LEGISLATIVE COUNCIL

Thursday 26 June 2003

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

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

Constitution (Gender Neutral Language) Amendment,

Criminal Law Consolidation (Abolition of Time Limit for Prosecution of Certain Sexual Offences) Amendment,

Gaming Machines (Roosters Club Incorporated Licence) Amendment,

Legal Practitioners (Insurance) Amendment,

Mining (Miscellaneous) Amendment,

Prohibition of Human Cloning,

Research Involving Human Embryo,

Shop Trading Hours (Miscellaneous) Amendment 2003,

Statutes Amendment (Equal Superannuation Entitlements for Same Sex Couples),

Statutes Amendment (Gas and Electricity),

Statutes Amendment (Road Safety Reforms),

Statutes Amendment (Water Conservation Practices),

Supply 2003,

Training and Skills Development.

MEMBER, SWEARING IN

The President produced a commission from Her Excellency the Governor authorising him to administer the oath of allegiance to members of the Legislative Council.

The President produced a letter from the Clerk of the assembly of members informing that the assembly of members of both houses of parliament had elected Ms Jacqueline Michelle Anne Lensink to fill the vacancy in the Legislative Council caused by the resignation of the Hon. D.V. Laidlaw.

The Hon. J.M.A. Lensink, to whom the oath of allegiance was administered by the President, took her seat in the Legislative Council.

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT: I lay on the table the minutes of the assembly of members of both houses, held on 26 June 2003, to fill the vacancy in the Legislative Council caused by the resignation of the Hon. D.V. Laidlaw.

Ordered to be printed.

QUESTION ON NOTICE

The PRESIDENT: I direct that the written answer to the following question be distributed and printed in *Hansard*: No. 253.

INDEPENDENT GAMBLING AUTHORITY

253. **The Hon. CAROLINE SCHAEFER:**

1. Which specific government boards and/or committees under the portfolio of gambling is the minister intending to abolish?

2. How much money will be saved by axing these bodies?

The Hon. T.G. ROBERTS: The Minister for Gambling has advised:

1. There is only one government board under the gambling portfolio—the Independent Gambling Authority. The Independent Gambling Authority was formed in October 2001 from the former Gaming Supervisory Authority. The functions of the authority include to develop and promote strategies for reducing the incidence of problem gambling, to undertake or co-ordinate research into gambling matters, to ensure the effective and efficient system of supervision is maintained over gambling licensees and the administration of a statewide voluntary barring scheme.

There is no intention to abolish the Independent Gambling Authority as it plays in integral part of the government's policy on responsible gambling issues. The priority for the authority at this time is to develop advertising and responsible gambling codes of practice to apply to all commercial gambling industries in the state and to conduct an inquiry into the gaming machine freeze in accordance with the terms of reference provided by the Minister for Gambling. Public consultations are currently underway on these important issues.

2. As highlighted there is no intention to abolish the Independent Gambling Authority.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. P. Holloway)—

Regulations under the following Acts—
- Fisheries Act 1982—
  - Commercial Fees
  - Crab Net
- Meat Hygiene Act 1994—Fees
- Primary Industry Funding Schemes Act 1998—
  - McLaren Vale Grape and Wine Group
- Public Corporations Act 1993—Industrial and Commercial Premises Corp
- Senior Secondary Assessment Board of South Australia Act 1983—Curriculum Statements

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

Regulations under the following Acts—
- Statutes Law Revision Regulations—Acts (Various)—
  - Clerical Amendments
- Co-operatives Act 1997—Corporations Act Application
- Dental Practice Act 2001—Supervision Requirements
- Medical Practitioners Act 1983—Practice Fee
- South Australian Health Commission Act 1976—
  - Medicare Patient Fees
- Training and Skills Development Act 2003—
  - Recognition Services

Rules of Court—
- Supreme Court—Supreme Court Criminal Rules 1992—Questionnaire Deleted
- Supreme Court—Supreme Court Rules 1987—E-filing Pilot

Third Party Premiums Committee—Determination

National Parks and Wildlife Act 1972—Proclamation—
- Nene Valley Conservation Park

Operation of the City of West Torrens—Flood Prone Areas Plan Amendment—Interim Report

Operation of the City of Playford—Buckland Park and Environs Plan Amendment—Interim Report

Response by the Minister for Health to recommendations by the Sixteenth Report of the Social Development Committee—Inquiry into Attention Deficit Hyperactivity Disorder.

MOBILE RADAR UNITS

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement in relation to mobile radar clarification made by the Acting Premier yesterday.

CORA BARCLAY CENTRE

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement in relation to a question asked by the member for Wright on the Cora Barclay Centre made by the Acting Premier.

ESTIMATES COMMITTEES

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement on questions asked by the member for Bragg during the estimates committees made today by the Acting Premier.

CORA BARCLAY CENTRE

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement on the Cora Barclay Centre made today by the Acting Premier.

ESTIMATES COMMITTEES

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. HOLLOWAY: During the estimates committee hearings for the Department of Primary Industries and Resources on Friday 20 June 2003, I was asked the following question by Dr McFetridge MP:

> What new capital investment initiative does the minister envisage will commence within his portfolio in the coming year?

I wish to clarify the answer I gave in response to that question. I said:

> . . . the 2002-03 budget comprised $1.92 million for the Plant and Food Biotech Centre. Obviously, that will receive further funding during this financial year.

The further funding to which I referred during this financial year for the Plant and Food Biotech Centre refers to the contributions still to be made by the other funding parties, mainly the Australian Genomics Research Facility. PIRSA has already made its full contribution to this project. I also stated:

> There is also some funding for the West Beach outlet pipeline rectification and a number of other smaller projects to a total of $1.359 million during this year.

The budget for the West Beach project is $1.359 million in 2003-04; and total capital expenditure for the agency is $7.861 million in 2003-04 (Budget Paper 5, page 19). In the estimates committee on Friday 20 June 2003 in response to questions from Mrs Redmond MP, I undertook to provide a breakdown of the $5 million drought assistance package announced by the Premier. Accordingly, I seek leave to have the following table inserted in *Hansard*.

Leave granted.

State Drought Assistance Measures

The full list of measures and current status is provided in the table below. Please note that 2002-03 carryovers for each measure are shown in brackets in the 2003-04 Budget column. As such, total estimated expenditure for each measure in 2003-04 should also include any amounts shown in brackets for that measure (e.g. total estimated expenditure for rural counselling in 2003-04 is $180 000).

Assistance Measure	Total Cost $'000	2004-05 Budget $'000	2003-04 Budget $'000	2002-03 Est Result $'000	2002-03 Budget $'000
Rural Counselling	300	0	140 (40)	120	160
FarmBis	1 000	0	700 (0)	300	300
Business Support Grants	1 500	0	500 (700)	300	1 000
Community Grants	150	0	0 (60)	90	150
Sustainable Farming Systems	240	40	120 (40)	40	80
Drought tolerant crop research	150	0	100 (0)	50	50
Central north east program	200	100	100 (0)	0	0
Outback SA	300	100	100 (100)	0	100
Livestock Best Practice	140	0	40 (30)	70	100
Frost Management	50	0	20 (30)	0	30
Additional Road Maintenance	50	0	0 (0)	50	50
Farmhand	200	0	0 (0)	200	200
Total (as per PIRSA Budget)	4 280	240	1 820 (1 000)	1 220	2 220

Contingency Funds held by Treasury for Targeted Assistance Measures and Exceptional Circumstances (refer note below)	720	(Note 1)	(Note 1)	(Note 2)	720
Total	5 000	240	1 820 (1 000)	1 220	2 940

(Note 1) It should be noted that in the State Drought Assistance package announced by the Premier in October 2002, $720 000 was allocated to meet the State component of EC funding, which is held in a Contingency Account by Treasury and has not been included in PIRSA's Budget. As EC funding was not declared in the southern Mallee, and uptake has been slower than expected in the north east, $320 000 of these funds were allocated to other targeted assistance measures as listed in the table below.

(Note 2) Of the $720 000 set aside for Exceptional Circumstances and Targeted Assistance Measures over the course of the program, it is expected that $298 000 will be expended in 2002-03 (of which $50 000 relates to Exceptional Circumstances), which is not reflected in the estimated result figures for PIRSA.

	Funding allocated	2002-03 est. result
Targeted assistance measures	$'000	$'000
Sandrift removal from roads	120	120
Rehabilitation of degraded land	60	60
Capacity Building in the Murray Mallee	80	58
Support for Youth and young farmers	20	10
Coorong and lakes fishery research	40	0
Total	320	248

The Hon. P. HOLLOWAY: In addition, I provide the following information with regard to staff in my ministerial office in response to questions asked of me by Mrs Redmond MP during the estimates committee of Friday 20 June 2003. Again, I seek leave to have the table inserted in *Hansard*.

Leave granted.

Minister's Office Budget			
Position	Occupant	FTE	
Chief of Staff	K Gent	FTE	
Policy Advisor	M Brown	FTE	
Policy Advisor	P Hubert	FTE	
Parliamentary Adviser	H Rodwell	FTE	
PA to Minister/COS	R Holmes	FTE	
Administrative Manager	P Jarrett	FTE	
Admin Assistant	K Smart	FTE	
Admin Assistant/Recept	M Schutz	0.5	0.5 Min Budget/0.5 CE Budget
Admin Assistant	A Tremain	FTE	
Admin/Parl Assistant	R Green	FTE	
Not from Minister's Office Budget			
Position	Occupant	FTE	
Parliamentary/Admin Officer	C Synch	FTE	Dept budget
Ministerial Liaison Officer—Agriculture, & Fisheries	D Crabb	FTE	Dept budget
Ministerial Liaison Officer—Minerals & Petroleum	A Shearer	0.2	Dept budget
Ministerial Driver	J Sommers	FTE	

ESTIMATES COMMITTEE

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a ministerial statement on the estimates committees made yesterday by the Minister for Urban Development and Planning.

ROWAN v CORNWALL

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a ministerial statement on Rowan v. Cornwall made by the Attorney-General.

GENERATIONAL HEALTH REVIEW

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a ministerial statement on the Generational Health Review report made by the Minister for Health.

LEVEL CROSSINGS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a ministerial statement regarding the upgrade of level crossings identified as dangerous made by the Minister for Transport.

QUESTION TIME

WILLIAMS, Mr R.

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about Mr Rod Williams.

Leave granted.

The Hon. R.D. LAWSON: In estimates last week the minister said that he had thought it necessary early on to put in place an Executive Officer, Mr Rod Williams, to support the Anangu Pitjantjatjara executive. In the *Courier Mail* of 24 May this year, details of an audit report prepared by the audit firm KPMG into the affairs of the National Indigenous Development Alliance were published. The National Indigenous Development Alliance, or NIDA as it is called, is a body established to provide economic development opportunities for Aboriginal and Torres Strait Islander people. It was chaired by Mr Ray Robinson, who was until only yesterday the Deputy Chair of ATSIC.

The KPMG audit report revealed a large number of financial irregularities in the conduct of the affairs of NIDA. In particular, the report highlighted issues relating to the Chief Executive of NIDA, Mr Rod Williams. These include $401 994 paid directly to Mr Williams or to his consulting firm Gongon Consulting as reimbursement for office expenses; secondly, office expenses on Mr Williams' charge card; and, thirdly, the fact that Mr Williams was able to authorise his own expenditure and was a signatory to all cheques, including those payable to himself.

The audit report revealed that the company NIDA has gone into administration owing millions of dollars. In its audit report KPMG recommended that potential departures from the Corporations Act be referred to the Australian Securities and Investment Commission for review and that consideration be given to investigation into the use of travel allowances by, amongst other people, Mr Williams, such investigation to be conducted by the ATSIC Fraud Awareness Unit. My questions to the minister are:

1. Is the Mr Rod Williams who has been appointed to assist the AP executive the same person as the Mr Rod Williams referred to in the KPMG audit report of NIDA?

2. Have any payments been made by the AP executive or are they to be made to Mr Williams' company Gongon Consulting?

3. Has the minister or his office or the department been in touch with the ATSIC Fraud Awareness Unit to ascertain the nature and results of their inquiries?

4. What are the financial arrangements relating to the appointment on the lands by the AP executive of Mr Rod Williams?

5. What steps have been taken to ensure that proper management, financial management and accountability measures for the AP executive are observed?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I can report that the Rod Williams referred to in the investigation into NIDA is the same Rod Williams who has been employed by the AP executive as the director-coordinator of the AP executive's activities in establishing itself as a representative body capable of dealing with the responsibilities that the government feels it should engage in. He is the same person. The details of the payments made in relation to his contract are with the AP executive, but I will endeavour to bring the details of his contract back to answer that question. I have not contacted the ATSIC fraud awareness unit—I was not aware that there was such a unit investigating the affairs of Mr Williams—but I will do that and bring back a reply regarding the results of those investigations.

In relation to the financial management of the AP executive: the AP will be audited in the same way as any other organisation to which we supply payments. Both government and the department have a very strong interest in the AP executive having proper accountability in relation to how it spends the funds that government supplies to it, given that the AP executive gets funds from a wide variety of organisations as well as from commonwealth and state sources. I will endeavour to bring the answers to those questions back to the honourable member as soon as possible. I and the department have every confidence that Mr Williams will not be drawn into a public display such as the aforementioned Sugar Ray Robinson has been drawn into. I would be extremely disappointed if there were any connection.

