LEGISLATIVE COUNCIL

Wednesday 24 March 2004

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

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 15th report of the committee.

Report received and ordered to be read.

The Hon. J. GAZZOLA: I bring up the 16th report of the committee.

Report received.

PAPERS TABLED

The following papers were laid on the table:

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

Regulation under the following Act—
Road Traffic Act 1961—Testing of Photographic Detection Devices.
Rule of Court—
District Court—
District Court Act 1991—Inactive Cases.

VISITORS TO PARLIAMENT

The PRESIDENT: I draw honourable members' attention to the presence today of some very important South Australians from Mitcham Girls High School. They are year 11 students who are accompanied by their teacher, Miss Pat Klimatsakis, and the Hon. Mr Hamilton-Smith, the member for Waite. We hope they enjoy their stay with us and find it both interesting and educational.

ANANGU PITJANTJATJARA LANDS

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I table a ministerial statement about the AP lands made by the Deputy Premier earlier today in another place.

STATE-LOCAL GOVERNMENT RELATIONS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a ministerial statement on state-local government relations made today by the Hon. Rory McEwen in another place.

STANDING ORDERS SUSPENSION

The Hon. R.D. LAWSON: I move:

That standing orders be so far suspended as to enable me to move a motion in lieu of question time and for the motion to be voted on before the calling of the business of the day.

The PRESIDENT: There is an absolute majority present. I put the question: those for the question say aye, against no. There is dissent. I am advised that the process is that, when there is dissent, there must be a division. As there is only one member for the noes, the division collapses.

The Hon. R.I. LUCAS: I rise on a point of order, Mr President. When you put the question, there were two dissenting voices: the Hon. Ms Gago and the Hon. Mr Terry Roberts.

The PRESIDENT: I did not hear the Hon. Terry Roberts, to be absolutely honest. I heard a number of voices.

The Hon. R.I. Lucas: Perhaps you would like to ask him.

The PRESIDENT: The Hon. Mr Roberts can make his own decision on that. Did you call?

The Hon. T.G. ROBERTS: Yes.

The PRESIDENT: Under the circumstances, minister, the normal requirement is that you vote according to the way you called.

The council divided on the motion:

AYES (19)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Gazzola, J. M.
Gilfillan, I.	Holloway, P.
Kanck S. M.	Lawson, R. D. (teller)
Lensink, J. M. A.	Lucas, R. I.
Redford, A. J.	Reynolds K. J.
Ridgway, D. W.	Schaefer, C. V.
Sneath, R. K.	Stefani J. F.
Stephens, T. J.	Xenophon, N.
Zollo, C.	

NOES (2)

Gago, G. E. (teller)	Roberts, T. G.

Majority of 17 for the ayes.

Motion thus carried.

ANANGU PITJANTJATJARA LANDS

The Hon. R.D. LAWSON: I move:

That this council censures the Rann government and the Minister for Aboriginal Affairs and Reconciliation for:

1. Their failure to provide a timely and adequate response to the recommendations made in September 2002 by the State Coroner in relation to petrol sniffing on the Anangu Pitjantjatjara lands.
2. Their failure to insist that the AP executive board face election at the last annual general meeting of the Anangu Pitjantjatjara.
3. Their refusal to accept responsibility for the delays in providing effective health, welfare, police and other services for people on the lands.
4. Attempts by the Rann government to transfer blame to the executive board of AP for the failure of the government to address issues on the AP lands.

It gives me no pleasure to move this resolution.

Members interjecting:

The Hon. R.D. LAWSON: I have no pleasure whatsoever in having to seek to—

Members interjecting:

The PRESIDENT: Order! Members will have varying degrees of dissent, and some will agree, but I think you will all agree that we are talking about an incident that occurred relating to a very serious matter which affects citizens of South Australia. It is beholden upon all of us to handle this matter with dignity and sensitivity.

The Hon. R.D. LAWSON: Although the motion speaks of the failure of this government since September 2002 to address the findings of the State Coroner, before that date the seeds of this particular disaster were sown. Indeed, they were sown before the last state election in February 2002. They were sown when the then shadow minister (now the minister) took up the cudgels on behalf of Mr Gary Lewis and the Pitjantjatjara Council in a dispute which that particular council was having with the duly elected AP executive board.

At that time, Mr Gary Lewis was the Chief Executive of the Pitjantjatjara Council. Before the election, this minister clearly nailed his colours to the mast of Gary Lewis, and therein lies some of the seeds of the disaster which has been

unfolding since that time. The minister was only appointed in March 2002; in the following month (April 2002) the then duly elected AP executive was calling for the minister's resignation by reason of the fact that he was siding with Mr Gary Lewis in a dispute with the duly elected executive in relation to their choice of whom they wanted to appoint as legal and anthropological representatives.

Members interjecting:

The PRESIDENT: Order! I have asked that this matter be handled in a dignified way. All members will have an opportunity to make a contribution. We should get on with it and abide by my ruling.

The Hon. R.D. LAWSON: So, at the time, the minister was setting himself against the then duly elected AP executive board. He was frustrated in his desire to have the Pitjantjatjara Council retained as anthropological and legal adviser to the AP because the AP insisted that it exercise its legitimate right to make its own selection and not have a selection foisted upon it. There was criticism from the duly elected AP Council, which then called for the minister's resignation and the intervention of the Premier.

There was a significant letter from the then ATSIC Regional Commissioner, Mr Brian Butler, for intervention because of the minister's ham-fisted handling of the affair. Later on in November that year the minister maintained his clear support for Mr Gary Lewis (who incidentally had once been a member of the AP Board, but was no longer) to be re-elected. The minister intervened strongly to secure the election of Mr Lewis and he was just elected in a—

The PRESIDENT: Order! Members of the press corps are aware of the rules. They are behind the pillar. The person using the TV camera will abide by the rules or will be removed from the chamber.

The Hon. R.D. LAWSON: The minister took the step himself of attending the annual general meeting of the Anangu Pitjantjatjara people at Umuwa on the lands. He clearly sided with Mr Lewis in his candidature for election and Mr Lewis was narrowly elected. The minister promptly issued a press statement in which he congratulated Mr Lewis on winning what he described as the executive chairmanship.

The minister's use in that press release of the term 'executive chairmanship' indicated that he did not fully understand the role that Mr Lewis or any chairman of the AP was to have. Mr Lewis thereafter assumed dictatorial control over what had been happening on the lands. He is not an executive chair but the chair of an executive board—a distinction the minister failed to recognise. The minister, on the same occasion (8 November 2002), said:

> The state government will act quickly to bring together service providers to ensure that services are delivered to the areas of most need.

That was on 8 November 2002. A couple of months before that the state Coroner, Wayne Chivell, handed down the findings of an inquest which he had conducted in May and June 2002 into the deaths on the lands of three Aboriginal people from petrol sniffing. It is usually referred to as the petrol sniffing inquest. The Coroner heard extensive evidence from the Department of Human Services, government agencies, ATSIC and the police. He wrote a 75-page report after hearing all of the evidence into the deaths of three—

The Hon. P. Holloway: This was all in your term of government and you did nothing.

The Hon. R.D. LAWSON: He reported that there had been 35 deaths over the past 20 years. We do not hide from the fact that there were deaths—

Members interjecting:

The PRESIDENT: Order! Members on my right will come to order. They will have ample opportunity to refute all this. Members on my left will remain silent also.

The Hon. R.D. LAWSON: A 75-page reasoned judgment laid out a blueprint to address the issues which had been developing over the years. The Coroner provided to the government a blueprint for action—a blueprint which contained a number of recommendations. I will not read them all, but they required prompt action—for example, the appointment forthwith of youth workers and coordinators, and the establishment of a culturally appropriate homeland outstation program was a matter of priority. A range of sentencing options were to be made available to the courts (the number of which were to be increased), which was hand in hand with the proposal to establish outstations and homelands. The blueprint recommended the immediate amendment of the Public Intoxication Act, and a more energetic, concerted and creative approach to the recruitment of suitably qualified and experienced staff to the lands, in addition to the establishment of secure care facilities on the lands. The Coroner said that this should commence immediately.

As I say, a blueprint for action was laid down by this government in September 2002. From time to time, the minister was asked by me, by the Hon. Mr Xenophon and by other members of this council what exactly the government was doing. The minister was questioned from time to time in this place, and he would always say that another committee was examining the issues, another working party was being established, another task force was looking at issues and partnerships were being established. However, no action took place to implement those recommendations—not until late February and early this month, when the minister received notice of an additional four deaths on the lands and a number of people attempting suicide.

