I add that, because of obvious potential perceived and real conflicts of interest that Mr de Crespigny may have through his own particular business interests, Mr de Crespigny has at all times to my knowledge ensured that he has removed himself from any decision as it may relate to any interest that he may have. But the important point was that as an overall broad policy Mr de Crespigny and other senior mining executives, such as Hugh Morgan, are the types of people who are advising this government when it comes to the mining industry. This includes the services that we now have available to us. I refer to the like of Hugh Morgan, and there are very few mineral experts and achievers in this nation as good as Hugh Morgan. There is some controversy—and in this respect I have had a discussion with the shadow minister. I do not want to try to score political points, but I will very quickly put on the record that Western Mining was paying a royalty rate of 3.5 per cent for a period of 10 years for the minerals which they extract from Olympic Dam, with a view that it would then drop back to the prevailing rate of 2.5 per cent, which was the royalty rate in the act.

As the member for MacKillop said, the vast bulk of mines, or the vast bulk of royalty moneys that come to government, flow from Olympic Dam. It is an incredibly disproportionate share of the mining revenue and the mining activity. We took a view—and I will be quite honest and up front about it—that the revenue base of our state is one which, I was of the mind as was the government, needed to be protected. We felt that it would be a windfall gain to Western Mining. It would disagree with that, but we are of the view that it would be a windfall gain to Western Mining should we have that royalty rate drop back to 2.5 per cent.

The important point is the due diligence that Western Mining would have undertaken in respect of committing their capital to the expansion. They would have, I assume, put a risk analysis into the likelihood of that royalty rate not dropping and, certainly, BHP Billiton—an outstanding company (and I think we are very lucky and very fortunate that BHP Billiton has secured the Western Mining company and its assets)—when purchasing Western Mining, through their due diligence process, was aware that the government intended to maintain the royalty rate at 3.5 per cent. So, when paying the price that it did for Western Mining, BHP would have been fully mindful of the royalty rate. I see no sense in a government, certainly with BHP having made that decision, giving a windfall gain to BHP.

The other important point of which we need to be mindful is that Olympic Dam's 2.5 times expansion will be the greatest economic boost to this economy—my guess is, ever. It is certainly larger than anything that I have seen in my adulthood, and I think it is larger than the initial Olympic Dam mine development itself. Ultimately, although we will get enormous economic gain out of it, it comes at an economic cost. It will require significant public infrastructure to be built in Roxby Downs township. It will require increased roads and sewerage. I am guessing here, so do not hold me to this, but I think it will require further medical, policing and other community services as the mine of Roxby Downs significantly increases in size. That comes at a cost. Equally, under the way the commonwealth grant system works, we do not get every extra dollar of royalty into our coffers.

Under the distribution system—the equalisation system of the nation—we share that royalty dollar with the other states of Australia under the methodology that is the commonwealth grants distribution arrangements for revenues that each state gets from mining or payroll or whatever. So, for every one dollar increase in royalties—we do not get the full dollar: we get a proportion of that dollar—we also get the cost of the infrastructure. I have not done the analysis, so this is absolutely speculative commentary, but we might break even or we might be a little ahead for the first five to 10 years until we get that infrastructure embedded and paid for, and, obviously after that, it is blue sky for the state. I do not have any problem with charging a fair and reasonable rent as a resource tax as a royalty on our mining resources, because the Olympic Dam mineral deposit is a resource of the state and the state taxpayer deserves to get a fair share of the royalty from that. I think, ultimately, in the commentary, certainly from the member for Hammond and the shadow minister, whilst there might be a bit of political argy-bargy, in the main that would be the view of all or most members of this parliament.

In conclusion, the issue of uranium has been discussed. My views about uranium mining and the federal Labor Party policy on uranium mining are well known. Olympic Dam, already the largest deposit of uranium in the world, will see an expansion of approximately 2½ times. The Beverley mine will expand. Only a year or so ago I spent a day and a half in San Diego where I visited General Atomics, the owner of that mine, and I had a dinner with Neal Blue, the Chairman, and I spent quite a bit of time with him. He is an outstanding and impressive individual and it is an outstanding and impressive company, notwithstanding the politics.

The Hon. G.M. Gunn interjecting:

The Hon. K.O. FOLEY: And a great process. When I went out to Beverley, I flew out from Arkaroola with my then wife and kids and, as we flew out, we saw pastoral land that had been totally degraded by pastoral activity. Every bit of shrub and greenery had been absolutely destroyed, and that is as it happens.

The Hon. G.M. Gunn interjecting:

The Hon. K.O. FOLEY: And all the feral animals as well. I am no Greenie, but when the Greenies say to me that the mining activity is somehow environmentally intrusive, I think to myself about this little bit of fencing where a hole goes down here and a hole comes up there and they take the uranium oxide out and put back into the aquifer something

that is less damaging than what they took out. I scratch my head and say, 'Crikey, these people are on something I am not because I cannot see the point they are making.' Anyway, some people are smarter than I am. That is a good mine and it will expand. That is a good thing, because uranium is good. Uranium is a fuel and a resource that is needed in the world. The more uranium that can be mined and exported out of Australia is good policy. Ultimately—

Mr Goldsworthy interjecting:

The Hon. K.O. FOLEY: No; it is not a three mines policy: it is a no more mines policy. However, we will let more mines happen if they happen under a Liberal government and then we will put a cap on it when we get into office federally. It is a policy that gets more bizarre by the day. That is a debate for somewhere else and I hope to participate in that debate. Whether I will be successful, only time will tell. I may be unsuccessful, but I will give it a fair crack.

Ultimately, we do send the right signal to the mining industry, and there was no better article than that written by one of the leading if not the most prominent and well regarded conservative economic writers in the nation in Trevor Sykes. It was the Downtown article in this weekend's *Financial Review*. I would like to read all of that article but I think if anybody wants to understand what occurred at the last Labor Party convention and where policy opportunities arise in terms of changing federal Labor Party policy, read that article. More importantly, though, what is the signal that this government sends to the mining industry? Let me read the last paragraph as follows:

> Meanwhile, at mining conferences the state government—

that is South Australia—

> gives away as souvenirs stubby-holders bearing a quotation from Rann saying: 'We in South Australia are pro-business, pro-jobs and pro-mining'. If only all states had the same attitude.

We are considered nationally, and in many parts of the globe, as the most progressive, aggressive mining-friendly state government that exists. That is a good thing because the people who get jobs in mines are working class people—the people that Labor governments are elected to represent. So, Labor supporting a massively expanding mining industry is not only good policy and good for the nation, but extremely good for the people who we are elected to represent. We are proud, as a government, to be seen as the leading state government in the nation when it comes to supporting, attracting and delivering mining opportunity. We are proud of that. It is good policy, good politics and good for the economy. This piece of legislation sends the right signal to the smaller investors that we are open for business and mining friendly. Let's encourage the mining industry to come to South Australia to join with us on exploiting an outstanding mineral boom in this state and one with so much potential that the sky is literally the limit.

Bill read a second time and taken through its remaining stages.

PITJANTJATJARA LAND RIGHTS (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council passed the bill, to which it desires the concurrence of the House of Assembly.

The Legislative Council drew the attention of the House of Assembly to clause 30, printed in erased type, which clause, being a money clause, cannot originate in the Legislative Council but which is deemed necessary to the bill.

Bill read a first time.

Mr HANNA: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

The Hon. J.D. HILL (Minister for Environment and Conservation): 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.

The ACTING SPEAKER (Mr Koutsantonis): Is leave granted?

The Hon. I.P. Lewis: No.

The ACTING SPEAKER: Leave is not granted. The honourable minister.

The Hon. J.D. HILL: This bill amends the Pitjantjatjara Land Rights Act 1981 to provide a legislative framework for a more accountable and transparent system of governance on the Anangu Pitjantjatjara Yankunytjatjara (APY) lands. The amendments deal with the operation of the Anangu Pitjantjatjara Executive Board, the peak governing body for the APY lands. The bill forms part of the government's commitment to improve the lives of the 3 000 indigenous people living on the APY lands in the state's far north. This government has committed an additional $25 million over four years to improve conditions on the lands. It is doing what successive governments have failed to do—to provide improved health services, to create safer communities, to provide better educational opportunities, to establish relevant employment training and to develop real and sustainable jobs. The reforms contained in the bill include:

- changing the name 'Anangu Pitjantjatjara' to 'Anangu Pitjantjatjara Yankunytjatjara' to recognise the Yankunytjatjara people;
- more transparent financial reporting by the Executive Board, including a requirement for the board to annually provide Anangu and the Minister for Aboriginal Affairs and Reconciliation with audited accounts and financial statements;
- clarifying that the role of the Executive Board is as a land holding authority to manage the APY lands in accordance with the wishes of the traditional owners;
- three-year terms of office for members of the Executive Board;
- clearer operating procedures for the Executive Board;
- strict honesty and accountability requirements for the Executive Board;
- a power for the Minister for Aboriginal Affairs and Reconciliation to intervene when there is evidence that the Executive Board has refused to or failed to exercise a power, function or duty under the act or the APY constitution, where the refusal or failure results in the detriment of Anangu; and
- a power for the Minister for Aboriginal Affairs and Reconciliation to suspend the Executive Board for refusing or failing to comply with certain directions.

These changes are not about diminishing indigenous self-determination or taking away land rights. Their purpose is to increase the confidence that Anangu have in their peak governing body by increasing the transparency and accountability of its decision making. They are about making the

Executive Board a more effective and responsive body with a greater capacity to implement the wishes of Anangu. The amendments will also improve the delivery of government services on the lands by refocusing the board's activities on land management. The checks and balances that are being proposed for the Executive Board represent normal standards of accountability and transparency. They are no more rigorous or onerous than those expected of other publicly-funded corporations.

In order to provide for public scrutiny of the measures undertaken by the bill, the minister must cause an independent review of the operation of the Pitjantjatjara Land Rights Act 1981 in so far as it is amended by the bill, and provide a report to both houses of parliament. The review must be undertaken, and the report prepared, within three years of the commencement of clause 1 of the bill. As a result of an amendment in the other place, the review is to be undertaken by a panel of three people selected by the Ombudsman, one of whom must be Anangu. That is in the report, but the government has an amendment to change it so that the minister, through a consultative process, will do that job.

The bill is the result of extensive consultations with the current executive board, its legal representatives, Anangu, state and commonwealth government agencies and the general public. The Anangu consultations included public meetings at Indulkana, Umuwa and Pipalytjara. The government provided funding to cover transport costs so that all interested Anangu could attend these meetings. A public call inviting submissions on the review of the Pitjantjatjara Land Rights Act 1981 was published in indigenous, state and national newspapers. The overriding message from these consultations was the need to reform the current governance arrangements.

These amendments are the first part of a comprehensive two-stage review of the Pitjantjatjara Land Rights Act 1981 that cabinet approved in March 2004. This is the first time that act has been reviewed since its proclamation in 1981. The second stage will examine land management issues, particularly as they relate to mining on the APY lands and the Mintabie township lease. At the completion of this stage of the review, a second amendment bill will be introduced. Owing to the complexity of these issues and the extensive consultations that will be needed, it is not expected that the second bill will be introduced until 2006. These stage 1 amendments will provide Anangu with a more effective, transparent and accountable governing body. In conjunction with the other work the government is doing in relation to service delivery, they will go a long way towards improving conditions on the lands. I commend the bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Pitjantjatjara Land Rights Act 1981*

4—Amendment of section 1—Short title

This clause amends the short title of the principal Act to refer to "Anangu Pitjantjatjara Yankunytjatjara" rather than just "Pitjantjatjara".

5—Amendment of section 4—Interpretation

This clause introduces definitions consequential to other provisions of the measure and amends some of the current definitions so that where the Act currently refers to "Pitjantjatjara" it will instead refer to "Anangu".

The clause also inserts new subsection (2), providing that if a provision of the principal Act that specifies that an act may be done or a resolution made by Anangu Pitjantjatjara Yankunytjatjara at an annual or special general meeting, that act etc may not be done or made by the Executive Board on behalf of Anangu Pitjantjatjara Yankunytjatjara.

6—Insertion of section 4A

This clause inserts new section 4A into the principal Act, which provides the objects of the principal Act (as amended by this Bill).

7—Amendment of section 5—Constitution of Anangu Pitjantjatjara Yankunytjatjara as body corporate

This clause makes consequential amends to refer to "Anangu Pitjantjatjara Yankunytjatjara" (this amendment is made wherever necessary throughout the principal Act) and provides that a document will be presumed to have been executed by Anangu Pitjantjatjara Yankunytjatjara if it is sealed and signed by 6 members of the Executive Board, or 2 persons from among the Chairperson, Deputy Chairperson, Director of Administration or the General Manager.

8—Amendment of section 6—Powers and functions of Anangu Pitjantjatjara Yankunytjatjara

This clause amends section 6 of the principal Act to make amendments to the to leasing and licensing powers of Anangu Pitjantjatjara Yankunytjatjara in relation to the lands, extending to 10 years the time to which a lease or licence can be granted to someone other than Anangu, and also sets out procedures in relation to the granting or transfer etc of leases and licences, most notably that a lease or licence cannot be mortgaged, and that a transfer etc must not be done dealt with without the consent of the Executive Board.

9—Amendment of section 8—Annual general meetings and special general meetings

This clause amends section 8 of the principal Act, setting out when a special general meeting of Anangu Pitjantjatjara Yankunytjatjara must be held.

10—Amendment of section 9—Executive Board of Anangu Pitjantjatjara Yankunytjatjara

This clause amends section 9 of the principal Act, providing that the Executive Board will consist of the 10 elected members, rather than those 10 members plus a separate chairperson. It also provides that a person who is holding the office of Director of Administration or General Manager or is an employee of Anangu Pitjantjatjara Yankunytjatjara cannot be a member of the Executive Board. The term of office for members is now 3 years. The clause requires the Minister to review the electorates 3 months before an election of members of the Executive Board, and further requires members elected to the Executive Board to undertake training in corporate governance within 3 months of being elected. The training courses are to be approved by the Minister.

11—Insertion of sections 9B to 9F

This clause inserts new clauses 9B to 9F, effective restructuring the principal Act in relation to setting out the provisions related to the Executive Board's procedures, functions and powers.

9B—Functions and powers of the Executive Board

This clause provides that the functions of the Executive Board are to carry out the functions of Anangu Pitjantjatjara Yankunytjatjara, and the day to day business of Anangu Pitjantjatjara Yankunytjatjara, and in doing so the board may exercise any power conferred on Anangu Pitjantjatjara Yankunytjatjara by or under this Act.

The clause provides that the Executive Board must comply with certain resolutions of Anangu Pitjantjatjara Yankunytjatjara.

9C—Chairperson and Deputy Chairperson

This clause sets out procedures related to the election of the Chair and Deputy Chair, and any vacancies in those offices.

9D—Casual Vacancies

This clause sets out procedures related to casual vacancies arising in the office of a member of the Executive Board, including conferring on the Minister a power to direct the Executive Board to remove a member in certain circumstances.

9E—Remuneration

This clause provides that a member of the Executive Board is entitled to certain remuneration etc.

9F—Delegations

The clause provides that the Executive Board may delegate certain powers and functions to the General Manager.

12—Substitution of sections 10, 11 and 12

This clause substitutes sections 10, 11 and 12 of the principal Act.

10—Procedure of the Executive Board

This clause sets out procedures to be followed by the Executive Board in relation to meetings

11—Minister may call meetings

This clause provides that the Minister can call a meeting of the Executive Board if the Chair refuses or fails to call a meeting within 4 months after the previous meeting, or if 2 or more successive meetings are inquorate. The Minister may direct members to attend such a meeting.

12—Meetings to be open to all Anangu

This clause requires all meetings of the Executive Board to be open to all Anangu, although the Executive Board may, if there are reasonable grounds, exclude some or all Anangu from a meeting.

12A—Advisory Committees

This clause provides that the Executive Board may set up advisory committees to advise the Board on its functions under the principal Act. The clause sets out procedures that must be determined by the Board in relation to such a committee.

12B—Duty to exercise care and diligence

This clause requires that a member of the Executive Board must exercise a reasonable degree of care and diligence in the performance of his or her functions.

12C—Duty to act honestly

This clause requires that a member of the Executive Board must act honestly in the performance of his or her functions.

12D—Duty with respect to conflict of interest

This clause sets out procedures that must be followed by a member of the Executive Board in relation to any conflict of interest.

12E—Civil liability for contravention of section 12C or 12D

This clause enables Anangu Pitjantjatjara Yankunytjatjara to recover profits or compensation in relation to the failure of a member of the Executive Board to comply with proposed sections 12C and 12D.

12F—Code of conduct

This clause requires the Executive Board to prepare a code of conduct to be complied with by members of the Executive Board, the Director of Administration, the General Manager and any employees of Anangu Pitjantjatjara Yankunytjatjara.

12G—Guidelines

This clause requires the Executive Board to prepare guidelines to be followed by members of the Executive Board when entering contracts or engaging in certain commercial activities.

12H—Prudential requirements for certain activities

This clause requires the Executive Board to obtain and consider a report addressing specified prudential issues before the Board engages in a project likely to exceed 20% of Anangu Pitjantjatjara Yankunytjatjara's approved budget in a particular year.

13—Amendment of section 13—Accounts and audit

This clause amends section 13 of the principal Act to require that audited accounts of Anangu Pitjantjatjara Yankunytjatjara are made available to Anangu at each annual general meeting.

14—Insertion of section 13A and Part 2 Division 4A and 4B

This clause inserts new section 13A and Part 2 Divisions 4A and 4B

13A—Reports and Budget

This clause requires the Executive Board to prepare and submit to the Minister an annual report, an annual budget and certain other reports. The reports or budget must contain the information required by the regulations. In relation to the budget, it must be submitted to the Minister for approval.

Division 4A—Director of Administration and General Manager

13B—Director of Administration

This clause establishes the office of Director of Administration, and sets out certain grounds why a person may not be appointed to the office.

13C—Functions of Director of Administration

This clause sets out the functions of the Director of Administration, which is to oversee the implementation, by the General Manager, of resolutions of the Executive Board.

13D—General Manager

This clause establishes the office of General Manager, and sets out certain grounds why a person may not be appointed to the office.

13E—Functions of General Manager

This clause sets out the functions of the General Manager, which are to implement the resolutions of the Executive Board, take responsibility for the day to day operations and affairs of Anangu Pitjantjatjara Yankunytjatjara, and other specified functions.

13F—Director of Administration and General Manager subject to direction

This clause provides that, if an administrator is appointed under section 13O of the principal Act, the Director of Administration and General Manager are subject to his or her direction.

13G—Termination of appointment of Director of Administration or General Manager by Executive Board

This clause provides for the removal, by the Executive Board, of the Director of Administration and General Manager in certain circumstances, which are essentially the same as for members of the Executive Board. The clause also allows the Minister to direct the Executive Board to terminate the Director of Administration and General Manager in certain circumstances.

13H—Duty to exercise care and diligence

This clause requires that the Director of Administration and General Manager must exercise a reasonable degree of care and diligence in the performance of his or her functions.

13I—Duty to act honestly

This clause requires that the Director of Administration and General Manager must act honestly in the performance of his or her functions.

13J—Duty with respect to conflict of interest

This clause sets out procedures that must be followed by the Director of Administration and General Manager in relation to any conflict of interest.

13K—Civil liability for contravention of section 13I or 13J

This clause enables Anangu Pitjantjatjara Yankunytjatjara to recover profits or compensation in relation to a failure of Director of Administration or General Manager to comply with proposed sections 13I and 13J.

13L—Appointment etc by General Manager

This clause enables the General Manager to appoint employees of Anangu Pitjantjatjara Yankunytjatjara in accordance with the approved budget, or with the approval of the Executive Board and the Minister.

13M—Director of Administration, General Manager and employees of Anangu Pitjantjatjara Yankunytjatjara not subject to direction by member of Executive Board

This clause provides that the Director of Administration, the General Manager and any employees of Anangu Pitjantjatjara Yankunytjatjara are not subject to direction by an individual member of the Executive Board unless the member of the Executive Board is acting in accordance with a resolution of the Executive Board.

Division 4B—Limited intervention by Minister

13N—Minister may direct Executive Board

This clause provides that the Minister may, if the Executive Board has refused or failed to exercise, perform or discharge a power, function or duty under the Act or the constitution and if such refusal or failure has resulted in, or will result in, a detriment to Anangu generally, or to a substantial section of Anangu, direct the Executive Board to take such action as the Minister requires to correct or prevent such detriment.

13O—Minister may suspend Executive Board

This clause provides that the Minister may, if the Executive Board refuses or fails to comply with a direction of the Minister under proposed section 9D(4), 13A(3), 13G(4) or 13N, or if not less than 4 members refuse or fail to attend a meeting called by the Minister under section 11, the Minister may, by notice in the Gazette, suspend the Executive Board for a period specified in the notice or until further notice in the Gazette. The clause also sets out provisions relating to the appointment of an Administrator in those circumstances, the powers and functions of the Administrator and procedural matters related to the Administrator.

13P—Use of facilities

This clause provides that the Administrator may use certain facilities of the Public Service or a public authority.

13Q—Offences

This clause creates offences of hindering or obstructing the Administrator, or falsely representing to be assisting the Administrator. The maximum penalty is a fine of $5 000.

15—Substitution of section 14

This clause substitutes section 14 of the principal Act to require the constitution to be amended so as to be consistent with the principal Act as amended by this Bill, and that the constitution as amended (and whenever amended in future) be submitted to the Minister for approval.

16—Amendment of section 18—Rights of Anangu with respect to lands

This clause makes a consequential amendment.

17—Amendment of section 19—Unauthorised entry on the lands

This clause amends section 19 of the principal Act to enable a prescribed fee to be charged for applications for an entry permit, and to enable a person carrying out an action under proposed section 13N to enter the lands.

18—Insertion of section 19A

This clause inserts new section 19A, which provides that a person who is entitled under section 19(8)(a), (b), (ba), (c), (ca) or (da) of the principal Act to enter the lands for the purpose of carrying out, or assisting in carrying out, official duties or functions or providing a service is entitled to reside on the lands where that is necessary or desirable for the purpose of carrying out that duty or function or providing such assistance.

19—Amendment of section 20—Mining operations on the lands

This clause makes a consequential amendment.

20—Amendment of section 22—Royalty

This clause makes a consequential amendment.

21—Amendment of section 24—Certain payments or other consideration to Anangu Pitjantjatjara Yankunytjatjara must represent fair compensation

This clause makes a consequential amendment.

22—Amendment of section 26—The Mintabie Consultative Committee

This clause makes a consequential amendment.

23—Amendment of section 27—Exclusion of certain persons from the field

This clause makes a consequential amendment.

24—Amendment of section 30—Right of the Crown to continue its occupation of certain land

This clause makes a consequential amendment.

25—Substitution of section 35

This clause amends section 35 of the principal Act to change the name of the tribal assessor to the "conciliator".

26—Amendment of section 36—Disputes

This clause requires the conciliator to attempt to mediate a resolution in the first instance, and enable the conciliator to refuse to hear an appeal that is, in his or her opinion, frivolous or vexatious. The clause also makes consequential amendments.

27—Amendment of section 37—Order compelling compliance with direction of conciliator

This clause provides that if a person or body refuses or fails to comply with a direction of the conciliator, a party to the proceedings before the conciliator may apply to the District Court for an order to compel that person or body to comply with the direction. The District Court must, unless satisfied that the direction of the conciliator is unjust or unreasonable, make an order requiring the person or body against whom the direction was made to comply with the direction.

28—Amendment of section 42B—Depasturing of livestock

This clause makes a consequential amendment, and replaces an obsolete reference.

29—Insertion of section 42C

This clause inserts new section 42C, a standard immunity from civil liability clause.

30—Amendment of Schedule 3—Rules of election under section 9

The clauses of Schedule 3 make amendments to the election process, consequential upon the fact that there is no longer a separate election for the Chairperson in the electorate.

The clauses of the Schedule also makes other consequential amendments to the Schedule, and allow the costs of an election under section 9 of the principal Act to be paid out of the Consolidated Account.

31—Amendments relating to Anangu Pitjantjatjara Yankunytjatjara

This clause makes consequential amendments throughout the principal Act related to terminology and spelling.

32—Review of Act by Minister

This clause requires the Minister to cause an independent review of the operation of such part of the principal Act as may be amended by this Act to be conducted. The review is to be undertaken by a panel of 3 people (1 of whom must be Anangu) selected by the Ombudsman. A report must be submitted to the Minister, and laid before both Houses of Parliament. The review must take place and the report completed before the third anniversary of the commencement of clause 1 of the Bill.

Schedule 1—Transitional provisions

1 The clauses of this Schedule continue the persons currently holding the offices of Director of Administration and General Manager, whether or not they are currently referred to by those titles.

The Hon. I.P. LEWIS: Mr Acting Speaker, I need an explanation of the clauses.

The ACTING SPEAKER (Mr Koutsantonis): The member should receive a copy.

The Hon. I.P. LEWIS: By what arrangement have we decided not to do that? I am a member of this house. I am not a member of any political party or the other place. I have been given no information about this legislation.

The ACTING SPEAKER: It should be circulated now.

The Hon. I.P. LEWIS: Circulated now, and I am supposed to go on and debate it? Fair dinkum!

The ACTING SPEAKER: The member can move an adjournment if he likes.

The Hon. I.P. LEWIS: I move:

That the debate be adjourned.

There being a disturbance in the Speaker's gallery:

The ACTING SPEAKER: Order! There will be no barracking in the gallery. Is the motion seconded? It is not, and the motion lapses. I understand that the minister will move for the suspension of standing orders.

The Hon. J.D. HILL: I apologise to the member. I thought the bill had been circulated. I am unsure where it is in the process.

An honourable member: It has been. We've got it.

The Hon. J.D. HILL: It has been circulated.

The Hon. I.P. LEWIS: The minister has not briefed me or even told me of his intention to go straight on and pass it the moment it was received here. The normal process is to leave it on the *Notice Paper*.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That standing orders be so far suspended as to enable this bill to pass through all stages without delay.

The house can debate whether or not that should happen.

The ACTING SPEAKER: As there is not an absolute majority, ring the bells.

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

The ACTING SPEAKER: All those in favour say 'aye'. Against?

The Hon. I.P. Lewis: No.

The ACTING SPEAKER: There being a dissenting voice, there must be a division. Ring the bells.