STATE RESCUE HELICOPTER SERVICE

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement on the state rescue helicopter service made today in another place by the Minister for Emergency Services.

POLICE CADETS

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I table a ministerial statement in relation to the September 2003 police cadet intake made today in another place by the Minister for Police and Deputy Premier.

MURRAY RIVER FISHERY

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question on the South Australian river fishery.

Leave granted.

The Hon. CAROLINE SCHAEFER: We have watched the sorry saga of the destruction of the livelihood of the river fishers over some 12 months now, as it gradually winds to its tortuous close. In a letter to the River Murray fishing licence holders dated 23 June this year, the minister advised that he was reinstating the government's ex gratia offer. However, the licensees have been given only until 27 June, that is, tomorrow—four days after he sent them the letter—to accept or reject that offer. Conversely, they have until 30 June to launch a High Court appeal.

The letter contains an implied threat that the government will seek legal costs from anyone who chooses not to accept the ex gratia offer. The fishing families have been allowed an extremely short time to accept the offer, and this does not permit them the opportunity to seek business and/or legal advice and is therefore a denial of natural justice. My questions are:

1. Does the minister accept that an appeal to the High Court is the last appeal avenue available to the river fishers?

2. Does the minister therefore agree that his threat to impose legal charges on those who do not accept his offer before the time to appeal to the High Court expires is little short of blackmail?

3. Will the minister undertake to keep open a compensation offer that was recently made to the River Murray fishers while they explore the options available to them and, if not, why not?

4. Will the minister agree to employing a third party, an at arm's-length arbiter, to decide on a fair compensation package and, if not, why not?

5. Will the minister agree to consider the compensation package for displaced fishers which is enshrined in Victorian law and, if not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am pleased that the honourable member has asked these questions. There was a significant amount of misinformation contained in her questions and this gives me an opportunity to correct that. However, there was so much of it that it might take some time.

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: The honourable member does not seem to understand that the original offer made to river fishers for an ex gratia payment expired some time last year, but the fishers chose to take their rights, as is their entitlement, to the Supreme Court. We all know what happened. It went to court; Justice Williams made a decision; and subsequently, on appeal, that decision was overturned by the Full Supreme Court. In that decision the Full Supreme Court decided that no compensation was payable. In spite of that, the government reinstituted its offer. That was announced shortly after the court case, and I think that three weeks notice was given at the time in relation to the fishers taking up that offer. Clearly, the cut-off date had to be before the end of this financial year because, as everybody knows, the river fishery is due to be phased out by the end of this financial year. Obviously new arrangements have to be in place by 1 July and thus the cut-off date was made for 27 June to enable those new arrangements to be in place by the start of the new financial year.

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: The honourable member says, 'Four days.' I set out the original offer. Following that I was approached by some of the fishers and the member for Chaffey and, as a consequence, I undertook to review the situation in relation to some of those 28 fishers because it was

suggested that there could be some anomalies, particularly with regard to the post-1997 entrants, because when the fishery had been restructured by the former minister for primary industries, Rob Kerin, it had then changed from a fishery with no transferable rights of licence to a fishery with transferable rights of licence. It was put to me that those fishers who had entered the fishery after 1997 had not had sufficient time to establish themselves in the fishery and, therefore, the three years' income figures on which the government's ex gratia payment package was based was not a true reflection of their situation.

As a result of reviewing that, this week I wrote to the fishers again. Nine fishers had entered the fishery post 1997, and as a consequence of examining the issue I was able to adjust the ex gratia packaged offered to eight of them by changing the basis on which the ex gratia payment was made, to be based on the best of three years' income, rather than on the average of the three years. I believe that that would reflect the fact that, for any post-1997 entrant, if they were not able to build-up their returns as a result of buying into and establishing themselves in the new fishery then using the best year's return would more fairly reflect that. As a consequence, I should point out that that added in excess of $200 000 to that particular package. In addition, the honourable member also asked about the costs. I remind her that the Supreme Court awarded costs against the river fishers.

What I said in the letter to those river fishers was that, for those fishers who accepted the ex gratia payment package, I would not pursue individually third party legal costs in relation to those fishers. Far from being a threat, it was a very generous offer in relation to fishers who accept it now. I also make the point that when I originally made this offer, shortly after the decision of the Supreme Court, it was certainly before the river fishers had announced that they were considering appealing. That date of 27 June was set before that time and reflects the fact that the new arrangements for the river fishery must be in place by the end of the financial year.

That is the reason for that date. It was certainly made clear before there was any announcement by the river fishers. Indeed, I have had a series of meetings with the river fishers. First, I met with a group of three, together with the member for Chaffey. I also met with the president of the river fishery association and one other fisher. I have also met with two other fishers individually on occasions to discuss particular issues. I have spent a considerable amount of time trying to be fair to each of the individuals.

The cases in this fishery are quite complex. Obviously a number of fishers have individual needs, but I have a duty to the taxpayers of this state (whose money is being used in relation to the provision of any ex gratia payments) that any method applying to those fishers be transparent, fair and uniform. Whatever rules we set have to apply to all those fishers. As a result, it is now over to those individual fishers. One thing I should also add is that the other basis—

The Hon. J. Gazzola: There's more!

The Hon. P. HOLLOWAY: Yes, there is more. The other basis for the change I made for the post-1997 fishers was that the no ex gratia payment would be less than twice the current value, that is, not the actual paid value but the current value paid by any of the post-1997 fishers for their licence. Let me say, though, that that affected only two fishers. For the others whose package was adjusted, in fact the income formula was more generous than that figure of twice the paid licence. Through that consideration, I think I have done everything possible to be fair to the river fishers. I also have an obligation to the taxpayers of this state to be fair—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! There is too much interjection from both sides of the chamber.

The Hon. P. HOLLOWAY: The Hon. Angus Redford's interjection deserves to be put on the record because he says that they did not challenge that. If a decision is appealed—and the full bench of the Supreme Court unanimously rejected it three zip—and they come to the conclusion (as they did) that the government was not obliged to pay any compensation, I am not quite sure how the Hon. Angus Redford can come to the conclusion he just did.

The Hon. Caroline Schaefer: Have you read the findings?

The Hon. P. HOLLOWAY: Yes, I have read the judgment and, indeed, I have discussed it with all the river fishers. It is on the record what the full bench of the Supreme Court found in relation to the matter. It is entirely up to river fishers whether they wish to pursue their legal rights in the High Court. The government did not have to make the ex gratia offer, which I announced shortly after the full bench decision. Indeed, we have increased the offer. I ask members opposite whether, had the full bench decision gone against the government, they think that the river fishers would have been prepared to negotiate the package downwards with the government. I think not. In spite of this, I have always attempted to have a fair and reasonable deal in relation to these river fishers. The package is one that I hope, come the end of this week, the river fishers will accept.

LABOR PARTY RAFFLE

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the minister representing the Minister for Gambling a question about Labor Party raffles and claims of donation rorting.

Leave granted.

The Hon. R.I. LUCAS: Mr President, I am sure you and members would be aware of recent claims in the national and local press of scandals in relation to Labor Party raffles and claims of donation rorting. I do not intend to go through all the detail of those, but I will refer to a statement made by Senator Nick Bolkus on 23 June this year when he said:

> In the lead-up to 2001 election, I was involved in the Hindmarsh election campaign. The campaign conducted a number of major raffles in accordance with South Australian law.

Members would have read the other aspects of that particular statement of Senator Bolkus. Since this issue has reached the public airwaves, the opposition has been contacted by a Labor Party source who has provided significant further information in relation to Labor Party raffles, if I can use the word advisedly, and donation rorting. Amongst the information provided to the opposition, information was provided to the opposition as follows:

> Conlon and Weatherill have been doing this for years.

Mr President, you will recognise that 'Conlon and Weatherill' refers to minister Conlon and minister Weatherill, current members of the Rann ministry. Mr President, you will know of the close links between Messrs Bolkus, Conlon and Weatherill and Mr Steve Georganas. Of course, they are all members of the same faction within the Labor Party. Minister Conlon formerly worked for Senator Bolkus; the former ALP

candidate for Hindmarsh, Mr Steve Georganas, is the gambling adviser—believe it or not—to the Minister for Gambling; minister Weatherill has appointed Senator's Bolkus's wife to a senior position; and of course minister Conlon has appointed minister Weatherill's wife to his office. There are very close links between the four members of that group.

A number of issues have been raised in relation to lottery and gaming regulations, and whether or not there have been breaches of the law by members of the Australian Labor Party. When one refers to Senator Bolkus's statement that he was involved in a number of major raffles, under lottery and gaming regulations all major raffles need to be licensed under South Australian law; returns need to be submitted; surprisingly, tickets have to be issued for a lottery conducted under lottery and gaming regulations; the winner must also be advertised, generally in the *Advertiser*; and, if the prize is not claimed, after a period of time, some three months, the Minister for Gambling must be advised by the people who conducted the lottery.

I raise that because Mr Tan, or his associate, who evidently bought $9 880 worth of $20 tickets in a Senator Bolkus raffle, said that he did not expect to win the prize; and he had not won the prize, whatever it was. Clearly, Mr Tan did not win the prize. Also, Revenue SA circulates general conditions for major and minor lotteries. In an explanatory note 'Who is responsible for the conduct of a lottery,' Treasury advises:

> The ultimate responsibility for ensuring that the conduct of the lottery complies with the act and regulations rests with the management committee of the association conducting the lottery. . .

Finally, in relation to whether any penalties are involved in breaches of the act or regulations, the advisory note says:

> Also, section 113A of the act provides that a person involved . . . in the conduct of any lawful or unlawful lottery, gaming or betting operations who acts in a dishonest, deceptive or misleading manner in connection with the operations is guilty of an offence. The maximum penalty to be applied to a person found guilty of an offence against section 113A of the act is $50 000 or 2 years imprisonment.

My questions are:

1. Have Ministers Conlon and Weatherill at any time been associated with any schemes in which donations to the Australian Labor Party have been made through the pretence of buying raffle tickets in ALP conducted raffles?

2. Will the minister order an immediate investigation into the claims by Senator Bolkus that, in the period leading up to the 2001 election, he and the Hindmarsh campaign 'conducted a number of major raffles in accordance with South Australian law' as to whether any breaches of the law have occurred? In particular, in that investigation will the minister determine the following: the raffle was licensed; tickets were issued; a return was lodged; a prize was claimed; and, if a prize was not claimed, was the minister advised as required by the regulations?

3. Under the terms of the lottery and gaming regulations, is the state executive of the Australian Labor Party the responsible body for the conduct of the Bolkus raffle, and are there any ministers, state Labor MPs or ministerial advisers on the state Labor Party executive and, if so, what are the names of those persons?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the ministers in another place and bring back a reply. In doing so, I make some casual observations about fundraising for elections. Given that we do not have full public payment for elections, all parties and individuals have to be put to the test of raising funds for their organisations. I refer to an article of 28 August in the *Advertiser*. It states that members of a club known as True Blue Helpers will be given certain status in return for pledging donations.

The Hon. Carmel Zollo: Which party is that?

The Hon. T.G. ROBERTS: This is for the Liberal Party. I am just raising the issue of fundraising for elections. It turns into a scramble, and it is an issue that needs to be grappled with within the community. I understand that in the United States the latest cost just to run for the Senate is around $40 or $50 million. That money is raised by individuals to get into line to run for a political position within a democracy. It is a very expensive democracy in America. We are very lucky in Australia, and the honourable member who was nominated by the Liberal Party and entered this council today did not have to go through any of those problems. Fortunately, in Australia, the democratic processes within our party system allow for preselection and an orderly process such that it does not cost an arm and a leg for us to participate in democracy. In relation to this article, a party spokesman said:

> True Blue members would receive priority seating at party functions and maybe drinks once a year.

I would expect a little more than that for my $250 or $1 400. The priority seating for members is such that, the more you pay, the further away from the Prime Minister's table you can get. There are few balloons and whistles at the Prime Minister's table, so those people who sit further away have a better time. I will refer the questions to the ministers in another place and bring back a reply.

PETROLEUM EXPLORATION

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about petroleum exploration activity in South Australia.

Leave granted.

The Hon. R.K. SNEATH: Much has recently been made of the increase in petroleum exploration levels and company expenditure in South Australia following the grant of new licences in the Cooper and Otway basins. Exploration expenditure is expected not only to assist regional economies but also to further secure South Australia's position as a leader in domestic petroleum production. My question is: will the minister provide information about current petroleum exploration activity levels in South Australia?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): Currently, over 80 per cent of sites considered to be reasonably prospective in South Australia are under petroleum exploration licence or licence application. Since 2000, South Australian onshore exploration activity levels have been increasing relative to the other states. Last year, onshore exploration activity included 18 exploration and appraisal wells and 38 development wells; 2 053 square kilometres two-dimensional seismic and 344 kilometres 3D seismic. Most of this activity occurred in the Cooper Basin.