It is worth saying that the Coroner's report received very widespread publicity at the time, and the minister assured the parliament that action would take place. The Coroner said:

> That such conditions should exist among a group of people defined by race in the 21st century in a developed nation like Australia is a disgrace and a shame to us all.

He criticised federal and state governments for taking far too long to act, but he said the time for delay was over. That inquest received nationwide publicity and was a great shame to this state and to this government and imposed upon this minister and this government an obligation to act immediately.

Members interjecting:

The Hon. R.D. LAWSON: We will take responsibility for what we did, but this government is avoiding responsibility for what it has failed to do. You have done nothing in the two years since the Coroner laid out his blueprint. We have national headlines that the lands are a disgrace and that this government sat on its hands.

Members interjecting:

The PRESIDENT: Members on my right will come to order. The Hon. Mr Lawson has the call. Everyone will have the opportunity to enter the debate as it has no time limit.

The Hon. R.D. LAWSON: When the government became aware of an unfolding further tragedy on the lands, it decided to take some action. It is not as though the government was not aware of what had been happening on the lands in the meantime. For example, it is interesting to read the comments of the Treasurer (Kevin Foley) in the

estimates committee hearing in June 2003. He mentioned the fact that the Coroner was actually taken into state cabinet to outline the situation on the lands. That is a fairly extraordinary action, but it indicates that the government recognised the importance of doing something. The Treasurer said:

> Very few things have disturbed me as much in my short time in government as the briefing we received from Wayne Chivell, the State Coroner. We brought him into cabinet. . . he talked through the terrible tragedy unfolding in the Anangu Pitjantjatjara lands. It is a disgrace and a poor reflection on our community that Aboriginal people are killing themselves. Their society is dysfunctional, and the basic standards one would expect of civilised society and are at best limited and at worst beyond description.

So, the Treasurer clearly recognised the problem in June 2003, which is almost a year ago. Additional funds were provided in the budget of that year—funds, we have learned only recently, that have not been spent on the purpose for which they were intended.

The Treasurer himself, in a radio interview only last week, after announcing that an administrator was to be appointed to the lands, said:

> One of the most moving things that happened to me in public life was a beautiful woman pulled me aside. . . a dear old Aboriginal woman. She held my hand. . . she was shaking, and she said, 'Sir, could you please pass laws to stop husbands bashing wives?' 'Now, for goodness sake,' the Treasurer said, 'we've had those laws in civil society for decades and yet, here we are. . . people who are subjected to this level of violence. It just cannot be tolerated, and it won't be.'

The Treasurer said that he was 'coming down hard'. He is coming down hard now, but he was well aware—as were other members of the government and as was this minister, because he has been a visitor to the lands—of the tragedy that is unfolding. It is not only petrol sniffing and domestic violence—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: —because there is also trading in drugs, drug use and pornography on the lands. It is an unfolding human tragedy.

Members interjecting:

The PRESIDENT: Order! Honourable members will maintain the dignity of the council.

The Hon. R.D. LAWSON: This government and this minister, knowing of this tragedy, did very little. They did a lot of talking, convened a lot of meetings and listened to Gary Lewis and to his requests, but the fact is that the government did nothing. It is appropriate that this government is condemned and censured for its failure to provide a timely and adequate response, and that is the first paragraph of my motion:

> This government should be condemned for its failure to provide a timely and adequate response.

It was only when it appeared that it would get out into the public domain and that a story was about to appear on page 1 of *The Advertiser* that the cabinet met and came up with an emergency package. The announcement was made on 15 March 2004, and a press release was issued after a cabinet meeting on that day, with the heading 'Government sends in top level task force to Aboriginal lands. It stated:

> A high level task force headed by former SA assistant police commissioner, Jim Litster, will be sent to the lands to sort out the escalating crisis that has resulted in recent tragedy and death.

It was only after *The Advertiser* had published a front page headline and revealed to the whole South Australian community that this government had failed to act on what had been headlines two years before that this government decided to act. It is a disgrace. In issuing this release, I note that the minister was completely sidelined in relation to this particular announcement. The release goes on to say:

> It is the opinion of cabinet that this crisis has simply gone beyond the capacity and control of the APY council. Crown Law has advised us that the APY council may not be valid since last December and that it now has questionable authority to spent state government money on services and in areas where it is clearly needed.

I will return to the fact that crown law had advised that the APY council may not have been valid since last December. That is a matter I have been raising in this chamber in a series of questions in which the minister clearly sided with the AP executive, which made a decision that it would continue to purport to be in office, notwithstanding the provisions of the legislation which says that it was to resign and cease to hold office at the annual general meeting. I will deal with that specifically further in the resolution.

Here we have decisive action being taken by the government. The Deputy Premier then went out and—in addition to what he said in his media release—gave interviews to the press, saying that in fact an administrator was to be appointed to the lands. He said that self-rule was finished, that the state government has abolished Aboriginal self-government. He said:

> This government has lost confidence in the ability of the executive of the AP lands to appropriately govern their lands.

Note that the Deputy Premier of the state is saying that this government has lost confidence in the ability of the executive—no admission of this government's own delay and default in relation to these matters, but laying it clearly at the feet of the AP executive. He went on to say:

> Self-governance in the Anangu Pitjantjatjara lands has failed. What I say, as far as the executive of the AP lands is concerned, is: time's up.

He added:

> This government has said it will not tolerate an executive that cannot deliver civil order, community services, social justice and quality of life to their community. The government has decided to take drastic and dramatic action to step in and deliver civil order and appropriate action in a part of our state that is, quite frankly, a disgrace in terms of governance.

Members of the council will recall that, in a series of questions I have been asking the minister over the years that he has held the portfolio, he has constantly talked about what is being thought about in terms of governance, but we have not yet seen a proposal from the government on that. Mr Foley said:

> . . . putting women and children ahead of factionalism local politics, which simply cannot be tolerated and will not be tolerated by this government.

He wanted order restored to an 'effectively lawless community'. It is interesting that the Deputy Premier and Minister for Police should be abusing the executive of the AP lands for failing to provide appropriate policing services. The responsibilities for the lands do not only rest with the Minister for Aboriginal Affairs and Reconciliation; indeed, he has a limited budget and a limited capacity to deliver programs to the lands. There is a responsibility on the Minister for Health in this state to ensure that all South Australians have appropriate health care, and the Department of Human Services and the Minister for Health are responsible for ensuring that those services are delivered to the 3 000 people who live in the north-west corner of this state.

Three thousand people is not a large number of people as a proportion of the total South Australian population. It is not

even a large proportion of the 25 000 people of Aboriginal origin in this state. The lands are of great significance to this state, not only actual but also symbolic significance, and the Minister for Health has a high obligation to ensure that health service is provided. The department has singularly failed to do so.

It is all very well for the Minister for Police to stand up and talk about lawlessness and blame the executive of the AP for lawlessness on the lands. He is the Minister for Police, and he has the capacity to ensure that police services are delivered to the lands. He is the one who has heard the stories, who told us about how moved he was by what the Coroner had told him, and who told us about the old Aboriginal lady telling him the sad story of domestic violence. What did he do to ensure that there were adequate police services on the lands, and maintained on the lands? He did nothing. He simply stood up at budget time and said, 'We are allocating more money. That is the end of it.'

Members interjecting:

The Hon. R.D. LAWSON: It is extraordinary that the Premier has received a letter dated 18 March this year, after the announcement of dramatic action by the government from Makinti Minutjukur, who is the municipal services officer at the Pukatja community, formerly known as Ernabella. She says:

> Six and half months ago, I attended a meeting in Alice Springs with the South Australian Department of Human Services, and submitted a plan by the Pukatja council for a petrol sniffing prevention program.

Six and a half months ago. She continues:

> Our plan was accepted as a good one. We were told that we would get $120 000 for it. Since then, I have heard nothing further.

Is that prompt action in response to a community? You promise them one thing, say you are going to do things and six months comes and goes; then you blame the community for its failure to respond. The letter continues:

> At the end of 2002, an extra 12 police were sent up to the lands for three months. Everything started to improve. Extra police stopped people bringing in grog, stopped people running around in cars all night, took cans away from petrol sniffers and tipped out the petrol. Everybody was very happy and feeling safe in their communities. Then those extra police went away and we have not seen them since.

Suddenly, on Monday last week, cabinet decided that we are going to send another three police and an inspector to the lands in response to an unfolding political problem for this government. There is no thought for the lives of the people on the lands. That fact is, this government has not provided an adequate or a timely response to the recommendations of the state coroner. It deserves to be censured for it.