While the division was being held:

The Hon. M.D. RANN: Mr Acting Speaker, I understand that some concern has been expressed by an honourable member—and, indeed, another honourable member—about the lack of circulation. In order to maintain the good spirit of the house, I am quite happy to ensure that the necessary delays occur for the matter to be readmitted on motion to give people a chance to look at this. I think that is only fair.

The ACTING SPEAKER: We will finish the matter of the suspension of standing orders, and the minister can move that motion.

AYES (36)

Atkinson, M. J.	Breuer, L. R.
Brokenshire, R. L.	Buckby, M. R.
Caica, P.	Chapman, V. A.
Ciccarello, V.	Foley, K. O.
Geraghty, R. K.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hill, J. D. (teller)
Key, S. W.	Kotz, D. C.
Koutsantonis, T.	Lomax-Smith, J. D.
Matthew, W. A.	Maywald, K. A.
McEwen, R. J.	McFetridge, D.
Meier, E. J.	O'Brien, M. F.
Penfold, E. M.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Redmond, I. M.	Scalzi, G.
Snelling, J. J.	Thompson, M. G.
Venning, I. H.	Weatherill, J. W.
White, P. L.	Wright, M. J.

NOES (2)

Hanna, K.	Lewis, I. P. (teller)

Majority of 34 for the ayes.

Motion thus carried.

The Hon. I.P. LEWIS: I have a point of order, Mr Speaker. My point of order is quite simply that I propose to move the suspension of so much of standing orders as would prevent the second and third reading proceeding forthwith on the basis that, if I am to be denied adequate and appropriate briefing and insight into this legislation, I do not think anyone else should be able to grandstand in this chamber. If the government is going to play these kinds of bloody games, I do not think it should be allowed to get away with it without it going on the record. No-one should be able to grandstand if I am prevented from participating. The minister does not even have an explanation on the clauses from the other place to incorporate in *Hansard*.

The SPEAKER: Order! The member for Hammond has indicated his opposition to the suspension motion by voting against it, so the matter has been resolved.

The Hon. I.P. LEWIS: We should go straight to the third reading forthwith.

The SPEAKER: It has been resolved that the second reading debate be now continued. The member for Morphett.

The Hon. I.P. LEWIS (Hammond): I move:

That the house go straight to the third reading of the bill.

The SPEAKER: Order! The chair cannot accept that motion, which does not conform to the practice of the house and standing orders.

Dr McFETRIDGE secured the adjournment of the debate.

RIVER MURRAY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 September. Page 3556.)

The Hon. R.G. KERIN (Leader of the Opposition): I support the bill, which seeks to make administrative and minor changes to the River Murray Act 2003 and two other acts—the Development Act and the Renmark Irrigation Trust Act. Having been briefed by the minister's office, I am satisfied that the amendments make sense. I particularly support the change to the Development Act.

The fact that all approvals for councils in the river catchment were referred to the minister, even if the development was in council but outside the basin, was a matter which caused some delay and complaint. A major change to the River Murray Act 2003 relates to a revision of the definition of 'activity', so that an activity can also mean a series of acts. I do not mind the recognition that cumulative acts may be more or equally damaging as an individual act.

Rather than go to committee, I would ask that the minister in her speech give us an assurance on a couple of things, unless some other member wishes to go into committee: first, that the department will interpret this particular change as it is intended and that there will be policing to punish deliberate or irresponsible behaviour; and, secondly, that there will be no abuse of this provision by any officers to advance any other agenda such as philosophical ambition of officers to current land use. I think that would be the only thing that some people would be worried about, and we can sort that out by the minister's giving us that assurance. I support the extension of the time frames but ask that we have similar assurances that this legislation is used to improve the ability to stop breaches of River Murray protection orders and not for other purposes.

I support the changes to the Development Act. It was probably an unintended consequence that all development approvals were dragged in, whether or not they were within the basin. I certainly support sorting that out. Over time, I would like us to look at perhaps going a little further in terms of the types of development involved, because I feel that some which will have to be referred to the minister will probably have no possible impact on the river. I think that will cause delays.

We were told in the second reading explanation that, overall, these amendments will improve government service delivery and time lines. I certainly urge that that happens. I know there have been some concerns, as is the case quite often, with the time it takes to go through the extra hoop that the River Murray Act created. There are reasons for that, but in many areas if it just causes extra time delays for no real purpose we need to try to ensure that that does not happen,

and I would seek an assurance from the minister in that regard.

I do not think there is any problem with the amendment to the Renmark Irrigation Trust Act; that just makes sense. It is perhaps bringing another activity into the 21st century, and certainly we support that. Overall, if this legislation is used correctly, I am happy with the bill and we will support it. If the minister can address those couple of issues, we can deal with this fairly expeditiously.

Mr HANNA (Mitchell): I speak on behalf of the Greens in support of the River Murray (Miscellaneous) Amendment Bill 2005. It has a few measures which, on the face of it, appear to be beneficial to enforcement measures that would favour the preservation of the river, so that is appealing. As the title says, it is a miscellaneous bill, and I note that there is also a reinforcement of the minister's power in relation to amendments to development plans when they affect the River Murray. As far as I can tell, that is also beneficial to the extent that the minister for the River Murray, who, after all, is charged to a special degree with care of the river, will have a say in planning developments around the river. I will have some questions to ask in the committee stage to clarify a couple of those amendments, but I am very happy to support the bill.

The Hon. I.P. LEWIS (Hammond): Mr Acting Speaker, this is a bill which I believe you and other members would understand I have some concern about. It is not concern in the sense that it is something that distresses me, but concern in the sense that it is not an insignificant part of the base of my electorate, or at least the electorate that I have the honour and responsibility to represent—I don't own it. It strikes me, from an objective and detached reading of the proposal, that it is essentially an environment protection measure which allows for a series of acts, rather than a single act as has been the case to date, to constitute a breach of the general duty under the River Murray Act. In other words, if you do a number of things which collectively offend against the intentions of the River Murray Act you could be found guilty, if you were charged, of a summary offence.

The measure extends the time interval for prosecution for any such offence, from six months to three years, as I understand it. I am saying this because I want the minister to tell me if I am mistaken, or, if the Attorney-General says it is an okay deal to do so, any time up to 10 years. That is the bit that I do not like. I do not think the Attorney-General ought to be able to exercise discretion in deciding to prosecute somebody any time for 10 years after the event. That is a hell of a long time over which to have to wait and wonder if you have done a few things inadvertently that may be construed at some later point in time to be offensive against the law. What it means is that what appeared to be separate actions undertaken by an individual or a company can be then collectively put together, any time for the next 10 years, and may indeed result in a charge being laid against the company or individual that is said to have committed the offence. I think I am not mistaken in that respect.

It is of interest to me, and it should be to all other members, that the amendment of section 2, as I understand it, will mean that there is no longer a need to publish the implementation strategy in the *Gazette*. What that means is that they will just publish the implementation strategy and, when that is done, the end result will be that it is more remote from the public, in effect, and it is less transparent. I am apprehensive about that. I do not understand the reason for detaching it from the usual requirement that it be published in the *Gazette*, rather than just generally published.

It ought to be talking about development strategies for the River Murray and its environs where there is likely to be some threat. But it goes a bit wider than that in that now it can affect councils anywhere in the Murray-Darling Basin Commission area. If that is the case then it includes places like Pinnaroo and Lameroo which, by their misfortune geographically, happened to have been included within the Murray-Darling Basin Commission area, yet what might be done in commercial terms in Clare with the irrigation of vineyards relying on Murray water could have far greater effect than anything that is done in Lameroo. There is no river connecting Lameroo, Parilla, Karte, Peebinga, or even Karoonda for that matter, to the River Murray.

Indeed, the irrigation which is undertaken in the Mallee reduces the hydraulic pressure on the aquifer and thereby reduces the amount of salt water discharge that finds its way into the river from those saline ground springs from the south-eastern direction away from the river. So, in no small measure, the people who are irrigating in the Mallee ought to be commended for doing so, because they are relieving that pressure and reducing in the long term the amount of salty water that will end up getting into the riverine channel. Yet, they will come under the provisions of the River Murray Act, which brings it into line with the Natural Resources Management Act. That is my next remark. I do not mind that to ensure that there is a consistency between the two acts, because there ought to be and there needs to be.

The other thing that it does is it requires the minister for natural resources to consult with the Minister for the River Murray with respect to anything that is going to have an effect on the River Murray. That is not a bad thing as long as you have a Minister for the River Murray who understands the science as well as the consequences of the policies that are going to be based on that science in determining the way forward. However, all too often in my time in this place I have seen ministers appointed to portfolios who have no empathy, insight, understanding or anything else other than the desire to be driven around in a white car and to have their turn as a minister. That would be very unfortunate indeed.

To that extent, I commend the current government and the current minister for the general concern they have. It is understandable, of course, because the current minister represents a significant part of the riverine corridor and the associated enterprises that are based on irrigation industries that rely on the water from the riverine channel. Not every minister in the future will be the member for Chaffey, and therefore it is unlikely that a future minister for the Murray who is not the member for Chaffey will have the same measure of empathy, insight and concern and pay attention to detail to the extent that the current minister will.

I do not cavil at the proposition the bill contains other than those aspects of it that I have mentioned already: namely, that the Attorney-General in my judgment should not have a discretionary power to decide to prosecute somebody. It ought to be more objective than that to extend the period of time over which prosecutions can take place from that which is stated in law. There ought to be a mechanism by which it is possible to appeal against that. In the time I have been here I have seen when ministers of the Crown have had a set against somebody or some business. You only have to look at what has happened to ING at Plympton and what is going on with Mobil at Hallett Cove and the way in which

(love him or hate him) Tom Brinkworth has been treated in the South-East.

All those things say to me that it is not a good idea to leave the discretion in the hands of one person, especially since the Attorney-General is no longer an independent law officer under the Constitution but, rather, very much a political and sectarian animal. That process began in recent history, but by hell it has finished up fairly quickly being anything but what the Attorney-General was meant to be when the office was first created in the constitutional framework.

Mr Hanna: Very true.

The Hon. I.P. LEWIS: I am pleased that the member for Mitchell understands my concerns in that respect. Without further delay, I will conclude my remarks, trusting that the minister will put me right if I am mistaken in any particular, and I will now go and seek a briefing on the other matter about which I have complained: namely, the bill that is to be reintroduced shortly. I make the point that, whilst I am out of the chamber, there are other things I would like to say about the Development (Miscellaneous) Amendment Bill, but I am likely to miss out on that, too. I guess that what will happen now is that this bill will go through and, because I am still being briefed, the house will call on another measure on which I have decided to make a contribution—as is my right—but I will be denied that because of the exigencies of the arrangements that have been made to suit the government and its PR machine (between itself and the opposition) on the assumption that, just because they know all about it and they are a collective rather than representatives of citizens—they represent the party they belong to—it is just tough titties for the likes of the member for Mitchell and me.

The Hon. K.A. MAYWALD (Minister for the River Murray): I thank members for their contribution. The leader has asked me to make some commitments in respect of the intent of the legislation, and I am happy to do that. First, the leader referred to changes in the definitions. I can give the member an assurance that there is no intent to do anything other than punish deliberate and irresponsible behaviour. I do not believe that under the provisions that are being put forward there is the possibility of any sort of abuse of this provision by officers, and I think it would be unfair to suggest that that is the case. The intent of this amendment is to ensure that the definitions are clear so that we can punish perpetrators of environmental damage, and for no other reason.

The leader also asked me to give a committment that the extension of the time provisions in this bill are all about stopping breaches and not for other purposes. I can give him that assurance. The reason for the extension of the time frames for prosecution is that, when we established the River Murray Act, there was not a provision specifying time frames for commencement of proceedings for a summary offence. The time frames for prosecution for summary offences were not identified as an issue during the drafting of the River Murray Act 2003 and, therefore, no specific time frames were put in place. Therefore, by default, the procedures for commencing proceedings for summary offences are currently dealt with under general law, namely, the Summary Procedures Act 1921, section 52.

Since the operation of the River Murray Act 2003, it has become evident that the general law for summary offences is insufficient. At present the prosecution for a breach of the River Murray protection order must be commenced within six months and a breach of any other order within two years. For an environmental offence, these time frames are too short as it can be expected that a breach of a protection order may not become evident until after the six-month period has elapsed. Examples of offences include illegal development along the flood plain, or development that does not comply with the specifications that were originally approved. So, basically the bill intends to bring the legislation in line with other legislation that currently exists, and there is no other intent for that but to ensure that we can prosecute those who willingly perpetrate actions that are detrimental to the environment, and no other purpose.

I thank the member for Mitchell also for his contributions and I understand he has some questions during the course of the debate. The member for Hammond has made some comments regarding the consistency between the NRM and the River Murray acts, and I can assure the member, in his absence from the chamber, that it is the intention of the government to ensure that those two acts are complementary. We are developing a whole range of policies to deal with issues by having guidelines to comply with, and in certain respects to reduce the number of referrals to the River Murray minister, to ensure that we are dealing with only those issues that have the potential to have serious or some other detrimental impact upon the environment and the River Murray environs. I thank the opposition for its support of this bill.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr HANNA: I simply seek further elaboration of the reason why it was considered necessary to define activity. I would have thought that the plain meaning of activity implies either a unitary act or a series of acts, and hence the question.

The Hon. K.A. MAYWALD: In the act currently, activity includes only the storage or possession of anything, including something in liquid or gaseous form. We propose to extend that to maintain that activity includes: (a) an act carried out on a single occasion; (b) a series of acts; and (c) the storage or possession of anything including something in liquid or gaseous form. The reason for that is that currently the River Murray Act fails to recognise that an activity can also mean a single act or a series of acts. The cumulative impact of an activity is frequently a greater cause of environmental degradation as an individual act, and that it may be a series of acts that will constitute a breach of the general duty under the River Murray Act, rather than just a single activity. Amending the definition to include a series of acts will provide added protection to the River Murray.

Mr HANNA: I take it then that the reference to storage or possession of anything including something in liquid or gaseous form is not a substantial change from the present terms of the River Murray Act?

The Hon. K.A. MAYWALD: No, it is not. That term stood alone in the original act, and we have added that it includes an act carried out on a single occasion, and a series of acts, and the provision that talks about the storage or possession of anything was in the existing act.

Clause passed.

Clause 5.

Mr HANNA: Just a routine question: it seems just a semantic change or a pedantic change, and it is hard to see what effect it has. Can the minister briefly explain?

The Hon. K.A. MAYWALD: Yes, it may seem that way but it is to ensure that the act is very clear about what it means. The original act said 'but may be exercised in respect

of any vessel or craft' and we are proposing 'may exercise such a power in respect of any vessel or craft'. The current wording of section 14(3) often leads to confusion in interpreting the River Murray Act. The amendment does not alter the meaning or the effect of the provision, rather the amendment aims to clarify the provision and to address the misinterpretation that arises from time to time.

Clause passed.

Clauses 6 to 8 passed.

Clause 9.

Mr HANNA: I ask the minister to compare the time limits in respect of proceedings for summary offences to the Summary Offences Act or other environmental legislation or, indeed, any legislation. Is this the only place where we have proceedings for summary offences with these time limits?

The Hon. K.A. MAYWALD: I thank the member for the question. The time frames for prosecution for summary offences were not identified as an issue during the drafting of the River Murray Act and, therefore, no specific time frames were put in place. Therefore, by default, the procedures for commencing proceedings for summary offences are currently dealt with under general law. They are as they are in the existing act which means that they must commence within six months and breach of any order within two years. The current amendment brings the River Murray Act in line with the EPA act and the proceedings for a summary offence against this act may be commenced at any time within three years after the date of the alleged commission of the offence or with the authorisation of the Attorney-General at a later time within 10 years after the date of the alleged commission of the offence, which is in line with the EPA act.

Clause passed.

Schedule.

Mr HANNA: I have one question about part 2 of the schedule. My recollection of amendments passed in the last few years is that the Minister for the River Murray would be given some special powers in relation to developments in the technical sense around the River Murray. I do not have those provisions in front of me but I am wondering, in light of that, about the need for these provisions. Is it in fact strengthening the power of the minister to amend development plans?

The Hon. K.A. MAYWALD: This provision is actually about the administrative arrangements between the minister for planning and the Minister for the River Murray. I also believe that it is relative to the fact that there are a number of areas that fall within council jurisdictions that do not fall exactly within the same lines on the map as the Murray-Darling Basin region. So, therefore, a PAR can be introduced within a council region that does not apply to the Murray-Darling Basin region but, currently under the provisions of the act, they must refer it to the Minister for the River Murray, even though they do not have any purpose for referral to the Minister for the River Murray because they are not within the Murray-Darling Basin area.

Mr HANNA: So, it is a refinement of what has to go to the Minister for the River Murray and what does not so as to avoid unnecessary reference to the Minister for the River Murray. Is that right?

The Hon. K.A. MAYWALD: That is exactly right. As an example, a particular PAR referred to an area within a township that was outside the River Murray area that had to be referred to the River Murray minister that had no application or impact at all within the Murray-Darling Basin region in South Australia and, therefore, it was an unnecessary duplication of referrals for a purpose that was not serving any environmental benefit to the River Murray. It is a refining of those administrative arrangements between the department of planning and the Minister for the River Murray to ensure that we do not unnecessarily refer applications that have no reference to impacts upon the River Murray.

Mr HANNA: I thank the minister for her informative answers and wish her all strength in lobbying interstate politicians and, indeed, our own state Treasurer for money to buy back water for environmental purposes in the Murray.

Schedule passed.

Title passed.

Bill reported without amendment.

Bill read a third time and passed.

SITTINGS AND BUSINESS

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

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

The house divided on the motion:

AYES (40)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Caica, P.	Chapman, V. A.
Ciccarello, V.	Evans, I. F.
Foley, K. O.	Geraghty, R. K.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. J.
Hill, J. D. (teller)	Kerin, R. G.
Key, S. W.	Koutsantonis, T.
Lomax-Smith, J. D.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
O'Brien, M. F.	Penfold, E. M.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Redmond, I. M.
Scalzi, G.	Snelling, J. J.
Thompson, M. G.	Venning, I. H.
Weatherill, J. W.	White, P. L.
Williams, M. R.	Wright, M. J.

NOES (2)

Hanna, K.(teller)	Lewis, I. P.

Majority of 38 for the ayes.

Motion thus carried.

PITJANTJATJARA LAND RIGHTS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3710.)

Dr McFETRIDGE (Morphett): This bill, which has been the subject of considerable discussion throughout the communities of South Australia, on the APY lands, in the halls of power in parliament and also in the halls of academia, will be supported by the opposition. We hope that it gets through all its stages before tomorrow, because it is a very important bill, which will allow the Anangu Pitjantjatjara Yankunytjatjara Ngaanyatjarra to determine their own future by having a little more stabiilty in the function of the APY executive committee. The need to get it through is emphasised by the Electoral Commissioner who needs time to

organise the elections to be held in a functional manner if the bill is to be adhered to. We want that to happen, and the people of the Pitjantjatjara lands want it to happen.

I should remind everyone in the house that that bill is not only about the Piranpa Tjuta: it is also about the Anangu Tjuta. This is about the people on the APY lands. This is about their life. This is their bill. It is not for us, as white fellas in parliament, to amend the bill to say what is right for them. This is their bill, there has been consultation on it, and it should pass all stages in this house as quickly as possible—but, obviously, there should be an opportunity for discussion by those who have issues to discuss.

I wish to quote from the minister in the other place (Hon. Terry Roberts). Certainly, he is a member of the government and the Labor Party, but he is one of the members of the Labor Party for whom I have the utmost respect. I know that the minister has the greatest respect for the people that his ministry affects: in this case, the people of the APY lands. On 14 September, the minister said in the other place:

> The bill is the result of extensive consultations with the current executive board, its legal representatives, Anangu, state and commonwealth government agencies and the general public. The Anangu consultations included public meetings at Indulkana, Umuwa and Pipalytjara. The government provided funding to cover transport costs so that all interested Anangu could attend these meetings. A public call inviting submissions on the review of the Pitjantjatjara Land Rights Act 1981 was published in indigenous, state and national newspapers.

There is some concern out there that the consultation was not widespread. However, having spoken to members of the executive as late as this evening, I am more than content that the levels of consultation were adequate and that this legislation is supported by the majority of people on the APY lands. As I said previously, this is not about the white fellas down here: it is about the Anangu on the APY lands.

The history of land rights in South Australia is a very proud one. The first piece of land rights legislation that went through here in 1966 was the Aboriginal Lands Trust Act. This act covered the Yalata, Koonibba, Umoona, Davenport, Point Pearce, Point McLeay, Gerard and Nepabunna communities, and the Aboriginal Lands Trust was established, and it then leased these properties back to the communities for a period of 99 years. The total population of lands trust communities was at that time about 1 082.

The next significant piece of land rights legislation to come into this place was the 1978 bill, which was introduced by the then Dunstan government, as I understand it (and others here may be able to correct me on that if I am wrong). The bill did not proceed through all stages and was never proclaimed, to the best of my knowledge. However, the government that succeeded the Dunstan government, the government of David Tonkin, then proceeded to continue negotiations with the people of the Pitjantjatjara lands (as they were then called) to have the 1981 Pitjantjatjara Land Rights Act proclaimed.

In *The Advertiser* of 5 September 1981, there appeared an article entitled, 'Blacks given title to 10 p.c. of SA. Historic handing over ceremony'. The article stated:

> The Premier, Mr Tonkin, yesterday formally handed the title to a tenth of South Australia to the traditional owners of the area—the 3 500-strong Pitjantjatjara community. In a simple ceremony at Ernabella, he presented the certificate of title to the Pitjantjatjara Council, representing the Pitjantjatjara Aboriginal people. It is the first agreement of its kind to be reached in Australia. Yesterday's ceremony, which followed the recent proclamation of the Pitjantjatjara Land Rights Act, means that the Aboriginal people now have freehold title under Australian law to 102 630 square kilometres of the state. This area is equivalent to the combined area of Austria and Hungary.

The article further goes on:

> [Dr Tonkin] paid tribute to former premier Mr Dunstan for what he described as 'the kindling of interest of the people and politicians of [South Australia] in the lot of the Pitjantjatjara.'
>
> Replying to Mr Tonkin, a tribal elder, Mr Yami Lester, said the Pitjantjatjara people were happy with the agreement eventually worked out.

Mr Lester continued:

> We will probably make some mistakes at first, but we want all white Australians to give us a go.

That was back on 5 September 1981.

I will give a little bit of information to put into context the scope of the lands we are dealing with and the vastness of the APY lands, as they are now called (the Anangu Pitjantjatjara Yankunytjatjara lands). The lands, as I have just said, are described in the newspaper article. They cover 102 630 square metres in the north-west corner of South Australia. The distance from east to west is over 400 kilometres, and from north to south 240 kilometres along the northern boundary of the Musgrave Ranges, the Mann and the Tomkinson ranges. Contrary to popular misconception, this mountain country is not barren and desert. In many cases it has quite spectacular beauty. Having travelled there on a number of occasions with the Aboriginal Lands Standing Committee of parliament, I can vouch for the fact that it is some of the most beautiful country in this state. I know that many of the communities there are keen to foster tourism, and I hope that many people from not only South Australia but also all over the world will be able to see what beautiful country it is.

The lands comprise an aggregation of areas which at different times prior to the act have been in varying tenures. The westerly section comprising over half the lands was formerly the North-West Aboriginal Reserve, first proclaimed in 1921. Other former leasehold land, formerly known as Everard Park, Kenmore Park and Granite Downs, is included in the lands. The traditional owners of the lands, as defined in the act, are the Anangu, Pitjantjatjara, Yankunytjatjara and Ngaanyatjara. The population of this vast area is not precisely known. Estimates vary from 2 000 to 3 000, and it is generally accepted that about 2 500 Anangu live on the lands. The population is relatively young (these are figures from last year), with approximately 65 per cent being under the age of 27 years.

Anangu live in seven main communities and up to 50 occupied outstations on the homelands. The main communities are, from west to east: Watarru, Pipalyatjara, Kalka, the Murputja Homelands (Kanypi and Nyapari), Amata, Pukatja (Ernabella is its other name), Kaltjiti (also known as Fregon), Mimili and Iwantja (also known as Indulkana). The administrative centre of the land is Umuwa, located 40 kilometres south of the most populous community, Pukatja, which was the site of the first significant European establishment in the region—namely, Ernabella Mission, established in 1937 and formed by the Presbyterian Church at the instigation of Dr Charles Duguid. There are about 270 permanent residents at Pukatja and a further 150 in nearby communities.

I will give the house an idea of how remote some of these communities are. The closest regional services to Pukatja are: Alice Springs (500 kilometres to the north); Port Augusta (1 300 kilometres to the south); or Adelaide (1 500 kilometres to the south). This is a vast area that we are dealing with, and

it is a very beautiful area of the state. The people who live there value this area of the state more than anyone in this place could ever appreciate. Their attachment to the land is very real and one for which we must show the deepest respect.

Another interesting piece of background on the history of the APY lands is that the current Premier, Premier Rann, was minister for aboriginal affairs back in 1989. From 14 December 1989 to 1 October 1992 Premier Rann, as he is now, was minister for youth affairs and minister for aboriginal affairs. In the house on 28 March 1990, during a ministerial statement, the Hon. M.D. Rann, then minister for aboriginal affairs, in discussing a report that had been compiled by former premier Don Dunstan about giving not only more individual say to communities in the APY lands but also looking at some way of formalising a local government structure in the APY lands, said:

> The Dunstan report is a painstaking and complex analysis of the problems and opportunities facing Aboriginal families. The first Australians, Aboriginal people, are still the last Australians on every social index—whether it be employment, health, housing, education, crime or longevity. Equally, Mr Dunstan recognises that there can be no quick fixes and that solutions to these problems are not always contingent on more funds. But he rightly calls for a more coordinated and flexible approach to enable Aboriginal communities to take more responsibility for improving their position.

That is what the Premier said back in 1990, acting on advice from the former premier Don Dunstan. Unfortunately, some of the issues raised such as employment, health, housing and education are still significant issues for communities in the APY lands but, as was pointed out then, Aboriginal communities must be given the opportunity to take more responsibility for improving their position. This bill will give Aboriginal communities, through the APY executive, exactly that. They will be able to make decisions in a more coordinated and timely fashion and will not have to be rushing to a 12 monthly time line as is the case currently with a 12 month election for the executive.