In the onshore Otway Basin, 77 kilometres of 2D seismic were recorded, and no wells were drilled. In the offshore Otway Basin, 80 kilometres of 2D seismic and 324 square kilometres of 3D seismic were recorded last year. This year across the state a total of 22 exploration wells, 1 340 kilometres of two-dimensional seismic and 320 square kilometres of three-dimensional seismic are programmed.

Most of this activity is concentrated in the productive Cooper Basin where a new phase of exploration is under way following the grant of all 27 new petroleum exploration licences enabled by the CO98, CO99-CO2000 native title agreements.

New entrants have been encouraged by last year's Acrasia and Sellicks oil discoveries and the speed with which those discoveries were placed in production. In addition to the new exploration programs in the Cooper Basin, about 40 appraisal and development wells will be drilled in Santos-operated production licences this year. The first geothermal energy exploration well in South Australia, Habanero 1, has thus far drilled to a depth of 4 200 metres in the Central Cooper Basin. A total of 540 metres of the hot granite target has been drilled so far.

In May, applications were received for each of the two onshore Otway Basin acreage release blocks offered in 2002, and the granting of two new licences is imminent. The work programs for each block include geological and geophysical studies, geochemical surveying, 200 kilometres of two-dimensional seismic, and two exploration wells with a combined value of $5.1 million. No exploration wells are planned in the onshore Otway Basin this year. However, acquisition of 190 kilometres of two-dimensional seismic is planned.

More than A$200 million will be invested in exploration work programs in waters offshore from South Australia in 2000-06 in the Otway and Bight basins. Bids have been received and are currently being assessed for two Bight Basin blocks offered as part of the 2002 Australian offshore acreage release. The three blocks in the Bight Basin and three in the Otway Basin which did not attract bids have been re-released in conjunction with the commonwealth, with the close of bids being on 25 September this year.

SCHOOLS, SAFETY

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the minister representing the Minister for Education and Children's Services a question about safety in secondary schools.

Leave granted.

The Hon. KATE REYNOLDS: I have previously raised the issue of the safety crisis facing technology studies departments in South Australian high schools following occupational health and safety audits required by WorkCover. Technology studies classes across the state are being crippled by serious maintenance and safety problems. These classes offer: metalwork, woodwork, plastics and applied electricity or electronics courses, all of which are valuable (and in some cases essential) subjects for students hoping to take up a vocational education pathway.

The minister has announced the allocation of $1.25 million to upgrade machine guarding and provide teacher training, but I understand from teachers and principals that this allocation is nowhere near enough. I also understand that what funding is available to bring classroom equipment up to a safe standard was apparently allocated on the basis of enrolment numbers rather than need. For instance, my office has been told that one school which required at least $60 000 to make its equipment safe was allocated just $9 000, while another school which needed $7 500 received $9 000. In fact, a third school which does not even offer technology studies was, to its surprise, allocated $8 000. My questions to the minister are:

1. What was the basis of the funding for safety upgrades of technology equipment and was any consideration given to advice from classroom teachers?

2. Will the Department of Education and Children's Services provide to schools a list of preferred suppliers who can guarantee that new equipment meets Australian standards?

3. Will the department state which type of machines cannot for reasons of safety be used in schools? If so, when and, if not, why not?

4. Will the department contract out annual maintenance checks on technology studies equipment in the same way as it does with fire extinguishers? If so, when and, if not, why not?

5. Will administrative controls be put in place to ensure that no technology studies practical class has more than 18 students? If so, when and, if not, why not?

6. Following concerns about the length and content of the current training program, will an immediate review be put in place regarding the adequacy of retraining for other staff to teach technology studies? if not, why not?

7. Will costs identified by the various departmental sites to address occupational health, safety and welfare problems with technology studies be met by the department's central office? If not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Minister for Education and Children's Services and bring back a response.

SCHOOLS, RESEARCH ETHICS

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Education and Children's Services, a question concerning research ethics in our schools.

Leave granted.

The Hon. A.L. EVANS: I also seek leave to table a document entitled 'Department of Education and Children's Services Research Ethics: Statements of Principles'.

Leave granted.

The Hon. A.L. EVANS: The Department of Education and Children's Services is able to participate in research projects for the purpose of developing educational and professional material for schools. I am aware that guidelines are in place to ensure that consent is obtained from people who are subject to the research activities. My questions to the minister are:

1. Has the Department of Education and Children's Services complied with the principles as outlined in the Department of Education and Children's Services' research ethics document, specifically, sections 2 and 3, in relation to the current trial of the sex education program across each individual school participating in the trial?

2. If so, what steps have been taken?

3. For children whose parents have not given consent for them to participate in the program, has the department arranged learning outcomes so that no student will be disadvantaged in relation to completion of the learning outcomes of other associated subjects? If so, how?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer the honourable member's question to the Minister for Education and Children's Services and bring back a reply.

CITY WATCH-HOUSE

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question on the topic of police prisons.

Leave granted.

The Hon. A.J. REDFORD: I have been approached by a constituent concerning the imprisonment of a female offender. On 12 June this year she was convicted for drug related offences and sentenced to three years' imprisonment with a non-parole period of one year. Following her court appearance she was put in the cells in the Sir Samuel Way building at about 11 a.m. and at lunchtime was transferred to the city watch-house. She remained there for 13 days until Friday 20 June 2003.

During that same period, there were 11 female prisoners in the watch-house, and at least two of them spent 13 days there. During this period, one woman who was menstruating was not provided with any sanitary protection for a period of two days, there was one toilet for all of them, which was fully blocked for significant periods of time, and the 11 prisoners—two of whom had hepatitis C—had to share two toothbrushes. Some went without clean clothing for some days, and there were no showers for three or four days. In one case, the woman's lawyer purchased and delivered a new tracksuit so that she could have some clean clothing. They were also refused access to water other than at meal times.

Everyone knows that the city watch-house, a relatively new facility, was designed for overnight arrests and short remands. It was never equipped for long-term stays, and certainly not more than 48 hours. It is a police facility or a police prison, not a corrections facility or corrections prison under section 18 of the Correctional Services Act. Indeed it was only intervention by the Ombudsman that caused this shocking state of affairs to be fixed. Section 20 of the act requires the minister to regularly inspect police prisons to ensure that the act is being complied with. Furthermore, section 22.3 of the act provides:

> Subject to this Act, a person who is sentenced to a term of imprisonment exceeding 15 days must not be imprisoned in a police prison.

There we have it—11 prima facie breaches of the act. The facility was described by my source as being worse than Camp X-ray. My questions are:

1. Does the minister agree that, just as this government expects prisoners to comply with the law, it should itself comply with the law?

2. Does the minister agree that these circumstances are a breach of the act; if not, why not?

3. Does the minister agree that the women in this case have been treated inhumanely?

4. What is the minister going to do while we wait three years for him to build the new womens' prison, other than the 11 new beds, and when will the 11 new beds come on line?

5. Given that the minister is aware that the watch-house has been illegally used, why has he not tried to ensure that the prisoners are treated properly?

6. When and how often is the city watch-house inspected pursuant to section 20 of the Corrections Act?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for his questions and the responsible way in which he has placed them before this chamber. The circumstances are dire in relation to the way in which women prisoners who have been sentenced are kept in so-called temporary holding cells within the city watch-house. It is not a circumstance the government would prefer but, because of the increased numbers of women being sentenced for crimes that used to be regarded as the domain of males, more women are unfortunately finding themselves being charged with a whole range of offences that are leading to longer sentences.

That, coupled with the circumstances in which we found ourselves—having all bases loaded in relation to women prisoners—has left the government in the situation of being unable to use the flexibility of other prisons for short-term holding. Some women, I understand, were moved to Port Augusta to overcome the difficulties in which the courts, police and Corrections found themselves in relation to the situation outlined by the honourable member. I agree that it is not a situation that the government should abide. We have to find alternatives to those holding cells, because I agree that they are not places where you can humanely treat people, because of the absence of facilities, as the honourable member has pointed out.

The Hon. A.J. Redford: You were going on in the paper about law and order and at the back end the Premier is doing nothing.

The Hon. T.G. ROBERTS: I understand the honourable member's interjection. I will take up the question as to how often the cells are inspected. Certainly, with regard to the refusal of water, I will make inquiries into that. Even if the facilities are not appropriate, there is no reason why the services that are there are not made available to those people on request. I will make inquiries and bring back answers to the important questions that the honourable member has proffered.

MURRAY RIVER FISHERY

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about Murray River fishers.

Leave granted.

The Hon. D.W. RIDGWAY: The minister has offered six exclusive carp fishing licences to Murray River fishers. However, there is much consternation amongst those fishers because a proper management plan for the carp fishery has not been formulated. The minister's compensation package will be decreased if river fishers accept a carp licence. Furthermore, the minister has agreed to reinstate large mesh gill nets in backwaters where there is more wildlife than in the mainstream of the river. It has been suggested to me that this will markedly increase the incidence of by-catch, which is one of the reasons stated for eliminating the river fishery. My questions are:

1. Will the minister agree to an extension of time for acceptance of the compensation payment until—

   (a) a management plan for the proposed carp fishery has been completed;

   (b) community consultation regarding reinstating large mesh gill nets in backwaters has been undertaken; and

   (c) the proposed carp fishery has been discussed and passed by the minister's fisheries management committee?

2. Has the Riverland community been informed that the new carp licences include access to the yabby fishery?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): A number of questions have been asked by the honourable member. In relation to the latter

question, it has been made clear in a number of public statements that I have made that yabbies and bony bream are to be part of the new river fishery. That was made clear when I first wrote to the river fishers in July last year, and it was certainly made clear after the October correspondence.

In relation to the development of the new arrangements for the river fishery, it would have been preferable if more time had been available to do that, but until the appeal had been ruled on by the Full Supreme Court, which occurred only a few weeks ago, it had not been possible to advance this issue. Obviously the river fishery arrangements were dependent on the outcome of that court decision. Now that that has been resolved, the government is keen to move as quickly as possible.

I wrote to all fishers earlier this week—the letter to which the Hon. Caroline Schaefer referred—and outlined the details of the new fishery. I indicated that there would be some risk in relation to the future continuity of this fishery. We know that the Murray Darling Basin Commission has been looking at projects such as the daughterless carp project, which will ultimately eradicate European carp from the river, so I think it is only fair that for those fishers who remain in the fishery there should be no expectation of licence continuity built into fishery licence values and, more importantly, that fishery licences should be nominal.

I indicated to the fishers that the government would be looking at a nominal fishery licence fee of only $200 per year in relation to those fishers who wished to target carp. This reflects the fact that the continuity of the fishery in the longer term cannot be guaranteed. I did indicate the gear that could be used, and I also indicated that there would be no reaches in the new fishery. Essentially, that was a restatement of what the fishers were told last year—that there would be no reaches. In relation to backwaters, it has been put to me in discussions that I have had with the river fishers over a long period of time now that there would be problems in relation to the use of haul nets within the backwaters because of the snags that exist there.

It is my understanding that what is necessary for the future of this fishery is that there be some experimentation in relation to how carp in those backwaters can be best taken. During the last week or so, a fisher from Victoria who operates in that river fishery, following the removal of commercial fishing of native species, has visited the state and spoken to some of the fishers, as well as my department, in relation to current arrangements. I have indicated that the government is keen to trial a number of arrangements in relation to removing carp. It needs to be stated that the new river fishery essentially will be more like an environmental program in relation to carp eradication than the other sorts of fishery that have existed in the past. Obviously a number of undertakings were given in relation to the river fishers about how the department was keen to work with them in relation to resolving some of these issues.

My advice is that, during high river levels, native fish species tend to move to the backwaters to breed. As soon as the river level starts falling, those native fish immediately return to the main stem of the river. Therefore, any netting activities within the backwaters of the River Murray would be regulated to ensure minimal impact on native fish species. Obviously research will be undertaken in conjunction with those fishers who wish to remain to ensure that there is absolutely minimal by-catch in relation to the fishery. Obviously that has to be one of the objectives. In relation to the particular type of nets that will be used, the dimensions, the lifting times, the location and so on would be dependent upon arrangements with the department to ensure that they had absolutely minimum by-catch and that there is no interaction with native species, otherwise the whole purpose of this exercise would be defeated.

I must say I am rather disappointed that, having responded to the approaches made by river fishers to reconsider the matter, those fishers should then turn around and try to turn it against the government. They ask me to consider something, I agree, and then it comes back as a negative. In spite of that, I intend to move on. It is important that we have a viable carp eradication program operating within the Murray after 1 July. These carp can be a huge problem within the river, although at the moment there is some debate about whether or not the drought is impacting on their numbers. Nevertheless, at some stage in the future, carp numbers will increase and it is important that we have viable arrangements in place (such as they have in Victoria) to ensure that those fish are effectively removed. Of course, a useful by-product of that environmental program is that we believe it will also involve income for half a dozen or so fishers who may wish to be involved.

BUSH BREAKAWAY PROGRAM

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the bush breakaway program.

Leave granted.