The second paragraph of my motion seeks to censure the government for its failure to insist that the AP executive board face election at the last annual general meeting. That annual general meeting was held in December last year and prior to that time there had been suggestions from Mr Gary Lewis and the executive that they should be allowed to continue for a term that is longer than 12 months.

One can always have an argument about whether 12 months is the appropriate term or whether they should have been elected for a longer term. It is always an argument that is open. We have always been open to that argument and we are amenable to suggestions about extending those terms. But the fact is that the legislation now provides that the executive board holds office for 12 months and retires at the end of 12 months at the annual general meeting and is eligible for re-election.

The AP executive came to the city. Mr Gary Lewis came in. He asked, 'Would we in the opposition support an extension?' He said, 'We are doing some great work, we are supported by the community and we want to get on with our work.' So, my response was, 'Well, if you are supported by the community, if you are doing great work and they are behind you, go to the election as the legislation requires and I am sure you will be re-elected.'

He was not very happy with that response. He went to see Premier Rann and apparently put the same story and the Premier said, 'Go to the election. Be re-elected. If what you are doing is good, you will be re-elected.' They went to this minister, because that was not the news they wanted, and he connived at them simply staying in office and amending some rules of the constitution which defied the legislation under which the body is established. He stood by and never said, 'You cannot do this.'

When he was asked questions about it in this house, he said, 'Well, I have suggested perhaps they might like to do something else.' The fact is, he continued to deal with this board after its term had expired, after they refused to go to an election and put up some Mickey Mouse motion that their terms be extended, after having been told by the government, and we now know it is acknowledged that crown law had advised to that effect. This minister, when I asked questions about crown law advice on this particular matter, obfuscated the issue. He never answered it directly. Now we see; now we know. The news release issued by the Deputy Premier states:

> Crown law has advised that the council may not be valid.

So, the government had that advice. This minister and this government should have insisted that the AP executive comply with the terms of the legislation as they were passed by this parliament. There is no point in saying, 'We are proposing to change the legislation.' The fact is that it has not been changed, and the fact is that this minister was talking about partnerships, about applying money and giving heavy responsibilities to an AP executive which had dubious authority rather than ensuring that it was re-elected as it should have been.

As I mentioned at the outset of my speech, the seeds of this disaster were sown when this minister formed an alliance with Mr Gary Lewis, which has seen him endorse Mr Lewis's continuance in office.

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: They certainly do on the lands. Certainly, the women's council on the Anangu Pitjantjatjara lands, who have been the victim of Gary Lewis's bullying—

The Hon. J. Gazzola: Have you got that in writing?

The Hon. R.D. LAWSON: I certainly have got that in writing, and I am glad to see the newspapers supporting the actions of the Treasurer in getting rid of the AP executive for the very reasons about which I am speaking. I now move to the third paragraph of the resolution, which seeks to censure the government for its refusal to accept responsibility for the delays in providing effective health, welfare, police and other services. It is clear that this government has failed to accept its responsibility. There is not a word of apology in the news release of the Deputy Premier nor in his bolshie response, which he would regard as very good political coverage.

Not a word of, 'Well, we are sorry we have not got on with this. We acknowledge that we have not moved as quickly as we should have. We acknowledge that we have been playing favourites with the current APY executive and

disenfranchising the people by not allowing them to have the election this parliament gave them in legislation.' Not a word of that, but a determined effort to place the blame on the executive. I think that the executive is certainly entitled to receive its fair share of responsibility, but this Treasurer is laying the whole blame on the AP executive when the blame should be directed at not only his government but also his own portfolio and his own personal failings.

There has been a concerted attempt by the government to shift responsibility onto the shoulders of the AP board for this government's own failure to address the issues.

This motion condemns—

Members interjecting:

The PRESIDENT: Order! The debate is deteriorating to a deplorable level. Members on both sides are accusing each other of rorting the rules of the parliament. Let me say that members on both sides are to blame equally. From now on I will insist that the speaker be heard in silence and those who respond will be heard in the same manner.

The Hon. R.D. LAWSON: This motion, in seeking to censure this minister and the government, is not about the minister's sincerity and it is not about whether this particular minister's heart is in the right place. It is not a question of the good intentions of anyone. The road to hell is paved with good intentions, and it is clearly paved to hell with good intentions in relation to Aboriginal affairs. This motion is not about sincerity; it is about competence and the capacity and ability to drive the necessary changes to implement the blueprint which the Coroner provided, or if the government was not—

The Hon. R.K. Sneath interjecting:

The Hon. A.J. REDFORD: On a point of order, Mr President, you made a very clear ruling that the speaker would be heard in silence. I am happy to engage in banter across the chamber, but the Hon. Bob Sneath in direct contravention of your ruling continues to do that. I ask you, if your order is going to be applied, to apply it.

Members interjecting:

The Hon. G.E. Gago interjecting:

The PRESIDENT: Order! The Hon. Mr Sneath and the Hon. Ms Gago will consider my direction. I was engaged in a conversation on procedural matters with the Hon. Sandra Kanck and I was not aware that there was a breach of my direction.

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order! I am listening now, and I would ask members to abide by my direction, because I am going to start getting firm.

The Hon. R.K. Sneath interjecting:

The PRESIDENT: Order! The Hon. Mr Sneath will abide by my ruling.

The Hon. R.D. LAWSON: It is important that this council send the very clearest message to this government and this minister that their failure to act in this matter is deserving of the strongest possible censure. This government and this minister deserve the strongest kick up the backside that one can imagine for their failure. People have died in consequence of their failure to act.

The Hon. G.E. Gago interjecting:

The Hon. A.J. REDFORD: On a point of order, Mr President, the Hon. Gail Gago, who I know has a challenged intellect, has three times—

The Hon. G.E. GAGO: On a point of order, Mr President, that is unparliamentary.

The PRESIDENT: Order! Both of you be seated. The Hon. Mr Redford knows that his dissent and his frustrations are not necessarily a point of order. The Hon. Ms Gago is correct: the honourable member has made an offensive remark. At this stage, the procedure is for the honourable member to withdraw that offensive remark.

The Hon. A.J. REDFORD: I will withdraw the assertion that she is intellectually challenged.

The PRESIDENT: The honourable member withdraws his offensive remark. The Hon. Mr Lawson will conclude his remarks. I am going to be severe; the next person who breaches my direction will suffer the consequences.

The Hon. R.D. LAWSON: Yesterday, this minister delivered in this council the piece de resistance when he announced that the legislation which the Deputy Premier had said would be introduced would have only one effect: to extend the term of office of the existing executive board of the Anangu Pitjantjatjara. On the one hand, the government condemns that board in the strongest possible terms. Some condemnation is undoubtedly required—this board has remained in office notwithstanding that it has not been re-elected—and the government's response as revealed by the minister yesterday was to introduce into this parliament a bill which will endorse and extend a term taken,not to enfranchise the people of the lands, not to give them the opportunity to say whom they want to have on the executive board, but to ensure that this minister's favourite is extended in office, as was always the minister's intention. It is an absolute disgrace!

Honourable members: Hear, hear!

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): Mr President—

Members interjecting:

The PRESIDENT: Order! The minister will be heard in silence.

The Hon. T.G. ROBERTS: Thank you, Mr President. The disappointment that I feel is probably felt by many members of this house in relation to the time that is being wasted as a result of this censure motion, but I am prepared to debate the issues that have been brought forward by the honourable member and to answer his criticisms. First, in response to the last point in relation to the make-up of the council and the way in which the council was elected, there is 40 000 years of history in the lands of how they govern themselves on their own issues. Many of the ways in which they govern themselves we still do not understand as non-Aboriginal people.

From 1981, under a defective act (it was explained by a number of speakers when the legislation was introduced that it was defective in relation to being able to carry out the roles and functions of engagement that governments have when dealing with the important issues of human resources and human services), these people have been labouring without any changes to it for a very long time—eight or nine years under the previous government.

No attempt has been made to change the act to improve the ability of the AP to enable a different form of governance or to engage our governance. After the position was made clear on the ownership of land, no attempts were made to change the act to make sure service delivery and the engagement of government services took place in a way in which every other community in this state expects them to be delivered.

If it was in the South-East or any other part of this state, people would be jumping up and down. The way in which the

executive is elected and the way in which the 1981 act expected them to be both service providers and land managers we recognised early and tried to change it. We engaged AP and the communities. The honourable member did not say in his contribution that they also tried to engage AP to get those changes, just as we did upon coming to government.