This bill will have a number of effects. The first is that the name of the body corporate that holds the title to the lands will be changed from Anangu Pitjantjatjara to Anangu Pitjantjatjara Yankunytjatjara, to reflect the fact that the Yankunytjatjara people have always occupied portions of the land. Secondly, the term of the elected executive board of the Anangu Pitjantjatjara Yankunytjatjara will be increased from one year to three years, and that will enable a lot more stability and time for education of members of the executive. I do not mean that in a derogatory way but, just as when I came here there were many things that I had to learn about the administration in this place, it is only fair that members of the executive are given time to fit into their new roles as executive members.

The upper house (the other place), from 2002 to 2004, examined the operation of the Pitjantjatjara Land Rights Act, and the report that was put before the upper house was sympathetic to the proposition that amendments should be made to the Pitjantjatjara Land Rights Act, as it was then. One of the concerns was that the term of office of the executive board be increased. We in the opposition believe that it is quite appropriate to have an elected executive in place for a longer time than 12 months, and this bill will allow for three years. This bill also will ensure that the chairman of the executive committee is elected from the 10-member board itself rather than from the general body of all the Anangu across the lands.

The task of the chairman and his or her responsibilities are very significant indeed. This is a highly responsible and difficult position, one which requires the support of the full executive board. To have a chairman who might not enjoy the support of the executive board is a recipe for either inaction, or worse, disaster. As is the situation in smaller local government bodies in South Australia, we believe it is appropriate for the chairman to be elected from within the board itself. The bill requires that the board undertakes governance training and that that training be provided to it. We support that. The absence of appropriate governance training has made it difficult for the executive board to function as effectively as it might, and having extended its term to three years on the passage of this bill—and I hope that is the will of the house, because certainly the opposition will be supporting its passage—we wish the executive well in obtaining training in governance and doing the job which they desire to do to the best of their ability.

In order to maintain integrity and ensure that members of the board can appreciate, understand, enjoy and pursue their desires and aspirations, it is appropriate that they receive that support and training—and that has been said in the other place by the shadow minister (Hon. Robert Lawson). I can say that Liberal Party members, without too much exception, will be supporting this bill with vigour. One of the things that we in the metropolitan area too often forget is the difficulty in conducting affairs in remote areas such as the APY lands. As I said before, there cannot be a much more remote area of the state than some of the communities up there.

The level of consultation has been an issue, but I am more than satisfied that that level of consultation has been significant and thorough enough to allow a majority of the Anangu to understand what is being agreed to in this bill. As I said, this is their bill. This is not our bill: this is their bill. They have been the ones looking at it. There is significant angst over the changes to section 13N and section 13O, which deal with changes to ministerial intervention. The bill will contain increased ministerial powers. The fact that ministers are given additional powers has caused disquiet amongst some, but by no means all, people on the lands.

At the moment, on the lands there are two opposing groups. One group has been supportive of the bill and met with the Aboriginal Lands Parliamentary Standing Committee a number of weeks ago urging the government to go ahead with the implementation of the bill. The other group believes that the bill will give ministers far too much power, and for that reason (and others) they have been urging the parliament not to proceed with the implementation of the bill at this time. While the opposition is sympathetic towards all views expressed in relation to this matter, we believe that the situation on the lands is such that prompt action is required and that further delay is inappropriate.

It is also important to understand that in supporting additional ministerial powers, we do not believe that the bill (as structured) will lead to ministerial intervention on a day-to-day basis. However, we do believe that what has gone wrong on the lands in relation to health status, the criminal and illegal activities that occur on the lands, the failure of economic development opportunities for people on the lands, the failure of successive governments over many years to provide sufficient education opportunities, notwithstanding the fact that resources have been put into the lands and that many dedicated people have gone to the lands to work in the health and education services over many years, and notwithstanding that level of commitment, on the lands we still find

petrol sniffing, grog running, poor health status, domestic violence, lawlessness and a general lack of opportunities and difficulties for everyone on the lands.

We believe that the time has now come for the government to grasp the nettle and for ministers to take responsibility. One of the weaknesses in the current act is that it does not give ministerial responsibility, nor does it require ministers to do anything. We are highly critical of the fact that this government chose March 2004 to blame the executive for failures that have occurred. It is not their failure: it is a failure of former governments. This extension of ministerial powers is not a draconian extension of powers: it is a fair extension that will ensure accountability and openness of government on the APY lands. On this subject of increased ministerial powers, we are satisfied that the powers being sought are appropriate. They are really reserved powers.

They are not powers that any minister can use willy-nilly to override the democratically expressed will of people on the lands. The minister can act only in circumstances that are specified. For example, the minister must be satisfied that the executive has refused or failed to exercise, perform or discharge a power, function or duty under the act; and further, that refusal of the executive so to act has resulted in detriment to Anangu generally or to a substantial section of Anangu. As I said before, I have a deep respect for the minister in the other place (Hon. Terry Roberts) and I do not believe that it is a bid by the minister to put himself in a position where every other week he can enter the lands by appointing an administrator, but we believe that it is important that the final reserved power be embodied in the statutes.

The amendment to section 19 of the act is one that has caused a bit of discussion over many years and it is not one with which I have had many problems; that is, entry into the lands by permit only. People say that, as it is part of South Australia, we should be able to travel there, but it is a piece of private property. As I said, when David Tonkin handed over the deed of title, it became private property. However, the communities are very keen to foster economic activity and there are now provisions relating to entry onto the lands. Entry will still be by permit under the amendments in this bill.

However, the power of the minister to authorise entry is increased and the board will now be specifically entitled to charge a fee for permission to enter the lands. For some time now the executive has been imposing a fee of $22 for adults and $11 for children. We have no difficulty with that. We on this side of the chamber would like to see the Anangu invite more people onto the lands—and we hope that will happen. We would like to see tourist development and other things on the lands because we believe that will provide economic opportunities for people on the lands. We believe that it is important that a fee be charged for entry on to the lands, not an exorbitant fee but a fee to assist with the administration costs. Certainly on a recent trip to Yulara, my wife and I paid a fee to look at the spectacular sites around Uluru and Yulara. The fee that is charged is not exorbitant but it helps cover administration costs and funds go back to the communities.

The fee that will be charged on entry to the APY lands would not be an exorbitant fee and is one that we would be supporting. This legislation gives government officials the right to reside on the lands in certain circumstances. That is not one with which we have any difficulty. We would like to see far more indigenous government officers, and regrettably to date there are not as many as we would hope. But with the implementation of this amendment, I hope that there will be some more opportunities for indigenous people to act in the role of government officers, not just having white advisers coming up from down south here and advising the Anangu as to what they should be doing. Other issues in this land rights bill that there have been some discussions on include some changes to the Pastoral Land Management and Conservation Act in relation to overstocking, and that applies to normal pastoral landholders as well as to the APY under this legislation.

Before I speak about the rights and respect that have been given to traditional owners in the formulation of this bill, I should point out very clearly that this bill contains a provision which requires that its operation be reviewed after the expiration of three years. We think this is important and it will be done. I note the government has an amendment filed to ensure that the review must be conducted by a panel of three persons of whom one must be an Anangu nominated by the executive board of Anangu Pitjantjatjara Yankunytjatjara, and two persons must be selected by the minister with the agreement of the executive board of Anangu Pitjantjatjara Yankunytjatjara. There are a couple of other minor amendments: the definition of Anangu as meaning Pitjantjatjara Land Rights Act 1981; I think there is one in the spelling of the Ngaanyatjarra putting two Rs in it, but that is a moot point.

I would like to finish off, though, with the main issue that has been the cause of contention over the progression of this bill and that is the consultation with traditional owners. This legislation does not diminish the rights of traditional owners of the APY lands and the opposition would not be supporting this legislation if we believed that the act had either the intended effect, or the unintended effect, of diminishing the rights of traditional owners. We respect the rights of the traditional owners. We do not believe the rights that were given to them by legislation in 1981 should be in any way diminished.

The government introduced a discussion bill which did the rounds and which included a slight amendment to the definition of 'traditional owners' and I am glad to see that the government abandoned that proposal. It was not in any way intended to alter the concept of traditional owners, but the very fact that the bill was fiddling with the definition created in the minds of some the suspicion that what the legislation was doing was in some way affecting the rights of those people. This bill is all about the life of the Anangu Tjuta; it is not about the Piranpa Tjuta; this is about the Anangu people, the Ngaanyatjarra, the Yankunytjatjara and the Pitjantjatjara people. This is not our bill to fiddle around with. This bill has been consulted as widely as possible. I can only reiterate that if this bill does not get through this house in a timely fashion, then the will of the people up there in progressing to three-year terms, progressing to a chief executive selected from within the executive board, and the other changes that are in the bill, will not go through, so by doing that we will be denying the will of the Anangu Tjuta.

I do not want to be a part of that, so on that I will finish my contribution, saying that the opposition supports the bill and personally, as a member of the Aboriginal Standing Committee of the parliament, I have seen enough evidence to say that it has given me extra confidence that this bill is the right way to go.

Mr HANNA (Mitchell): I rise on behalf of the Greens to raise grave concerns about the legislation. As a preliminary

point, I mention that I made an offer to the member for Morphett to take his role as lead opposition speaker in respect of this bill, but he declined that. There is a practical implication and that is that, whereas he had unlimited time, I am limited to 20 minutes. I begin by going right back in time to put this whole debate into context. At a time like this, we need to be mindful of the way in which European settlement occurred. I am prepared to call it an invasion—I have done so many times before—because they came from Europe with guns and with more advanced technology in some respects and were able to settle either with the consent or against the will of the local inhabitants. Of course, at that time, many of the settlers considered the local inhabitants to have no more rights than animals. What an appalling attitude that was towards our fellow human beings. We ought to be past that by now.

The settlements around the coast grew and people moved inland. As farmers and others settled further and further inland, they went further and further into the territories of Aboriginal people. Essentially, it was warfare. The further people got from the Governor in the respective capitals of the colonies from the English point of view, the more lawlessness there was from a white point of view and the more open hostility at the fringes of settlement. For example, in South Australia there was a particularly bloody history around the area which we now know as Eyre Peninsula. Right from the early years of settlement—as long ago as 1840 and 1841—there were punitive expeditions sent out along the Murray to ensure that cattle being driven from Sydney to Adelaide were free from Aboriginal people taking some of the animals for food. That resulted in a lot of casualties, and around the whole nation (which we now know as Australia) there were many massacres. As I say, we hope we have moved on from then.

One feature of European settlement with the style of farming and the way of living that the European settlers had was that the remote areas were more difficult to settle. So, many people were left to live their traditional way of living, particularly in the interior of this continent. Having read a lot of the early history from about 1836 through to the 1860s of what happened in South Australia, I have learned that things actually took a turn for the worse with the advent of democracy (limited democracy) in the South Australian colony. There was a select committee of the newly born parliament in Adelaide around 1860, and the interests of the landowners prevailed. It was considered at that time that it would be better to cut the benefits of white settlement in terms of blankets, food, etc. for Aboriginal people. There was a view among many that Aboriginal people would die out. Indeed, one can assume that was the sincere wish of some of the settlers. I say once again that we hope that those attitudes are well behind us now.

The history in South Australia remained pretty static in many respects until the 1960s. Throughout that period a particularly zealous missionary brand of Christianity was foisted upon the indigenous population. Many took to the new religion in light of some of the material benefits that were offered along with it, but many were concerned with the style of Christianity at that time which brought with it an attempt to delete Aboriginal culture and language entirely—and I refer to some of those missions, in particular.

I now move to the 1960s when there was a general wave of enlightenment in terms of the way in which we treat our fellow humanity. Of course, it was 1967 and the referendum had given Aboriginal people the vote, which they were intended to have so long before that. Don Dunstan became attorney-general and pursued his passion for land rights: in other words, recognising the original inhabitants and owners of this continent. Negotiations through the 1970s led to land rights legislation. Again, the Hon. Don Dunstan really was a hero in terms of initiating that.

I understand that the first proposition in relation to royalties arising from mining on Anangu land was that they were to go entirely to Anangu. That of course did not quite come to pass under the legislation that was eventually introduced under the Tonkin government. The Liberal government in a brief interlude at the beginning of the 1980s picked up the proposal and honourably ran with it. It is interesting therefore today to look back and see that there was bipartisan support for the recognition of land rights, recognition of the original ownership of land, and recognition of the ancient culture of the Anangu.

The 1970s now seem like some far-off land, the echoes of the social liberalism of the 1970s are fading, and we see quite actively the dismantling of the philosophy that was put in place throughout public policy in the 1970s. Just as there was bipartisan support then for land rights, there now seems to be bipartisan support for dismantling land rights. Why would that be? Why would Anangu be accorded less rights now by this parliament than they were granted 25 years ago? The reasons put forward by the leaders of the Labor government are that things are in such a mess up there: the health service is in decay, there is a lack of civil order, a lack of policing, problems with young people, and so on. There are some members of parliament laughing but I do not think that it is funny. I myself have been up there a number of times as well as to other Aboriginal communities, and I am as aware as anyone of the problems up there, but to give the power to the aboriginal affairs minister, whom we can presume will be a white fella for the foreseeable future, to give the power to such a minister, to override the decisions of the Anangu executive up there on the lands, is not the way to go.

What then might be the real reason for chipping away at this principle of self-determination which was so nobly put forward 25 years ago? In a word: mining. Let it not be thought that I am simply offering a cynical view with no evidence to back it up. There would be a few people in this chamber who have read the mining journals. They identify very clearly the Musgrave Ranges, the land of the Anangu, as one of the most prospective regions, one of the least explored regions in South Australia, and the Labor government, along with the Liberal opposition is all for the economic exploitation of the land.

I will cite one example that has appeared in the media in recent times. As recently as 12 July 2005 there was an article by Paul Starick and Cameron England in *The Advertiser*. They interviewed a number of key South Australian players (as they called them), among them Robert de Crespigny, who has such influence in this Labor government. In particular, I would like to quote from Peter Reid, who is reported as saying:

> There are also a couple of provinces in South Australia which are still largely unexplored and there are still barriers to gaining access to them and I guess the key one is the Pitjantjatjara Lands and parts of the western Gawler Craton which are very prospective for potentially nickel and other minerals. So they are ongoing issues and the government is working very hard to get access through those areas but those doors still have not fallen open yet.

Paul Heithersay said:

It is pretty restricted. Over the last few years, we have been working extremely hard with the Pitjantjatjara and Yankunytjatjara people to try and get them comfortable with the process. They own it freehold so they control who comes on their lands and how they operate and so, partly, it has been just educating them and getting them up to a point where they are comfortable with the whole notion of mining.

I interpose at this point a story, which came to me recently from people on the lands, about the way in which there was an attempt to gain control of the prevailing attitudes on the AP lands. For example, representatives of mining companies have been coming into the schools up there with bags of chocolate money—those little coined shaped bits of chocolate wrapped in gold foil—and they hand those coins out to the children saying, 'This is what mining will bring you.' So, it is a cynical, base manipulation of people up there, young people indeed, to bring them around to the point of view that mining on their land is good for them. Never mind what the old people say; never mind what the traditional owners say: mining is good for you. That is the message which the mining companies, the Labor government and the Liberal opposition want to bring forward to the Anangu.

So, we come to recent times. We know there are difficulties on the lands with maintaining order. There are cases of petrol sniffing, there are cases of domestic violence, and every person here, every person in the whole South Australian community, wants to help. However, sadly, this became a justification for a most notorious intervention. I go to March 2004. At that time, I was a member of the Aboriginal Lands Committee of the parliament. It is a permanent committee of the parliament although it was only revived in the time of the Labor government, and it is a credit to the Labor government that it got that committee going again. There are seven of us on the committee. We have been to the lands and we have been to numerous Aboriginal communities around South Australia. We were away on a trip north of Adelaide at the time when the news broke about the Deputy Premier's remarks in relation to the way in which the APY lands were being governed. In *The Australian* newspaper the Deputy Premier was quoted as saying:

Self reliance in the Anangu Pitjantjatjara Lands has failed and the government has said we will not tolerate an executive unable to administer civil order. We are stepping in, putting an administrator in, full resources, and we will do what we can to ensure young people don't die, women don't get bashed.

As I have said, everyone here, everyone in South Australia, wants to ensure that young people do not die and that women do not get bashed, but the rest of that statement has no basis in fact or logic.

Who is responsible for administering civil order on the lands? Not the executive. It is a governance body, essentially a consultative body, to embody the wishes of the Anangu throughout the APY lands, and then to come to the government in Adelaide or Canberra to ensure that there is money for the services that are required up there, whether they be health services, police services, or services especially for young people. So, to blame the APY executive for failing to provide these things was grossly inaccurate and irresponsible. The Deputy Premier also said, as quoted in *The Advertiser*:

The government has decided to take drastic and dramatic action to step in and deliver civil order and appropriate action. We are not going to stand aside and watch young kids kill themselves.

Of course, the answer was that if they wanted to stop young kids killing themselves, as detailed so graphically in the coronial inquests of the last few years, they would have put appropriate programs and funding in place to ensure that those services were delivered up there. That is what will save people's lives, not taking away the power from the APY executive, not insulting Anangu in this way. It is fair to say that some of the Anangu are in support of the legislation, just as it is true to say that some are not in support of it, and some do not know exactly what it means. That is the case because there has not been adequate consultation. The consultation that has taken place has centred around a couple of provisions of the bill; that is, the term of the APY executive and whether or not the Yankunytjatjara should be included in the bill as well as the Pitjantjatjara. Really, there is not a lot of hot debate about those things. However, when it comes to the power of the minister in Adelaide to intervene with APY executive decisions and make decisions in their place, then that is a different matter.

Written submissions were invited from the public generally in March of this year in relation to the government's proposals. As I understand it, only two submissions were received from Anangu organisations—the NPY Women's Council and Nganampa Health. They both complained about the lack of time given for submissions to be made. The Women's Council indicated they would need two full days to consider the issues that the government wanted amended in this first stage of review. It is also true that there was a general meeting held at Umuwa and, at that meeting, although ultimately there appeared to be a unanimous decision in favour of the bill, before that took place there was a vote in relation to the measures where the vote was tied at 32-32, and I think that is a fair indication that the Anangu support for the government measures is far from unanimous. It is far from clear.

I will add one more thing to those quotations from the Deputy Premier, lest it be thought that it is an isolated instance of these attitudes. I asked Premier Mike Rann himself in this place whether he stood by the Deputy Premier's comments. He refused to answer that clearly. He dodged the question, because it would appear that he was backing his Deputy Premier in saying that we should send in this fellow Jim Litster to run things, then we should send in Bob Collins to run things, and then we should send in Lowitja O'Donoghue and Tim Costello to have a good look at things and talk to us. The fact is that, when Jim Litster was sent up there, the government did not like his report. Bob Collins did give the government a report it wanted and then, in the third phase of that sorry saga, the government did not like what it had to hear from Lowitja O'Donoghue and Tim Costello.

I am running out of time, so I conclude with this. We expect support for the mining corporations from the Liberal opposition. We expect, or at least we used to expect, the Labor government to stand up for people who are a minority in South Australia and deserving of advocacy in this place, rather than contempt.

Time expired.

The Hon. G.M. GUNN (Stuart): As one of the members who participated in the debate in 1981 when this legislation went through this parliament, and the select committees which led up to it, let me say from the outset that I support the bill. The bill should go through the parliament tonight, because it is in the long-term interests of the Aboriginal people who live in those lands. It is no good kidding ourselves. It is not good to engage in wishful thinking, like the member for Mitchell, because this legislation has operated for a considerable amount of time, and the health and welfare of

the people up there have not improved. This parliament has to make sure that we create opportunities for those people, that we give them a chance to benefit. We must ensure that the next generation of Aboriginal young people can play a meaningful part in the community of South Australia, that their health and educational needs are looked after and that they have some meaningful employment. If we do not give them those things, we have failed and this legislation has failed. It is no good to hear from a few academic left-wingers who have rather odd ideas about how you run society. We are living in a practical world.

As someone who has visited the lands on many occasions I know that, as the shadow minister rightly pointed out, it is one of the most attractive parts of South Australia, with great potential. It is most enjoyable going there. Our Premier and I went there many times and sat down with the people and had discussions with them. They were people who, in my view, had very reasonable requests. They wanted their children to be able to speak English and add up. They wanted their children to be able to participate and they wanted to have the opportunities to improve their standards of living and health care. That is what most people in South Australia want. This parliament has a responsibility to ensure that those things take place. If the administration has broken down, it will be highly irresponsible of this parliament not do something about it, and I can well understand that, when the Deputy Premier went to the APY lands for the first time, he got a shock.

I took a number of my colleagues there on one occasion and they got a shock. I think it is appalling that all members of the South Australian parliament have not been to the Pitjantjatjara lands. If they had, these problems would have been fixed a long time ago. There is a need to make investments there. I recall the people who negotiated the original legislation. There was Yami Lester, Punch Thompson, Donald Fraser, Owen Burton, Ivan Baker and a number of other people I got to know very well, and they wanted to see cattle enterprises on those lands. They wanted to see opportunities created. They did not want to see the place held back. This was a great opportunity. They had great aspirations for their people and they had a vision.

They wanted to go forward, not be held back and not live with an organisation that was not functioning, where civil law had broken down. When you see children walking round with Coke cans full of petrol tied round their neck, what an appalling state of affairs that is. It would not be tolerated in European society. Therefore, this parliament has an obligation to fix these problems. If that means giving the minister some power to do it, that is what is going to take place. It is not going to stop the executive carrying out its functions. It is not going to stop the people from electing the executive. It is not going to stop the annual general meeting passing resolutions. I would say that on most occasions the minister would be guided by what the executive and the annual meeting has to say.

I well recall that when the original legislation was discussed they wanted to have an executive of about five people, and I managed to lobby the then government to increase the numbers because I was concerned that an executive of five people would easily be manipulated by advisers. That is one of the problems that has taken place there and some will be unhappy with what I have to say, but I am not going to worry about that. There have been too many advisers who have had their own agenda, which has been detrimental to the welfare of the Aboriginal people. I have to say that some of the people you saw up there were absolute drop kicks. Obviously, there was nowhere else they could get a job, and they certainly were not there for the benefit of the Aboriginal community.

The opposition in this parliament will support the legislation. If we were the government, I bet the Labor Party would not be supporting us. They would be racing round getting all their trendy, left wing mates—

Mr Caica: That is a bit unfair.

The Hon. G.M. GUNN: I know exactly how the system works. We have supported it all the way through because it is right and proper. I want to see more economic activity. I want to see young Aboriginal people get an education so that they can become the administrators, not the Europeans. I want to see them get a decent education, whether it is technical or academic, so that they can go back and be role models and show those people up there that if they apply themselves, if they take advantage of the opportunities, they could administer their own affairs. They could be the doctors, the nurses and the people running the enterprise. Of course there are great opportunities for tourism. There are great opportunities for cattle expertise.

Constituents of mine, T&R Pastoral, are doing a good job agisting cattle in those areas, improving the infrastructure. A lot of it has fallen down and needs to be improved. It needs to be built on and maintained and, even more importantly, there is a need to train the local communities in how to look after it and how to manage these enterprises. That will not happen overnight but it can happen and it needs to happen. One of the problems of a closed society is that when things are not going right the community in South Australia does not know what is going on. That is what has happened up there. I thought it was a pretty odd set of circumstances when I had to get on the telephone and make some calls pretty firmly so that Ian McLachlan could drive through those lands a few years ago.

This was someone who had been the Minister of Defence in this country, whose family had willingly handed over some of these properties, and someone who had represented Australia in the international sporting area. I had to get on the phone to an Aboriginal friend of mine because foolish people were going to deny him the right to go through. He was not going to cause any trouble. He actually took up some early photographers of Kenmore Park that the McLachlans had taken and gave them to the people there. When you have that sort of foolish behaviour, you are holding back those communities. I want to see well organised, appropriate and sensitively managed tourist operations up there so that the young people can benefit, otherwise they will not want to stay on the lands. They will want to be in Alice Springs, in Port Augusta and elsewhere.

There are real problems in Port Augusta, in Coober Pedy and other places because the people want to come down in the hot weather, and when they get there there is no ability for them to get back. That needs to be addressed. There is nowhere adequate for them to live and camp when they are there. That needs to be addressed. It is all part of this one set of circumstances that needs to be resolved, and resolved quickly. When you go through this bill and look at some of the provisions of it, I cannot understand what the member for Mitchell is complaining about. We talk about the powers and functions of Anangu Pitjantjatjara; we talk about the functions and powers of the Executive Board, ensuring that the annual general meetings are properly run and that the elections are carried out effectively; prescribing the powers

of the chair of the executive. What is wrong with that? We have delegation of authority—the procedures of the Executive Board. What is wrong with that? Absolutely nothing.

The duty is to exercise care and diligence. We all agree with that. There is the duty to act honestly and the duty regarding a conflict of interest. We agree with all those things. The minister may call meetings. If there is a problem, of course the minister should call a meeting and have issues resolved. With respect to advisory committees, we want people to advise the minister. If a minister does not receive good advice, no minister can make the right decision. However, at the end of the day, a lot of this advice will revolve around how much money people will receive and how it will be spent; that is what it is about. And what will be the end result?

What will the benefits be? It is absolutely essential to right the mistakes of the past, and there is a need to improve general administration, and both these issues have to be dealt with urgently. I think it would be an act of irresponsibility if one or two people tried to stop this bill passing in the parliament tonight by employing all sorts of delaying tactics. It would be foolish and it would be contrary to the best interests of the people in the AP lands. I, for one, will use the standing orders at the appropriate time if they try that tactic, because I will not sit here all night when we know that it is imperative to get this legislation through. The parliament will not be sitting next week.

I am looking forward to visiting the AP lands again in the future, and I hope to see real benefits. I think it is quite wrong that taxpayers and citizens of South Australia are denied the opportunity to drive on the road reserve. I believe that is one of the problems, and some of these problems have been hidden from the people of South Australia. An open society is the best society in which to live; a free society where people can express their views fairly and freely and be heard is the sort of society in which we want to live. The Aboriginal community owns this land; it owns the title to it. I believe that some of the suggestions that have been made by other Aboriginal leaders around Australia, that people should be able to have long-term leases of their homes in various areas, is the right way to go.