The Hon. G.E. GAGO: I note that an allocation of $180 000 has been provided for the continuation of the bush breakaway program at Ceduna. I understand that this program is credited with significantly reducing the crime rate in that area. Will the minister inform the council about this program and what impact it can have on young people in the community?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her important question and continuing interest in those affairs, which, in this case, particularly impact on young Aboriginal people. This Labor government is backing Ceduna's bush breakaway youth action program. We have announced that we will contribute $180 000 toward the crime prevention initiative over the next three years. While in Ceduna for a community cabinet meeting last month, I met with some of the dedicated group behind the concept. I understand that the Attorney-General also met with some of the people who have been involved in supporting this program in Ceduna. The bush breakaway's encouraging results have helped change the behaviour of many young people in Ceduna. There are ways in which young people are identified as being at risk and they are then approached to join these programs voluntarily.

Many young Aboriginal people have benefited from the early intervention approach that motivates 10 to 13 year olds and helps build self-esteem. The program was devised to counter antisocial behaviour and, in particular, the actions that lead to criminal offences. It has the support of the Aboriginal community, district council, SAPOL, schools and FAYS. Community mentors are also enlisted to offer support for the young people who have the opportunity to tackle a morale building educational camp. Ceduna's central Aboriginal agency, Tjutjunaku Worka Tjuta, will be responsible for the program and for the employment of the bush break-

away coordinator. It will be sent $60 000 each year, upon the receipt of an annual report and a certified financial statement.

I also pay tribute to some of the dedicated group of people who have kept this program operating. In particular, Kym Thomas, Mavis Mill, David Hill, Nick Schubert and Flora Rumbelow, as well as the organisations Wiena Mooga, Gugudba and Tjutjunaku Worka Tjuta. I look forward to receiving regular updates about the project and trust that the state government's commitment to bush breakaway ensures that further crime prevention outcomes continue to be achieved in Ceduna.

GREENHOUSE GASES

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Energy, a question about greenhouse gas emission data.

Leave granted.

The Hon. SANDRA KANCK: In 1999, the Australia Institute reported to a senate inquiry into global warming that at 26.7 tonnes per capita, Australians had the world's highest greenhouse gas emissions per person. Most Australians also remain ignorant of the significant contribution that coal-fired electricity generation plays in the production of greenhouse gasses. In response to these issues, last year my former colleague, the Hon. Mike Elliott, asked the Minister for Energy to consider an Australian Conservation Foundation suggestion that electricity consumers receive an environmental impact statement on their electricity bills, along the lines of 'As a result of the amount of greenhouse gas that you have caused to be generated, X number of trees will have to be planted.' The minister's response to Mike Elliott's question reads in part:

> The electricity demand side measures task force, which reported on 12 June this year, has made a specific recommendation that greenhouse gas emissions data should be included on both electricity and gas bills in South Australia.

That was on 12 June this year, not 12 June last year. I have to say that the latest electricity bill that I have received still contains no such greenhouse gas emission data. My questions to the minister are:

1. Why has this recommendation of the electricity demand side measures task force been ignored?

2. Will the minister ensure that the electricity demand side measures task force recommendation be implemented immediately. If not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will pass those questions to my colleague the Minister for Energy and bring back a response.

PRISONERS, REHABILITATION

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about prisoner rehabilitation services for gambling related crime.

Leave granted.

The Hon. NICK XENOPHON: Yesterday, the Australian Institute of Criminology, in a joint report prepared with Price Waterhouse Coopers, released a report entitled 'Gambling as a motivation for the commission of financial crime'. The research paper found that gambling is the second most frequently identified motivator for those convicted of serious fraud, with 14.7 per cent of offenders being involved in gambling related crime. The report also referred to a New Zealand study by Professor Max Abbott some three years ago that found that 15 per cent of the inmates interviewed and surveyed reported committing a crime to finance gambling or gambling debts, and 9 per cent reported being convicted for gambling related crimes.

On 27 March this year, in response to a question I put to the minister on gambling related crime and the correction system, the minister indicated that he would try to find funds in relation to rehabilitation services in the correction system because there were no dedicated services, as I understood it, for gambling related crime and rehabilitation, and that he would be looking at interstate and overseas experiences with programs that work. My questions are:

1. Given the findings of the Australian Institute of Criminology, what funds are now available to assist and rehabilitate persons incarcerated from gambling related crime?

2. Will the minister commit to an independent survey of the prevalence of gambling related crime as a cause of incarceration within the prison system based on the New Zealand study?

3. Has the minister's office yet made any inquiries as to the effectiveness of gambling rehabilitation programs within prison systems, being conducted both here and overseas?

The Hon. T.G. ROBERTS (Minister for Correctional Services): The circumstances in which the budget finds the correctional services system being able to deal with people incarcerated who have gambling problems have improved slightly on the previous budget. Moneys have been allocated to general programming across the board, including for those people who find themselves in prison with a gambling habit. Programs are being studied in child sex offences, sex offenders' rehabilitation programs and gambling, and, as the honourable member suggests, there are a number of different programs in a number of different states and in New Zealand that are starting to build up reputations for being effective. I would welcome any consultation with the honourable member in relation to any programs that he sees as being capable of being introduced into the South Australian system and appropriate to the problems we have.

Certainly, the first stage of designing a program would be to encourage those not-for-profit organisations that already operate within the system or inside community organisations to be in contact with them and any other bodies or organisations that would have an interest in outcomes. We would be interested in putting together a government operated, correctional services driven program inside prisons, and probably there would have to be an exiting component to that. We now have the money allocated. We do not have any firm, fixed views on any programs, but we will be designing them. A new director of prisons will be starting shortly. Hopefully, we will be able to put together those programs as soon as possible in order to try to come to terms with the difficulties.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. ROBERTS: Any program we develop would have to start with a prevalence levels assessment or a program to see what we are dealing with, both for those people coming into the prison and those people in the prison system with gambling problems who will be exiting without rehabilitative initiatives being picked up while they are in prison. There needs to be almost an AA program on exiting where people are able to contact agency operators or help lines who put together these programs.

RADIOACTIVE WASTE

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to the disposal of radioactive waste to landfill made earlier today in another place by my colleague the Minister for Environment and Conservation.

SOUTH-EAST WATER ALLOCATIONS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to South-East water holding licences made earlier today in another place by my colleague the Minister for Environment and Conservation.

REPLIES TO QUESTIONS

SCHOOLS, LOCK AREA COMMUNITY LIBRARY

In reply to **Hon. CAROLINE SCHAEFER** (17 October 2002).

The Hon. T.G ROBERTS: The Minister for Education and Children's Services has provided the following information:

Lock Area School opened its school community library in 1980, with an allocation of 25 hours of library assistant time.

In 1995, the then Minister of Education and Children's Services, the Hon. R.I. Lucas, approved a recommendation to bring into line the resource allocation of all school community libraries. The impact for Lock Area School was a reduction of five hours of library assistant time. However, due to a staff permanency entitlement the school retained the hours.

In June 2001, the Hon. M. Buckby, then Minister for Education and Children's Services, approved the implementation of the recommendations of the report of DETE school community libraries to take effect at the beginning of 2003. Once again Lock Area School was allocated 20 hours of library assistant time, and again, the existing additional five hours per week were honoured by the department.

The executive director, human resources, approved the new staffing agreements for school community libraries on 20 August 2001.

The incumbent library assistant resigned in December 2001 and a permanent replacement library assistant was engaged by the Department for 25 Hours per week on 21 January 2002 contrary to the entitlement under the recommendations approved by the Hon. Malcolm Buckby.

The Department of Education and Children's Services wrote to the chief executive District Council of Elliston on 14 October 2002 and the secretary of the Lock Area School Governing Council on 23 October 2002 informing them that there would be no change to staffing levels for the school community Library at Lock Area School in 2003.

BUCKSKIN, Mr P.

In reply to **Hon. R.D. LAWSON** (21 October 2002).

The Hon. T.G ROBERTS: I advise:

1. Was the appointment of Mr Buckskin preceded by any advertisement or other public call for applications?

The position of chief executive, Department for State Aboriginal Affairs (DOSSA) was advertised within the public sector and the *Advertiser* and weekend *Australian* on 15 June 2002.

2. Was Mr Buckskin asked to apply for the position and, if so, by whom?

I have previously indicated that I did not ask anybody to put up positions that led them to believe that they did not have to go through anything else but a process that would put them in competition with all other applicants.

3. Has any process of assessment or evaluation undertaken of any applications for this position, including Mr Buckskin's—if he, in fact, made one—and, if there was such a process of assessment or evaluation, by whom was it undertaken?

The advertising process attracted thirteen applicants, including Mr Buckskin. A selection panel, comprising the following members, was formed to assess and evaluate the relevant merit of each applicant:

- Mr Graham Foreman, chief executive, Department for Administrative and Information Services
- Mr Brian Butler, South Australian zone commissioner, ATSIC
- Mr Paul Case, commissioner for Public Employment
- Ms Nerida Saunders, Director, Family and Youth Services
- Ms Mary Shadford, DOSSA staff representative

4. When was Mr Buckskin formally appointed, for what term of years and at what salary?

Mr Buckskin was formally appointed as chief executive, DOSSA on 5 August 2002 for a term of five years. Mr Buckskin's salary is $148,085 per annum.

CHICKEN MEAT INDUSTRY BILL

In committee.

The Hon. P. HOLLOWAY: Today members would have noticed further amendments to the bill. I would not expect members to debate those amendments today, but I hope we can resume debate to complete this bill on 7 July when we return. I will make some comments in relation to the progress of this bill, because it has been an issue that has been around the state for many years. The bill itself was the result of significant ongoing discussion, consultation, green papers, and the like—and, indeed discussion on this bill has been continuing until today. I thank members for their interest in the bill.

I welcome this opportunity to report on progress of the bill, including the most recent amendments. I acknowledge the considerable input to the bill by both processors and growers throughout the course of consultations on the bill. In recent weeks there has been a continuation of discussions, which have been helpful to achieve the amendments now listed. There have been two tranches of amendments in recent months. The first tranche was in response to processor gaming of the bill, endeavouring to bypass the bill with the introduction of spurious definitions of tied contracts with growers. That development led to removal of tied contract and individual contract terminology in the bill. All contracts between two parties are two-way tied contracts, and an individual contract is an option for any grower who is offered such a contract. Importantly, the bill offers all contracted growers the choice of staying in the arrangements provided by the bill or opting out of the arrangements in favour of an individual contract.

The second tranche of amendments has been in response to a position paper from the National Competition Council, the concerns of processors and some members of this council. This has led to the setting aside of the exclusionary conduct provisions—incorrectly referred to as 'a right to strike'—with the capacity to reintroduce if circumstances arise that prompted inclusion; removal of the cap on the length of contract; and introduction of a sunset clause on the legislation. Some members of this council and grower leaders have been concerned about the adequacy of information for an arbitrator to fairly resolve disputes, especially disputes about growing fees. The need for the availability of accurate, up-to-date information is fundamental to fair conflict resolution. Consideration has been given to the best way in which to ensure that good information is available to the industry at all times to foster resolution of differences by negotiation

preferably, but by mediation or arbitration as a circuit breaker to a deadlock situation.

The bill is now amended to indicate a specific role for the registrar in gathering and analysing information about costs and returns in the chicken meat enterprise. The registrar is now required to make available this type of information in the public arena. The registrar is required to make available to an arbitrator additional information to assist the arbitrator in coming to a judgment about a particular dispute in a process of negotiating group.

The government does not deflect from the central principle of the bill to facilitate the occurrence of genuine, collective negotiation with their processor for those growers who elect to stay in the scheme. Collective negotiation is a principle endorsed by the Australian Competition and Consumer Commission. The ACCC has recognised the problem in the chicken meat industry of bargaining imbalance. Where the agenda of the ACCC is not especially to ensure that an authorisation to collectively negotiate actually achieves genuine negotiation, that is the aim of this bill. The government makes no change in the bill to the presence of compulsory mediation and compulsory arbitration at the three critical stages of chicken meat contracting, that is, contract formation, during the life of the contract and contract renewal.

The bill gives an entering grower no ability to use these dispute resolution avenues to achieve a better deal than the present group that they may be entering. If they elect an individual contract, the grower is outside the scheme altogether. Nor does the bill provide any surety of contract continuity for growers in a constantly adjusting industry. Processors must have regard to their required supply of chicken meat from the most efficient sources. Enterprise efficiency is fundamental to a dynamic and competitive industry. This means that processors must be able to draw their required supply from the most efficient farms. However, the presence of compulsory mediation and arbitration means that these facts must be proven, if necessary, before a grower's assets are stranded unreasonably. I thank members for their interest in the bill. I understand that the Hon. Caroline Schaefer wishes to make some comments before the debate is adjourned.

The Hon. CAROLINE SCHAEFER: It is the time honoured position in this council—much, from time to time, to the chagrin of those in another place—that we allow numerous delays to debates so that we can aim towards achieving the best legislation possible. As such, I will certainly agree to the adjournment of the debate. I would like to put on record that this bill was first laid on the table before Christmas. All second reading speeches were completed by about the end of February. I thank the minister for a number of briefings by his department on projected amendments. It just seems to me that it is a piece of legislation that was put out there without too much thought to the end process at all.

I was briefed as late as last week on some proposed amendments, and suddenly today some amendments which appear to me to have a totally different slant to those which I was briefed on last week have appeared on my desk. I hope that this is not developing into a pattern by the government, where it introduces legislation and then seeks to change it dramatically not during the course of the committee but before we debate within committee. The chicken meat growers—those of them who are left—and the processors must be growing increasingly tired of the fact that what was a relatively small business has dragged on for such a long time.