We put in place a recognition that government administration and governance, infrastructure support and human service delivery had to be separated out. We had to do that because of the emergency situation in which we found the lands when we came to government. We made no apology for trying to get the changes required to bring about a change in governance. We are still doing that and we have agreements from AP, which is still patient with us in relation to how we deal with it (and by 'we' I mean governance generally). I am sure one would wonder why that is the case.

We have engaged it to try to get the changes required to assist in getting a form of governance on the lands that brings about an engagement on an equal footing so that human services and other infrastructure support programs can be put in place. All the work done in those first two years mainly went into trying to change the former governance and administration to make it suitable for partnership with state government services. We had to not only look at the way in which we governed ourselves, as I mentioned in reply to questions, but we also had to discuss with AP the way it looked at itself in relation to its own governance. We have those agreements in relation to those governance structures. We wanted an interim executive alive so that we could engage it and bring about the changes required. It was to be a short-term strategy in terms of its own governance. The committee elected was going to be in for only a short term while we had an engagement process to allow that to happen.

It makes me very disappointed and disenchanted with the way the opposition is using its time in relation to this issue because we have put in place a standing committee and a select committee to look at those serious issues in relation to the conditions on the land. The honourable member is on that committee. We opened up the standing committee to include the Democrats, ourselves and Independents to take a look at a whole range of issues—not just land management but also infrastructure support and human services. We did that to explain to the parliament generally so members could get a handle on exactly what we are dealing with. We are dealing with an extreme circumstance where young people in particular, and in some cases not so young people, are losing their lives; and daily they are losing hope because of the circumstances in which they find themselves.

What we have tried to do, in a constructive way, is to achieve a circumstance where we know what is going on in the lands, as opposed to the previous government's position of disbanding the committee so that there is no outside support, assistance or scrutiny, and to leave the people, as the previous minister put it, to self-determine the outcomes that affect those people.

At the moment, we are dealing with a political game in which young South Australians are dying in tragic circumstances. I have explained that more people will die because of the insidious nature of petrol sniffing, of drug and alcohol abuse and of community violence. It is incumbent on us all to work together to try to overcome that and not score petty points in debate, trying to capture the media's attention, as to who is trying the hardest, who is responsible and who is not doing what, but to try, in a constructive way, to get things done as soon as we can.

This debate is not about helping these young people, or those who are affected by the conditions. It is not about helping those women who are subjected to domestic violence by partners who are engaging in substance abuse. It is not about doing one thing to help their life: it is about how we, within our government structure, take points, make points and try to make political plays at the expense of probably the most abused people on this planet in relation to how they live their life at the moment.

I would have expected a far greater degree of cooperation in how government services are being delivered and the urgency with which the government wants to deliver them, but the lines of communication and delivery are not suited to the way in which service delivery programs can reach into those remote regions. We are changing that. We are changing a whole range of structures in relation to how those service delivery programs are put in place, and we do not want to make the same mistakes that, historically, other governments have made, namely, directing funds into areas that are mistargeted, misdirected and wasted.

I am certainly not here to appease other people's guilt about the roles that they played in previous governments. We are here to try to share some of the burden with the opposition and with those in other parties, such as the Democrats and the Independents, so that they understand exactly what it is we are dealing with in relation to the tragic circumstances that are unfolding before us. We would like to act in a cooperative way and not have the petty point pinching of who is capable of running the APY executive, who should be on it, or how it should work. We should be looking at the broader issues of what governance we can put in place to change the circumstances in which these people live.

I am here today to tell the APY and those who would like to support them that it is about time for them to harness their energy, direction and intellect to join with those communities to get the best results we can from the government services. That is why we accelerated the programs that we have been trying to put together. It was not because of one single headline in *The Advertiser*: it was because of the tragic circumstances of three people losing their lives in the short space of about five or six days. I am sure that there will be periods when we will receive news from the lands that will be equally as disappointing.

However, we have put in place an emergency program, if you like, that overrode the strategies that we had developed previously. So, we had strategies in place and we had developed them over a two-year period with the knowledge that we had built up in opposition and the understanding that we had gained from working with people in the community. All those who do not understand the issues that I am discussing and to which I am drawing attention should look at themselves in relation to the role that they play in this council. Generally, if it gets down to pointing fingers at individuals and apportioning blame (and I know the headlines are part of that), we have lost direction.

I am sure the people on the lands are starting to lose faith that our parliament as a whole is able to deal with their issues. Their understanding of how the party system works is not the same as that of non-Aboriginal people in this state. They seem to believe, in the main, that parliament is set up to help them and that we are all working in the same direction, and I assure honourable members that this motion will not lead them to believe that.

I have yet to find evidence of what the former Liberal government did in relation to the problems being faced by

those living on the APY lands—problems of substance abuse, poverty and political factionalism on the lands appear to have been routinely ignored by the former government. A 'leave them alone' approach was adopted by the shadow minister when we started to tackle the issues, and our interventionist approach was seen as paternalism and trying to somehow weaken the position that had been developed by the former government. In fact, the former government had so little commitment to this area that it let the parliamentary committee under the PLRA lapse. That was a tragic mistake, because it would have allowed members of the government to at least familiarise themselves first hand with many of the problems on the lands.

I know that a number of members on the opposition benches went up to the lands to have a look at the circumstances themselves, and it had the same impact on them as it had on me and others who have visited the lands. They were shocked by the conditions these people were living in, but there was not a lot they could do because for many of those members it was the end of the term of the previous government. There are now more members on the opposition benches wanting to go up and see the tragic circumstances in which these people live, and I welcome that. I hope that, after the foolishness of this motion has been exposed, we are able to work together to get better results on the lands and to get more people to understand exactly what it is the government is trying to do.

This government has acknowledged that we have a responsibility to all South Australians in the actions we have taken. We have been accused of doing nothing and sitting on our hands. When we first came into government, we appointed a mediator to try to work through those differences that existed between the various groups on the lands. That is not an easy task, as those members sitting on the standing committee would know and understand. In a lot of cases, we have a number of language groups that have been forced together by the decisions of previous governments, so those differences have had to be worked out.

There is also the border issue—involving the Northern Territory, Western Australia, South Australia and the commonwealth—and how we coordinate activities when each state and territory and the commonwealth works on programs and plans of their own. They cross each other in the lands and do not talk to each other. We tried to bring about a resolution to that. We impressed on the commonwealth the need for a plan for a COAG trial and, fortunately, it was picked up by the commonwealth and it is proceeding.

I ask members opposite to use their influence within the commonwealth government to work out how many services have been rolled out by the commonwealth government during the time of the COAG trial and to try to measure the commonwealth government's results through that trial, and to let me know whether they are satisfied. There is no mention of a censure motion against the commonwealth, and nor do I want one. The commonwealth government realises how difficult it is to deal with these issues in remote regions in this state. We are working in partnership with the commonwealth to try to roll out funding programs and to tap into funds that have been allocated through various agencies within the commonwealth. That was not done by the previous government.

We were told by the previous government that it was an issue for South Australia only. The Northern Territory had traditionally been putting funding into programs in the territory. I sat down with health workers in Alice Springs, and they told me they were disappointed that vitally needed mental health programs had been withdrawn under previous regimes and that they would like to talk to their government about reinstating them. We welcome that and encourage them to do it.

The previous government's position was that all services below the line from the Northern Territory be isolated, that the bringing together of the commonwealth and West Australian governments was not on their agenda, and that it was a particular problem to the AP lands—not recognising that the APY people move across the two state boundaries and the Northern Territory boundary. On investigating this, we found that there were people from the APY lands, who were part of the territory's problems with homelessness and drug and alcohol abuse, camped on the Todd River.

We recognised that, to get the best results possible and to try to get change with our own governance, the commonwealth's governance and other states' governance, we must have regard for the seriousness of the problem. That does not take two minutes, nor does it take five minutes. It took a lot of meetings, a lot of telephone calls and a lot of cajoling. It took up the time of a lot of people. I think we have now got to a point where the commonwealth knows and understands what the issues are—certainly West Australia and the Northern Territory know and understand what the problems are—and that it is not singularly South Australia's problem. The problem belong to us all. It is a disgrace to the nation and not just to this state.