The collective ownership regime that is currently in place has not worked. It cannot work and it will never work anywhere, because it takes away the initiative from a person who has success and it stops people from being successful. It stops people from improving themselves and improving their community. I was always taught—and it is true—that a successful person creates success around them. We want more successful people. We want to create opportunities so that the local people can be successful and run their own affairs, and that will create other opportunities. There are all sorts of opportunities—whether it is catching camels, running cattle or being involved in the mining industry or the tourist industry.

I think there is only one Aboriginal person who has gone into business—he is a constituent of mine—without a great deal of government help, and that is Danny Coulson, who was a successful opal miner. He has a farm at Quorn. We want to see more Aboriginal people achieve those results. We want to see them go into enterprises and employ people and be role models. There are lots of role models in the sporting field, and that is good. We want to see role models for these people so that the existing generation and the next generation can receive the benefits of living in the best country in the world. That is what we are about in this parliament. I think it would be a mean-spirited act to stop this legislation tonight, to stop a fair electoral process from taking place and to stop money from the commonwealth from being invested in the area. I, for one, will do my part to endeavour to see this legislation pass through the parliament this evening.

I do not intend to say any more. I clearly understand the concerns of the Deputy Premier. He was right to put them on the public record. He was right to pursue the issue through this place. It is the right thing to bring this to the parliament. I look forward to seeing it passed into law, and I also look forward to continuing to have an interest in this part of the state. I was appalled during the last election campaign to see that one or two individuals would so misrepresent the views of the people in that area by putting mischievous, inaccurate and misleading advertisements in the newspaper. I support the bill.

Mr CAICA (Colton): I indicate that I will be supporting the bill. A couple of months ago, an invitation was issued to the members of this parliament to attend a meeting of the elected members of the board, in addition to a fairly significant group of traditional landowners. This collective group of people from the APY lands came down (after issuing that invitation, as I understand it, to all members of parliament) to express their views about this bill. The purpose of the visit was to advocate to the members of parliament that this collective group of people from the APY lands—the elected members of the executive board and the traditional landowners—were supportive of this bill. Indeed, that group unanimously supported the bill.

I was also told that this group represented a significant majority of the people who live in the APY lands, and that this was a coming together of those people to express their views, to show their support and to urge the members of parliament to support this bill, particularly the four components that have been articulated here that are encompassed in the dot points as reported by the minister earlier tonight. After listening to this group, I gave a commitment that I would support the bill, not specifically because of their urging, but because I believe it is the right thing to do. That commitment still stands. I knew at that time that there were certain views that differed from those of people on the APY lands, but such was the thrust of the submissions made on that day that it was clear to me that this was a representative view of the majority and that I would support the four main issues encompassed in this bill.

It seems to me to be a positive step forward. It provides a foundation. It is the first important part of a two-stage process that will be of benefit to the administration of the APY lands and, indeed, the people of the APY lands. There is an election in November, and subsequent consultation will need to occur with respect to the second stage as it develops. As I said, my commitment still stands. I believe it will provide stability with respect to administration on the lands. I believe it is a way forward. We know, as the members for Mitchell and Stuart have said, that there has been a crisis on the lands for some time. We want that to stop. We want people and the youngsters on the lands to have a future, and we want them to have access to all that we have down here. We want a positive future for the people who are there. I have not been to the APY lands and certainly, at an invitation, would attend at any time.

A lot of what has been said by a couple of speakers seems to have been clouded by the issue of mining. We discussed that topic on that day at that particular meeting, and our

discussions went to the extent that that is an issue that is to be resolved at the determination of those people who own that land, and it is not for anyone to determine but the people of the APY lands. It seems that the debate tonight has been clouded by people wondering what would be in the best interests of the people up there with respect to mining and the other issues. I say that is a matter to be determined at a later date by the people who own and have control over that land in the context of what they believe will be in the best interests of the people on the lands. It is a way forward. It will provide stability and a foundation, and I commend the bill to the house.

The Hon. D.C. KOTZ (Newland): The bill that we are addressing at the moment is, indeed, a complex one in terms of the issues that relate to the concept that brought this bill into this house tonight, and 20 minutes is certainly not long enough to do it justice in terms of being able to speak about the relative factors that need to be addressed. However, to that end, I compliment the Hon. Kate Reynolds in the other place, who has had the time to put much of the background in quite an elaborative debate.

I also want to say, before I address the matters in the bill, that, although I do not always necessarily agree with everything that the member for Mitchell has to say in his remarks relating to mining in the lands, I can well and truly assure the house that the discussions on mining are certainly not new and that is certainly one of the major aspects of discussions within the lands. Because I do not have time to discuss it tonight, I will not talk about mining at this point.

I offer this house my total opposition to what I consider is a paternalistically motivated bill. Rewriting history and historical events has been the modus operandi of this Labor government since it bought its way into government in March 2002. Now we see through this outrageous bill not just an attempt by this government to rewrite history by its usual spin and rhetoric but also, by the dramatic and cynical move to legislate, to remove the inalienable rights of ownership and management by Aboriginal people of the AP Lands—inalienable rights granted to Anangu Pitjantjatjara by the Tonkin government in 1981.

I will take a moment to read from the second reading speech of the Hon. David Tonkin on 23 October 1980. Part of the second reading speech points out:

> The body corporate which is established in the bill, the Anangu Pitjantjatjaraku, is set out in the structure and content of the bill. The lands defined in the first schedule will be granted to Anangu Pitjantjatjaraku, the body corporate which is established by the bill and comprises the Pitjantjatjara as defined in the bill. The grant will be in fee simple and will be inalienable.

Clause 17 of the bill provided that the land that was vested in Anangu Pitjantjatjaraku in pursuance of part 3 is to be both inalienable and free from compulsory acquisition pursuant to the Land Acquisition Act.

Because I do not have the time that I would like, I will attempt to make my comments succinct and put an abridged version of where I believe some of the pertinent points lie. On 15 March 2004, 23 years after that historic event in 1981, the current Treasurer announced his government's unprecedented decision to appoint an administrator to manage the AP lands. Unfortunately, the Treasurer overlooked the fact that the AP council is a body corporate and operating under statute which grants inalienable rights to Anangu Pitjantjatjara. Therefore, AP council is independent of the state and conducts its business without the consent or assistance of the state. The Treasurer took about a week to backflip on that illegal decision of the state and changed the appointed position of administrator to an appointed position of coordinator of government services. I point out to the house that the difference between those two positions is quite significant. The administrator was expected to take total control and management of the lands, and the coordinator was required to work in consultation and agreement with the traditional owners of the lands.

In March last year a series of events took place that I believe were part of the catalyst to see this bill that we have before us today. On 1 March 2004 the Premier formally extended the term of office of the AP executive. That formal extension of the time of office was certainly the Premier's way of stating to Anangu Pitjantjatjara, and to the state, that he had confidence in the AP executive on 1 March. On 11 March, 10 days later, the Commissioner of Police received the final report of the review of law and order issues on the lands.

The review revealed that public and personal safety was no longer an issue and that police numbers on the lands would be reduced. On 12 March, a day later, the Commissioner of Police briefed the cabinet on a recent spate of suicides and attempted suicides on the lands. On 15 March, three days later, the Deputy Premier announced that his government had lost faith in the AP executive board, stating in what has become Labor's tough law and order speak, 'There's no law and order on the AP lands. It is a disgrace. We're taking over and we're going to put in extra police.' This is 14 days after the Premier had publicly supported the executive board of the AP. However, the catalyst for the complete turnaround announcement on 15 March was the Police Commissioner's briefing to cabinet two days before concerning two Aboriginal deaths.

These terrible tragedies were about to be made public and the government had only recently been severely criticised by Dr William Jonas, the Aboriginal and Torres Strait Islander Social Justice Commissioner. Dr Jonas outlined the inadequacy of the state government's response to the 2002 coronial inquiry into petrol sniffing and was scathing of this government's lack of action. To compound these gathering problems for the Labor government, a very frustrated state Coroner had made it clear that the government was about to come under closer scrutiny, as the Coroner was about to conduct a second inquiry into more deaths on the AP lands. For those of us who have watched this government operate for almost four years, it is quite simple to identify its modus operandi.

When negative problems represent a clear and present danger, it goes into attack mode. The first step is to divert attention from itself, and to do that it identifies an unwitting victim and blames them. What better victim to blame than the AP executive board. Albeit that the tragic events that this Labor government would not face were the deaths of Aboriginal people caused by petrol sniffing addiction—a major health and welfare problem, not one of lawlessness, as claimed by the Deputy Premier when he stated that there is no law and order on the lands. This is in total contradiction to the SAPOL report received only four days prior to the Deputy Premier's statement.

So on a false premise, this Deputy Premier vilified the traditional owners of the AP lands and instructed the Commissioner of Police that extra police were now required on the lands, regardless of the fact that the Commissioner had a report recommending that police numbers be reduced

because public and personal safety relating to law and order concerns were no longer an issue. This amazing and farcical orchestration of mistruths perpetrated by this government was to hide the total incompetence of this government to deal with significant health and welfare issues on the lands. Now we are seeing the greatest abuse of state power being orchestrated to remove the inalienable rights of the traditional owners to manage and administer what historically and culturally was their own land prior to this bill's conception.

I think that we can all recognise that, after four years of Labor, consultation is not a strong point with this government. Its rhetoric forcibly suggests that it will consult.Their actions show that they do not. Only two communities on the lands and the Umuwa administration centre were privy to any consultation on this bill. Did the government consult with the communities of Ernabella and Amata, the two largest communities on the lands? They did not. Did they consult with communities at Mimili, Fregon, Kenmore Park, Kalcai, Murputja or Watarru? They did not.

Let me turn to 1989 for just a moment, when the current Premier was the minister for Aboriginal affairs. He asked a colleague of his to give him a report on Aboriginal community government, and part of that report stated:

> Experience has tended to show that Aboriginal communities work best where decisions are made locally. If decisions come from afar, Aborigines tend to feel neither involved nor responsible. It must be remembered that, traditionally, decisions were made by consultation and involvement of the people concerned. Representative institutions have been, from time to time, devised for Aborigines by Europeans who apply European concepts to the management of Aboriginal people. These institutions often have not worked or have produced tensions within Aboriginal communities, unforeseen by the proponents. If decisions are to have community support, involvement of the local communities in decisions affecting them needs to be maximised. If it is not, the decisions are likely to meet indifference and totally to lack the community social reinforcement essential to make them work. I would therefore caution that the proposals outlined in this report...should only be proceeded with after extensive consultation with communities.

Mr Hanna: Where is Don Dunstan's legacy now?

The Hon. D.C. KOTZ: The member for Mitchell is quite correct, because that total quote came from the Hon. Don Dunstan. That was his advice to the present Premier who was then minister for Aboriginal affairs. What a damn shame it has not been thought about today.

I would now like to bring the attention of the house to comments that have been received by all of us, I think, from the Anangu traditional owners called, 'Speaking Out for Anangu Pitjantjatjara Yankunytjatjara Lands'. This was received today, and carries a key message from the traditional owners of the APY lands, as follows:

> 1. Traditional owners from the Pitjantjatjara lands will return home today to report back to their communities in relation to discussions had with the Minister for Aboriginal Affairs and Reconciliation, the Hon. Terry Roberts.
>
> 2. The minister indicated that he was listening to the serious concerns being raised about the process of consultation and the immediate problems with the amendments themselves, however, he appears to be continuing to push the matter through the parliament.
>
> 3. Traditional owners made it plain to the minister that it is their view that the South Australian government is amending the Pitjantjatjara Land Rights Act without properly consulting, providing information or supporting the Anangu Pitjantjatjara Yankunytjatjara people.
>
> 4. The minister was clearly advised that the traditional owners considered the amendments would, first, threaten Anangu Pitjantjatjara Yankunytjatjara governance and control of their lands; secondly, place considerable new powers in the hands of the Minister for Aboriginal Affairs and Reconciliation; and, thirdly, undermine the influence and involvement of traditional owners in decision-making for the lands.
>
> 5. The traditional owners do not waiver from their opposition to the amendments. The amendments should not be introduced into the Pitjantjatjara Land Rights Act 1981.

The traditional owners wish to acknowledge the assistance of their network of friends and supporters. I do not think that sounds very much like the Aboriginal and traditional people on the lands have agreed to any of the amendments in this bill. I point out that there was no consultation with the majority of the people on the lands. As the Hon. Don Dunstan pointed out to the previous minister for Aboriginal affairs, consultation is extremely important. No matter what bill comes out of this parliament, unless the Aboriginal people on the lands support what happens in this place tonight, there will be no change in the APY lands in the future.

I would also like to read into the record a letter received by the Premier of South Australia—and I believe it has been sent to all members of parliament, as well as to 'Letters to the Editor'. The letter has been signed by over 50 people from throughout this state who hold positions in various areas that represent Aboriginal people. It has also been signed by people from interstate who have taken an interest in what is happening here in South Australia in relation to this bill. The letter states:

> Dear Premier Rann, South Australian members of parliament and media editors,
>
> Since Premier Don Dunstan's day, South Australia has had an outstanding record in Aboriginal affairs and an international reputation for balancing social justice and economic development, widely respected in academic business and environmental circles. It is therefore with deep concern that we the undersigned drawn from business, union, academic, church and non-government sectors take issue with the South Australian government regarding proposed amendments to the Pitjantjatjara Land Rights Act of 1981.
>
> The 1981 act recognises the traditional owners are the primary authority for negotiations around land access and activity. The proposed amendments place considerable new powers in the hands of the South Australian Minister for Aboriginal Affairs and Reconciliation and undermine the influence and involvement of traditional owners in decision making. There is no evidence or research to suggest that anywhere in the world has undermining traditional owners rights enhanced the social and economic wellbeing of indigenous communities. Indeed, all evidence points to the fact that strengthening and respecting the traditional role of elders underpins any sustainable economic and social development.
>
> We are aware that there are serious major economic prospects for the AP lands, including the mining for minerals and tourism. We stress that best practice research internationally makes it absolutely clear that the success of such ventures is directly related to the sensitivity with which indigenous self-determination is maintained and strengthened. To suggest that weakening land rights effectively addresses administrative or governance concerns or will help tackle issues such as petrol sniffing is patently ridiculous and not supported by either empirical research or commonsense.
>
> The amendments will not resolve the lack of government services provided to people living on the lands, but will weaken Anangu self-determination. In the interests of the wellbeing of APY communities and for the continued good reputation of South Australia internationally regarding its approach to Aboriginal people, we urge the immediate deferral of the amended act through parliament until appropriate and proper consultations, consistent with international indigenous protocols, occur formally between the South Australian government and all Anangu traditional owners who should be represented by properly funded, independent legal counsel, as is their human right.
>
> We the undersigned support the traditional owners of Anangu Pitjantjatjara Yankunytjatjara lands.

I read that letter quite deliberately into the record of tonight's discussions, because I can only agree with every word stated in it. In fact, I feel totally ashamed that this bill has been presented to this parliament for debate and decision making.

I am totally convinced that what we are seeing here is a removal of the land rights that were historically granted through this parliament in 1981. As a South Australian, I am offended by the fact that this bill is here tonight and that we are addressing it to take away what was given historically all those years ago. Self-determination is certainly not an easy thing for Aboriginal people. It is an entirely unique concept for self-determination to take place amongst people who are still evolving through so many different aspects of human interest, whether it be self-education, learning, keeping their culture, or learning how to deal with the lands on which they live and the very harsh prospects of where they live.

There is assistance that we can give them from this place. There is assistance that government can give them, but it does not come by taking away the very thing that was fought for over many years. Government has the power to do so many things, and the power of money is amazing. However, it can also mean that you determine the outcomes on the Anangu Pitjantjatjara lands if you are prepared to ensure that you negotiate and consult when getting the owners of that land to accept ownership of any program put there on their behalf. However, it is open for this government still to move forward in a very positive way and to put in place the correct projects in conjunction with the Aboriginal people themselves.

There is absolutely no way that any project can be placed in Aboriginal lands without the cooperation and acceptance of Aboriginal people. You cannot make people do what they will not do unless they feel a sense of ownership. It is ridiculous to take away that sense of ownership. My vision for this state was presented in the policy of the last Liberal government as we came into the election. That new vision is still there now, and I will talk about it at a later date.

Ms BREUER (Giles): I have listened with interest to the contributions made by my colleagues in this place. The APY legislation is not an issue for most people in this state, and I think that probably it is not an issue for most people in this place. Most people do not understand its significance, its content, or its meaning. Most people just want to go home tonight. For me, this has been one of the most difficult days of my political life, and I think that this is probably one of the most difficult speeches—perhaps the most difficult—I have made in this place.

Political life is very difficult. You have to make decisions on what is best for your electorate, your state and your constituents. You cannot be a small picture person. You cannot be engrossed in crossing the t's and dotting the i's. You must look at the big picture. I remember some years ago when one of my staff and I were staying in a motel on South Terrace and looked out across West Terrace Cemetery. As I looked out to the sea and across Adelaide, I said, 'Isn't that a beautiful view?' She said, 'Beautiful? We're looking over a cemetery.' I said, 'Wendy, that is the difference between you and me: I look at the big picture, and you look at what is right in front of you.' That was a lesson for me as a politician: we have to look at the big picture.

As members of the lower house, we need to consider all that happens in our electorates and what is best for everyone. I certainly had some heartache this week over the red dust issue in Whyalla and what was best for my community. I based my decision on what I believed was best for the community as a whole. The AP lands legislation is the most difficult I have grappled with in my eight years in this place and, in that time, I have got to know the lands and the people. Initially, when I went there I had some trepidation and lack of understanding, despite years of working with Aboriginal communities and people. This was a different place: it had a different language and culture. Everything was different. It took me a long time to gain some insight into the communities there.

I have learned that, despite my initial reactions with the Anangu, they are no different to people anywhere else. These are people with the same feelings, rivalries and the same ambitions and needs as any other community in South Australia. Maybe they do things differently but they are still the same needs—to be safe and secure, to be fed, to improve their lives. But in those communities are the same power struggles, the same leaders and followers and divisions in the community. Initially, I wanted to cop out of this legislation—I did not want to get involved.

Basically, two factions are involved and, coming from the Labor Party, I fully understand factions. I got to know both groups and the individuals within those factions. So, who, as the local member, do I support? How do I support them in the best way? I have certainly not been the most popular member of the government with my colleagues with some of the statements that I have made in the past two years. I have questioned the process of how we have handled things all the way through, and I still question that. As the Hon. Terry Roberts said in his remarks in the other place, both the government and the APY executive have learned lessons from the process, so have many others who have been involved. Are we achieving progress? Are we doing anything? Much of the time I have thought no and that there have been a lot of platitudes. The minister's task force was being told things that I have known on the ground were not actually happening. Now I think that some progress is being made.

For a start, I know that as a government we have put in an additional $25 million of funding over the next four years. That cannot all be wasted. I have seen the building and construction that is going on in the lands. At this stage, it is staff housing, but that is important for the future of the lands to get the staff there. I have seen the increased police presence, and I know of many projects that are going on in the lands. My feedback now is that people are starting to see things happen. I cannot deny that the changes are happening slowly and that we have a long way to go, but it will happen. I have to look at the big picture and override some of the factional issues that I have been presented with.

This bill has caused me much angst, far more than any other piece of legislation. We have two views, namely that everything is great but, on the other side, that everything is disastrous. Certainly, there is agreement on the three major issues, that the executive be appointed for three years, that the chair is to be elected from the executive and that Yankunytjatjara be included. As to the consultation process, have we consulted enough? Again, the two views are yes and no. This very much depends on which side is involved. It has become a struggle between the current APY executive, led by the chair Mr Bernard Singer, and the group led by Mr Gary Lewis. They are both strong leaders and both groups have very strong supporters. I believe that there has been reasonable consultation, but I also acknowledge and believe that many Anangu are feeling threatened and ignored by the processes taken by the state government. Again, I say that we should have learned many lessons.

I think that we could have done better and I make no apologies for this belief. We must find a way to consult which pays due respect to the elected executive, as is their due, but we must also include better those traditional owners

and those who present cultural law and title over the lands. Many of these people feel that they were left out of the process. I feel aggrieved about that issue. I have the greatest respect for Lowitja O'Donoghue who has spoken out very strongly on this. I have had many discussions with her in recent weeks. I was moved to tears by her presentation to the AP lands standing committee. She feels insulted by her treatment in this, and this grieves me very much.

Similarly, I have great respect for Mr Murray George from the lands, and I have listened carefully to him and understood his concerns about consultation with many of the elders who are responsible for the cultural law and tjukurpa in the lands. Many others have spoken to me in the past few months such as the Uniting Church whose opinions I respect. Yet, the elected executive has also spoken with me at length. They believe that the consultation process has been adequate and responsible. Mr Kuwaki Thompson is a man who I have known for many years. I respect his feelings that this legislation is what is desired and required by Anangu on the lands. Others I have spoken with and respect have said the same. So, I have had to decide whether there has been adequate consultation. I do not know, and I think we should have done things differently and could do things differently if we could start again.

Tonight we have also been accused of rushing the bill through, but we have had months leading up to this. We had the Rolling Thunder exercise in the previous two years and we had the upper house select committee. A number of points in the bill have been controversial. It aims to give greater accountability and transparency in decision-making by the AP executive. I believe it will do that. Many believe the bill is aimed at giving mining rights and access to companies, but I rebut that. This will be dealt with at a later stage. There is no way through these changes that access will be given to mining companies.

It has been said that there is no requirement in the bill for consultation with the traditional owners by the executive. The executive cannot carry out or authorise any proposal relating to the administration, development or use of any portion of the lands until they have obtained the informed consent of the traditional owners. In relation to the powers of the administrator, he only receives the power of the executive board and can only act in circumstances where the executive board has the power to act.

There are many other issues, but reading through the minister's comments in the other place I feel satisfied that many of those comments are unfounded. I read very carefully through the proceedings in the other place last night and carefully considered the amendments proposed by the Hon. Kate Reynolds, who is a very passionate and concerned critic of the current bill. I feel satisfied that most of her concerns were covered adequately by the minister in his responses and I do not see that behind every clause and phrase in the bill there is a government plot to take away the rights of Anangu. I believe the wording is probably adequate and appropriate.

I also noted with concern the petition circulated to MPs today, as read by the member for Newland—a petition from a number of leading community leaders and educationalists—about the lack of consultation and the hurried passage of the bill through parliament. I have been presented with similar material in recent months and have attended a considerable number of meetings with the same theme. I have spoken out in the media in the past, in my caucus and in this place, expressing my concerns for many months. Prior to the dinner break I was still juggling with my concerns and values. So what is the answer? How do I respond to this bill? As a member of the ALP I do not have much choice, unless I discuss fully with my colleagues any option of crossing the floor. So I have soul-searched for some weeks on this issue. I decided: what is the big issue, what is the best for Anangu, what can I do best to support Anangu as their local MP?

The APY lands comprise some of the most beautiful country in the state. The people are unique—a proud people with strong culture and traditions—but they have been traumatised by petrol sniffing, health problems, lack of meaningful employment, interference by well-meaning but way off-course people from the south, patronising judgmental governments, displacement from their lands, and so many other issues. What is best for them?

The legislation we are amending is from time past. It needs changes, improving and modernising. The APY communities need stable leadership at this time to deal with these changes. They need stable leadership to deal with the changes and conditions being imposed on them by the state and federal governments, through the formation of the task force and through the events of the past 18 months. They need to present a stable, united front to the different bodies on the issues currently occurring and being imposed on them. We need to get on with the job and put behind us the bitterness of recent months and events.

While these divisions with strong outside input are there, we are not getting anywhere. If this legislation goes through we will get an executive with a three-year term—a stable executive. I do not know who will win, but a three-year term will bring some stability and some surety. I am also comforted by the amendment to review the changes in the next three years with an independent review. This makes me more comfortable and encouraged. If the legislation is wrong, then we will have an opportunity to change it. With a heavy heart, I am supporting the legislation. A heavy heart because I know that so many people will be hurt by my decision, but I must do this because I believe it is the best way to go forward. The Hon. Kate Reynolds in the upper house passed a photo to me tonight of her with some women from the APY lands. She said to me, 'Be true to yourself.'

I appreciate that from her, because I am being true to myself. I am being true to what I truly believe in my heart. I must do this because I believe it is the best way to go forward, and I must point out that I have only made this decision in the last couple of days. I hope I am right: I hope this is 'palya'.

The Hon. I.P. LEWIS (Hammond): After the last dissertation, sitting on the edge of my chair for some time I still did not hear what it was that the member for Giles, who is the local member and to that extent probably one of the most significant and important members in the debate in this legislation, said she was going to do. That astonished me. Given the way in which she canvassed the whole issue, the least she could have done is finally made a decision or at least told us what that was and why she had come down in favour of the position she had taken on that. I cannot go back as far as the people who live on these lands go back. Their traditions are far longer standing than the traditions of the Judaeo-Christian culture of which I am part. They go back not just a few hundred or a few thousand years but tens of thousands of years.

Their cultural evolution is something that is not as well documented as many of us might like. The people who do

know were not necessarily those with all the academic qualifications. Many of them have already passed by. It is not for me to attempt to divine all that, other than to state that I would have appreciated the chance to understand what it was the government was proposing before now, before the rush. That brings me to my remarks about process.

Just because the government put off the debate after my protest at the inadequacy of the process about 2½ hours ago does not mean that I am any better equipped or that the process of our receiving the legislation and deciding to go straight through tonight without there being time for members in this place to properly individually familiarise themselves, if that is their aim, is right. Just because that delay of 2½ hours has occurred—or at least it was only 30 minutes at the outset and I have sat here waiting patiently to have my contribution—does not mean that what the government has done is not a botch.

The minister told me that the reason for it is that if he does not get it through tonight there will be implications for commonwealth funding. Damn it all, Mr Speaker, the legislation should have been brought in months ago, certainly weeks ago, so that it could have got through the other place and come here. The government always knew it was going to be controversial. It is inevitably controversial in a democracy when one culture is sitting in power, if not judgment, over another—and that is what is happening here.

The government deserves to be roundly and soundly criticised for the way in which it has conducted the affairs of the parliament in general in recent months. It is simply bloody arrogant. It simply ignored everything to which it committed in the compact for good government, and treats those of us who are not members of the opposition and not members of the government with complete indifference. Disdain is a word that comes easily to describe it. That is what the Premier said he would never do—but has done. It gives me further evidence to state that this measure, like this practice bringing this measure here, is more about the Premier's desire to set perceptions than it is to achieve outcomes based on sound policy determination. It is more about getting the message across to the rest of the community in a way which that community will accept. Therefore, it is more about spin than it is about substance.