The Hon. IAN GILFILLAN: The Democrats also agree; we believe it should have been expedited. A lot of smaller businesses in the South Australian context have been precariously balanced—indeed, some have gone to the wall—and they may well have been saved had this legislation been in place earlier. However, it is on track, and the government can expect rapid cooperation from the Democrats to complete the work of this chamber in dealing with the bill. Thanks to some consultation with my colleague the Hon. Julian Stefani, I will seek to move the amendment I have on file regarding a retrospectivity aspect, changing the date from 30 September 2002 to 4 December 2002, which is the date the bill was introduced into this place. My advice is such that, were it not moved in that amended form, it would be out of order.

The Hon. J.F. STEFANI: I rise to make a short contribution. It has been my privilege to meet with some of the growers. Following that meeting—and I say this humbly—it was my suggestion that the matters before us be addressed. However, I did this not knowing that a model existed in Western Australia which reflects the amendments before us today. My view is—and I would like to place it on record—that the growers were disadvantaged, and they did not have a solution to their problem in the legislation that was before us. I commend the minister and the government for taking on the suggestions made. Subsequent to those suggestions, I had meetings with industry leaders from Western Australia who came to South Australia. I had an extensive meeting and briefing on the operation of the chicken industry in Western Australia. As it so happened, the Western Australian model reflected my suggestions in terms of a formal method of establishing a determining benchmark for the growers. I know that the growers are absolutely elated that at last they have a way forward that will ensure some equity in their operation.

I felt compelled to think outside the square in terms of their predicament. I am proud that those suggestions have been useful. In consequence of those suggestions, the minister and the government have taken on the challenge to amend the bill in a format that will provide that way forward for the growers and the processors in an environment that will ensure a stable and adequate industry—an industry that will have a pattern of appropriate negotiation and will set the benchmark to ensure that growers are not screwed into the ground by unscrupulous negotiations.

I am passionate about protecting the rights of people in commercial dealings. They must be equitable at law and must have, as guiding principles, the element of fairness in respect of the appropriateness of commercial negotiations. Again, I commend the government for the work that was done—and it was extensive work, because the model in Western Australia is very complex. I also commend the government, as it made efforts to consult the Australian Competition Council to ensure that it meets its requirements in terms of competition. I also appreciate the extensive briefing I received from senior advisers to the minister, from both crown law and his department. For me, as a member of this place, it has been a very useful contribution to see some way forward for the growers and the processors.

The Hon. P. HOLLOWAY: I thank members for their contributions. Even if this bill had been passed today, it is unlikely that it would have reached the House of Assembly, given that the council will be sitting without the House of Assembly during the week beginning 7 July. I hope that we can complete debate on the bill when we return. I thank honourable members for their comments.

Progress reported; committee to sit again.

CORONERS BILL

Adjourned debate on second reading.

(Continued from 2 June. Page 2516.)

The Hon. IAN GILFILLAN: It is with a degree of sadness that the Democrats deal with this bill today. We recently heard news of a young Aboriginal man who died in custody in Port Lincoln, and our hearts go out to his family and friends at their time of grief and loss. When we read the Coroner's report into this death when it is handed down, we will see an all-too-familiar story, one which the Coroner has been forced to tell time and again over the past decades. The Coroner essentially speaks for those who have lost their lives; he has a respected role in helping us to avoid the mistakes of the past.

I will not take up the time of the council by repeating the comment that I made last time this bill was before us. Instead, I refer members to my second reading contribution on Tuesday 3 July 2001. The new bill is essentially the same. Generally, it is aimed at codifying powers that the Coroner has already been exercising under common law. What I will do, however, is speak to the amendments that I have placed on file. These amendments were supported by the Labor Party in opposition and relate very much to the tragic events of Monday 2 June.

In 1991 the Royal Commission into Aboriginal Deaths in Custody argued that the standard of care for prisoners in our correctional services system should be raised. The positive effect that the royal commission has had is not confined to any section of the prison population: all have benefited from an increased standard of care. I say 'standard of care' because, of course, the duty of care has always existed. Much progress has been made over the past decade in implementing the recommendations, and many of the key ones have been put into practice. However, as always, we face a need for continual improvement. It is with this in mind that I have filed a number of amendments to the bill.

Members will know that, along with suspicious deaths, the Coroner investigates as a matter of course any death in custody. Findings of coronial inquests are made public and frequently include recommendations for government departments to change or modify practices. These recommendations are aimed at preventing future occurrences of deaths in similar circumstances. Unfortunately, there is no requirement for the government to report back on the implementation (or not) of these coronial recommendations. The result is a series of inquest reports that read as a litany of preventable deaths: Damien Wakely (inquest No. 7 of 1995); Christopher Bonney (inquest No. 28 of 1996); Laurens Adrian Keith Nobels (inquest No. 43 of 2000); and Alexander Varcoe (inquest No. 2 of 2003). Each of these men were found hanged in their cell. In the case of Varcoe, the Coroner stated:

> As recommended in Bonney in 1996, the design of cells in E division at Yatala Labour Prison, and indeed all older cells in the prison system in South Australia, should be the subject of a comprehensive review along the lines of the Victorian Building Designed Review Project.

Unfortunately, it is not uncommon for the Coroner to make such statements. These people might have been alive today had recommendations in previous reports been heeded and implemented. What is it they say about those who fail to learn from the mistakes of the past?

I note the positive steps to which the minister recently alluded in addressing these issues, although more than 10 years after the royal commission is a bit late. I do not load all the responsibility for that on the current minister: it is shared with previous ministers. My amendments are aimed at preventing such omissions in the future and, while they will not force the government to implement any given recommendation, they will help government departments to work through the process of dealing with the recommendations in a positive way.

When we last dealt with this bill in 2001, the then Law Society President, Martin Keith, wrote to me and said:

> The Coroner's Bill 2001 falls far short of recognising and providing for many of the recommendations of the Aboriginal Deaths in Custody inquiry. Your attention is drawn to recommendations 6 through 40 of the Royal Commission's report, and in particular recommendations 13-17, which propose that Ministers should be accountable to the Coroner for implementation of coronial recommendations arising from deaths in custody.
>
> While the Law Society fully supports the doctrine of 'responsible government' it also supports the important role of the Coroner in making recommendations which, at times, may not necessarily be agreed to by the Government of the day. The present Bill provides an excellent opportunity to ensure that due consideration is given to the Royal Commission's recommendations referred to above.

The Law Society continues to hold this view. Chris Kourakis QC, the immediate Past President of the Law Society (and president at the time of the initial consultation on the Coroner's Bill 2002), wrote to the Attorney-General and stated:

> The Law Society maintains its endorsement of recommendations 13-17 of the Royal Commission into Aboriginal Deaths in Custody.

There is a certain amount of repetition in all this, which would be laughable if it were not at the expense of human life. Mr Kourakis goes on to indicate that similar moves have already been put in place by the Labor government in the Northern Territory. He also stated:

> . . . amendments to the Coroner's Bill of the kind promoted by Mr Gilfillan MLC and by the Honourable Dr Peter Toyne are required for South Australia in the public interest.

The amendments are the same as those I moved when this bill was last before us. To facilitate the passage of this bill I have reintroduced only those amendments that were supported by this place in the last parliament: those that are omitted were not supported by either of the major parties, and I have received no indication that their attitude has changed. The amendments seek to give effect to recommendations 13 through 17 of the royal commission and deal with improving the implementation of recommendations from coronial inquests.

These recommendations are as follows: recommendation 13—permit the Coroner to make recommendations on 'other matters as he or she deems appropriate'; recommendation 14—require the Coroner to send copies of his/her findings and recommendations to all parties who appeared at the inquest, to the Attorney-General, to the minister with responsibility for any custodial agency or department in whose care the person died and to such other persons as the Coroner deems appropriate; recommendation 15—require any agency or department which has received such a report to respond to the relevant minister within three months; recommendation 16—require any minister receiving such a response to provide a copy to all parties who appeared before

the Coroner and to the Coroner; recommendation 17—require the Coroner to report annually to the parliament on deaths in custody generally and on the findings, recommendations and responses made under these proposed amendments.

Members will see that there are some minor points of difference between my amendments and these recommendations. Rather than require the minister involved to have to report to the Coroner, it is believed that it is more appropriate to achieve this through parliament by requiring the minister to report directly to the parliament. A further consequence of this is allowing a period of six months for this report to occur given that three months may present difficulties in relation to the timetable for the sittings of parliament.

I have discussed these amendments with the Law Society and, in particular, with the Aboriginal Issues Committee of the Law Society, which supports my amendments. The amendments will modify the process for dealing with coronial inquest reports and require the Attorney-General to report to the parliament on any action taken or proposed to be taken in consequence of the recommendations.

The other element of the amendments will be to require the Coroner to make an annual report to parliament. I again quote the letter of Mr Kourakis of the Law Society in relation to this clause:

> That clause requires the State Coroner to provide an Annual Report to Parliament. That is a prudent amendment, which promotes financial and administrative accountability. It also puts on the parliamentary record the recommendations which the Coroner had made to minimise the occurrence of events that might lead to preventable deaths. It is in the public interest that those recommendations be tabled in Parliament.

Currently, the only reporting is through the Courts Administration Authority, which is limited to reporting such things as the number of cases heard and the costs involved. It does not allow the Coroner to make any comments, as is allowed in reports of other statutory officers. The legislative changes through these amendments are not onerous, and the Democrats are convinced that they will help to save lives in the future. Therefore, I encourage members to support the amendments when they are moved in the committee stage and indicate that the Democrats support the second reading of the bill.

The Hon. D.W. RIDGWAY secured the adjournment of the debate.

CRIMINAL LAW (SENTENCING) (SERIOUS REPEAT OFFENDERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 May. Page 2419.)

The Hon. IAN GILFILLAN: The Democrats strongly oppose the second reading of this bill, and this reflects our deep concern about the government's law and order agenda. The Criminal Law (Sentencing) (Serious Repeat Offenders) Amendment Bill is the latest step in a series of the Attorney-General's attempts to ride roughshod over the criminal law community in South Australia. The bill sounds innocent enough; how could we possibly argue against the idea that serious repeat offenders should face significant sentences? I believe that that is the beginning and the end of the Attorney-General's efforts in this situation. He wants an idea that sounds good, to sweep up a little support for the government, no matter how flawed the idea is.

The bill is flawed: it is flawed in its intent, its motive and its effects. The intention is supposedly to force judges to set higher non-parole periods for all offenders dubbed 'serious repeat offenders' by this legislation. This is a breach in the doctrine of the separation of powers and an insult to the judiciary, who already take an offender's history into account. I will take a moment to read the words of the Federal Attorney-General from his opening address to the Anglo-Australasian Law Society on 12 June 2001 when he spoke about the doctrine of the separation of powers, as follows:

> The modern doctrine was elaborated by the French philosopher Baron de Montesquieu in the 18th century. Montesquieu perceived that an important lesson of history is that power is frequently abused. He saw the concentration of governmental power as a serious threat to liberty. To minimise that concentration and threat, Montesquieu saw the need to identify and separate three basic governmental institutions: the legislature; the executive; and the judiciary. The basic idea is no less plausible today than it was in the 18th century.

In the 18th century it was understood that governments would be tempted to make populist laws to aid re-election, surfing the waves and fads of the moment, and this is what the Democrats believe we are seeing today.

The Attorney-General would like us to believe that judges are not setting appropriate non-parole periods when dealing with serious repeat offenders. Where is the evidence for this? Where are the statistics that would give this statement any basis in fact? Judges take into consideration all previous offences when sentencing an offender; that is what they are doing now; that is what judges are for. They are appointed to balance the needs of the law and society. The motive of this bill is also flawed, as I mentioned earlier. We are forced to conclude that the Attorney-General is interested in surfing a wave of populist hysteria. How else can we explain his desire to pander to the tastes of the radio demagogues? I should mention that his unpalatable desire to cosy up with the shock jocks has also been noted by members of the other place.

Leaving aside further discussions about motive, let us look at the effect of this bill. If this bill passes, every judge will know it has passed and will change their sentencing accordingly. If they feel that a particular non-parole period is in order, they will then set the sentence to suit that period under this legislation. Judges will keep on judging, and thank God they will. So, what is the point of this legislation, other than grandstanding by the Attorney-General? What then do we have here? We believe that we have an unnecessary piece of legislation which has no effect on outcomes, which flies in the face of the doctrine of the separation of powers and which has wasted the time and will waste more of the time of this and the other place. In case any members have missed the message, I indicate that the Democrats oppose this bill and urge the council to dump it.

The Hon. D.W. RIDGWAY secured the adjournment of the debate.

RIVER MURRAY BILL

In committee.

(Continued from 3 June. Page 2563.)

Clause 18.

The Hon. T.G. ROBERTS: The clause as it presently stands allows the minister to enter into management agreements. Such agreements may, in addition to other things, provide for the remission of rates or taxes in respect of the land. An identical provision is contained in section 23A of the

Native Vegetation Act, which section was inserted in 1993. The provision allows heritage agreements made under the act to protect native vegetation to provide for the remission of rates or taxes in respect of the land. There is no requirement for consultation with the relevant councils. These provisions can be contrasted with provisions for land management agreements under section 57 of the Development Act which require the consent of the relevant council before an agreement may remit council rates.