We provided an extra $12 million in the last budget to address the situation on the lands. When this funding was not reaching those who needed it quickly enough, we appointed a government services coordinator and provided further resources. That work is progressing. The government services coordinator will be there temporarily but he is progressing his work, and the further resources that we have applied to the issue are in relation to health workers and extra police. We have established the Aboriginal Lands Parliamentary Standing Committee so that parliament can be better informed about the issues and, hopefully, we can get better consensus across the board when we do come to change the legislation to make improvements in the lives of people in that remote region.

We are setting up action zones around South Australia to focus our attention on bringing about positive change in specific areas not just for APY but for all Aboriginal people in this state. And that is not easy, either. There are also other communities in this state who, through neglect, isolation and remoteness, are in the same circumstances as people in the Pitjantjatjara lands. The APY circumstances are mirrored, unfortunately, in Yalata, Coober Pedy and, to some extent, in other isolated regions of our state.

We put in place Dr Jonathan Phillips, a mental health specialist, who has just returned from the lands, and the three extra police will be arriving—I am informed—some time today. So, there were things that were done in terms of governance, infrastructure and engagement in the early days of our government. There are long-term programs being discussed which, hopefully, will be put in place through agreement and negotiations and through changing the form of governance up there. And in terms of the infrastructure support that has been so sorely missed, we have been talking to ATSIC about releasing funds for some of those programs.

The other thing that we found in relation to the homelands in the APY lands was that much of the very valuable funding required for infrastructure support for electricity and water

was not guaranteed, or a given. The funding, in some cases, was switched on and off at will and was not arriving in the right places at the right time for a lot of people who live in conditions that many metropolitan people would be shocked to find. Temperatures in the lands get up to 55 degrees, and the isolation and remoteness make conditions more difficult.

Engagement with the Aboriginal communities is important. As the minister in this government, I have actively engaged Aboriginal communities, and I think that the honourable member acknowledged that it was not those issues that he was being critical of. It was what I was doing while I was engaging, and I have told him that I do not agree with his assessment. I have visited the APY lands a number of times, and I have visited other remote communities such as Yalata, Oak Valley and Koonibba. I have visited Aboriginal communities on the West Coast, Eyre Peninsula, the South-East and Yorke Peninsula on a number of occasions.

I recently visited Yorke Peninsula's Point Pearce for a third time, which I will not say was a basket case, but it was heading in that direction in relation to how their administration was dealing with problems. That is now a good story to tell because of the way in which the administration of Point Pearce has picked itself up, and it is now working in partnership with this government. One Aboriginal woman expressed great surprise to see me on the third visit, saying that the former Liberal minister refused to visit them on the land and insisted that if you wanted to talk to the minister then you had to make an appointment to see her in Adelaide. I was not canvassing when the Aboriginal woman stated that—that was how she saw the situation.

This government can be proud of what it has achieved so far in many other areas of Aboriginal affairs. In heritage, successive Liberal ministers determined only one site of significance under South Australia's Aboriginal Heritage Act in eight years, and I was told by one person that when they went to view the heritage register they could not find it. I think members of the Democrats had a similar experience when they went to view the heritage list: it was not on display and no-one could find it. It was probably tucked away in a dusty corner somewhere and was never going to be used again. In two years as minister I have determined 25 sites—that is about 100 times more sites than was delivered by the previous government. The commitment to preserve Aboriginal heritage could not be more different between Labor and Liberal. Heritage questions were not on the previous government's radar.

We have done that with the cooperation of developers in relation to wind farms, housing and mining, and we have worked with Aboriginal people in doing this. There has been no fuss and no headlines: there has been a lot of talk and discussion, and we have got results. We have been working with mining companies and with a whole range of people who, in the past, have had difficulties in engaging Aboriginal groups because of their mistrust and the way they have been let down over time by no show of support from the previous government.

We have played an active role in talking to people who want to engage Aboriginal people to try to lift the standards of living for those in the remote areas—and, in some cases, in the metropolitan areas—and to try to break the poverty traps that they live in. That is the greatest challenge for us. We cannot rely on government services to provide continual lifestyle support for Aboriginal communities, and they do not want that. They want to be involved in lifting themselves up with our support and partnership. That is the program we are trying to involve ourselves in.

I recognise, by what I have said in parliament this week, that governments of all persuasions stand condemned for the wide range of problems facing the APY lands: from substance abuse to domestic violence to depression and social dislocation. The fact that South Australians who live on the APY lands have to tolerate these hardships is a blight on us all. The fact that it has gone on for too long shows that all governments have struggled to deal with it, and no meaningful solutions have been found. We are trying to put meaningful solutions into place. There is no doubt that various approaches by governments have been bureaucratic, have not been responsive enough, and have not been sustained over a period of time and, certainly, in terms of the partnerships that we want to set up, we do not want to walk away from them after five minutes.

We want to set them up, mentor the programs and make sure that, when government does withdraw and does turn its sights to other priorities, those programs that we do put in place, and the funding regimes that we have put in place, build up community capacity, build up human capacity and build up the support for broad communities. That is part of the struggle for us to do that.

With the lack of education services in the past, it is very difficult to get Aboriginal people with the qualifications required to kick-start these programs immediately. So, we are starting from education, training and mentoring as much as we can. We are lifting up the participation rates of Aboriginal people in the public service and we are trying to get mentoring in nursing and in a whole range of service areas that will impact on community lives for Aboriginal people.

Recognising the traditional owners' ongoing connection to the land and recognising land rights in 1981 was the right thing to do, but land rights alone were never going to lead to better conditions. I think people forgot that. Many people thought that with land rights having now been won those struggles were over. The champions of the causes of land rights dropped their eyes and said, 'Land rights equals changed circumstances, equals better lifestyle, equals better conditions.' That was not necessarily the case. We have recognised that the land rights struggle has been and is still going on but in the main it has been completed. The real struggle now is in relation to service development and infrastructure. That is what we are trying to achieve.

Self determination, which I was accused of interfering with by the previous government in relation to our policy, does not mean the right to determine between petrol sniffing or other forms of abuse. It does not mean the right to determine between domestic violence and social dislocation and depression. They are the only determinations that many in our communities have to make. We have to change the way in which those services are provided, the governance is provided and the infrastructure is provided to give people the same opportunities that the rest of the community would like to enjoy.

Self determination means that you have real choices in your life. Sadly, many Anangu do not have these choices. We have been attempting to make changes and to improve the lives of all Anangu. In the last state budget an extra $12 million was allocated to addressing disadvantages faced by those living on the APY lands. Services have not been delivered as needed and there is an admission of that. Services are being held up by the government's lack of capacity to deliver them and they are not as affective as they

should be, due to the lack of proper and effective co-ordination and the remoteness of the region. I emphasise that we are prepared to make that statement.

It is a pity that the previous government is not prepared to own up to some of the weaknesses within its government strategy. We are compacting a process and compacting our time frames to a point where we hope to be able to deliver those services more quickly than perhaps we could have. I think one of the things is that many of the bureaucratic structures we are trying to work with have been those that we have inherited. We have changed some, but we certainly need to change the way in which we are able to deal with this emergency situation.

We are trying to make a difference. The opposition may condemn us for too little action in the past, but the resolve of this government is to address the problem, and this has been demonstrated over the past weeks. We put the issue on the agenda. We recognise that past responses have not been effective and we are absolutely committed to making sure that the services are needed and provided. I have recognised over the past few days that this is not the fault of the AP executive. The AP executive was created under the act as a land management body. It is the government, not AP, that has let the Anangu down. I think we need to put that to rest.

An honourable member interjecting:

The Hon. T.G. ROBERTS: I think the opposition is a bit selective about how it goes about not supporting the executive. In conclusion, Aboriginal affairs is a complex and diverse area in the cultural differences between Aboriginal and non-Aboriginal people, not only in this state but in Australia. There are still huge gaps. Reconciliation is playing a role in trying to close some of those gaps, but certainly the remoteness and the differences between cultures is not clearly understood, we suspect, and that is inherent in today's vote. There is a feeling within the motion that we expect remote Aboriginal communities, who live in the main in their traditional ways, to react and to behave similar to sophisticated governments in the metropolitan areas.

Let us not stand around the chamber and point the finger to make the opposition feel better about itself. Let us get on with what the job is, and everybody in this chamber knows what it is. It is not as if it has not been debated in here before and it is not as if people do not know what the issues are. It is unproductive, it is unhelpful and it is doing nothing to help those young people who are so desperate out there who need those opportunities or something to look at in relation to where their lives are going. At the moment they can see very little in front of them.