I can tell you one thing, Mr Speaker: if Randall Ashbourne had still been advising the government this legislation would have been in this house a long time ago—and through the parliament a long time ago. After the conversations I had with him, following the government's coming into office, this was one thing which he agreed with me needed immediate attention. My connection to the people on the land—I do not have a connection to the land—simply goes back to 1974 when I went there as part of what the federal government was trying to do to establish community facilities in trading. That was the time that AACM won the contracts from the Whitlam government to do that. My time there was part of that process.

I come to the remark I made about Mr Randall Ashbourne. He rapidly and accurately put his finger on the problems. He could see in simple terms what no-one else had bothered to try to see or understand. It was too far away—out of sight and out of mind. The problem was that traditional control and traditional values and the inculcation of the culture, which passed from the older generation to the younger generation, had broken down completely. Commercial interests had taken over, and petrol sniffing and things like that were a direct result of the way in which affairs conducted in English for the formal sense and ignoring the local language resulted in the young people in adolescence ignoring their parents, their kith and kin, and tribal elders, and not being bothered to contemplate what it was they really were a part of in the way in which for thousands of years young people had been required to do it. They could thumb their nose at it, walk off the lands, get away with their attitude and go back when it suited them. That is what has caused much of the problem: the breakdown of cultural values because of the presence of people with no understanding of those cultural values and the behaviour essential to underpin them no longer being practised.

We have imposed artificial boundaries by simply whacking up this continent with straight lines which form those boundaries between the states and territories and which have no relevance whatever to what the people who live there believe are the boundaries, and how they may flex and on what grounds they can flex, or indeed if they flex at all. Our boundaries between Western Australia, South Australia and the Northern Territory are something completely foreign to them. But we must have it, because it is a part of our culture. We did not bother to consult with them.

This state parliament decided to hand over the Northern Territory in 1911. I was going to refer to the man who was involved in that, but I will not go there; I do not need to buy a fight with members of the ALP. That was idiocy. It was equally idiotic for us to presume that what we enacted in this place would suit the needs of the people who live there, when substantial parts of their traditional lands are outside South Australia's jurisdiction. Therefore, people who live in those parts outside our jurisdiction are alienated from the decisions of this parliament. They cannot be represented by this parliament, but they are affected by its decisions. We do not bother to understand or try to ameliorate that inadequacy on our part.

I commend the remarks that were made by the member for Newland and the sincerity of the remarks made by the member for Mitchell, however accurate or valid they may have been. I have also noted the determination of the Hon. Kate Reynolds to wrap her mind around the whole affair. In attempting to do so, she has set aside an enormous amount of time, but I am not sure that the result is proportional to the effort that has been made. It has certainly been a result that has been worth achieving for herself and for the party and the parliament, and it must have been painful for her very often along the journey that she has taken because of the need for her to do as the member for Giles pointed out, that is, to listen to an entirely different perspective from another group of people addressing what appears to be the same subject aspects of the legislation.

Over three years ago, shortly after we came to government, when I was in Alice Springs, and again more recently at the regional sitting of the Northern Territory parliament, I had the good fortune to be able to talk to some of the younger and more responsible people from this area about their demeanour and attitude to life. They pointed out their desire to see stable governance provided by those people elected to positions of responsibility and the way in which they must be compelled to relate to the elders, the traditional owners.

All in all, the process that we have pursued in this chamber has been inadequate (and that is a direct result of the government's ineptitude). The minister tells me that it is for money reasons from the commonwealth, and others tell me that it is for reasons of wanting to get it through Executive Council that it has to be debated tonight, neither of which I

see as valid. I do not think the federal government is so bloody-minded and short-sighted that it would simply cut off and prevent an allocation of funds being made simply because the parliament of South Australia had not yet finished a debate on the matter relevant to this area of land where it has some considerable measure of constitutional responsibility within the framework of the federation.

I do not accept either of those reasons. They are all capable of being ameliorated in advance. I simply say that there has been a need by me and, I am sure, by others, for more time for assessment. It involves not only us, but also the people in the lands, because I think the traditional owners are being fobbed off from being consulted. There is no question that a decent lawyer, who has some training in anthropology completely independent of government, is needed. I do not quarrel that section 11 of the 1981 legislation needed to be fixed up so that the problem of the part-time traditional owners was addressed.

However, I pay tribute to the foresight of David Tonkin; and may I feign some modesty, if I can, in some way or other (no different from any other remark that I make) and claim credit for the proposition that the land had to be inalienable. However, for better or for worse, it should never be possible for any group of people from the lands to alienate it from the future generations of those people who will live there as the descendants of those who have always lived there since the time of dreaming.

To have had any other kind of title on the land was not sensible. There is no reason at all why governments and banks cannot still provide finance to enterprises that might be established on it using forms of security other than mortgage on land. That is merely an administrative convenience. There are ways of securing those loans that might be made or the funds that are provided. It is for that reason, then, that the title is what it is. It was always inalienable in cultural terms, and it needs to remain so. It should never be possible for the title and ownership of the land to be put at risk for financial reasons.

Whilst moving on, section 10 provides that, if they want to, traditional owners can call meetings. However, looking at the way in which this is structured, it will not work, as they will not know when to call those meetings. They are excluded from the circle of consultation. Previously, the executive had to meet with them from time to time. Now that will not be necessary. I wonder why. In effect, then, my office has received emails, letters, phone calls and so on from people telling me—as the member for Giles has told the house—that a great many of the traditional people of the lands feel that they have not been properly consulted on the amendments.

They also believe that the amendments undermine control by themselves and put more power in the hands of the Minister for Aboriginal Affairs. On balance, I understand all that, but we must have a means of addressing the problems of premature death and the breakdown in cultural values.

Before I conclude, I want to acknowledge that I have received Anangu traditional owners 'speaking-out' statements that have been properly and easily written, as far as it is possible for me to understand them, by Gary Lewis, Chairman of that Pukatja community. I also mention Murray George, a colleague from Fregon, Kaltjiti community, and I apologise to either of those people if I have mispronounced the community names by which they are known. I equally apologise to those who have a different view, but I have not heard as strongly from them as might otherwise have been the case. Notwithstanding that, my final point is that the legislation as it stands—since I can neither expect to pass any amendment to it, nor give further detailed consideration of it in the time that has been allowed to me—must pass for reasons of expedience, if nothing else.

I accept the minister and the Premier, and the people advising them, at their word, that they will move swiftly onwards in the consultation process to further expand the legislation to ensure that the communities are protected from rapacious and predatory corporate interests, some of which come from the mining industry but which are not representative of the mining industry at large. I hope that in that process they find companies and people who run those companies who are understanding of the needs of the people who actually live there, and ensure that they get a better outcome as a consequence of this and that legislation.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That standing orders be so far suspended as to enable the house to sit beyond midnight.

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

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

Motion carried.

The Hon. J.D. HILL (Minister for Environment and Conservation): In commencing my remarks, I acknowledge the presence in the chamber gallery of members of the APY executive—and I know it is probably naughty of me to do this. I welcome them into their parliament and thank them very much for taking the time to come and listen to this debate. I understand that those representatives are very keen for us to conclude the debate tonight, so I thank the house for allowing the sitting to continue past midnight. I know that most members would prefer to be at home, but this is an important piece of legislation, and the government is determined to deliver to the people in the gallery what they want, which is the passing of this legislation tonight, and with the cooperation of the house we will do that.

I thank all members who contributed to the debate. I think every member who spoke, regardless of the position that he or she put, spoke with sincerity and a true belief in the position that they were putting. I think I can say to the Anangu that this demonstrates the sincerity and strong commitment of this parliament to deal with this matter in an appropriate way.

Much has been said about the legislation and I will not go through the details of that. Perhaps we can do some of that in committee. Also, there has been a fair bit of discussion about the consultation process. Was it good enough, and so on? My understanding of what has been said in this place tonight is that most people accept the measures in the legislation. Most people I think believe that those measures are appropriate. The criticism has been of the way the government has gone about bringing these measures to the house. If the process of consultation was not adequate (as I understand it) it was not as a result of any mala fides by the officers going through that process of consultation, because they genuinely tried to consult with all of the people in a fair way. If it has not been done adequately, I apologise to those who feel it has not been adequate, but I hope we can learn from the process so that when we go through this process in the future it can be done in a better way.

This amendment is about strengthening the legislation and about strengthening governance on the APY lands for the benefit of the people living on the APY lands. This is not about the government being hairy chested and trying to exert more control because of some ego-maniacal position it might take. It is about trying to strengthen the governance arrangements on the lands so that the people on the lands can live better lives and have better control over their own lives. This is something which this government feels passionately about.

I am very proud to be a legislator in this parliament which has a long history now going back over 20 years of introducing groundbreaking legislation in relation to land rights. Recently, last year, we put in place legislation which allowed the transfer of the Unnamed Conservation Park to the traditional owners, and I am entering into an agreement at the moment with another Aboriginal community over co-management of one of the national parks. So, I believe we have a very strong commitment to working with Aboriginal communities to give them better opportunities to make decisions about their land and families.

I have been on the APY lands. I have been there twice—once some 20 years ago when I worked for the then minister for Aboriginal affairs, Greg Crafter, and also earlier this year when I went up as Minister for Environment and Conservation to look at a program that my department, the department of environment, was running with the local community. I think that is all I will say at this stage—I think it is probably all I can say at this stage—but I want to assure the members who have come to listen to the debate that we are taking this matter seriously and that it is our intention to have this matter pass tonight.

Bill read a second time.

In committee.

The ACTING CHAIRMAN (Ms Thompson): I advise the committee that, because of the speed with which this has been done, there are still some problems in having a consolidated draft of the bill and there may be some confusion about line numbers when we are talking about amendments. So, if everyone will kindly bear with the chair as we go through this, we might need to clarify line numbers at times.

Clause 1 passed.

Clause 2.

Mr HANNA: In the discussions around the building tonight, it has been impressed upon me that we absolutely have to pass this legislation tonight because there is a promise of some $10 million of commonwealth funding hanging on the passage of this bill tonight. Not tomorrow, not November, not next week, but absolutely tonight. It has been put to me by government members that, if we do not pass this bill tonight, there will be the loss of some $10 million in funding. I raise this matter in the context of clause 2 because that is the clause about timing. What the hell is the urgency? That is, it is totally incredible to me that the commonwealth will make a decision about $10 million of funding based on whether this bill is passed on this day, tomorrow, or next week.

To me that is an absolutely ludicrous proposition. Members should consider how commonwealth funding works. It does not arise from a snap decision. Not even a federal government minister in their wildest press release promises $10 million overnight. There is an elaborate process, a budget process, a departmental process and a cabinet process. These things need to be worked through. I am certainly not denying that there is a need for funding to be spent on the APY lands. Of course, it is not just about the amount of dollars, either; it is about where the money is spent. I have not been informed by anyone about what this alleged $10 million is for, whether it is to do with a particular program or whether it is tied with a certain expenditure of state funds, which agency it is to go through and so on.

Will the minister place on the record what this alleged $10 million is about? Who promised it; which member of the government received the information that it was promised; and which member of the government received the information that, if this legislation did not pass tonight, the money would not be forthcoming? Who in the federal government suggested such a thing to the state government? When was such a representation made? Was it made in writing? Was it made verbally? What is the money allegedly for? Is it for a specific program? Is it for funding a specific agency? Is it a commonwealth agency? Is it a state agency? I ask all those questions together, hoping for a fulsome answer from the minister and, if we do not get a fulsome answer, we will simply pursue the matter further.

The Hon. J.D. HILL: I thank the member for his questions. I apologise, because I meant to address that in my closing remarks but my voice dropped off and I did not get around to doing it. I will give the honourable member a full answer rather than a fulsome answer, if he does not mind. The answer, as I understand it, is this. The commonwealth government has made it plain that it will no longer fund any indigenous organisation that does not have a clean set of governance arrangements. I guess we can talk about whether this particular legislation fixes the governance arrangements or not but as I understand it the commonwealth will be satisfied, if this legislation goes through, that the governance arrangements on the APY lands will be appropriate and they will fund it.

As I understand it there is something like $65 million worth of funding going into the APY lands from the state and commonwealth governments (it is about 60:40 commonwealth:state) and there is an undertaking by the commonwealth to put in a minimum of $10 million, possibly more, for a range of specific programs on the lands: the swimming pool programs, a coordinator for service delivery and, I think, some assistance with sniffing. There are a range of other programs and there is an intention that there could be more. The officer who is sitting next to me was informed of this by her colleague in Canberra, a commonwealth officer, by telephone a couple of weeks ago.

It is critical now, if I can explain to the member for Mitchell, because the elections are going to occur on the lands and will be conducted by the South Australian Electoral Commission towards the end of November. It is just a matter of timing. If this legislation does not go through this house today it cannot then be dealt with by the other place tomorrow, which means it cannot go through the appropriate gazettal and promulgation and all the rest of it in time for it to affect the electoral system which will apply from the end of November. In other words, if we do not do this the elections will still occur at the end of November but will be based on the existing legislation, which provides for one-year terms, and without the accountability mechanisms that this legislation has in place.

If that were the case it would mean that the commonwealth, over the course of the next year, would consider that the governance arrangements in place in the APY lands were inadequate, and they have made it clear to us that they would not be putting additional funding in. I guess we can take the chance and not deal with this today and leave it for another couple of weeks but the elections will

occur and they will not be for three-year terms, and they will maintain that instability and lack of certainty in the lands for another 12 months, which I think would be a bad thing.

As a parliament I think we are pretty certain to support the content of this legislation—I think everyone agrees that three years is a good idea and everyone agrees that the chair should be chosen from among those who elect it. Let us put that into place; give the people some certainty over the next three years and allow the commonwealth to feel comfortable so that they can put their resources in. Within this legislation there is a mechanism for review; we can go through that process and if there is any tweaking that needs to be done it can be done. I guess that is as full an answer as I can give the member and it is certainly the view that the government holds.

Mr HANNA: I find it absolutely extraordinary that ministers of the Crown can come to me informally and say that we have to get this bill through tonight or lose $10 million in funding. Yet when questioned, the minister responsible for the passage of the bill through this House of Assembly this evening says that the assertion is made on the basis of a telephone call a few weeks ago from one bureaucrat in Canberra to a bureaucrat in Adelaide. I find it extraordinary that this threat of losing $10 million of commonwealth funding is made without anything in writing, without any representation from any commonwealth minister and without any representation directly to any state minister. I am afraid that a telephone conversation between bureaucrats does not satisfy my curiosity about why such a threat of withdrawal of funding would ever be made.

It raises the question of whether such a threat of withdrawal of funding was made on the initiative of a bureaucrat in Canberra—and I want to know who that person is—or was it made on the basis of the authority of the minister, the Hon. Amanda Vanstone, who is the responsible minister in Canberra? That is a question I would like to take up further with the minister when he responds to this contribution.

I would also like to know whether this threat of withdrawal of funding is anywhere in writing. Is it in any government email? Is it in any correspondence with any state government minister? Is it the subject of written advice from any of the state Public Service—whether it be to the Premier, the minister present in the committee tonight or the Minister for Aboriginal Affairs and Reconciliation who, of course, sits in the Legislative Council?

The other curious thing about this extraordinary assertion is that, on the basis of a telephone call from someone in Canberra—not a minister but a bureaucrat—$10 million of commonwealth funding is in jeopardy if this bill is not passed tonight. We are talking about the executive of the Anangu Pitjantjatjara established under the Pitjantjatjara Land Rights Act 1981. According to that legislation, not only is the executive established but it is established with considerable formality.

As the minister would well know, section 5 constitutes the Anangu Pitjantjatjara as a body corporate with a common seal. The signatures of five members of the executive are required if the seal is to be affixed. That is, in some respects, a strenuous requirement for formality in terms of dealings with the Anangu. No doubt, that was done originally because, if there was going to be a decision of the Anangu Pitjantjatjara executive board, there would need to be broad consultation. It could not be just one person saying, 'Yes, I'll approve that mining'; or one person saying, 'Yes, I'll approve the management of that store in that town'; or one person saying, 'Yes, we'll have this new building put here or there'—it required discussion. That is the very purpose of the Anangu Pitjantjatjara board. Really, I should be saying the APY board, because everyone agrees that the Yankunytjatjara should be recognised in this legislation as well. That is why there was a requirement that five people had to sign an agreement with the seal of the Anangu for a formal contract with them to be legal. Of course, that requirement is watered down somewhat in the current bill.

In relation to the executive board—and I am talking about under the current legislation—section 6 describes the various powers and functions of the board, and section 7 requires consultation with the Anangu generally. So, the executive itself, if I can call it that, needs to consult with the traditional owners throughout the APY lands. There are requirements in the current legislation about general meetings—about how the executive board, as it is called, is to operate. In section 9A, there are various offences relating to the election of the board so that elections have to be run fairly. Section 10 deals with the procedure of the board. There are all of the government's requirements one would expect for a formal board, and they are the same as if it was for a company or a government corporation being run in Adelaide, Canberra or anywhere else. There are requirements about how often the board should meet, about quorums and about the chairman's chairing of meetings. I also refer to section 13 of the current legislation, which specifically provides:

> The Executive Board shall cause proper accounts to be kept of the financial affairs of Anangu Pitjantjatjara.

It also provides that those accounts must be audited by any registered auditor every year. That is not surprising but, in the context of this debate, it is surprising that there is an assertion that the current APY Executive is not fulfilling the requirements for governance set out in the current law. It is surprising that the minister should assert or imply that the current law does not provide safeguards about governance of the APY lands. In that case, why would the commonwealth, through some unnamed bureaucrat in Canberra, say that $10 million of funding might be withheld by the commonwealth because of the dubious governance of the APY lands under the current executive? It is incredible.

I put to the minister that, in fact, there is no threat of withdrawal of that funding; that there are adequate governance provisions in the current legislation; and that the passage of this legislation will not bear any influence on whether the commonwealth puts in $10 million, less than that amount, or more than that amount. I concede that it will make a difference to how the elected APY Executive carries out its functions. If it is seen to mismanage its functions by the Canberra chiefs over the coming year, I can understand how that might influence funding. But what I do not understand or accept is that there are inadequate governance requirements in the current legislation to the gross extent that funding should be withheld. Come on; it has not caused funding to be withheld for all these years—not since 1981. It has not been withheld because of deficiencies in the act.

There might be times when there are questions about whether the money has been properly acquitted here or there, and that is quite good in terms of accountability. But, in my view, it is preposterous to suggest that, on the authority of an unnamed Canberra bureaucrat, $10 million will be cut from under the APY people on the basis of the governance provisions of the current legislation, which has been operat-

ing for 24 years. Can the minister come up with any further evidence of this alleged threat of withdrawal of funds?

The Hon. J.D. HILL: I accept that the member for Mitchell does not like the legislation, and I accept that he thinks that the current legislation is adequate. However, I do not accept his argument that the government is misrepresenting the facts as to the position of the commonwealth. I did not say that the commonwealth had threatened the state government, and I did not say that the commonwealth had threatened to remove funding. What I said was that we had received advice from a commonwealth officer, and that commonwealth officer was the head of the Office of Indigenous Policy and Coordination. We received advice from him that, if the governance arrangements were not corrected in relation to the APY lands, the planned extra funding of a minimum of $10 million would not follow. That is a risk that we do not believe is worth taking, especially since we have a mechanism to address their concerns.

This government wants to introduce these changes because we believe in them for their own sake. The reason we are trying to get it through tonight is because of the risk associated with not having made the changes, which the commonwealth has advised us would put at risk the extra money that we urgently need to be spent on the lands. Quite frankly, we do not think it is a risk worth taking. We are not being forced into a position to put legislation in place in which we do not believe. We are not being forced to adopt a policy with which we do not agree. We are putting in place, more quickly perhaps than the member would like, a policy which we believe is the right thing to do.

I cannot add any more detail to what I have already told the member. The information was given to us over the phone. As I understand, it was a friendly conversation, but it was really the office giving us advice as to what the commonwealth policy was. I understand that the federal minister for aboriginal affairs, Senator Vanstone, has made public comment along these lines. I do not have a copy of her public comment, but that is my advice. I can accept that the member does not like that advice and that he thinks it is threatening. I can accept that the member does not believe that they will do it, but that is fine. The government has formed the view that it is sensible to get this legislation through in time for the elections so that the extra funding which we need will not be at risk.

Mr HANNA: Two interesting questions arise from that. If the government is now saying that it is not a threat but it is a stated risk that the commonwealth may withdraw or cut about $10 million worth of funding in the coming year, if the governance provisions of this bill are not carried tonight, and, therefore, in time for a November election on the land, then one would expect there to have been correspondence about exactly what the commonwealth requires in terms of governance requirements. After all, is the minister suggesting that we are just shooting in the dark to try to satisfy this inchoate requirement by passing this legislation and, yes, it does have additional governance requirements—fiduciary obligations and so on—but is the government entering into this in a vacuum without knowledge of what the commonwealth apparently requires?

That would make no sense at all. That would mean that if there is a risk of the commonwealth not coming up with that funding, then the only safe way to proceed would be to check with the commonwealth about exactly what provisions would satisfy the demands so that there would be no such risk. It seems blindingly obvious, yet we are told, if I have not misunderstood the minister, that this risk of withdrawing funds, at least as far as the knowledge of the government is concerned, stems from a friendly chat between two bureaucrats a few weeks ago. That is extraordinary.

The other question which I would like the minister to clarify is where the figure of $10 million really comes from because, just now, the minister has told us that there is a $65 million package. He has told us that there is about a 40:60 mix between state and commonwealth funding and, yet, $10 million comes into it. Is the $10 million all of the commonwealth contribution? Is it a slice of the commonwealth contribution? Is it a figure just plucked out of the air? Why would $10 million be withheld if the governance is considered unsatisfactory rather than the entire commonwealth contribution being withheld? So, there are two questions for the minister. One is what does the government have in writing about governance requirements of the commonwealth in terms of the APY legislation, and what assurance has the minister that this legislation before us tonight actually fulfils those requirements? Secondly, how does the figure of $10 million arise if it is said that there is a risk of losing that through inadequate governance provisions in the legislation?

The Hon. J.D. HILL: It will obviously be an interesting night. The member for Mitchell will make a lot of debating points, but they seem to be not real points. I have answered clearly the questions he has asked me and he wants to rephrase them and re-pitch them in ways that will take time and cause this matter to be on the agenda for a long time tonight. That is okay. There was no written correspondence—I thought I made that plain before. It was based on a conversation between senior officers of the state and the commonwealth. Those senior officers have a very good working relationship. The commonwealth and the state are on the task force that has been established to look at the issues on the lands, and there is a subcommittee looking at legislative review.

The commonwealth has been on that committee and is very aware of the legislation introduced in the other place, which we are debating tonight. It has given us through discussion their view that this is appropriate legislation to deal with their concerns about governance issues. There is nothing in writing. There have been no letters about it, because this is a joint approach between two governments that are cooperating. The $10 million raised was about the amount of money and we believe it is a minimal amount of money—it could well be more—that the commonwealth wants to spend on programs in the APY area to do with a whole range of issues: mental health, child abuse, police intelligence, the swimming pool, sniffing programs and so on.

Their advice to us, again oral, is that if the governance arrangements are not in place they will spend that money elsewhere. They say that there are other parts of Australia where the governance arrangements will be in place and where that money can be spent. They have a bucket of so much money, lots of needs and places where they can spend it, and they are simply saying that if we do not fix up the arrangements in South Australia they will spend it elsewhere. We can debate this, whether it is outrageous, extraordinary, amazing, over the top, or any words the honourable member cares to use to describe the fact that there was a conversation where this information was given to us. It was given to us and we are taking it seriously and we are trying to deal with a piece of legislation, perhaps more rapidly than some members of the house would like, but I suggest that he start debating

the substance of the legislation rather than making debating points about these relatively minor issues.

Clause passed.

Clauses 3 and 4 passed.

Clause 5.

Mr HANNA: This clause deals with interpretations and I want to rebut the unfair remarks by the minister about complete opposition to the bill, or words to that effect. There are some good things in the bill and some things which seem to be commonly agreed to among the traditional owners of the APY lands. One of them, for example, is the inclusion by way of formal recognition of the Yankunytjatjara and Ngaanyatjara people, and it is good to see the amendment that includes them. We commonly talk about the AP lands. I suppose more properly they are the APY lands. It is good to see that amendment. There are some common points. In relation to the reference to traditional owners of the lands, we see that 'Anangu' means a person who is a member of either the Pitjantjatjara, Yankunytjatjara or Ngaanyatjara people and a traditional owner of the lands or a part of them. There has been a lot of talk about consulting the Anangu, and therefore it means consulting all the traditional owners, not just those who happen to be elected from time to time to the executive. It was the member for Giles who referred to two factions on the APY lands. I do not need to go into that or debate it.

Certainly, we can be sure that, whoever is elected to the APY executive, there are going to be traditional owners there but there are also going to be a whole lot of other traditional owners, quite possibly with different points of view and different interests. This is where the consultation issue arises because, as the Hon. Kate Reynolds has pointed out in the Legislative Council and the member for Newland has pointed out in this house, while the government promised that the issues contained in this legislation would be taken round to each community, it is quite clear that not every community had the benefit of a detailed explanation of what is in the bill.

There does seem to be widespread awareness of the issues about how long the term of the executive should be, about whether it should be one, two or three years, and there does seem to be widespread awareness of the issue about inclusion of Yankunytjatjara and perhaps one or two other things. However, where there does seem to be a terrible gap is in terms of consultation about the power of the minister to intervene, and we will come to that later in the proposed new sections 13N and 13O. There is another issue in relation to traditional owners, and I want to specifically ask a question about the views and interests of women. I referred earlier to the fact that, when written submissions were invited from the public in relation to the bill, as far as I am aware there were two Anangu organisations that responded formally and they were organisations that represent women, to a large or complete extent, the Women's Council and the health service.

The health service does cater for men as well but, when it comes to the difficult and heartbreaking issue of domestic violence, the Nganampa Health Service is really the key agency. If those organisations considered that they would need a couple of days to really appreciate what was in this legislation, what it might mean in terms of fewer land rights or the minister intervening in certain circumstances, then it is hard to see how the legislation we have before us takes that into account. Now is it the case that the minister says that they have got it wrong? Is it the case that their views in some way have been directly taken into account in the framing of this legislation?