During consultation on the River Murray Bill, the Murray-Mallee Local Government Association asked whether the government would consider amending the clause to require the minister to consult the relevant local councils before including any remission of rates. The request was that the clause require consultation with the council over the remission of rates. The Murray-Mallee LGA was not asking that the remission of rates require the council's consent. The government agreed that it was reasonable for a council to be consulted prior to remitting rates, unlike the Native Vegetation Act, which requires no consultation.

During debate in another place, a member raised the possibility that a requirement for consultation could raise the possibility that a court could find that an agreement was invalid or that the remission of rates was invalid if a council later claimed that it had not been consulted at all or had not been properly consulted over the remission. This is not the government's intention. It is the government's intention that once an agreement is registered it will be enforceable, including as to the remission of rates. It will be enforceable even if a council later claims that the minister's consultation was inadequate. Parliamentary counsel's advice was that changing this clause to use the phrase 'should take reasonable steps to consult' rather than leaving it as 'must consult' clarifies what is required of the minister.

The amendment will clarify that consultation that might be less than what the council wanted will not be sufficient to invalidate an agreement or the remission of rates if it can be demonstrated to have involved the minister taking reasonable steps to consult. The Rates and Land Remission Act 1986 will not apply to the remission of rates under this clause. The act applies only to rates remitted by regulation made under the act. Is that any clearer?

The Hon. Sandra Kanck: We will believe you!

The Hon. CAROLINE SCHAEFER: I am assuming that this is a move by the government to allay the concerns of the Lower Murray Council in particular, and my understanding is that you have left out 'must' and inserted 'take reasonable steps'. If that is the case I will support the amendment, but your final explanation appeared to include again a high degree of compulsion.

The Hon. T.G. ROBERTS: I am advised that parliamentary counsel's words clarify the issue, as far as the courts are concerned, regarding any dispute that may occur down the track in relation to the difference between the words 'should take reasonable steps to consult' and the words 'must consult'. So, it is to satisfy the courts rather than to satisfy what we would regard as a reasonable person's understanding.

Amendment carried; clause as amended passed.

Clauses 19 to 21 passed.

Clause 22.

The Hon. T.G. ROBERTS: I move:

Page 29—

Line 2—After 'assessing' insert 'applications for'.

Line 5—After 'assessing' insert 'applications for'.

Amendments carried; clause as amended passed.

Clauses 23 to 25 passed.

Clause 26.

The Hon. T.G. ROBERTS: I move:

Page 35, after line 33—Insert:

(4a) if an emergency protection order is issued orally, the authorised officer who issued it must confirm it in writing at the earliest opportunity by written notice given to the person to whom it applies.

The amendment is upon the request of Mr Mitch Williams and is consistent with an amendment made by him in the House of Assembly to clause 24 which the minister agreed to replicate in this clause. The amendment requires an emergency order issued orally to be confirmed in writing at the earliest opportunity.

The Hon. CAROLINE SCHAEFER: The opposition supports this.

Amendment carried; clause as amended passed.

Clauses 27 to 42 passed.

Schedule.

Clauses 1 to 3 passed.

Clause 4.

The Hon. CAROLINE SCHAEFER: I move:

Page 48—

Lines 36 to 38—Leave out paragraph (b) (and the word 'and' immediately preceding that paragraph).

After line 38—Insert:

(4) If a proposal to grant a licence is referred to the minister to whom the administration of the River Murray Act 2002 is committed under subsection (3) and the minister to whom the administration of this act is committed and that other minister cannot agree—

(a) on whether a licence should be granted; or

(b) if a licence is granted, on the conditions to which the licence should be subject,

the ministers must take steps to refer the matter to the Governor and the Governor will determine the matter (and any decision taken by the Governor will be taken to be a decision of the minister under this act).

This amendment seeks, if you like, to limit the powers of the Minister for the River Murray, in that under the current bill a decision relating to licences under the River Murray Protection Area would be the decision eventually of the Minister for the River Murray. Currently it would be the Minister for Lands. Under this bill, the Minister for Lands must consult with the Minister for the River Murray. I point out the irony of this, since under this government it is indeed the same minister, so he would need a decent set of mirrors. But he would have to consult with himself and if he did not agree with himself, then the final decision would be difficult.

At some time in the future—when those ministers may not be the same person—the Minister of Lands would consult with the Minister of the River Murray, to which I have no objection, but then the final decision in what is a very large area, as I have previously pointed out, would be that of the Minister for the River Murray. The Minister for Lands must defer to comply with the direction of the Minister for the River Murray. We accept the consultation, but this amendment seeks that in such a case the final decision will rest with the governor, as is consistent with other parts of the bill and, of course, that would mean that the final decision be that of the cabinet.

The Hon. T.G. ROBERTS: The government opposes the amendments standing in the name of Mrs Schaefer. Changes to Crown Lands Act as they stand in the schedule are consistent with all other amendments made to other acts in the schedule. It is a consistent part of the scheme. The scheme

operates in the following way. The government's clear, stated intention for the River Murray is to ensure adequate controls over activities that may harm the river. To this end, the government has created the Minister for the River Murray whose role under this bill is to see all applications for the range of activities that may affect the river and to make directions about granting and conditions for those activities so far as is necessary to protect the river, according to the objects of the bill.

In establishing the regime that will apply, the government has modelled this process on the referral system that already exists under the Development Act. Under that system, development applications are referred by councils to prescribed external bodies, for example, the Commission for Highways amongst many others. Those prescribed bodies may, where the development regulations provide, make directions about whether and on what conditions development consent should be granted.

All of the referrals that are set up by the amendments in the schedule implement the same system, modelled as it is on the existing scheme in the Development Act. The honourable member's amendment would see disagreements between the Minister for Crown Lands and the Minister for the River Murray in respect of particular licence applications referred to the Governor in Council (that is, cabinet). This is not necessary and is not an existing scheme used under the development regulations. It is presently proposed under the draft regulations that all new licences to use Crown land within the River Murray flood plain zone will be referred to the Minister for the River Murray.

The Hon. CAROLINE SCHAEFER: The minister has said that this is consistent, but it seems to me to be quite inconsistent with the law as we have known it in South Australia—to give one minister virtually unfettered powers over some 46 different acts. However, it is a way—and this is not a personal reflection on the current minister—to ensure that there is a system of checks and balances in place that requires the other ministers affected by the decision of the Minister for the River Murray to have an equal say when they get to cabinet and to allow a decision to be made which would probably be a compromise but would also be a consideration of the views of the various departments.

As I said in my second reading speech, the thing that concerns me most about the bill is the unfettered powers, and in my view the unprecedented powers, of the Minister for the River Murray to ride roughshod over the Minister for Fisheries, the Minister for Crown Lands, the Minister for Environment and Heritage and so on. The irony in this case is that they are all the same minister. We are all aware that ministers of all shapes, sizes and political persuasions are extraordinarily busy and that this provision would give power to those in the department for the River Murray over those in the Department of Primary Industries and the Department of Mines, the Development Act and so on. We are not seeking to take away this power from the minister but merely to ensure that there is consultation and that a final decision is reached amongst the entire cabinet and not vested in one person, whoever that person may be.

The Hon. SANDRA KANCK: It does not appear to me to be unusual that one minister gets power over other ministers, which is what happens in this legislation. Section 7(2) of the Roxby Downs (Indenture Ratification) Act 7(2) provides that certain acts are to be construed subject to the provisions of the indenture, and then it names the Commercial Arbitration Act 1986, the Crown Lands Act 1929 and so on. In other words, what it says is that the minister responsible for mining in this state can effectively trump those ministers at any one time. A proviso in respect of that explanation is that subsection (3) does say that the minister concerned—in this case the mining minister—must consult with those other ministers. I would have been happier and more likely to agree with the opposition if the amendment had simply said that they had to consult, but I am not comfortable with the way it is worded.

Although I have never been in cabinet, let alone in government, I suspect that when matters are being dealt with it is not a simple matter of one minister saying that they are going to do something. My understanding of how cabinets operate is that a minister takes a proposal to cabinet and that those proposals are discussed. If this proposal is simply to ensure that discussion occurs in cabinet, I suspect that that is what happens now, anyway. I have a suspicion that the effect of these amendments is to stymie what the government is intending. Certainly the Democrats do not want to see that because we recognise how important the River Murray is to the state of South Australia, from the point of view of both the environment and the economy. We have supported the concept of having a Minister for the River Murray so that we give this issue the importance it deserves. On balance, although I think things could have been worded a little better, the Democrats will support the bill in its original form.

The Hon. A.L. EVANS: I support the government from the point of view that I think it is pretty well an automatic process: if there is a problem it will be dealt with in the cabinet.

The Hon. NICK XENOPHON: I have a question to put to the minister which follows a discussion I had with the Hon. Sandra Kanck. I understand the concerns of the Hon. Caroline Schaefer, but I refer to the additional overarching powers the minister will have. In a sense the minister supersedes the powers of a number of ministers. However, my understanding is that the Minister for Mining is not included in the bill. Can the minister confirm that? Further, is not that approach inconsistent with the approach that the government has taken in this bill, and what is the reason for that if that is the case?

The Hon. T.G. ROBERTS: The honourable member is right. The Minister for Mining is the only minister who does have that role and function within cabinet. Both members are also right in relation to how disputes are settled by ministers in relation to those areas that conflict with other ministers' responsibilities. Those difficulties are sorted out by the affected and relevant ministers sitting down and talking through the issues and finding an agreed position. It would make cabinet unworkable if ministers just barnstormed through and over other ministers' areas of responsibilities without taking into consideration the sensitivities of the impact of some decisions. It is one of those areas where mining considerations, particularly in relation to mining tenements, have always taken precedence. The mining minister has always taken precedence over other ministers' positions in relation to that.

As far as the River Murray and the Minister for the River Murray are concerned, the situation would be consistent with the application of the Development Act to a difficulty within the cabinet process. Both members are right, there would be a consultation process. Sometimes you have bilateral meetings with ministers; sometimes it is multilateral, and that process already continues a tradition. I think that the previous government had a similar sort of structure within its cabinet process.

The Hon. SANDRA KANCK: In relation to the question asked by the Hon. Nick Xenophon, I do have an amendment on file which addresses the issue of the mining minister. I am supporting the government having its bill in the original form, but I do believe that, if this issue is as important as we all say it is, then we have to be consistent and we cannot single out one minister for an exemption in this type of process.

The Hon. NICK XENOPHON: I indicate that I support the government's position, but I think that the Hon. Sandra Kanck has a good point in terms of an apparent inconsistency in the way in which the government has approached it and I am inclined to support her amendment. That is my position.

The Hon. CAROLINE SCHAEFER: Given the now expressed views of the Democrats and the Independents, I will put on the record that I am very disappointed and I do believe that the people of South Australia eventually will live to regret the unprecedented powers being vested in one minister through this bill. However, I concede that I do not have the numbers so I will not be calling for a division.

The Hon. SANDRA KANCK: I indicate that, if the Hon. Caroline Schaefer's prediction is correct, I would welcome, at some stage in the future, a private member's bill that then repeals some of those powers, and we would support it if the evidence were there, but I do not believe that it will come to that.

Amendments negatived; clause passed.

Clause 5.

The Hon. CAROLINE SCHAEFER: I move:

Page 49—

Lines 28 to 33—Leave out paragraph (d) and insert:

(d) by inserting after subsection (2) of section 24 the following subsection:

(3) The minister must, in relation to the preparation of an amendment by a council or the minister under subsection (1) that relates to a development plan or development plans that relate (wholly or in part) to any part of the Murray-Darling Basin, consult with the Minister for the River Murray;

Lines 34 to 38, and page 50, lines 1 to 21—Leave out paragraphs (e) to (l).

These seek again for the power for planning amendment reviews to be vested with the minister for planning after consultation, as opposed to separating planning issues along the River Murray and the River Murray catchment from planning generally. In this case, since the 1990s, the responsibility of all PARs has been vested with the minister for planning under the Development Act. This system in South Australia is the envy of most other states and has served us certainly not perfectly but very well over a long period. Developers have the opportunity to deal with one minister, and I think most of us who have had any experience with any planning amendment—certainly I have had through local government—know how difficult finding one's way through those mazes is. In my view, this makes that maze even more difficult.

In 1993, the Hon. Greg Crafter successfully moved amendments to the Development Act to ensure that the approval of PARs lay with one minister, that is, the minister for planning. This bill changes that situation, and, as I say, isolates planning amendments as they are required along the River Murray and the designated catchment area, the whereabouts of which, of course, none of us is particularly sure of. That power then goes now to the Minister for the River Murray, and, as I have said, is separated from the planning act anywhere else in the state. The result of this will be the potential for delaying the approval of a PAR and it will require the sign-off of two ministers rather than one which, again, is inconsistent with what has just been decided by this place.