It is those people we have to help. This censure motion will not do anything about that. My appeal to those who still want to play petty politics with it and waste and spend time on point scoring in the media—and I am sure there will be some more headlines about the terrible conditions in the lands and how appalling it is—is: let us not get into blame. Let us get the services that are required. Let us change the governance, let us engage the Aboriginal people in those remote regions in a meaningful way, and let us hope that the partnerships that we can build can survive the test of the party rooms. Let us make sure that the petty squabbling and the petty issues that divide us are not seen to be dividing the communities to a point where they lose confidence and faith, not just in government but in parliament, because that would be a terrible shame.

We are trying to put some faith back into the parliamentary process and into governance by setting up the standing committee. I think, for those who have been on it, from the evidence we have taken and from the visits we have carried out, there has been a lot of good will. There has been a lot of warmth shown to each member across the parties. They do not see party politics as we see it. They see that they have problems and they want solutions. This is not a solution.

The Hon. SANDRA KANCK: In supporting this motion, I make it clear that I see that neither government nor opposition is blameless in this. In fact, in moving this motion, I think it is very much a case of the opposition being the pot calling the kettle black. I would like to be supporting a parallel motion of censure against the Liberals for their actions and inaction in regard to the Pitjantjatjara lands, but there is only the one motion to support at the moment. I want to put on record that I believe that the Hon. Terry Roberts—

Members interjecting:

The PRESIDENT: Order! The direction about silence when a member is speaking in this debate still applies.

The Hon. SANDRA KANCK: The Hon. Terry Roberts is the best Aboriginal affairs minister that this parliament has had in more than two decades. In the two years that I held the indigenous shadow portfolio for the Democrats under this government, I have interacted with the Hon. Terry Roberts, both as the shadow portfolio holder and as a member of the Pitjantjatjara lands select committee. From my experience he is an honourable man who is very respectful of Aboriginal people in this state, their culture and their customs. I see him as a man who is honest, genuine and sincere.

By contrast, I have seen the opposition use Aboriginal affairs and the Pitjantjatjara lands issues as a political football to gain political points. In government, the Liberals allowed all of the problems that we now see—the problems that the Hon. Robert Lawson has detailed—to fester. The opposition failed to address these issues over eight years, and it is clear that the government inherited these problems from the previous Liberal government.

In the two years that the Liberals have been in opposition, I have seen them actively foster division in the AP executive and they have made it more difficult for the government to solve the problems. As I say, I would like to be censuring the opposition as well as the government. I am appalled, however, by the statements that the government has made via the Treasurer in the past two weeks. I am appalled by the way that this government has undermined its own Aboriginal Affairs minister, and I am appalled by the high-handed and paternalistic attitudes that we have heard expressed by the Treasurer.

Yes, this government has been slow to act on some of these issues, but this government does not come within a bull's roar of the appalling record of the Liberals in government. I now move an amendment to the motion:

> After the words 'That this council censures the Rann government' strike out the words 'and the Minister for Aboriginal Affairs and Reconciliation'.

I move that amendment in recognition of the minister's commitment to the betterment of the lives of Aboriginal people in this state. The minister has not been helped by the actions of his own government: for instance, in Treasury's preventing DHS money being disbursed on the lands. We will support the motion with this amendment as a way of giving a strong message to the government about our concerns for the Pitjantjatjara Yankunytjatjara people, but we recognise that the problems were more than two years in the making.

The Hon. CAROLINE SCHAEFER: I support the motion with its current wording, and I do so with no great pleasure, either. I do so because, I think, I come from a somewhat different background than most of the members in the chamber, including the shadow minister and the minister. I was elected to parliament in late 1993 and first went to the Pitjantjatjara lands in early 1994 at the request of some Aborigines I knew there at the time, and after seeing written evidence which they brought to me of inherent corruption within the lands and, at that stage, inherent corruption within the governance of the lands, and particularly within the stores and the system of stores within the lands.

I have since been back to the Pit lands some four or five times. The first time I went there I did not know protocol. I asked the Hon. Peter Dunn to fly me in his light aircraft. Even though I flew there it takes a very long time in a very small aircraft to get up there and to get back. I had not arrived back by the time the same Mr Gary Lewis about whom we are speaking today was threatening legal action because I had not sought permission to be on the lands. As a member of parliament I had the right to be there, and so that particular action was quashed.

I use that example to outline the fact that I went there out of concern for the people on the lands, a concern that I still hold deeply. The first time I went there I went to Amata, and I spoke with the women. One aspect that people continue to talk about is that the hope of the lands, perhaps, lies within the women on the lands. It will be a very difficult and long activity to give them any real recognition, because that is not a particular part of the culture of the Aborigines in that area of the state. As I say, I have been back on numerous occasions.

I went there with the Hon. Michael Armitage to launch a health project which, at the time, was extremely successful. It was written in Pitjantjatjara and illustrated by the people up there. It demanded such basic things as the 'two dog' policy. Anyone who had more than two dogs had to agree to pick out the two they wanted best and shoot the rest. It had the 'two tap' policy, because the people preferred to drink from the outside taps, and many of them still do. You had the situation of dogs licking water from the taps and then children drinking from the same taps without a cup.

We are describing Third World atrocities, and we are all, I think, to blame for that. There is no doubt in my mind that, at the time, the AP act was flawed. It may have been prepared with the best intentions but it was flawed. It gave land rights without educating people who, at that stage, were largely illiterate in their own language let alone anyone else's without taking the time or the care to teach them about self-governance. What has grown up since is a system and a culture that is corrupt, and it is corrupt from within. It has been encouraged to be corrupt by European people who have gone onto the lands in that time, many of them for personal gain and nothing else.

It is sad to say that the people on those lands have learnt the lessons particularly well. I think the mistake of this minister—and, as I say, I have been back a number of times and I do care quite passionately about this issue—was to believe one section of that society and to try to back winners. He claims that he did not know, but, I am sorry, even though I have a great deal of respect for the Hon. Terry Roberts, I do not believe that he did not know that his presence as Minister for Aboriginal Affairs, sitting under a tree at the elections, was not going to influence the result of those elections.

I did not believe it when he told me at the time and I still do not believe it. I have been appalled since at the fact that he has listened to one side of the argument without listening to the other side. There are faults on both sides, but his great mistake has been to back one side. There has been a Coroner's report. This government has failed to act on that Coroner's report. We have seen, in recent times, three deaths that need not have taken place. The first time I went to Amata I saw one child sniffing petrol. The last time I went to the Pit lands with the select committee I saw 20 or 30 people blatantly sniffing petrol.

One of the most horrific things I have seen in my life was a girl, who was probably about 12 or 13 years old, with a petrol can strapped around her neck, sniffing, and pushing her mother—who looked to be no more than about 25—in a wheelchair while she continued to sniff petrol. That is the extent of the horror of the Pit lands at the moment. I was relieved, I suppose, because although I do not know Coroner Chivell I do happen to know the pilot who flew his charter plane in and out of the lands and he was telling me only the other day how passionate the man is about what is going on up there and how very deeply he was concerned that no action had been taken on his recommendations.

I was out in the regions and not in Adelaide when headlines in *The Advertiser* last week read that minister Foley had announced the following:

> The state government has abolished Aboriginal self-government in the Anangu Pitjantjatjara lands. An administrator was appointed to head a task force which would govern the lands, to be backed by changes to legislation to be rushed into parliament next week. Deputy Premier Kevin Foley announced what he called 'the dramatic decision'.

And, indeed, I thought, 'Yes, it was a dramatic decision.' I actually thought it was a fairly brave decision for any government to take. Minister Foley further said that he had done so as a result of funding inequities (which we know about)—the $7 million that was withheld; and, as I understood it, he saw no other appropriate action at the time. He further said:

> We have no choice but to step in and take control. Self-governance in the Anangu Pitjantjatjara lands has failed. What I say as far as the executive of the AP lands is concerned is: time's up.

I privately went to my leader and said, 'I will have a look at the legislation. If it reads the way they are saying it does, I will support it regardless of what the rest of the opposition decides to do, because I think if the Pit lands are in such disarray and this matter is so urgent, dramatic action must be taken.'

The turning point for me was yesterday and the day before when this minister turned around and said that none of that was going to happen, that in fact the legislation was going to strengthen the powers of the AP Council, allow it to have a double term without an election—which of course the minister has wanted all along—to let things swim along as they were, and that the administrator was not going to be an administrator, that he would only be there for a month. I was bitterly disappointed to see that we were dealing with political gains, that we were dealing with a government which, on the one hand, wanted a cheap headline out of the deaths and sickness and poverty that go on in the lands and, on the other hand, we were dealing with a minister who either has lost control of his portfolio or who actually does not care. I do not believe that he does not care; I believe he has lost control of his portfolio. I vehemently and sincerely believe

that, as an opposition, we have no option other than to censure them both.