The Hon. J.D. HILL: The advice I have is that all the submissions that were presented, including the one from the women's council, were taken seriously and considered appropriately.

Mr HANNA: I move:

Page 4, after line 2—Insert:

Aboriginal Lands Parliamentary Standing Committee means the committee of that name established under the Aboriginal Lands Parliamentary Standing Committee Act 2003;

The purpose of this amendment is to simply provide a reference point to the Aboriginal Lands Parliamentary Standing Committee so that when later amendments arise which refer to that body it will be defined in the act. It is as simple as that. Members would be aware of the committee. It was created in 2003, following the unfortunate history in the previous government where the relevant parliamentary committee had not, if ever, met. There was a fresh determination on the part of the government—and I give credit to it for this—to initiate a working Aboriginal lands committee.

It is really perhaps a bit broader than just the Aboriginal lands. We are really talking about a parliamentary committee which has a function of getting to know the views, the issues and the problems of Aboriginal people throughout South Australia. That has a twofold consequence. One is that there becomes a body of members of parliament in this place who are familiar with those issues and, one would hope, have an understanding and compassion as well. Secondly, it means that when there is legislation such as this to be dealt with, that body of members can actually inform others based on what they have seen and heard.

I would say it is actually one of the most hardworking committees in the parliament. Not many parliamentary committees go out of Adelaide on as many trips as this committee. I am certainly not referring to what the media would call 'junket trips'. I am talking about some quite rugged excursions to the north-west parts of South Australia and to places which are not as comfortable as we would enjoy in Adelaide. It is a worthwhile committee. I have certainly been honoured to serve on it, and it has deepened my understanding of Aboriginal people, their point of view, and their history.

I say all of that to put in context the later amendments, which refer various matters to the Aboriginal lands committee in certain circumstances. For example, if the minister does or does not do certain things, particularly if the minister goes against decisions of the Anangu, those are matters that should be referred to the Aboriginal lands committee. Clearly, there will be several amendments that are consequential upon this one.

The Hon. J.D. HILL: I indicate that the government does not support this amendment. I understand that this amendment, even though it is first, is consequential on some more substantial amendments which come later and which require the committee to do certain things. The government does not support that, because it creates a process that we believe is unnecessary. I understand from the opposition spokesperson, who is a member of the committee that is referred to in the amendment, that this is not a position that the committee holds. The amendment was moved in the other place by the Hon. Kate Reynolds, I understand, and it is now being moved in this place by the member for Mitchell. I am not sure what consultation either of those members has had and who is pushing for this, but it is certainly not something that has been directed at the government, as I understand it. I indicate

that we are not supporting this amendment, nor are we supporting other amendments.

Mr HANNA: Now I am speaking to the amendment, not the clause. I simply answer that by saying that it is another level of accountability, and that is certainly an issue that has been raised with me by those representing some of the traditional owners on the lands. It has been put to me: how can we be sure that the minister will do the right thing if the minister intervenes? Clearly, this is a solution—or, at least, part of the solution: to have a cross party parliamentary committee look at those instances where the minister goes against the wishes of Anangu. The government has declared its position. I feel that this is one of the important amendments that have been put forward. The Aboriginal lands committee, I believe, has been appreciated in the Aboriginal lands, which we have visited and spent time with people to understand their concerns. It would be, I suggest, well received by Aboriginal communities throughout South Australia if this were accepted. There cannot be anything wrong with another level of scrutiny through the Aboriginal lands committee.

The committee divided on the amendment:

The CHAIRMAN: There being only one member for the ayes, I declare that the question passes in the negative.

Amendment thus negatived.

Mr HANNA: I reiterate that, apart from my amendment, I do have some questions about the clause. I am just clarifying that I deal with the amendment first.

The CHAIRMAN: The minister's amendment is the next amendment.

Mr HANNA: I do not want to hold that up!

The Hon. J.D. HILL: I move:

Page 4, line 6—
Delete 'Ngaanyatjara' and substitute:
Ngaanyatjarra.

This amendment changes the spelling of Ngaanyatjara. I would be hard pressed to say that word correctly, I think, but there are a couple of ways of spelling it. I understand that there has been a debate about which is the correct way. The spelling that is now before us is, I understand, that which has been agreed to by a variety of parties who have discussed this.

Mr HANNA: I will, of course, be agreeing with the minister's amendment. I just want to make the point that, as far as I am concerned, this reflects on the lack of consultation, and I just draw the attention of the house to a few facts. An organisation known as PY Media is an organisation run by Aboriginals, which covers the APY lands. Its web site, www.waru.org, has zero hits on it for the spelling of Ngaanyatjara (which was originally in the bill), and 119 hits for Ngaanyatjarra as proposed in the minister's amendment. In other words, that organisation should know how to spell it if anyone does.

I note that the NPY Women's Council's constitution also has the spelling as it appears in the minister's amendment and not the bill. That is how it appears in all of the council's documents, which is the peak body for Anangu women on the APY lands and contiguous regions. The body that the task force contracted to provide interpreter services to the APY lands, called the Institute for Aboriginal Development, does not spell it like it appears in the original bill either. So, my point is that, with a bit of consultation and appropriate research, the preferred spelling of the term would have become clear. But I do acknowledge that the minister has come into this place to correct that anomaly. I appreciate the fact that he has done so, and the Greens would be very happy to support that amendment.

The Hon. D.C. KOTZ: I have a question for the minister in terms of the re-interpretation of the word 'Anangu'. Can I ask the minister what is his version of the interpretation of the word 'Anangu'? Throughout the bill we talk about Anangu Pitjantjatjara. I ask the minister whether he can tell me the interpretation that the government is using of the word 'Anangu'.

The Hon. J.D. HILL: I am not entirely sure of the point of the member's question because in section 4 it says that Anangu is a person who is a member of the Pitjantjatjara Ngaanyatjara people, and is a traditional owner of the lands or a part of them. I would have thought that that was pretty clear.

The Hon. D.C. KOTZ: That is why I am interested in your interpretation, because if you look at the primary act the word 'Anangu' was never meant to indicate an individual person. As far as I am aware, the word 'Anangu' means people, and when you refer to Anangu Pitjantjatjara you are talking about people of the Pitjantjatjara. In the primary act, Pitjantjatjara was described and interpreted quite differently. Obviously, there is a change here. Where you talk about Anangu meaning a person who is a member of Pitjantjatjara, etc., the primary act speaks about Pitjantjatjara meaning a person is a member of Pitjantjatjara, Yankunyatjara and Ngaanyatjara.

The Hon. J.D. HILL: I think you will find under the Acts Interpretation Act that singular means plural generally in legislation, and I guess that will apply. So, Anangu could mean a person or a group of people. The point is, it is trying to define those groups of people who have rights on the land, and they are defined in that definition.

The Hon. D.C. KOTZ: I do not make this particular point to be pedantic, but later on in the new act you talk about deleting a section, being a part of the lands of Anangu Pitjantjatjara, and substituting, 'To an Anangu and an organisation comprised of Anangu', but the cultural interpretation that I am aware of is not singular, it is in fact the people of. So, when you get to the latter part of the act, I am not really sure what you are talking about when you substitute that certain lands are vested in Anangu. It does not make a great deal of sense unless there is a clarification of the word Anangu. But it is my understanding that the word means people, it does not mean an individual.

The Hon. J.D. HILL: All I can tell the member is that the definition is as it is in the legislation, so that it refers to a person from one of those groups, or people generally. I note that the member for Mitchell's amendment No. 5 is to delete subclause (2) and substitute 'a period not exceeding 99 years in respect of any parts of the land to an Anangu or an organisation comprised solely of Anangu.' I think his amendments accept that it refers to a particular person from that community or the group collectively. I can understand that the member is making a valid point, but I cannot see that there is any particular problem with the definitions we have, because they just make it clear who has rights.

The Hon. D.C. KOTZ: I accept the minister's answer. I also hope that the Anangu do, because it may be a matter of what this government decides to do in a bill and by this change makes it so, but the fact remains that the cultural aspect of the language itself does not agree with the new interpretation that this government has in this bill.

Amendment carried.

Mr HANNA: I move:

Page 4, line 25:
After 'Yankunytjatjara' insert:
or by an Administrator

I include there a reference to an administrator. One can really only understand the amendment by reference to subclause 5(6) of the bill. I will just read that out so that we can make sense of the amendment:

> If a provision of this Act specifies that an act may be done or a resolution made by Anangu Pitjantjatjara Yankunytjatjara at an annual or special meeting, that act may not be done, or the resolution made, by the executive board on behalf of Anangu Pitjantjatjara Yankunytjatjara.

The purpose of the subclause in the bill, which is a good one, is to say that where it is specified that a resolution of an annual or special general meeting is required, and there are a few instances of that throughout the legislation, then the executive by itself cannot do that. It might seem obvious, but it is one of those governance provisions where the obvious is stated so that there is no doubt. What I am suggesting is that, after the reference to Yankunytjatjara, in other words, at the end of it, we should have the reference to an administrator, so that acts which can only be done by an annual or special general meeting of the Anangu cannot be done by an administrator who is called in by the minister.

So this is a reference to those measures later on, about which I have grave concerns, where the minister can step in and override what the executive is doing. So what we are saying is that, if an administrator is appointed to act in the place of the executive, they are bound in the same way as the executive is bound in respect of matters which require a resolution of an annual or special general meeting. To take an example, there is the adoption of a code of conduct. I think that is one example where a code of conduct about how the Anangu executive are to operate is to be adopted at a general meeting. It should not be the case that an administrator appointed by the minister to override actions of the executive can come in and change or tear up or create a code of conduct. That is something for the Anangu as a whole.

That is the purpose of the amendment. It is to put beyond doubt that there is that limitation upon an administrator if such a person is appointed by the minister in those extraordinary circumstances as defined in the proposed new section 13N and 13O.

The Hon. J.D. HILL: I indicate that the government does not support this amendment. I am advised the amendment is unnecessary as the administrator receives the power of the executive board and can only act in circumstances when the executive board has the power to act.

Mr HANNA: The funny thing about that is that the same argument applies to the provision that is in the bill, because where there are resolutions required by an annual or special general meeting, by the minister's argument, they could not be made by the executive alone. So the very subclause 5(6) to which I have referred is as redundant as the amendment. But if we have one we should have both.

The committee divided on the amendment:

AYES (2)

Hanna, K. (teller)	Lewis, I. P.

NOES (33)

Atkinson, M. J.	Breuer, L. R.
Brindal, M. K.	Brown, D. C.
Buckby, M. R.	Caica, P.
Chapman, V. A.	Ciccarello, V.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Gunn, G. M.

NOES (cont.)

Hill, J. D. (teller)	Key, S. W.
Kotz, D. C.	Koutsantonis, T.
Lomax-Smith, J. D.	McEwen, R. J.
McFetridge, D.	Maywald, K. A.
Meier, E. J.	O'Brien, M. F.
Penfold, E. M.	Rankine, J. M.
Rann, M. D.	Redmond, I. M.
Scalzi, G.	Such, R. B.
Thompson, M. G.	Venning, I. H.
Weatherill, J. W.	Williams, M. R.
Wright, M. J.	

Majority of 31 for the noes.

Amendment thus negatived.

Mr HANNA: After that experience, I now return to my questions on the clause. The interpretation section of the bill refers to a director of administration and a general manager, and those positions are described in more detail in proposed new sections 13B and 13D. The problem I wish to bring to members' attention is the fact that we have done nothing more here than redefine a manager for the administration carried on under the auspices of the APY executive. After my first tour of the APY lands a year or two ago, I came to the view that probably what would be required to begin to solve the problems of resource distribution and allocation on the lands would be to have some kind of ombudsman on the lands—someone living on the lands who had a huge degree of authority to work with both state and commonwealth agencies to pinpoint where the money needed to be spent, to ensure that the money was actually obtained when it was promised, and to ensure that programs were actually put into effect.

As it turns out, I subsequently have had discussions with some prominent Aboriginal people who believe that is a good idea, and it is probably an essential requirement of getting the money spent properly on the lands. When I say 'spent properly', I do not mean that the APY executive or anyone there at this time is spending it improperly in a dishonest way. I mean that the money needs to be spent in a coordinated way. I am not talking about the Jim Litster experience or the Bob Collins experience, or even the Lowitja O'Donoghue or Tim Costello experience; I am talking about someone who does not fly in and out and send off reports to Adelaide or Canberra. I am talking about someone with real clout. Whether you call that person an ombudsman or an administrator I do not mind too much. The point is that they are not there to tell Anangu what to do. They should be there to tell the state and commonwealth bureaucrats what to do.

After the decisions are made by the state and federal government about how much is to be spent on the various programs—whether they be health, policing, child welfare, or whatever—then there needs to be someone to ensure that, first, that money is available to Anangu to spend; and, secondly, to see that it is spent in a coordinated way. Let me give an example. We talk about there being disorder on the lands, petrol sniffing and so forth. Obviously part of the solution is police. For many years, the Police Commissioner and Anangu have said that we need police living on the lands, not people who come and go and not people who drive in for one night and drive out again. We need people living on the lands so that they are available and when we call they will come.

In order to do that you need housing. This is part of the problem with funding on the APY lands. You can have a

promise that X million dollars will be spent. If you say that you will spend it on more police on the lands but you do not have the housing, then it will not happen. It cannot be just any old ruin: it has to be housing of a reasonable standard—not to make it better than the house down the street but simply to be of a standard that will encourage police to live there. After all, the Commissioner can ask people to go up there—I suppose the Commissioner can order people to go up there—but if they are not happy, they will not last. We need people to reside on the lands. I give that example in relation to police, but the same applies in relation to youth workers, health workers and so on.

I cannot resist the opportunity to observe that the bill represents a missed opportunity. I suppose what I should be doing is moving a further amendment to have such a position created in this legislation, and it would be defined in the interpretation section of the bill. Instead, we have a couple of very standard routine positions to administer the day-to-day running of the lands under the APY executive. With those comments, I am prepared to leave that clause. Is there any possibility (as foreseen by the government) of there being some such ombudsman or administrator appointed, in consultation with Anangu of course, as a means of ensuring that money is not only spent appropriately but is coordinated when it is spent on the lands?

The Hon. J.D. HILL: The advice I have is that the government has already appointed a service coordinator. As to whether or not an ombudsman—an additional position—is required, I will refer to my colleague in another place and ask him to look at the idea. I guess all these suggestions are worthwhile. It then becomes a matter of resourcing. Do you put more money into those kinds of things, or do you put it into services on the ground? I suppose, in an ideal world, you could put all these things together, but it becomes a matter of priority. I am happy to refer it to my colleague in the other place.

Clause as amended passed.

Clause 6.

Mr HANNA: I move:

Page 4, lines 30 and 31—Delete paragraph (a) and substitute:

(a) to acknowledge and support Anangu ownership of the lands and to make provision for that support;

This gets back to the issue of who is responsible for provision of services on the lands and how the hell they can do it without resources.

We are dealing with a clause in the bill which concerns the objects of the act. In other words, what do we as a parliament and what do the Anangu want to achieve through this legislation? The way it has been expressed it does acknowledge Anangu ownership—that is good, and we all agree with that. It sets up the APY as a body corporate and sets out its powers and functions and also seeks to provide for efficient and accountable administration and management—well, there is no dispute about any of that.

But does that go far enough in what we are trying to achieve with the legislation? I suggest that we actually want to achieve more than just setting up some machinery; we actually want to provide the support so that we can get the results we ultimately want—less suicide, fewer bashings, less petrol sniffing, and so on. That cannot happen without support and, therefore, I am echoing an amendment moved in the Legislative Council which provides that not only should we acknowledge Anangu ownership of the lands but that we should also say that it is a goal of the act (technically called an object of the act) to make provision for supporting Anangu ownership. It cannot happen without support.

In moving this motion I acknowledge that the Hon. Kate Reynolds has moved many of the amendments I will move (and I have additional ones that were not moved in the Legislative Council), and I thank her for the work that has been done. Certainly, the Greens and the Democrats have a very cooperative attitude in relation to this issue.

I cannot understand why the government or opposition would not support this as an object of the act. Why would we not want to say that we would support Anangu ownership and that we would make provision for that support? It is a commitment of the most general possible kind that somehow logistically we will provide the resources through budgetary means so that ownership of the land is not a mere technicality, but that it is a functioning community up there. That is what we really aim for, and it cannot be done without the provision of support. It might mean training or it might mean the funds to spend money on policing, child welfare or health services and so on; however, I am not even getting into that level of detail because the objects are at the most general level. Surely provision of support, putting it in its most general terms, is an object with which we would all agree.

The Hon. J.D. HILL: The government does not support the amendment and there are two reasons for this. First, the objects in the bill that the government is presenting were determined through consultation with the APY executive, so they are the words that they prefer. The other is a legal nicety; that the object of the act in the bill states that the act is to provide for and subsequently acknowledge Anangu ownership of the lands. The amendment of the member for Mitchell suggests that the objects in the bill would be amended to state that the act acknowledges ownership. In fact, the advice I have is that this would misrepresent the fact that legal title to the land was granted under the 1981 act to AP as a body corporate.

Mr HANNA: In respect of that point, I have a different position from the government. After all, the bill itself talks about acknowledging Anangu ownership of the lands. I am talking about acknowledging it and making provision to support that ownership. At least we are all agreed that there should be acknowledgment of Anangu ownership. What I am talking about is ensuring that we all have a commitment to supporting that ownership, not just through legislation but through the logistics necessary to provide management and coordination on the lands. I would not have thought that that was too much to ask.

The CHAIRMAN: The question is that the amendment be agreed to—declared negatived.

Mr HANNA: Divide!

While the division was being held:

The CHAIRMAN: There being only one vote for the ayes, I declare the amendment lost.

Amendment thus negatived; clause passed.

Clause 7.

Mr HANNA: This is a very significant clause in relation to white fellas changing the way in which the AP executive does its business. Section 5 of the current legislation requires documents of legal significance to bear the signatures of five members of the executive. The bill waters down the section dramatically and provides that the APY must either have on its documents the signature of six members of the executive or (and this is the crucial part) 'any two of the following: the Chairperson, the Deputy Chairperson, the Director of Administration, the General Manager'. As the bill stands, the

chairperson and deputy chairperson will be Anangu, but the director of administration and the general manager may well not be Anangu.

So, you can have two white managers up there who, by themselves, can go out on behalf of the APY executive and sign off on major legal contracts. It is no good coming back later and saying, 'Maybe not all Anangu agreed with that.' If the two white fellas in that scenario have signed off on behalf of the APY, that is it. It can be relied on in a court of law and, although a company or individual may have done a deal with the APY, because these two white fellas have signed off on it that is it, and the APY are bound by it. Anangu do not want that. They do not want white fellas doing the business for them. That is not the purpose of this legislation, and it should not be allowed. Therefore, I move:

Page 5, line 15—Delete 'any 2 of the following' and insert:
2 of the following (1 of whom must be the Chairperson or the Deputy Chairperson)

The amendment suggests that at least one of the two people required to sign a legal document must be the chairperson or the deputy chairperson. So, at least one Anangu has to be involved in signing a significant legal document. This is just a small measure of support to ensure that two white fellas will not go up there (whether they be men or women, I will call them 'white fellas') and run things for the Anangu by signing off on their legal documents. It is to ensure the continuing involvement of Anangu themselves in their most significant legal dealings that I bring this amendment to the committee.

The Hon. J.D. HILL: My advice is that this is a standard provision and is only an evidentiary provision which creates a presumption in the absence of proof to the contrary, and it compares with section 12, which creates a conclusive proof. As such, in view of the AP's request to make execution of documents less difficult, there seems little need to restrict execution in the manner proposed by the amendment. I indicate that the government does not support the amendment.

The committee divided on the amendment:

AYES (3)

Hanna, K. (teller)	Kotz, D. C.
Lewis, I. P.	

NOES (19)

Atkinson, M. J.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Foley, K. O.	Geraghty, R. K.
Hill, J. D. (teller)	Key, S. W.
Koutsantonis, T.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
O'Brien, M. F.	Rankine, J. M.
Scalzi, G.	Thompson, M. G.
Venning, I. H.	Weatherill, J. W.
Wright, M. J.	

Majority of 16 for the noes.

Amendment thus negatived.

Mr HANNA: I would say that, in the absence of that amendment passing, we would be better off leaving it as it is and maintaining the current situation where five of the executive need to have signatures on a document, if it is to be binding on the whole of the Anangu. Getting the signatures of five members is not too much to ask: if you simply wait for an executive board meeting you will get five people, and it is not a bad thing if the assent of five people is required before Anangu as a whole is taken to be bound by a legal document.

The Hon. D.C. KOTZ: Before we accept the clause, I want to comment on why I supported the amendment. I do not know whether members understand what is going on here, but this clause is one of the most aggressive means I have seen of anyone trying to make sure that the people who actually own a piece of property do not get the opportunity to vote. This clause says that six members of the executive board can be used as signatories on an evidentiary document, and the six members who then are Anangu Pitjantjatjara, but then the clause also says 'or any two of the following'. Two of the following are the director of administration and the general manager, neither of whom are Anangu Pitjantjatjara. You are talking of putting white people in there to make decisions on behalf of Anangu Pitjantjatjara without the people themselves being able to make that decision. That is why I supported the amendment to this clause, because to have the status quo as the clause stands now is totally objectionable.

The Hon. J.D. HILL: I find it extraordinary that a white member of parliament would say that the Anangu Pitjantjatjara people, the executive which has said that it wants this clause, do not know what they want themselves. The point I make is that the director of administration might sound like a white title, but it is actually a position occupied by an Anangu person. The honourable member should check out the facts before making such statements.

Mr HANNA: It is a scenario that can be readily imagined: that the director of administration and general manager might end up being whitefellas. It happens at the moment in respect of a number of communities where the MSO (municipal services officer) is white, and I can tell you what happens in many cases because I have seen it and heard it from the Anangu themselves. The Anangu people are not stupid. They have a good grasp of what it takes to manage their community. They know what they want.

Regardless of whether or not they are Aboriginal, leaving aside that factor completely, when you have someone who says, 'I've been trained up, I know the law, I've been to business school, law school or university and I'm telling you we need to sign this document or else there's going to be big trouble, we're going to lose $10 million of funding—here, you better sign this', with that sort of bluffing that goes on (and it has happened in those communities up there), you will find in unfortunate cases Anangu being bluffed deceitfully by whitefellas who go up there.

For their own motives, whether to make a buck out of it or whatever, we will find some unscrupulous behaviour. I am not referring to anyone involved with the APY Executive presently. I acknowledge that what the minister says is true: that we have a staff member at present who is Anangu, and that is fine, but it is not too hard to imagine in future that we will have two whitefellas in those positions. I am suggesting that we can then have a situation where you have two whitefellas signing off on major contracts and the Anangu being bound by that. That is not a situation that we want to see happen, which is why I will be opposing this clause.

The committee divided on the clause:

AYES (18)

Atkinson, M. J.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Foley, K. O.	Geraghty, R. K.
Hill, J. D. (teller)	Key, S. W.
Koutsantonis, T.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
O'Brien, M. F.	Rankine, J. M.

AYES (cont.)

Thompson, M. G.	Venning, I. H.
Weatherill, J. W.	Wright, M. J.

NOES (3)

Hanna, K. (teller)	Kotz, D. C.
Lewis, I. P.	

Majority of 15 for the ayes.

Clause thus passed.

Clause 8.

Mr HANNA: I move:

Page 5, lines 27 to 29—Delete subclause (2) and substitute:

(2) Section 6(2)(b)(i)—Delete 'any period it thinks fit, in respect of any part of the lands (being apart of the lands vested in Anangu Pitjantjatjara) to a Pitjantjatjara or an organisation comprised of Pitjantjatjaras' and substitute:

A period not exceeding 99 years, in respect of any part of the lands to an Anangu or an organisation comprised solely of Anangu.

The mischief that this amendment goes to is the possibility of mining companies (or others) creating shadowy companies which have Anangu officers and members to take advantage of the provisions restricting corporations in their activities on the lands; in particular, I refer to the obtaining of leases or licences from the Anangu. In other words, I want to ensure that, if the Anangu are going to give a lease or licence to a corporation which wants to come onto the land to do business for whatever reason (whether it be commercial, mining, or whatever) then it should be a corporation which is genuinely Anangu. We do not want any deception. That is the purpose of the amendment.

The Hon. J.D. HILL: The advice I have is that the APY executive requested that land issues not be dealt with in this set of amendments and that they be dealt with in the next set of amendments, except for the issue of short-term leases. Originally, they were five year leases. The agreement in the legislation is that it goes to 10 years, subject to a special meeting.

Amendment negatived; clause passed.

Clause 9.

Mr HANNA: I move:

Page 6, after line 31—Insert:

(1a) Section 8(3)—delete 'shall be held not more than 15 months after the last preceding annual general meeting' and substitute:

must be held in September or October of each year.

The amendment refers to that part of the bill concerning general meetings. The amendment, in particular, inserts a new subclause. It requires the annual general meeting to be held in September or October of each year. The reason for that is that the current requirement of meetings being held not more than 15 months after the last preceding annual general meeting means that annual general meetings can be held very late in the year.

It is a simple point. However, the key to this is that, once you get past November, there is often business to be done on the lands or in the regions contiguous to the lands, and a very large number of people go off to do that traditional business. So, December, January or February are not good times to call an annual general meeting. The simple device that I seek to insert here is that the AGM has to be in September or October of each year. We now have fixed terms for our state parliament, and state elections are to be held on the third Saturday in March every four years. All I am suggesting here is that the AGM would have to be in September or October of each year.

There is an added benefit of this. By simple reference to the constitution, one can see that the AGM has to be in September or October. I suspect that, over the years, it would become ingrained in people's minds: 'Okay, it is September or October; that is when we have to have the AGM,' rather than thinking back to, 'Well, when was the last AGM? The next one has to be not more than 15 months away.' I submit that this is a simple way of going about it. Let us spell out which part of the year it ought to be. That way, we avoid the problem, in terms of a meeting, of the demands of traditional business.