We support that the Minister for the River Murray must be consulted and his department provide advice with regard to a PAR within the River Murray catchment area, but we do not believe that he should have the power to approve or reject. The vast area that is now encompassed by the catchment area means that the Minister for the River Murray will have to sign off on a large number of PARs, and of course that does include the whole hills face zone, the lakes and Coorong, and out as far as some of the very dry areas of the state, I think nearly as far east as Pinnaroo. This bill allows for the two ministers to disagree on a PAR and for the decision then to go to cabinet through executive council. Again, this will mean a delay in the process and will complicate the procedure.

The Minister for the River Murray, in providing his comments to the minister for planning with regard to a PAR, can make quite clear any problems with a PAR, rather than going to cabinet and being faced with the possibility of further investigation from that level. It is our very strongly held view that the system we have now, where the final decision for PARs rests with the minister for planning, should remain the case. If that is not the case after consultation, then the decision must go to cabinet.

The Hon. SANDRA KANCK: I indicate that this is probably the one amendment of the opposition that the Democrats will be supporting. When I spoke in my second reading contribution, I gave voice to my concerns about the possible impact this would have on our highly esteemed one stop shop planning in South Australia. I read the comments of the minister in his second reading speech and I did not feel in any way comforted by that. As the Hon. Caroline Schaefer has suggested, the system we currently have is the envy of the other states, and I do not want to see it complicated in any way. As I said in speaking to the earlier amendment, ministers can talk to each other in cabinet and, in the main, get these things sorted out. The processes for lodging comments about PARs, once they are on public display, would be open as much to the minister as to anyone else. I think that the system we have at the moment should not be in any way contaminated.

The Hon. T.G. ROBERTS: The government has consulted with the LGA and other parties, and it feels that the amendment is unnecessary in that I will move an amendment in relation to the Parliamentary Committees Act to have the Environment, Resources and Development Committee review the operation of the act after two years. The LGA and those affected are in agreement with the government's position in relation to that.

The other point that needs to be noted is that the Local Government Association accepts that the provisions amending the Development Act, which are presently in the bill before us, will remain; and the government has agreed to require the parliamentary committee to review the operations of relevant sections to ensure the provisions do not cause undesired consequences. That has alleviated the concern in the minds of local government people in relation to the progress of this bill. If members are not happy with that process, we may be able to get an acceptable compromise, but that would mean reporting progress and a short discussion. I am not sure what other members are doing in relation to this.

The Hon. NICK XENOPHON: Does the minister concede, given the matters raised by the Hon. Caroline Schaefer, that it will be more cumbersome? The bill in its current form will mean that it is more cumbersome to obtain relevant approval. As the Hon. Ms Kanck said, we will lose the one-stop shop with respect to planning approvals. In that respect, at the very least it will be cumbersome and cause significant delays in the planning approval process.

The Hon. T.G. ROBERTS: The information given to me in relation to the application of the amendment is that, although it would appear to be an improvement, the situation at present is that the PARs would be affected. If there is a dispute within a PAR, it goes to cabinet for discussion and debate, anyway. That has happened on a number of occasions. I think it is the system that the previous government had, anyway. When I was on the ERD committee, we found that there were issues to which local government was able to agree. Had there been a different process, some developments would not have been given the okay, particularly in relation to the diesel tanks at Mannum. I do not want to go back to the pipes at Nildottie, but other projects would not have been given approval had the state been able to talk to local government before local government agreed to a certain process. We believe that the bill (as we have proposed it) is adequate to take into account the sensitivities of local planning infeed and the state government's protection for the overall position in relation to development within the area.

The Hon. CAROLINE SCHAEFER: We have received copies of the letters from the LGA. While I believe it was happy with what it believed to be a compromise, I do not believe that the compromise goes anywhere near as far as our amendment. Certainly, my concerns are not alleviated by the amendment suggested by the minister. I will be pressing ahead with this amendment. As the minister well knows, since he was on the committee at the same time I was, the Environment, Resources and Development Committee is already responsible under current legislation for reviewing all PARs. Its involvement would not change under this amendment.

The Hon. A.L. EVANS: I support the Liberals. I think it is preferable. I support the amendment.

Progress reported; committee to sit again.

CRIMINAL LAW CONSOLIDATION (SELF DEFENCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 May. Page 2394.)

The Hon. IAN GILFILLAN: I am speaking on behalf of the Democrats in opposition to this bill. It would be appropriate to remind members in this place of the history of the self-defence provision in the Criminal Law Consolidation Act. The 1991 legislation was formed in response to community agitation and concern. It permitted a person to escape conviction for causing injury to another in self-defence, first, if the person was completely and unreasonably mistaken in perceiving a threat and, secondly, if the force used by the person was completely disproportionate to that threat. So long as the person believed that their conduct was necessary and reasonable, and death did not result, there could be no conviction. If death did result, however, the jury could return a manslaughter verdict if the person had used grossly unreasonable force. In cases where the violence did not cause death the defendant was, in effect, judge and jury in their own cause. The 1991 act was the subject of repeated complaint by the courts on the ground that its provisions were close to unintelligible.

In 1997 the act was amended again; partly as a response to the complaints of unintelligibility levelled against the 1991 act, but also to reintroduce the requirement that the response be proportionate as perceived by a person who resorts to self-defence. I must indicate that the Democrats were much more kindly disposed to this as a measure than the previous legislation. This meant that a jury was once again able to reject a plea of self-defence on the ground that a defendant had used a quite unreasonable and unnecessary degree of force. The Democrats feel this is one of the key issues in this bill.

The provisions of the bill take away the jury's power to speak on behalf of the community. It takes away the jury's ability to respond appropriately when the response is beyond reason. What is particularly chilling about this bill is that it goes even further than Labor's original 1991 legislation. This time, the immunity extends even to the use of force that proved fatal, so long as the defendant thought that fatal force was reasonable and necessary. Under those circumstances, the defendant is immune from conviction. The title of the bill is misleading. It empowers the householder well beyond self-defence. It permits the use of extreme violence—short of death—in circumstances where there is no threat of injury to any person.

It beggars belief that this bill appears to empower householders to commit violence if they think that a person has just committed a home invasion. In other words, an innocent bystander could be attacked because the householder believes the bystander was recently in their home. The key factor is the defendant's belief about reasonable force being determinative, no matter how weird or callous that defendant is in their thinking. All this is contained within the interpretation. However, much worse is the effect the announcement of this bill has had on the general public. Since the original announcement of the government's policy intention with this bill, I have been appalled by the number of times I and others have heard people describing the steps they will take to attack intruders on their property. The potential for innocent people to be harmed in carrying out their daily duties because of the climate of fear and uncertainty that is caused by this bill is disturbing. It is an unnecessary measure, and I have indicated that it sends the wrong message. We believe the bill will have dire consequences if passed by parliament. We oppose the bill.

The Hon. D.W. RIDGWAY secured the adjournment of the debate.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE BILL

Adjourned debate on second reading.

(Continued from 4 June. Page 2612.)

The Hon. SANDRA KANCK: The Pitjantjatjara Land Rights Act, the Maralinga Tjarutja Land Rights Act and the Aboriginal Lands Trust Act when first passed all had committees set up to monitor the implementation of the legislation. However, all three of those committees have gone out of existence, with the most recent meeting for any of them being held in 1996. The failure of those committees is the fact that they were House of Assembly select committees. I have

said it here before that, whenever we have joint house committees, we always find that we have to wait for House of Assembly members in order to form a quorum—not without some sympathy on my part. I understand that often they are looking at their direct constituents' needs. Because they are operating within a very small constituency and do not have the freedom members of the Legislative Council have to range over all issues and all territory, they feel very much obliged to stay in their electorate offices and deal with the concerns of their very local constituents.

So, having lower house committees to deal with such an important issue as this is fraught with problems. In light of the very well-documented problems we have heard about in regard to Aboriginal lands, problems such as domestic violence, child abuse, alcoholism, petrol sniffing, illicit drug use, malnutrition and crime, it is clear that oversight of these acts is very much needed. I know there is always the risk of our appearing to be paternalistic when we set up committees such as this. Nevertheless, given the shocking rates of these behaviours on these lands, I do not think that we can walk away from it and simply say that we will leave it to the Aboriginal people to deal with, because clearly they are not able to deal with it at present.

Obviously, it would be good if the people in all these lands were able to get on their feet and not require any intervention. Ultimately, that might be what we achieve. However at present, in order for that to be achieved, a committee is needed to oversee it. This bill would set up a committee to oversee these three acts and their application as a standing committee. It would include members from both houses and, therefore, the Democrats believe that, because members of the Legislative Council would be on the committee, it would become a more workable and proactive committee. I would certainly like to think that I might be selected to work on such a committee, because this is such an important thing for our state.

The Hon. R.D. LAWSON: I rise to indicate the opposition's support for the bill. This is an important bill, and we are pleased to support it. Section 20B of the Aboriginal Lands Trust Act established a committee called the Aboriginal Lands Trust Parliamentary Committee. That committee was established under an amendment to that act which was passed in 1991. Despite the fact that committee has a role under the Aboriginal Lands Trust Act and a requirement to report to the parliament annually, I do not believe that it has operated effectively. Similar committees were also established under the Maralinga Tjarutja Land Rights Act of 1984 and under the 1987 amendments to the Pitjantjatjara Land Rights Act of 1981. However, both of those committees lapsed through the effluxion of time. A sunset clause was contained in those two items of legislation. It means that the committee under the Aboriginal Lands Trust Act is the only one extant at the moment. This bill will replace the existing Aboriginal Lands Trust parliamentary committee with a new seven-member joint standing committee. The Minister for Aboriginal Affairs and Reconciliation is to be the presiding member, and three members each are to be appointed from the Legislative Council and the House of Assembly.

The Aboriginal lands cover over one-fifth of the state's land mass. Despite improvements in the basic infrastructure on the Pitjantjatjara lands and other lands, the absence of any overall progress on key indicators such as health, education and economic development is deplorable. Conditions are often described on the Aboriginal lands as fourth world. Anyone who has visited those lands would have to concede that there are needs and issues which are not being addressed, notwithstanding the commitment and efforts of a number of dedicated people. Closer involvement of the parliament is one way of increasing the possibility of action.

However, I must say that the performance of the ad hoc committees which have already been established does not inspire confidence that the mere establishment of a standing committee will be any more effective. One argument against a proposal of this kind is that people on the Aboriginal lands and Aboriginal people generally in this state do not need yet another committee. The fact is that there is already a committee, but that committee is not operating effectively. This new committee structure will provide this parliament with an opportunity to provide a more effective mechanism.

A committee of this kind (a standing committee) will hopefully be resourced. I ask the minister what resources are proposed for this committee. One of the difficulties with ad hoc committees and select committees of this parliament is that they are very often staffed by individuals brought in from various parts of the government to perform a particular task. These people have no particular expertise, and some of them move on to other employment before they complete their task. The secretaryship of select committees and ad hoc committees is very much for the participants part-time or a job between real jobs.

What I want the minister to commit to is that government resources will be made available to this standing committee as they are to other standing committees of the parliament, because this will enable continuity, give the committee some drive, and ensure that the members are well-informed through an appropriate program. I think it is vitally important that a committee of members of parliament be established for the purpose of building up the expertise of members of this parliament on this very important issue. In the absence of a committee of this kind, I do not believe there is much prospect of this necessary expertise being developed.

There might be a criticism that this is a replacement committee and a waste of money and that the money devoted to it could be better spent on services. I think we should be sensitive to such a criticism. However, it is not considered that costs should be the decisive factor. It has been demonstrated in a number of reports (through calculations) that the commonwealth and state governments spend over $60 million a year on the 3 000 Australian people who live on the Aboriginal lands. Whether or not these people are getting good value for that investment is a moot point. Many would say that they are not. However, we believe that the cost of a parliamentary committee, even one that is appropriately resourced, is insignificant when viewed against the total expenditure on services for Aboriginal people in our state.

If we in the Liberal Party believed that the establishment of a standing committee would be taking money from the people in the field who really need it, we would not support it. The question which really ought to be addressed by the minister is how this new committee will achieve where others have failed. That is why I seek the assurance of the minister that the government will provide appropriate resources.

The minister and the Premier have just released a new blueprint for Aboriginal services South Australia. The department has been renamed the South Australian Department for Aboriginal Affairs and Reconciliation. There is a very attractive photograph of the minister and the Premier on the front of a glossy booklet and a lovely folder for it to be kept in. There is a small charter, which is a wonderful

testament to the skill of our graphic designers, artists and writers. However, this small booklet (the charter) manages to cram within a small number of pages more platitudes and more mumbo-jumbo than one would see in many textbooks of 1 000 pages on the social sciences.

It talks of collaboration, inclusiveness and engagement; tapping into and experiencing; a formal, flexible and innovative approach. It pays lip service to rigorous research; the active enlisting of experts to remove barriers to success; the sharing of experiences and promoting reconciliation. These are very fine words; I am sure that not one word in the dictionary of fine words has been missed in the compilation of this document. It talks about accountability, tenaciousness, unwavering determination, collaborative endeavour, leadership which articulates issues and champions solutions, drawing on innovation and expertise from a spectrum of contributors.