The Hon. NICK XENOPHON: The Hon. Caroline Schaefer's contribution, her brutally honest first-hand account, was very moving. It is one of the most powerful contributions that I have heard in this place in the time that I have been here. I think the Hon. Caroline Schaefer was right when she said that we are all to blame for the third world atrocities that are occurring in the AP lands. This goes beyond politics; it is a cause for shame for all of us in this place. This has not been going on for only the last two years; it has been going on for too many years.

Rosemary Neill, in her 2002 book—*White Out—How Politics is Killing Black Australia*—made this observation:

> . . . Australia has the dubious distinction of being the only first-world country with a dispossessed indigenous minority whose men, on average, will not live long enough to claim a retirement pension. Aboriginal life expectancy lags almost 20 years behind that of the wider population—a figure that has not improved in 20 years. This stagnation is also unprecedented among wealthy nations with dispossessed indigenous minorities.

She goes on to refer to Noel Pearson, the indigenous leader, and his work in the Cape York indigenous communities. I believe there are parallels between those communities and the AP lands in the light of what Noel Pearson said. Ms Neill paraphrased Noel Pearson's comments, as follows:

> . . . if non-Aboriginal towns experience a life expectancy of '50 years and sliding'; if almost four in ten 15- to 40-year-olds had a sexually transmitted disease; if the populations of country towns suffered the same imprisonment rates as those of Aboriginal communities; 'nothing less than a state of emergency' would be declared. But because it was black communities that were afflicted, these 'outrageous' statistics were greeted with 'numb acceptance'.

If nothing else, the fact that we are having this debate on this issue and that the media were here today is a good thing in many respects, because it brings to the forefront this great tragedy and great shame in our community, our society and our state in terms of the impact of what is happening in the AP lands.

I have not been to the AP lands but many others have, including the Hon. Terry Roberts and the Hon. Caroline Schaefer who have seen at first-hand the horror of what is occurring there. We are all to blame for this, as the Hon. Caroline Schaefer said. I will support this motion with reluctance in the form amended by the Democrats, but I make it clear that I would more easily have supported a motion condemning the former government for their inaction because, as the Hon. Caroline Schaefer said, the corruption and dysfunction of the AP lands management was brought to her attention back in 1994, and clearly it was an issue of great concern for her.

When this is over, as the Hon. Terry Roberts points out, let us have a debate about the issues that will make a difference for those communities. Let us have a debate on the whole issue of self-determination, because in its current form self-determination has been a cloak for some people to do nothing about the issue or to take a hands-off approach. That has been a very dangerous approach in terms of the devastation that is occurring in those communities. Rosemary Neill in her very powerful contribution on this issue states:

> . . . what we have seen in Australia [in the 21st century] is a staggering betrayal of the idealism that underpinned self-determination. Even under sympathetic governments it has often accounted for little more than a form of benign neglect, with communities catapulted from the dehumanising and regimented controls of the assimilation era into a new form of dehumanisation—that of lifelong welfare dependence and social disorder.

We need to heed the words of Noel Pearson when he talks about substance abuse, about taking some tough action, about leaving aside the politics of benign neglect and actually tackling these issues head on. We need to look at what they are doing in the Northern Territory at Mount Theo where they have a policy of mandatory rehabilitation for petrol sniffers, where young kids are taken not to a white person's prison to be incarcerated but to be with the elders away from their communities where they can learn life skills and break the vicious cycle of substance abuse. These are the things we need to tackle.

I support this motion with reluctance in its amended form. I would like to think that today is a turning point in this parliament, that we all regard this issue with very grave concern and will give it absolute priority so that we can see the beginning of the end of the devastation and atrocities that are occurring in the AP lands.

The Hon. J. GAZZOLA: It is a sad day for indigenous South Australians that the time of the parliament has been wasted on this motion. I believe this motion is a poor reflection on the character of the honourable member who brought it here. I wish to apologise to indigenous South Australians, but I assure them that I, as a member of the government, will continue to assist them to fulfil their aspirations and ambitions and hopefully to reach peace within their own country. I am pleased to hear from other members that this motion is being watered down, not completely to my satisfaction, but we live in hope.

The Hon. Mr Lawson concentrated on the last couple of years, but I would like to go back a little further. In October 1996, the Hon. Lea Stevens (the member for Elizabeth) in a grievance debate on the Northern Metropolitan Aboriginal Council referred to a report by the chairperson, Mr Sonney Morey. Mr Morey pointed out that, given the tragic problems faced by the Aboriginal community—namely, lack of employment, racial discrimination, alcohol and drug abuse, glue and petrol sniffing, high crime and suicide rates—the federal government had made budget cuts to ATSIC resulting in the loss of Northern Metropolitan Aboriginal Council funding, putting it in danger of collapse, with no federal support for continuing community support in the face of continuing and deepening problems.

Did the previous government rebuke the federal government over this situation? No, it did not. What steps did the previous government take to further redress this shortfall in this continuing problem? In March 1999 there was a debate on a motion in the House of Assembly on the Aboriginal Lands Trust Parliamentary Committee when Mr Michael Wright (the member for Lee) successfully moved:

> That the house expresses its regret that the Committee has not met since November 1996 and condemns the Minister for Aboriginal Affairs for not providing an annual report in 1998 as required by legislation, and calls on the Minister to convene a meeting of the committee forthwith and provide the annual report as a matter of urgency.

In that debate, Mr Wright pointed out that the last committee report was tabled in 1992 and that the committee had not been convened since November 1996. The then minister was not fulfilling her statutory obligations as per the act. Indeed, it was pointed out that she was breaking the law. Also the committee had not visited the remote lands since November 1996. I go on to quote:

Unfortunately the committee has not been convened since November 1996 and the last report has not been tabled in the parliament, which is a statutory requirement, since 1992. We have before us a situation whereby the minister is in fact breaking the law. The minister is not fulfilling her statutory obligations and this is a very serious problem, the reason why I brought this motion to the house.

That motion was supported. In the minister's reply the Hon. Dorothy Kotz spoke at some length on the responsibilities of government under the Aboriginal Lands Trust Act 1996, as follows:

I turn to the second matter, which has not escaped my attention, namely, the trust's annual report. The executive officer of the trust advises that the trust was informed by the Auditor-General's staff that they could not begin their audit until 18 January 1999. Contact was made in the first week of March to arrange for an exit interview for the audit. The audit certificate has not yet been received, but I assure the house that as soon as the audit certificate is received I will promptly place that annual report before this parliament.

In the same debate the Independent member for Gordon, now the Independent member for Mount Gambier (Mr McEwen), said in reply to the minister:

A committee of this house is required under an act and is required as part of those terms of reference to report annually to this place. I will be delighted to listen to what would be an appealing second reading speech in relation to amending the act, but I have difficulty in the interim allowing this parliament to ignore a transgression of the act. That could set a precedent which could be quite dangerous.

But there is more. In September 1999 the member for Bragg, the Hon. Graham Ingerson, asked a dorothy dixer of the Hon. Dean Brown, who was minister for human services at the time. The question was:

Will the minister advise the house of the recent initiatives in the human services area that will improve the health and well-being of Aboriginal people in South Australia?

Mr Brown outlined the unfortunate, usual Aboriginal health issues—diabetes, asthma, the high rate of prenatal and premature deaths, and so on. I refer to his reply as follows:

This government is making a huge commitment in the Aboriginal health area. I do not expect any significant improvement for a number of years. This is a case of working on the Aboriginal children today, hopefully to see an improvement in 30, 40 or 50 years time.

He goes on:

We start with a huge inequality when it comes to health for our Aboriginal community. It is a program we are committed to try to rectify. It will need ongoing commitments from governments in this state for the next 20 to 30 years to even make a significant change in reducing that inequality.

In another dorothy dixer in March 2001, Mrs Penfold in another place asked the Hon. Dorothy Kotz:

Can the minister outline to the house the latest initiatives implemented in the state to combat family violence in Aboriginal communities?

Mrs Kotz stated:

In January this year I wrote a letter to the federal minister for Aboriginal affairs and sought to have the issue of petrol sniffing abuse put on the national agenda of the MCATSAI meeting. That meeting is due mid year. I think that all members in this house are well aware that substance abuse of any kind is a tragedy, but the horrendous and debilitating effects of petrol sniffing have caused immense damage and harm within communities. This is an area that will be resource intensive and it is not an area in which state governments can totally find and fund the necessary resources. It is an issue that crosses borders and because it does I believe it rightly belongs on the national agenda. I trust that we can have a combined and concerted effort in putting together a strategy and program for that particular issue also.