I fully respect those demands. I think everyone who has any understanding of Anangu would appreciate that. Of course, one cannot do anything about people going away for funerals, and that sort of thing, and the sorry business attached to that. One cannot foresee that. But there is some stuff that happens at the end of the year during the hottest part of the year which we do know about: it happens every year. Let us avoid those months and stick to September or October each year.

The Hon. J.D. HILL: I indicate to the member that the government does not support his amendment. The government believes that this matter is more appropriately dealt with in the APY constitution. Setting such a date in the act may be overly restrictive in view of the need to allow for flexibility, for example, in relation to business and funerals and so on, which may need to be accommodated on the land in any particular year. It is also the government's view that this would not be an appropriate amendment without first undertaking extensive consultation with the Anangu as to whether such an amendment would be practical. I do not believe that that consultation has occurred.

Amendment negatived.

Mr HANNA: I move:

Page 6, after line 41—Insert:

(3) Section 8—after subsection (4) insert:

(5) Despite any other provision of this act, a quorum of an annual general meeting of Anangu Pitjantjatjara Yankunytjatjara is 100 people, which must include not less than 10 members from each of at least six electorates (and, to avoid doubt, a resolution made at a meeting that is inquorate is void and of no effect).

(6) The Executive Board must have accurate minutes kept of an annual general meeting or special general meeting of Anangu Pitjantjatjara Yankunytjatjara.

(7) Any Anangu is entitled to inspect (without charge) the minutes at the places on the lands, and during the times, nominated by the Executive Board and approved by the minister.

(8) Any Anangu is entitled, on payment of the fee prescribed by the regulations, to a copy of the minutes.

This is another addition to what is in the bill. Once again, I note that this has been attempted in the upper house. I am hoping that there will be more support in the House of Assembly. There are several subsections hereby added to section 8. I will go through each one. The first is that a quorum of an annual general meeting should consist of 100 people, which must include not less than 10 members from each of at least six electorates.

The background to that I can briefly explain. Ten electorates were drawn up in the last piece of legislation concerning the APY lands. Obviously, those 10 electorates cover a range of communities. Different families and even slightly different languages are involved. Obviously, at an annual general meeting you want a cross-section of all the people who live on the APY lands—all the people who are covered by this legislation. Another issue is the quorum itself. I am suggesting that there should be a minimum number of 100 people at an AGM, and that number is certainly achievable. The precise

population of the APY lands is probably impossible to say. There is probably no one correct number when it comes to population on the lands. It fluctuates, and everyone knows that. We might be talking anywhere between 2 000 and 3 000—maybe more than 3 000 at various times. Out of that number of people you would think that you would be able to get 100 people. The point of it is that you need a broad cross-section if the annual general meeting is to come up with decisions that affect the entire 3 000, or however many people are on the lands.

That is the point of that first part of the amendment. The second part of the amendment that I am putting forward insists that the executive must have accurate minutes kept of an annual general meeting or special general meeting of the APY. That does not mean that the chairperson or the deputy chairperson must sit there writing out everything that is said, but it does mean that the executive must at least arrange for minutes to be taken and kept of these general meetings. That can be quite important, because, in recent times, we have had disputes about exactly what transpired at these general meetings.

A recent example was to deal with the consultation on this very legislation where there was a dispute. Was a motion passed when a proposition concerning this bill was put? I am informed by an eye witness that there was a 32-32 tied vote. The resolution was put again, and it was 100 per cent unanimous one particular way. The details of the debate of that day do not matter right now. The point is that you could have supporters of one side coming out after that meeting saying, 'But the proper result was a tied vote', and you could have other people coming out of that meeting (as they did) saying, 'Look, it was 100 per cent unanimous. We have 100 per cent support.'

You cannot have an evenly divided vote and 100 per cent support. I am giving that as a real-life example to show why it is essential to have the minutes kept. In practice, that might be done by one of the clerical officers, perhaps by the Director of Administration or the General Manager. It does not really matter who does it, but it does give an obligation to the executive that those minutes must be kept. Thirdly, an entitlement is given to Anangu to inspect without charge, that is, without having to pay for the minutes at places on the lands nominated by the executive and approved by the minister.

The point of that is that there is no point keeping minutes of the general meetings if they are stored only at Umuwa. Someone from Pipalyatjara says, 'I want to see the minutes.' If there was a dispute between that person out in the west and someone at Umuwa (the executive), you would not want the executive to say to that person out west, 'Well, you have to come into Umuwa and you can have a look at the minutes right here in front of us.' You actually want some sort of a fair system so that the minutes are available to the various communities. So, that is what that particular amendment is about. It is just to make sure that everyone on the lands is going to have a fair opportunity of having a look at the minutes of the general meeting. That is going to help everybody because it is going to solve disputes about what happened.

Fourthly, a very similar amendment—any Anangu is entitled on payment of the fee prescribed by the regulations to a copy of the minutes. So, taking those two together, we are saying that the minutes should be available for inspection at various places—perhaps each of the communities across the lands—but if you want to get a copy of the minutes you might have to pay a small fee. It might be $5, but that is just to stop, say, 1 000 people all requesting a copy of it, and getting all that paper generated when it is not strictly necessary.

So, this is a provision about the general meetings to make sure that they are run better. They have a better cross-section of people coming along to them so that we know that they are truly representative if major decisions are taken. And we want to make sure that minutes are available for all Anangu, and that will prevent debates and disputes about what happened, what was said, and what was not said at the various general meetings. With that, I commend the amendment to the house.

The Hon. J.D. HILL: The government does not support this amendment. Regarding the first matter, subsection (5), I am advised that the matter of the quorum is dealt with in the AP constitution. Regarding the other three subsections, I am advised that these matters could also be dealt with in the constitution. Corresponding provisions regarding the provision of minutes for executive meetings appear in the bill, but this is because the executive has the power to exclude Anangu from executive meetings. All Anangu may attend general meetings of AP, so it not considered necessary for formal access to the minutes of these meetings to be enshrined in the act in the same manner.

I will make a more general point. The chief criticism of the government in relation to this bill is that it is putting in some provisions which have not been the subject of adequate consultation with the people, yet the amendments which originated from the Hon. Kate Reynolds in the other place and which are now being moved here would seem to me to suffer from exactly that problem. These are ideas that members might think are good, but they are not ideas that have generated out of the community. I would ask the member to think carefully about the things that he is raising in here, because in some ways I think they are slightly patronising: they are telling a community how it should run its business, and they are matters which are really properly the subject of the constitution of that body, which it can determine.

Amendment negatived; clause passed.

New clause 9A.

Mr HANNA: I move:

Page 6, after line 41—Insert:

9A—Insertion of section 8A

After section 8 insert:

8A—Special Report

(1) The Executive Board must, at each annual general meeting, present a report on the operation of the Executive Board.

(2) The report must contain—

(a) the information prescribed by the regulations; and

(b) be made available to Anangu in the form specified in the regulations.

(3) An Anangu is entitled to inspect (without charge) the most recent report presented under this section at the places on the lands, and during the times, nominated by the Executive Board and approved by the Minister.

(4) An Anangu is entitled, on payment of the fee prescribed by the regulations, to a copy of the report.

(5) This section is in addition to, and does not derogate from, any other provision of this or any other Act requiring the Executive Board to provide a report.

This is not in the bill at the moment. It is a requirement that the executive must at each AGM present a report on the operation of the executive. So, it is a straightforward accountability measure. I do not know why the government would oppose that. The amendment further states that the report must contain the information prescribed by the

regulations and be made available to Anangu in the form specified in the regulations. Of course, I do not make the regulations, but if I can get this through, it is up to the government to specify exactly what should be in the report. One would expect it to include things like the number of times the executive met, perhaps who turned up to the executive meetings, and perhaps some summary of the minutes of the executive. It would not necessarily be rehashing everything that the executive has decided, but that is the sort of thing that might appear in the report. That would be up to the government to work out with Anangu what sort of information would be best provided at the AGM, but it is part of providing a bit more structure at the annual general meetings so that there truly is accountability, and there seems to be general agreement that we do want to see increased accountability. There is no real problem with that.

The other aspect to the amendment is an entitlement for Anangu to inspect the most recent report from the executive at various places on the lands which will be nominated by the executive and approved by the minister. Again, the idea of that is that you might get a copy of the most recent report at the administrative office around each one of the different communities. It might be 10 or 12 communities where you might have that report held at the office and available for inspection. I think it is just a measure which will increase accountability. People want to know what the executive gets up to, and I do not mean that in a sinister way. I just mean that people want to know how the executive operates and it is simply a matter of the executive being up-front about that when they come along to the AGM.

The Hon. J.D. HILL: The government does not support these additions. I advise that the measures in large part are covered already in clause 14 which is on page 18, and in particular I refer to section 13A(1) and (5) and 13A(4)(a) and (4)(c).

The committee divided on the new clause:

The CHAIRMAN: There being only one vote for the new clause, it is lost.

New clause thus negatived.

Clause 10.

Mr HANNA: I move:

Page 7, line 4—
Delete '10' and substitute:
11

This is one of those amendments where the substantial part of it comes up later. It is an amendment about the electorates. As I have already mentioned, there are 10 electorates up on the lands, up in Kulka. There are people who believe that their community is worthy of being represented in a separate electorate and that, in my view, is a reasonable proposition because it is a sizeable town in terms of the communities up on the APY lands. It certainly has a distinct identity, even though it is not far away from Pipalyatjara.

This amendment allows there to be 11 electorates instead of 10 and my later amendment No. 32 specifies Kulka, so I put this amendment forward in order to allow that later amendment to be put. To put that another way: amendment No. 32 is consequential upon the passage of this amendment to clause 10.

The Hon. J.D. HILL: The government does not support this amendment for the same reasons I indicated for a number of the other amendments. This is an idea which is being dropped by the member for Mitchell, based on amendments moved by the Hon. Kate Reynolds, from another place, without any consultation at all, as I understand it, with the traditional owners. The number of electorates now is 10, as I understand it, and that was worked out after a very thorough process of consultation some two years ago. We are not necessarily saying that there ought not be an 11th, but that should be as part of a process of consultation with the traditional owners and can be dealt with in stage 2, so that it is not something imposed on them by this house.

Mr HANNA: I just make the comment that there are some very significant parts of this bill which do just what the minister says: impose things on Anangu. That is the whole point of the objection. It is the essence of the objection about the process with Anangu and it is the essence of the objection to the process that we are following in this parliament, where it is being rushed through, and that is why we are taking such a long time about it.

Amendment negatived.

Mr HANNA: I move:

Page 7, lines 6 to 8—
Delete subsection (2a) and substitute:

(2a) Subject to subsection (3), a person may not be a member of the Executive Board while holding office—
(a) as the Director of Administration; or
(b) as the General Manager; or
(c) as an employee of Anangu Pitjantjatjara Yankunytjatjara; or
(d) in a position, and in a body, specified in the regulations.

(3) The Minister may, by notice in writing, exempt a person from the operation of subsection (2a)(d)(and such an exemption may be subject to any condition the Minister thinks fit and may be varied or revoked by the Minister at any time).

This is another amendment to clause 10 of the bill which deals with the executive of APY. Subsection (2a) is replaced by this amendment. The essence of it is that a person should not be a member of the executive if they are director of administration, general manager or someone who works for APY. It is very simply an additional governance provision to avoid conflict of interest and to avoid that difficult situation that I described earlier. Sadly, it does occur but sometimes you will have someone overbearing in meetings and therefore it is better to maintain a distinction between the elected people who are meant to make the ultimate decisions about the strategy and the way things should go for Anangu, and those people who are there to carry out their directives. Obviously, the director of administration, the general manager and other people who are employed by APY are in that category.

I am suggesting that they should not be a member of the executive board while they hold office. There would be nothing wrong with somebody who has worked for APY, once they have finished in that position, being eligible for election, and there would be nothing to stop someone who has been on the APY executive after they have finished their term applying for one of these jobs. I am suggesting that it is better management to separate the two and make sure that those two categories are kept separate. The elected people who are there to look at the objects of the act and the overall management of the lands and those people who work for the executive, be they Anangu or otherwise, should be kept in a different category. That is the reason for this amendment.

The Hon. J.D. HILL: The government does not disagree with what the member said. In fact, all he is adding by his amendment, as I understand it, is subsection (2a)(d), which is the general kind of catch-all in a position and in a body specified in the regulations. It is not clear from the amend-

ment who that would apply to. The advice I have is that this is not a necessary amendment, and we believe that the provision in the bill sufficiently covers the field to deal with any problems or any of the potential conflicts that might occur.

Amendment negatived.

Mr HANNA: I move:

Page 7, line 16—
Delete '3' and substitute:
6

This is another amendment concerning the executive and those matters. At the moment under the bill the minister must cause the electorates to be reviewed not later than three months prior to each election. The review must include consultation with APY and the executive.A broad consultation process is meant to occur when the various electorates are being considered. The point is that the electorates should be reviewed not later than six months prior to each election. Obviously, if the electorates are changed just three or 3½ months prior to an election, it does not give people very much time to prepare for the election. If they want to go around visiting all the families in that particular community, they are welcome to do that. Three months do not give them a lot of time necessarily in which to do that, especially when you have people coming and going, people moving around in the different communities, whether for work or family reasons and so on. It is simply to give the whole of Anangu more notice before the election when electorates are to be changed and you will have voting based on different areas.

The Hon. J.D. HILL: The government does not accept the amendment. The advice I have is that the review of the electorates is to ensure the most electoral representation is developed for an election and, in view of the large amount of movement that occurs on the lands, a review at six months would be less useful than one at three months—that is, three months prior to the next election. The goal is to get the most accurate roll you can prior to the election occurring. An assessment six months before an election would be less accurate than one three months before the next election.

Mr HANNA: I understand the point that is being made by the minister. It does not really answer the point that I made in putting the amendment forward. The other comparison that comes to mind is our state electoral redistributions, which we do in a time frame fairly shortly after each general election. The boundaries are redrawn 12 or 18 months after each general election and that amounts to perhaps 2½ years to three years before the next general election. Perhaps the minister thinks that that is not an appropriate redistribution mechanism, or at least the timing of it. In relation to the minister's response, I can see that there is something in that. Obviously, the closer you get to the election, the more accurate picture you will have of who will be around on election day. However, that surely has to be balanced with the need for people to prepare for an election. The potential nominees need to think about what work they are doing at the time; what is happening in their families at the time; and how much work they want to put into talking people to voting for them. I would suggest that it would have to be more than three months to allow an adequate time for that.

The committee divided on the amendment:

AYES (2)

Hanna, K. (teller)	Lewis, I. P.

NOES (17)

Atkinson, M. J.	Breuer, L. R.
Caica, P.	Ciccarello, V.

NOES (cont.)

Foley, K. O.	Geraghty, R. K.
Hill, J. D.	Kotz, D. C.
Koutsantonis, T. (teller)	McEwen, R. J.
McFetridge, D.	Meier, E. J.
O'Brien, M. F.	Rankine, J. M.
Scalzi, G.	Thompson, M. G.
Venning, I. H.	

Majority of 15 for the noes.

Amendment thus negatived.

Mr HANNA: I move:

Page 7, lines 19 to 29—delete subsections (9) to (11) (inclusive) and substitute:

(9) A member of the Executive Board must, within 3 months after being elected or appointed, commence a course of training related to corporate governance.

We are dealing with clause 10 again, concerning the executive. The real point of this is that there should be an obligation on the part of government to make training available. This has been one of the sore points when dealing with the Aboriginal taskforce. It was said that $50 000 would be allocated for training of the incoming executive after the last APY executive elections. As far as I understand it, that training never took place. I have heard that the APY executive would like training. There are obviously a range of matters—whether it is financial, to do with other governance issues, or whatever—which could be the subject of such training. The way in which the amendment is framed, it looks as if it is an obligation on the part of the executive to undergo such training. That in itself could not be a bad thing, but the other side of the coin is that funding would need to be allocated for that training. Really, it is as simple as that.

Everyone recognises the need for adequate governance on the APY lands. No-one is pointing the figure at the current or any past executive, but it cannot be a bad thing to require a certain amount of training in relation to doing the job. After all, from time to time people will be elected who have had no previous experience of being on a board. It is not a bad thing at all for them to get some training within three months of taking their place on the executive after being elected. Again, it is a simple clause. With some of these, I really wonder why the government would be disagreeing with such a stipulation. After all, what could be wrong with insisting on some training relating to corporate governance?

The Hon. J.D. HILL: The member for Mitchell seems to misunderstand his own amendment. What his amendment does is to take out a whole slab of language which is in a section and substitute a slab of language which is also in the section. In the bill, in section 9, after subsection (7), four provisions are inserted, that is 8, 9, 10 and 11. I draw the honourable member's attention to the existing section 9, which provides:

Subject to subsection (11), a member of the executive board must, within three months after being elected or appointed, commence a course of training related to corporate governance...

The difference is that the government's measure has been approved by the minister. We want to make sure that this is a proper course, not a course put on by Dodgy Brothers. In addition, what the member for Mitchell has left out is the capacity of the minister to exempt a member of the executive board from having to undertake that requirement if there are particular reasons. It may well be that someone cannot get access to a course in that period of time. The member for Mitchell is making it narrower in some ways and making it open to the provision of courses which are improperly

constructed and which may be run by people who are charlatans. This is about having better standards in place. However, the government supports the general provision.

Mr HANNA: The question for the government—and I suppose the opposition—is why it is thought that the executive members could not decide for themselves what an appropriate course would be. Why they would have to be approved by the minister is the question. Once again, where the minister has said to me, 'Well, I should not be standing here as a white fella imposing on Anangu,' that is exactly what the clause in the bill does. It provides that the executive not only have to go on a training course but also that they do not get to choose it. Essentially, it will be something that has to be approved by the minister.

The Hon. J.D. HILL: I do not want to delay the committee, but I would have thought that it is logical that, if people have not undertaken any governance training, it is highly unlikely that they would be able to judge whether a course is suitable. It is about having a minister—the government, in other words, and I guess the department in practice—assess whether or not the processes are appropriate. Otherwise, you could get anyone. There are lots of people around who would put together some sort of package and charge people a lot of money. They would say, 'You've now got a certificate in governance,' which may falsely make people believe that they had a whole lot of skills they would not have. It is about trying to get a proper standard. I fail to see how you could argue against that, but perhaps you have reasons.

Amendment negatived; clause passed.

Clause 11.

Mr HANNA: I withdraw amendment Nos 13 and 14 on the ground that they are consequential to an earlier defeated amendment. I am certainly happy for clause 11 to be dealt with as a whole. In new section 9D(2), the reference to chapter 2D Part 2D.6 of the Corporations Act 2001 of the commonwealth is obviously not self-explanatory. To place it on the record, will the minister advise what grounds there are for disqualification from managing corporations?

The Hon. J.D. HILL: I understand that this is a fairly long provision. It details the grounds on which directors can be disqualified. Primarily, I understand it relates to dishonesty. I cannot do so now but, if the member wishes, we can provide him with a copy of the section in due course.

Mr HANNA: I am happy for the minister to email it to me in due course. Another question I wish to ask relates to new section 9D(4). I am sure that the minister appreciates that, at quarter to three in the morning, after a debate of some hours, I have not had an opportunity to check all the details I would wish in debating the bill. My question is about whether the capacity of the minister to direct the executive to remove a member from office is in the current 1981 legislation.

The Hon. J.D. HILL: The answer is no.

Mr HANNA: I note that we are starting to get into hot water, where we have a reversal of the principle of self-determination. After all, why would the government not leave it to the executive to remove members who fail to comply with the duties they have as executive members? For example, it becomes possible for the executive to remove members of the executive by a two-thirds majority if the member is absent from three or more consecutive meetings. The minister may direct the executive to remove a member from office if they fail to attend six or more executive meetings of the executive. I suggest that the executive members themselves know best the circumstances of an executive member's reasons for absence and that it should be left up to the executive to decide if they are going to chuck someone off the executive. That is a severe power and one would hope that it is only ever used in the most compelling circumstances. I point out to those listening to the debate that this is a dramatic departure from the 1981 land rights legislation because, for the first time since then, as I understand the minister, it allows a future minister to direct the executive to remove one of their number from office.

The Hon. J.D. HILL: I understand that this is a provision that the member considers to be one of the most substantial issues—so does the government. This is one of the provisions which is essential in order to provide the appropriate governance arrangements because, at the moment, the minister does not have any powers to do anything if the executive board, or members of it, are acting in breach of the legislation or failing to attend to their duties. This is what we are trying to address. Under the Local Government Act (and I note that the local government minister is here), he, as the minister, has certain powers which he can exercise in relation to councillors or councils that are acting inappropriately outside their charter. That is an appropriate thing.

It is quite reasonable to have a similar power in relation to this particular executive, and it is one of the requirements to get the governance arrangements in place because, if there is a failure to act appropriately or there is a breach of the legislation, the government has to be able to do something; it cannot just allow it to continue. I point out to the member that this is a discretion, so, in the exercise of his discretion, he would have to ascertain whether or not the breach was so significant that it would require the exercise of that power. It is implicit that the minister would consult and discuss the issue with members of the board as well.

Clause passed.

Clause 12 passed.

Clause 13.

Mr HANNA: I move:

Page 17, lines 32 and 33—

Delete 'audit the accounts of Anangu Pitjantjatjara Yankunytjatjara at any time' and substitute:

at any time, and must at least once in each year, audit (without fee) the accounts of Anangu

The critical thing there is the auditing at least once in each year. This is the problem of being compelled to continue with this debate at nearly 3 a.m. I am not normally one to complain, but I see that my amendment No. 15 was linked with amendment No. 16 and they go together. I will test this amendment. The important thing is that the Auditor-General should be required to audit the accounts at least once each year without fee to the Anangu.

We have the Auditor-General assessing all sorts of government functions and just recently coming to some fame for having a look at the accounts around parliament house and at how much it costs to run the catering service and so on. How about we have the Auditor-General having a look at the APY accounts free of charge to the Anangu? If the government wants to introduce all of these additional governance provisions, obviously a cost is involved. The Auditor-General is there to audit the expenditure of public moneys in any case, so why should he not audit the money that goes through the APY lands each year? One might think that subclause (2) will then became redundant, and that was the intent of my original amendment No. 15.

If I succeed with amendment No. 16 requiring the Auditor-General annually to look at the APY books, then the government might well think that we should go back to

subclause (2) and dispense with that anyway. We have two amendments bound together. There has been some confusion in relation to amendment No. 15, but that does not matter, because it is important at this point that we require the Auditor-General to go up every year to look at the APY accounts. It is important that I have stipulated there that it should be without fee to the Anangu. I would not expect the Auditor-General to send a bill after checking their accounts. We will then have one of the most publicly accountable and thorough scrutinies of the APY accounts we could possibly wish for, and that has to be good for accountability.

The Hon. J.D. HILL: The government does not support this amendment, because it believes it would be far too great an intrusion into the affairs of the AP executive. Under the bill the executive must cause a financial audit each year to be done by an appropriate auditor, and that has been the situation in the legislation since it was first introduced in 1981. The government's bill includes the capacity of the Auditor-General to audit the accounts at any time to give them the power to look into them if there is a particular issue or reason. It is not to have the Auditor-General going in there every year.

The honourable member is suggesting that the APY executive would have to be audited by an official auditor every year and, in addition, by the Auditor-General every year. That is a provision that would be far more onerous than would apply to just about any body that I can think of. If the whole line is that the government is wrong for intruding into this community, then the amendment the honourable member is suggesting is a far greater intrusion than anything the government is suggesting.

Mr HANNA: The minister knows very well that the intention of these two amendments together, even if I have forgone the right to move my amendment no. 15, unintentionally, is that the Auditor-General, rather than a registered company auditor, ought to be the auditor for Anangu, and in this way they get a service free, an excellent service, rather than having to pay for it. Then we will not have arguments about whether the money is being spent or misspent, and we know that the Auditor-General is quite happy to weigh into the state government and probably anyone else if his office feels that money is not being spent as it should or as quickly as it should.

The committee divided on the amendment:

AYES (2)

Hanna, K. (teller)	Lewis, I. P.

NOES (15)

Atkinson, M. J.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Foley, K. O.	Geraghty, R. K.
Hill, J. D.	Koutsantonis, T. (teller)
McEwen, R. J.	McFetridge, D.
O'Brien, M. F.	Rankine, J. M.
Scalzi, G.	Thompson, M. G.
Venning, I. H.	

Majority of 13 for the noes.

Amendment thus negatived; clause passed.

Clause 14.

Mr HANNA: This is the clause in the bill which deals with the reports and the budget. One of the humble aims I had in bringing amendments to the house was to require the minister to come back to both houses of parliament with a report on the operations of the executive. Since the committee has decided to dispense with the definition of Aboriginal Lands Parliamentary Standing Committee, I presume it is the intention of the committee not to have such amendments included in the bill. I will not be proceeding with my amendments Nos 17 and 18. However, I turn to amendment No. 19 and move:

Page 18, line 39—
Delete 'will' and substitute:
may

This amendment adds an element of discretion. It is tied to another amendment. It is in respect of the director of administration. The amendment removes the stipulation that the director of administration must be appointed by the executive board, and it suggests that the director of administration may be appointed by the executive board.

The Hon. J.D. HILL: I indicate that the government does not support this amendment. The amendment would create a discretion which would threaten the position of director of administration. Perhaps what the committee does not understand, or may not know, is that the director of administration has traditionally been an Anangu person and the general manager has frequently, but not always, been a non-Anangu person. There is a mentoring relationship between the two. This is seen to be an essential function by the executive and my advisers. It is important that it is protected by the legislation. If there were discretion there, then it may go, and we would end up with a white administrative person in a particular community; and that would be a great shame.

Mr HANNA: The minister's answer is quite compelling. However, I am prepared to put it to a vote.

Amendment negatived.

Mr HANNA: I move:

Page 20, after line 25—Insert:
13EA—Director of Administration or General Manager to be Anangu
Despite a provision of any other act or law, either the Director of Administration or the General Manager must be an Anangu.

The minister has referred to a practice whereby one of the two key employee positions—in this case titled the director of administration and the general manager—by convention, has been Anangu. I am suggesting that this should be put into the law so that, in fact, we cannot have two white fellas coming on board, albeit with everyone starting out with the best of intentions, and then Anangu being disappointed because of those two white people more or less taking over. A provision already has been passed that allows just those two people to go and sign significant legal documents on behalf of Anangu and, if that happens, Anangu will be bound by it. Having one of those two people at least from Anangu is even more important. This is a provision that has not been dealt with in the Legislative Council. It is an opportunity for the House of Assembly to insist upon something that is convention, anyway, as the minister suggested. This is an important safeguard.