As I said, these are all fine words. I wish the minister and the officers of the department every success in their important endeavours, but the Aboriginal community deserves more than fine words from this parliament and this government. They deserve a better understanding of parliament—this committee will provide that opportunity—as well as resources and wisdom. We are happy to support the second reading, subject of course to the minister giving us some assurances that those resources which I mentioned will be provided.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I can give the honourable member an assurance that the committee will be adequately financed; some provision has been made for this financial year. We expect that the committee will not be set up until approximately the first sitting of the new parliament. It is intended that the membership of the committee will include members of both houses in order to raise the level of understanding of what is happening in the communities and to build tripartisanship within the committee. The government will not dominate the membership of the committee.

I have received a number of inquiries from members of parliament from both the major parties, the Independents and the Democrats who have expressed their wish to be a member of the committee because of their special interest. As the honourable member points out, there are a number of special challenges for members of parliament in dealing with the problems that exist in the broader community. This group of people over a period of time has been subjected to a wide range of policies which have been developed sometimes with good intention and at other times with less than that. Some of those policies have impacted adversely on these people. I think the last policy development of self-determination without providing assistance and resources has failed badly.

Many of the keywords to which the honourable member referred in the booklet deliberately relate to partnership and collaboration, because a new language is being developed amongst the indigenous communities themselves. They realise that they cannot move forward without the support and assistance of government agencies and resource management—I am not calling for new moneys or new resources—based on collaboration between indigenous groups and government in developing partnerships to develop and implement policy. At this point in history we should be appreciative that we can still talk to indigenous leaders who are traditional owners and who have a connection to the land as well as elected leaders, and that is where the partnerships come in.

If we do not have that mix of the traditional owners and the elders system, community leaders and elected leaders who are able to engage our governance, then I think we will set out with a new set of policies that will fail, unless we can show that our governance in dealing with these issues is not based on adversarial roles and that we can draw a consensus across government in a way that shows leadership to the diverse groups that exist within our state and Australia as a nation. All other states are grappling with the same problems.

You can look at the *Courier Mail*, the *Age*, the *Sydney Morning Herald* and *the Australian*—the newspapers that are worthy of being called newspapers—which have investigative journalists and commentators with a professional attitude to searching out and inquiring into the problems associated with the communities. I do not need to go back through them, because we have spoken about them often enough in relation to the dysfunctional communities, which are now impacting adversely on all sectors, not just the Aboriginal communities but also the broader community itself. In South Australia the Ceduna, Port Augusta and Port Lincoln communities have been wrestling with the problems of population drift and providing employment opportunities for people within those communities.

Having spoken to the communities about what we are intending to do, we know that their fear was that we were setting up a committee which would not work in conjunction with their committees but which would usurp any of the power and understanding they had about working together. I think it will now be incumbent on us as a committee for the consultation processes for the Pitjantjatjara, Yankunytjatjara, Maralinga Tjarutja and Aboriginal Lands Trust to work collaboratively together so they can put on our agenda those issues that they would like to see us work on in partnership with them.

I thank members for their cooperation and contributions and look forward to setting up and resourcing the committee as soon as possible. The key to the educative processes for us will be to show as many members as possible the abject quality of life for people in those communities and the deterioration that has occurred over time, which needs to be addressed. In doing that, if we can address some of the problems associated with regional and remote areas, that will connect with solving problems that exist in the metropolitan area as well. I thank members again, and I look forward to the passage of the bill through the other place and the setting up of the committee.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.D. LAWSON: I have a general question arising from clause 1. The minister will recall that Mr Archie Barton wrote a letter to members of parliament which was the subject of a question that I asked of the minister about the absence of community consultation. I know that in the minister's summing up a moment ago he mentioned the topic of consultation. Has the minister or someone from his office spoken with Mr Archie Barton about the objections he raised, and what has Mr Barton's response been?

The Hon. T.G. ROBERTS: The consultation process has included meetings with the AP executive, who endorsed the proposal. It will be put to a general meeting at the first opportunity, and that will take place on 9 July. The situation

in relation to the Maralinga Tjarutja is that Mr Barton has spoken to Bob Jackson from the Aboriginal Lands Trust and put some questions to him. My understanding from the conversation held with Mr Jackson and my staff is that those questions will be answered in a favourable light so that there will be a better understanding of the government's intentions than perhaps existed when the criticisms were made. I am confident that in the time frames that we have set between now and the passage of the bill in the lower house those discussions will be favourable.

I have not spoken to the ALT this morning. The ALT's position was general agreement around the table. We left the deliberations open for another 24 to 48 hours if required, but the general view around the table was one of general support and basically asking why we had not done it before. So, I would say that within probably another week to 10 days the Maralinga Tjarutja people should be putting an official position through the community as well as Dr Archie Barton. I would be hopeful that all sections of the communities will be in favour and will endorse and work cooperatively with the committee to achieve the ends that we require.

The Hon. R.D. LAWSON: I am grateful for the minister's response. Will he indicate when it is proposed that the act will come into operation and when it is envisaged that the committee itself will be established and up and running?

The Hon. T.G. ROBERTS: The information I have been given is that it is possible to have the committee in place by mid September, and I guess the party rooms will determine the nominees. I understand that the Leader of the Democrats has already indicated her willingness to participate, so there is one member who I think we can say will be automatically elected. I will be chair, so I will certainly be on it, but our respective party rooms will determine who would be interested in serving on that committee. I would expect the first meetings to take place in mid to late September.

The Hon. R.D. LAWSON: In his summing up on the second reading, the minister indicated that resources would be made available to ensure that this committee is well resourced. Can the minister indicate what resources he envisages will be made available to this committee, not so much in monetary terms but rather in terms of the human resources that will be made available?

The Hon. T.G. ROBERTS: The resources will be a joint research/secretarial position, which will be remunerated to reflect the workload of that position, with departmental support supplied in part by the Department of Aboriginal Affairs and Reconciliation. Any other resources that we require will be recognised, depending on what inquiries we embark upon and what areas we need to investigate. Individual members sitting on the committee will be paid but there will be no payment for the chair.

The Hon. SANDRA KANCK: Can the minister advise what his opinion is (because I am sure the committee will have its own opinion) of the future of the current select committee that we have looking into the Pitjantjatjara lands: whether that would continue to function or whether, with the setting up of this particular standing committee, the minister envisages that that select committee would finish up?

The Hon. T.G. ROBERTS: The select committee will continue its deliberations. I believe there is an availability sheet being sent around at the moment for our next meeting, and I think we will probably meet next Wednesday, 2 July. That committee will continue its work until the committee itself determines that it is finished with the collection of information and with its deliberations, and I suspect that that will be done at the next two meetings. I think the next meeting will be to look at some of the issues that need to be handled immediately, and the meeting after that will be turned over to where we go in the future. So, the select committee itself will continue, and I suspect that we will probably run for at least another two months. But it will be up to the committee itself to determine its own future.

Clause passed.

Remaining clauses (2 to 28) passed.

Schedule.

The Hon. SANDRA KANCK: Just a short time ago I took some advice about what part 3 of the schedule means in terms of additional salary as it is described. It was not clear to me from what was written here, but it appears that all of the members of the committee, with the exception of the Chair, who will be the minister, will be paid an annual amount to be a member of the committee, and the advice I have is that we would be looking at a minimum of $10 000 each. When I spoke on the River Murray Bill some weeks ago, I expressed my concern about money that was being spent on MPs when it could have been spent on the River Murray. I do have something of a similar concern here. I was not really aware how much would be involved, but I believe having this committee and having it as a standing committee with the status that that entails is very important.

I place on record that, in the event that I am chosen to be on that committee, any moneys that I am paid, post-tax, I will donate to Aboriginal organisations, for example, the Ngarrindjeri Justice and Equity Fund, which is trying to raise money for a reconciliation ferry. That is one that looms large in my mind, and there are groups like ANTAR (Australians for Native Title and Reconciliation). If I am chosen to be on the committee, I will receive that money in my pay packet and I will be forwarding it on to Aboriginal groups and projects that I think are important in this state.

The Hon. R.D. LAWSON: As the honourable member has raised the subject of the remuneration of this committee, which is at the rate which applies to other parliamentary committees, I do not see this as a matter of the status of the committee. I see this as a measure of the importance of the committee, and if members of this committee are to be remunerated, as they are on other parliamentary committees, it behoves them to discharge their responsibility to the parliament by treating the task seriously in the way this act treats these issues. So, I do not see the fact that members of the committee are to be remunerated as a perk. It is actually a mark of the responsibility required of members. This is not some dilettante interest. This is something to which people have to devote a good deal of time, energy and expertise. I commend the honourable member if she wants to take a personal decision about the way in which she disposes of any part of her parliamentary emoluments, but that of course is entirely for her.

The Hon. CAROLINE SCHAEFER: I support my colleague in this. I will not be on this committee, and therefore I can express a view at arm's length. This is a standing committee that is unlike any of the others. There is no standing committee in my view that can properly address what has already been very articulately stated in second reading speeches as one of the great shames of South Australia and Australia, and that is the parlous state of many of our Aboriginal communities. The fact that the committee is remunerated does give it status. However, I think we all expect that for that remuneration members will put in many hours in excess of the amount that they are paid for. It is

another job, and as such I believe it deserves to be paid for and, as the Hon. Robert Lawson has said, the Hon. Sandra Kanck or anyone in this place is entitled to do whatever they wish with their salary including, if they wish, donating it to charity.

However, I do not think that that should reflect poorly on those who accept the position and the remuneration that goes with it. I support the fact that it is of equal importance to the other standing committees. I am sure that there will be some discussion about it when we are considering the River Murray bill and the fact that we are opposing a standing committee in relation to that issue, but as I will outline during that debate I am opposing it because I believe that another committee—the Environment, Resources and Development Committee—that already exists can deal with those matters. In this case, the Standing Committee for Aboriginal Lands will be unlike any other committee in this place.

The Hon. T.G. ROBERTS: We looked at various options in relation to the payment and it was felt that opposition members—we can remember being there—may want to engage extra staff, maybe a part-time person, to draw together information and conduct research at a private level. As both members have indicated, this is one of those committees that will add to the workload that they already have and we thought that the remuneration was adequate so that a frontbencher or backbencher appointed to the committee could afford extra research if required.

It is an urgent bill. It has been addressed in a very serious way by those who have considered the issues. I think it would be remiss of us if we did not take this opportunity to move it through all its stages. If the honourable member who is absent wants to make a contribution he can consult his local member in another place: that is up to him. I believe that there will be plenty of other opportunities for that member to make contributions on the issue.

Schedule and title passed.

Bill reported without amendment; committee's report adopted.

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

That this bill be now read a third time.

The Hon. A.J. REDFORD: I did not get the opportunity to make a second reading speech, but I will not labour the reasons for that. I have a couple of concerns. First, it seems to me that we have an existing committee system that is the most poorly resourced of any parliament in the country; and it also seems to me that we seem to be developing a habit of setting up new standing committees when it would be more appropriate to expand and better resource existing committees.

We already have situations where committees have to change sitting times because members sit on or preside over more than one committee, and are remunerated for sitting on more than one committee, and it becomes increasingly difficult to find times when these committees can sit and have a quorum. The more we do this the more difficult it becomes to ensure that these committees function properly. It is my view—and I say this on the record because I recognise the numbers—that a preferable way to deal with this would be to expand the terms of reference of the Social Development Committee and give it the resources that would more appropriately enable it to carry out its task, and seek to advance the issue in that fashion. I feel very strongly about that.

By going down this path every time a difficult issue arises and setting up another permanent standing committee, with the resources that are made available to members of parliament with increased remuneration and the like, we do not give proper consideration to staffing levels, resource levels and the like. Indeed, committees in this place are resourced to the extent that if they want to travel anywhere it is almost impossible to organise, although one might say that members have generous personal travel provisions that can be used for that purpose.

I express that view on this issue quite forcefully. I also express the view that we ought to stick with the existing standing committees and expand their resources, or in some cases expand their membership, which is something that happens in the federal parliament. I have no difficulty with what the minister and members are trying to achieve. With the passage of this bill I hope that what is being done in relation to the Pitjantjatjara select committee is not lost and that we actually get a report from that committee and deal with the issues.

In that respect I remind members that I was the one who sought the establishment of that committee, and that that was supported by all members. We have waited patiently for a report from that committee for some considerable time. Mr President, with those few words which probably more appropriately should have been said at the second reading stage rather than at this stage—and I thank you for your indulgence in that respect—I express my reservations about the bill and the process.

The Hon. R.D. LAWSON: I will make a brief response to one of the points raised by my colleague the Hon. Angus Redford. If this were the establishment of an entirely new committee, I think much of what he had to say would have had more force than it did. However, there is in existence already one statutory committee, which, in my view—and I think by general consensus across the parliament—is not working satisfactorily. It is my belief that, by converting that existing committee into a standing committee, the parliament does have an opportunity to provide better resources for members of parliament fully to understand the issues which concern the Aboriginal community, and that is why I have supported this bill. Apropos the select committee that is presently examining issues relating to the AP lands, I am not sure whether the honourable member was present when the minister indicated that it is envisaged that that select committee will report very shortly after the final couple of meetings that are presently being organised.

Bill read a third time and passed.

ADJOURNMENT

At 5.50 p.m. the council adjourned until Monday 7 July at 2.15 p.m.