The Hon. J.D. HILL: While I have some sympathy for the position the member is putting, I indicate that we do not accept it. There are two bases: one is a broader philosophical one and the other one is more practical. The broader, more philosophical one is that this is a matter for the determination of the AP executive. It is quite capable of exercising this decision making process and has always, as I understand it, had a director of administration who is an Anangu person.

The more practical issue is that there may well be at some future stage a circumstance where, for example, the general manager is of European background and the director of administration position is vacant and there is no suitable person in the short term to fill it, but there is a requirement

to have someone acting or working in that position for a period of time who may not be an Anangu person. If this provision were implemented, there may well be a breakdown and there would not be someone who could do the job. I am sympathetic with what the member is suggesting, but the practice is that there has always been one or the other in that role—and, in some cases, I think both have been Anangu. I think we can trust the local people to work this out for themselves.

The committee divided on the amendment:

AYES (2)

Hanna, K. (teller)	Lewis, I. P.

NOES (15)

Atkinson, M. J.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Geraghty, R. K.	Hill, J. D. (teller)
Koutsantonis, T.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
O'Brien, M. F.	Rankine, J. M.
Scalzi, G.	Thompson, M. G.
Venning, I. H.	

Majority of 13 for the noes.

Amendment thus negatived.

The CHAIRMAN: Amendment No. 23 is consequential.

Mr HANNA: I agree with that.

The CHAIRMAN: We now move to the member for Mitchell's amendment No. 24.

Mr HANNA: This is truly one of the most important amendments before us tonight. We are now coming to the most critical provisions of the bill under new section 13N and 13O—the powers for the minister to direct the executive and, indeed, the power for the minister to suspend the executive. Although I am proceeding with this amendment, which is effectively to 13N, that will not preclude me from going back to the previous new section 13 clauses when we deal with the clause with or without amendment.

The dramatic departure from the principles of self-determination are manifested in this bill through these two government provisions. The minister, under new section 13N, has the power to direct the executive to take such action as the minister requires to correct or prevent a detriment. In other words, if the minister thinks that the executive is doing something wrong, either by doing something or not doing something, then the minister can step in. There are some criteria. The minister must be satisfied that the executive has refused or failed to exercise, perform or discharge a power, function or duty under the act or the constitution, and the refusal or failure has resulted in, or will result in, a detriment to Anangu generally or to a substantial section of Anangu.

I think that that amounts to the same thing that I said a moment ago. Basically, if the minister is satisfied that the executive has done the wrong thing, the minister can direct the executive to require correction. So, it is not a provision which asks the minister to call upon the executive to reverse its decision or to take some particular action. It is a provision which allows the minister to directly step in and effectively replace a board with an executive decision. The point is that if we have a good minister like the current minister we can assume that there will not be a heavy-handedness about this. However, we make the law for future ministers, and we do not know who those future ministers will be.

This provision allows the minister to say, for example, 'The executive has not done enough to encourage tourism on the lands. Why aren't there tourists going in by the busload to all the different communities, taking photographs, and dropping their lunch wrappers?' Even if they are potentially bringing in alcohol or other problems, if the minister is very much in favour of economic development, even at the expense of the cultural life of Anangu, the minister could step in under this provision and say, 'You shall allow entry to tourist operators, etc. You shall grant them permission to come onto the lands,' or for certain businesses to be established on the lands, or for the stores on the lands to be run in a certain way.

Of course there is the provision that the alleged refusal or failure has to result in a detriment to Anangu or a section of Anangu. But if the minister is so minded, the minister can say, 'On an economic basis, the Anangu are going to miss out if they don't have all this tourism coming through, so I have to step in, override the executive and create all these measures which will facilitate tourism.' That might be one example, and it might be completely inappropriate culturally to encourage a particular kind of tourism which the minister of the day thinks is a good thing. I am extremely uncomfortable about that clause in any case and, if it were possible, I would actually wish division 4B to be put separately, if that were permissible under the standing orders. But I do have an amendment drawn up and, in the event that Anangu are stuck with the right of the minister to intervene or even sack the executive, then at least we could have this procedure followed. I move:

Page 24, after line 37—

Insert:

(1a) However, before giving a direction under subsection (1), the Minister—

(a) must cause notice of his or her intention to give such a direction to be circulated in a manner that is likely to come to the attention of the majority of Anangu on the lands; and

(b) must have regard to any reasonable submissions made by Anangu relating to alternative methods of resolving the problem giving rise to the proposed direction.

There are two parts to the amendment. The first part is that, if the minister is going to take this extreme action of stepping in and replacing an executive decision, then the minister must let the whole of Anangu know that the minister is intending to do this. Now that might be through PY media; it might be through leaflets distributed to the various communities; it might be by emailing the various community officers with appropriate instructions about circulating within their particular community.

The amendment is open about how that is to be done, but the critical thing is that if something as dramatic as ministerial intervention is to occur, I am suggesting that all Anangu should be consulted about it. Why are we here at nearly 3.30 in the morning? It is because people are upset about the lack of consultation in relation to this bill; not all of it. Some of the people are happy with all of the bill, I am told; some of the people are unsure about large parts of it; everyone appears to agree about some parts of it; but there is that critical issue of consultation. Consultation does not mean just going to the executive of the day and talking to them. It means attempting to circulate the government's intentions to all of Anangu, and that should happen. It is one thing with legislation. It is even more critical, I would suggest, when it comes to the minister replacing the decisions of the Anangu executive.

That is the first part of the amendment. The second part of the amendment is that when, as you would expect, sections

of Anangu or individuals respond to the minister's notice of the direction he intends to give, the minister must have regard to any reasonable responses which come back, so the minister must communicate with the Anangu, and it is a two-way process. The minister must say, 'I am about to ride over the decision of your executive that you have elected. I as the minister in this situation have to circulate that widely among the people on the lands,' and then the minister must listen to any reasonable submissions made in return. After all, people might say, 'Look, before you do that, can we have a general meeting or some sort of public meeting in this part of the lands or that part of the lands?' Let's say the minister's opinion is, and the member for Morphett when he is Aboriginal affairs minister, possibly in about 12 years time, may well think that the interests of the Anangu are best served by allowing as much economic development as possible, so let's let the tourist operators in and facilitate tourism sites within the lands so that people can have ridgy-didge outback experiences. One can imagine how that might be marketed.

The people who are most directly affected on the lands might say to the minister, after hearing of this intention of the minister to override an executive which says this is not such a good idea for cultural reasons, 'We would like a big meeting called in our part of the lands where you are proposing to have this tourist site so that we can discuss it really thoroughly with everyone in this part of the lands.' It might be near the highway, it might be the western part of the lands. This is just an example, but it shows how important it would be in that situation for the minister to listen to the people. The minister may find, if the minister listens, that the Anangu executive was right after all and that perhaps intervention would be too heavy-handed and inadvisable.

In summary then, if the minister is going to this extreme measure of overriding an Anangu executive decision, I am simply saying the minister must communicate with Anangu by publishing the intention to do so broadly in the lands and listening to the response.

The Hon. J.D. HILL: I have to say that the government certainly does not support what the member for Mitchell is suggesting and strongly has that view, because what he is suggesting would be, I think, deeply offensive to the people of the lands. I just point out to the member what the powers proposed in the bill do. The minister, before he exercises any direction to the executive, has to satisfy himself or herself on two points—not either/or, but on two points. First, that the board has refused or failed to exercise, perform or discharge a power, function or duty under the act or the constitution. In other words, they have to breach the rules. More than that, not only do they have to breach the rules, but, secondly, that breach has got to be of some detriment to the people generally or to a substantial section of people. So they have to have broken the rules and it has got to be hurting them.

The notion of a tourism development is just fanciful. There is nothing in the legislation, and I doubt if there would be anything in the constitution, which would say that they have to approve tourism developments. There would be nothing in there which said that they had to, although there might be a power which allows them to consider it, but there is just no way that this provision would relate to such a matter. It is more likely, I would have thought, that it would relate to something to do with financial management such as bills not being paid. For example, if it is the responsibility of the board to pay bills and the minister discovers that the bills have not been paid—so there is a breach of the act and it is likely as a result of that that services will be ceased to be delivered and there will be no food coming into the store—then what the minister would do in those circumstances is to direct the executive board to perform that duty, which is to pay the bill. That means the food goes into the store and it is all sorted.

What the member is suggesting would be of great embarrassment to members of the executive because everybody in the community would be told that the bill had not been paid on time and the consequences of that might be X, Y and Z, and then they would all be invited, under the honourable member's proposition, to say what they thought about what ought to happen and this could create a much bigger issue than it may have been in the first place, when all the minister was saying was, 'Look, you haven't paid the bill; pay it,' and it gets sorted out without that embarrassment. This is a provision to help make the governance work. I put to the member most respectfully that what he is suggesting would, in some circumstances, be of huge embarrassment to the community or to the members of that executive, and a matter of great shame to them, I would have thought.

Mr HANNA: It is true that what the minister says could be right in some circumstances. He has given one example. It does seem hard to believe that such an extreme power is put there because someone might forget to pay the bill on time. I think it is more likely that this provision could be used by a minister who favours economic development over the cultural life of the people to intervene in the way that I have mentioned. So it seems that the difference between us is that the government does not accept there is a danger of that, whereas I do not accept that it is going to be used in a trivial case. It is going to be used in a significant case when it happens, and that is why it should be something that is completely above board and publicised throughout the lands.

The minister said that something like development of a tourism site would not be covered by this clause because the clause is about the executive breaking the rules. That is not what it says. There is nothing in the clause about breaking the rules. It is simply about the executive failing to exercise a power that it has. It has powers to do a wide range of things and, if it wants to engage consultants to set up a theme park, it can. That is one of the things the executive could do. It can sign legal documents on behalf of Anangu generally.

So that is extremely broad and, sure, it allows situations to be fixed where no-one would argue there needs to be a remedy (for example, for bills to be paid), but it also allows abuse of Anangu by a minister who favours economic development over the cultural life of the people, and that is why I am concerned. That is why some of the traditional owners at least are concerned and why they would like to think through these sorts of scenarios more carefully.

I note that the ministerial intervention is in a two stage process. First, the minister tries to direct that the executive should do the thing the minister wants it to do, and then if the executive does not do it the minister can take the action himself or herself. Indeed, the new section goes on to say that the action can be taken on the minister's behalf by a member of the minister's department or another person authorised by the minister for the purpose. So one can imagine that, if some economic project on the lands was not going the way that the minister thought it should go, it would be possible to intervene and send up a Bob Collins character, or whoever you can imagine, from the department to run the show the way that the minister prefers. The minister simply has to justify that by saying, 'Well, there would have been some sort

of detriment to the people up there if I had not intervened.' Politicians say that all the time.

The committee divided on the amendment:

AYES (2)

Hanna, K. (teller)	Lewis, I. P.

NOES (15)

Atkinson, M. J.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Geraghty, R. K.	Hill, J. D. (teller)
Koutsantonis, T.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
O'Brien, M. F.	Rankine, J. M.
Scalzi, G.	Thompson, M. G.
Venning, I. H.	

Majority of 13 for the noes.

Amendment thus negatived.

Mr HANNA: I move:

Page 25, after line 27—
Insert:

(ab) neither the director of administration nor the general manager may be appointed as administrator;

This is a different matter. Under the new law, the minister has the right to send in an administrator to run the show instead of the executive. I am saying that the administrator should not be the director of administration or the general manager. If the minister is to send in someone, it should be someone from outside the situation to give an objective appraisal of what is occurring. It would not be appropriate for that to be one of the key employees of the APY.

The Hon. J.D. HILL: I indicate the government does not support this amendment. It is highly unlikely that the government, in the circumstances where an administrator were to be appointed, would appoint the director of administration or the general manager. However, there may be some circumstances where that person would be an appropriate person; say, if there was an outstanding person—maybe Lois O'Donoghue, or someone such as that. In days gone past, she might have been the director of administration or the general manager, and if the executive collapsed, she is on the ground. You would appoint her for a period until you could re-arrange the circumstances. It may not have to be a huge crisis; it may be something that happens in the short term. So, while I concede that it is very unlikely, it is not something that you would want to necessarily rule out.

Amendment negatived.

Mr HANNA: Mr Chairman, I draw your attention to the state of the committee.

The CHAIRMAN: There is a quorum present. In the federal parliament this is automatic naming, and as tempting as it is to name the member for Mitchell I do not think that is the practice. However, it is very bad form to call quorum when there is a quorum present, so I warn the member for Mitchell.

Mr HANNA: I apologise to the committee for that unnecessary question, but it is also bad form, you would agree Mr Chairman, to be lying down on the benches where one cannot be seen—and I am not saying that you are, sir, but some people are.

Members interjecting:

The CHAIRMAN: Order!

Members interjecting:

The CHAIRMAN: Order! The member for Mitchell has the call.

Mr Koutsantonis: You are wasting taxpayers' money.

The CHAIRMAN: Order!

Mr O'BRIEN: Keeping the staff up all night; you are a damn disgrace.

The CHAIRMAN: Order! The member for Mitchell has the call.

Mr HANNA: With those amendments having failed, I return to a matter earlier in this clause. There are, of course, a number of new sections proposed in the clause, and I refer to a matter which could well arise—and I say that because something very much like it has arisen. However, I will not go into the details of something that has occurred on the lands. I am talking about the new section 13G, whereby these senior employees of the executive can have their appointment terminated.

I look through the various reasons on which the executive can base a decision for termination—for example, incapacity, failure to carry out official duties, failure to comply with certain governance duties, serious misconduct, conviction of an indictable offence or bankruptcy (I am paraphrasing those reasons). What would be the case if one of those senior employees met with the Aboriginal Lands Standing Committee and gave information which reflected adversely on the executive, for example? Could that be said to be serious misconduct? Is that the sort of thing—

The Hon. J.D. HILL: Kris, I am finding it difficult to follow what you are saying; I am finding it hard to hear for a start. Could you point out what section you are referring to?

Mr HANNA: I am referring to new section 13G on page 20. Did the minister hear the scenario I put?

The Hon. J.D. HILL: No.

Mr HANNA: I will have to ask that question again. The scenario I put was where one of these senior employees of the APY gave evidence or otherwise informed the Aboriginal Lands Parliamentary Standing Committee about matters that reflected adversely on the executive. Is that the sort of situation which is intended to be covered by these reasons which are given for potential termination?

The Hon. J.D. HILL: No, of course not. It is certainly not what is intended.

Mr HANNA: I presume that the only relevant possible reason listed there would come under the misconduct category. I suppose that it would then be a matter of law whether such adverse reflections were so serious as to amount to serious misconduct.

The Hon. J.D. HILL: Obviously, everything is a matter of law, but it is not intended to trap general managers who do things that are within the normal course of their activities. It is about them doing things that are dishonest. I would have thought that you would not want someone who has their hand in the till or involved in some other activity that is against the interests of the people and damaging to the reputation of the people. That is really what it is about.

Mr HANNA: I ask that, because this is a very long clause, the new sections 13A to 13M be put as a block prior to new sections 13N and 13O.

New sections 13A to 13M agreed to.

New sections 13N and 13O.

The ACTING CHAIRMAN: The question is that new sections 13N and 13O be agreed to.

The committee divided on the new sections:

The CHAIRMAN: There being only one member for the noes, I declare that new sections 13N and 13O are agreed to.

New sections 13P and 13Q agreed to; clause passed.

Clause 15.

Mr HANNA: Before addressing my amendment to clause 15, I place on the record, before 4 o'clock, that I have certainly suggested to other parties that we could come back tomorrow and finish the entire committee and third reading stages within three-quarters of an hour. But that is not the will of other members, and I am quite happy to continue.

Members interjecting:

Mr HANNA: It was certainly other members who suggested that we should call it a night, but I am quite happy to continue.

Mr O'Brien: Getting a bit tired, are you?

Mr HANNA: No, member for Napier; I am not.

The ACTING CHAIRMAN (Mr Koutsantonis): Order! It is disorderly to respond to interjections. Get on with your amendment.

Mr HANNA: That is a good ruling. I move:

Page 27, line 23—Before 'Anangu' insert:
Subject to this Act,

This simple amendment makes clear that the executive board's obligation is subject to this act.

The Hon. J.D. HILL: It might be simple, but it is also simple-minded. The facts are that this is subject to the act. It does not need to be said, as it is subject to the act.

Amendment negatived; clause passed.

Clauses 16 to 18 passed.

Clause 19.

Mr HANNA: I ask the minister about the second stage or, I should say, the next stage of amendment of the land rights legislation. What is the time frame proposed for coming back with amendments concerning mining?

The Hon. J.D. HILL: The advice I have is that these will be dealt with in the new year. We expect consultation will take a considerable period of time because the amendments or the issues are very complex and subject to a lot of community feeling and different positions; so we have no fixed timetable to introduce them into this place.

Clause passed.

Clause 20.

Mr HANNA: I move:

Page 29, line 25—
Delete all words in line 25 and substitute:
(1) Section 22(1)—delete 'Royalty' and substitute:
Despite a provision of any other act or law, royalty
(2) Section 22(2)(a)—delete 'one-third' and substitute:
50 per cent
(3) Section 22(2)(b)—delete 'one-third' and substitute:
50 per cent
(4) Section 22(2)(c)—delete paragraph (c)
(5) Sections 22(3) and (4)—delete subsections (3) and (4)

This amendment is to increase the amount of royalties, in other words payment for minerals, which would go to Anangu in the event of successful mining operations. Clearly, it is of benefit to Anangu. It is as simple as that.

The Hon. J.D. HILL: The government is prepared to examine the suggestion, but on the basis of what the people themselves have asked we are not dealing with mining issues, including the royalty issues, in this legislation. We do not accept the proposition.

Amendments negatived; clause passed.

Clauses 21 to 25 passed.

Clause 26.

Mr HANNA: I move:

Page 30, lines 16 to 18—
Delete subclause (1) and substitute:
(1) Section 36(1)—delete 'Any Pitjantjatjara who is aggrieved by a decision or action of Anangu Pitjantjatjara, or any of its members' and substitute:
An Anangu who is aggrieved by a decision or action of Anangu Pitjantjatjara Yankunytjatjara or the Executive Board.

This amendment is to ensure that two kinds of potential disputes are covered rather than just a dispute with the executive. The point is that somehow an individual person on the lands may have a grievance with the APY, which is a body corporate. A person in that situation should have the same dispute resolution process available to them as a person who is aggrieved by a decision or action of the executive itself.

The Hon. J.D. HILL: I understand that the proposition moved by the member for Mitchell returns the provisions back to the provisions in the current act. That requires that, whenever there is a dispute, a tribal assessor is brought in to conciliate. There was an unfortunate consequence of that provision, because it applied not only to disputes between Anangu and the executive board but also between individuals and the community. For example, if a husband and wife were having a domestic, a tribal assessor would have to be called in to conciliate. That seemed to be an unnecessary intrusion into the normal relations between people. So, this is about specifically having an ability to deal with disputes between the people and the executive board, which is really, I guess, what the original intention would have been.

Amendment negatived.

Mr HANNA: I move:

Page 30, line 23—
After 'is' insert:
trivial,

This amendment simply inserts the word 'trivial', so that a conciliator could refuse to hear an appeal if it was trivial, frivolous or vexatious. It is simply extending and better describing the circumstances where we collectively think it is unnecessary for a conciliator to be involved.

The ACTING CHAIRMAN (Mr Koutsantonis): Those in favour say 'aye', those against—

Mr HANNA: Sir, might I hear a response from the minister before the question is put?

The ACTING CHAIRMAN: Technically, you do not have to.

Mr HANNA: No.

The ACTING CHAIRMAN: It is up to the minister to stand in his place, and he did not stand in his place.

The Hon. J.D. HILL: This is an incredibly trivial issue, because the advice I have is that the words 'frivolous' and 'vexatious' cover anything that 'trivial' might cover.

Amendment negatived.

The Hon. J.D. HILL: I move:

Page 30, line 34—
Delete 'Ngaanyatjara' and substitute:
Ngaanyatjarra

This amendment deals with the issue of the spelling. I gave the arguments in favour of that in relation to clause 5.

Amendment carried; clause as amended passed.

Clause 27 passed.

Clause 28.

Mr HANNA: This is a difficult situation, because we have had the definition of 'Aboriginal Lands Parliamentary Standing Committee' deleted. So, strictly speaking, this is consequential. However, the minister might at least advise the house on the merit of having to report annually in some form

to some relevant body—maybe even the parliament itself—on the grazing of livestock, the leases involved and so on, so that, from an environmental point of view, the government can have an idea of the use of the land and degradation of the land, if it comes to that.

The Hon. J.D. HILL: As the minister responsible for that legislation, I am very supportive of what is proposed here. This is an issue which, by agreement with the Aboriginal land-holders, we will consider in stage 2. It is an important matter, and I assure the member that it will be considered appropriately.

Mr HANNA: I have not moved it. I will not proceed with the amendment.

Clause passed.

Clause 29 passed.

Clause 30.

Mr HANNA: My amendment No. 32 is consequential.

The Hon. J.D. HILL: I move:

That clause 30 be inserted.

The ACTING CHAIRMAN: The member for Mitchell has an amendment to the proposed inserted clause.

Mr HANNA: Yes. I am just having trouble reading the erased type.

The ACTING CHAIRMAN: It is your amendment No. 31.

Mr HANNA: Did you say amendment No. 31?

The ACTING CHAIRMAN: Yes.

Mr HANNA: No. Amendment No. 31 is consequential, and so is amendment No. 32. Thank you for your guidance on that, sir.

New clause inserted.

Clause 31 passed.

Clause 32.

The Hon. J.D. HILL: I move:

Page 34—
Lines 21 to 26—
Delete subclauses (2) and (3) and substitute:
(2) The review must be conducted by a panel of three persons of whom—
(a) one must be an Anangu nominated by the Executive Board of Anangu Pitjantjatjara Yankunytjatjara; and
(b) two must be persons selected by the minister with the agreement of the Executive Board of Anangu Pitjantjatjara Yankunytjatjara.
After line 34—
Insert:
(7) In this section—
Anangu has the same meaning as in the Pitjantjatjara Land Rights Act 1981.

These two amendments relate to each other. The proposition is to establish a review panel, which, within three years of the passage of this legislation, would be conducted into the way in which the legislation works, and that is the commitment that was given. The idea is that there be an Anangu person nominated by the board and two persons selected by the minister with the agreement of the executive board. This is at variance to the proposition that was moved in the other place which would, I think, give the Ombudsman the responsibility to make those choices. It is believed that this is a better way and much more likely to reflect the local communities' interests and views.

Dr McFETRIDGE: The opposition supports these amendments and emphasises the fact that this bill will be reviewed in three years. This panel is one that we understand the Anangu support, and we look forward to its being able to exercise its powers in three years.

Amendments carried.

Mr HANNA: I move:

Page 34, line 31—
Delete 'third' and substitute:
second

This amendment refers to a report reviewing the operation of the amendments affected by this act. The bill asks for it to be completed before the third anniversary of the commencement of section 1. I am suggesting that it be the second anniversary, so that we have a look at it after two years have passed.

The Hon. J.D. HILL: We do not accept that. The commitment is to do it within three years, and I think that is a reasonable amount of time. To constrain it to within two years would mean that we are almost reviewing it as soon as the thing is established. We have to get it running so that we can have a proper look at it.

Amendment negatived.

The Hon. J.D. HILL: I move:

Page 34, after line 34—Insert:
(7) In this section—
Anangu has the same meaning as in the Pitjantjatjara Land Rights Act 1981.

This amendment is consequential on the other amendment that has just been agreed to by the committee.

Amendment carried.

Mr HANNA: Just on that clause, strictly speaking my amendment no. 35 was not consequential but I decided not to proceed with it, anyway.

Clause as amended passed.

Schedule 1.

Mr HANNA: I have a question before turning to the amendment that I have on file. It appears to be the government's intention that there will be an election on the lands in November. Has a date been set? Secondly, does the provision about an AGM within 15 months apply, so that it could be as late as February 2007 for the following AGM?

The Hon. J.D. HILL: A date has been set, which is 28 November, and that provision of within 15 months does apply from that date.

Mr HANNA: I want to clarify the government's intention. Surely there is a limit to the number of times that an AGM could be held 14 or 15 months after the previous one. Are there not other limits that would prevent it going to February 2007 and then to May 2008, and so on?

The Hon. J.D. HILL: As I understand it, there will be three-year electoral terms and the provision is that within the first 15 months after the election there has to be an AGM, then there have to be AGMs, I assume, in a 12-month cycle. Let us say hypothetically that the election is in November this year and the AGM is then held in February 2007, then there will have to be another one within that 12-month period.

Schedule passed.

Title passed.

Bill reported with amendments.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That this bill be now read a third time.

I thank all members of the house for their participation and forbearance in relation to this bill. It was important to the government and to the community that this bill was passed tonight. I congratulate the community for having the patience to sit through this action, and in particular I would like to thank the officers who have helped me, Jos Mazel from DPC,

Terry Sparrow from the Department of Aboriginal Affairs and Reconciliation, Ros Daniels from CSO and Mark Herbert, of course, the Parliamentary Counsel.

The Hon. J.D. HILL (Minister for Environment and Conservation): I echo the thanks expressed by the minister. The fact is that there is still a democracy on the lands. There is a democracy in this parliament and, just as there are minority views that need to be taken into account on the lands, there are also minority views in this place which need to be taken into account, and I would not be doing my job if I did not express those views when I felt it was important to do so. At the end of the day, there was so much common agreement about this legislation in respect of the terms of the executive and the inclusion of the Yankunytjatjara, and so on.

It is so unfortunate that it was seen as necessary to rush this legislation through tonight. It would have been easier on all of us and, most importantly, for the Anangu themselves if it had been paced and managed in such a way that it had not come to this. Nonetheless, we accept that the legislation has gone through, and I wish all the potential nominees for election on the lands in November all the best, and whoever is duly elected to the executive for the next three years will certainly have my full support.

Bill read a third time and passed.

CORPORATIONS (COMMONWEALTH POWERS) (EXEMPTION OF PERIOD OF REFERENCES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 4.19 a.m. the house adjourned until Thursday 20 October at 10.30 a.m.