The minister recognised the lengthy history of the petrol sniffing issue and acknowledged it as an intergovernmental responsibility. However, compare this with the present stunt, where we have a motion that does nothing to assist indigenous South Australians. Indeed, in the Hon. Robert Lawson's press releases and speech he calls for action. When action is delivered he complains and brings this motion to this place. At the moment the political solution for members opposite is to bring forward this motion, which does nothing for South Australia's indigenous people.

I will quote Mr Morey in full because back in 1996 he took on the responsibility of the role of the people he represents in all of this, and stated:

Too often in the past, we tend to blame 'the system' for these problems, but what do we actually mean when we refer to 'the system'? Does it refer to the white dominated agencies, such as FACS, the Police Department. . . which have failed to listen to us and to implement suitable programs. . . Let us not forget that as directors of Aboriginal organisations we too are part of the system and we are as much to blame for not implementing strategies to alleviate the pain, hurt and suffering still being incurred by our people.

In closing, in my two years in this place and in my time as a committee member on the select committee and the Aboriginal Lands Parliamentary Standing Committee, and from sitting in committee with the Hon. Mr Lawson, I cannot recall at any stage or at any time a positive suggestion that would help the people on the lands.

I cannot recall one positive initiative brought into this place or to the committees that would assist the people on the lands. What has his contribution been so far? He calls for action. He wants the government to act decisively and when the government does he fronts up with this motion. It is a case of the mouse that tried to roar and when he tried everyone realised that it was just a squeak. I urge members to reject the motion as it does nothing for indigenous South Australians. It says more about those who support it and their cheap political stunts than those of us who oppose it and wish to get on with the job.

The Hon. A.L. EVANS: This debate has come to this position because for 23 years all governments have been following policies that are not working. It is a good opportunity now to sit down and reconsider the approaches that have been taken. I speak from an experience of seven years amongst New Guinea people. They were people of the stone age and over a period of 27 years they came into the twenty-first century. Many could not read or write and many did not wear clothes while I sat and worked amongst them. I was in a community of four Europeans and 20 000 New Guineans. Having watched and understood the culture of the New Guinean people, I know that the Aboriginal people have similar beliefs.

The approach we have been taking for 22 years needs to be totally reexamined because in that period very little has succeeded. The thing that worries me most about what has happened in the past few weeks is that one of the most devastating things that can happen to a society that is seeking to rise up and gain self government is to take away its power. That is what happened when the issue was raised. The Minister for Police took away the power of that group of people and appointed an administrator, and that is one of the worst decisions that could be made: it will affect them for many years.

My decision is to support the amendment because the Minister for Aboriginal Affairs and Reconciliation was trying his utmost to achieve success, like members on both sides. Having watched and talked about indigenisation, and having seen it in Papua New Guinea first hand, I know that the major

mistake was to take away their power. Therefore, I will support the amendment.

The Hon. KATE REYNOLDS: We have little time today to debate a number of large and complex issues raised in the motion, because we have other business to conduct. I will confine my remarks to the processes used by the government in recent weeks to decide and to announce its response to recent tragic deaths on the lands. There is no question that the government should be censured—and some would say condemned—for failing to respond to the Coroner's report in 2002. The government received an interim report from the social policy research group at the University of South Australia, and it also received a full report in October 2003. I remind you, Mr President, that the report was commissioned by the state government.

The government sought and received the report last year, and its 37 recommendations included specific strategies to address petrol sniffing, amongst other health issues, and highlighted the need to re-establish the authority and control of the Anangu people over resources, decision-making and relationships. That report, commissioned by the state government, highlighted the bureaucratic blocks that were preventing funds from being spent where they could address many of the problems on the lands. It warned that we would see more problems if something were not done.

Unfortunately, the Deputy Premier clearly has not read the report and clearly does not understand the difference between cooperation and sidelining. Playing the games of blame shifting and divide and conquer are just what we have come to expect from this Deputy Premier. By his own carelessly chosen words, he has destroyed much goodwill inside the parliament, on the lands and amongst the groups and agencies who need to work together and not against each other. Throwing away commitment to partnerships, collaboration and concrete action cannot be excused just because of an unfavourable headline.

The challenges of working to unite communities torn apart by the actions of governments over generations does not give any government the right to forget its commitments and bypass agreed processes. Equally, as other speakers have pointed out, the former government cannot excuse its own lack of action. Petrol sniffing was a major issue in the lands long before the Rann government came to power but, as the Democrats highlighted continually, it was given little attention and even less in the way of resources under the Liberals' watch.

However, the Coroner's report should have galvanised this government into action. It should have focused action on assisting the various groups and agencies to work together to achieve immediate change in the way services are organised and delivered. Unfortunately, the focus is now on politicking rather than combating the problem. Cabinet did not like a damning front-page story and, instead of abiding by the agreement it signed in May 2003, when it promised to 'do it right', the Deputy Premier made a series of harshly worded accusations (many of which I know shocked and dismayed some ALP members), while he tried to deflect blame onto the APY executive.

The Premier and the Minister for Aboriginal Affairs and Reconciliation signed this document less than 12 months ago. It stated that their relationship with Aboriginal communities was based on partnership and transparency. They agreed that decision-making and setting priorities must be fully inclusive of Aboriginal views and opinions in relation to community ownership, program design and service delivery. They agreed that the government would look to the elders to help champion the change agenda, whilst ensuring traditional values were maintained. They agreed with many noble statements about local approaches, community ownership, support across all agencies, capacity building, collaborative processes, honesty and accountability, integrity and clearly defined responsibilities and accountabilities—but somebody forgot to tell the Deputy Premier. His words and actions have taken goodwill between the government and indigenous people backwards.

Headlines in our daily papers, such as 'Rann takes control from blacks' and 'Self rule is finished', undermine whatever progress may have been achieved in recent years. The uncertainty created by bureaucratic games of pea and thimble and the government's heavy-handed approach and refusal to consult in a respectable way make a mockery of the words of the 'doing it right' policy and are the basis of the Democrats' rage over the actions of the past two weeks. The disregard shown by the government for the parliament is also worthy of censure. The report of the select committee on the Pitjantjatjara lands is only weeks away. The standing committee on Aboriginal lands, established by this government, was sidelined.

The Deputy Premier has insulted all the organisations and individuals who have been doing their best, despite the bureaucratic hurdles thrown their way and despite the fact that this government and the previous government continually changed the rules of engagement. These people have been doing their best to address the many complex issues on their lands.

This government, supported by the parliament, should have been focused on problem solving and not on factional and personal politicking and blame shifting. For that reason, the Democrats support the motion as amended by my colleague the Hon. Sandra Kanck, but I emphasise that we hope that the opposition, having got this off its chest, will be ready to settle down to the work that needs to be done outside this chamber and away from the media spotlight to make a real difference to the communities who need, want and are entitled to our help and support.

The Hon. T.G. CAMERON: We have been debating this motion for more than two hours, and it was not my intention to speak on it. Now that I am being followed by the Hon. Angus Redford, I guess that the debate will roll on for some while longer. I have read the resolution and listened carefully to the debate today, most of which seems to have concentrated on how badly we have all let Aboriginal people down—whether it be this government or the last government, state or federal. Certainly, one can agree with that. I do not have the advantage of having visited the homelands, as have some people here, but, when one speaks to those who have had first-hand experience, it only bears out what people here have been saying.

It is not my intention today to support the censure resolution that is before the council, nor is it my intention to support the amended resolution, and I do so for a number of reasons. First, it seems to me that, over the years, almost everybody has let the Aboriginal community down. However, one of my reasons for not supporting the censure motion is that I honestly believe that it would send not only a wrong message to the people of South Australia but that it would send a wrong message to the Aboriginal community, and the passing of this resolution would, in my opinion, only further

hamper efforts to try to restore some sense of integrity and justice in the Aboriginal community.

I believe this because of my long association (most of which has been unfriendly) with the Minister for Aboriginal Affairs and Reconciliation—someone whom I have known personally for well in excess of a quarter of a century. Whilst I have spent most of that time, both inside and outside the Labor Party, disagreeing with him, one thing I would never disagree with about the Hon. Terry Roberts is the commitment, integrity, sincerity and, if I dare say it, the heartfelt emotion that he brings to his portfolio in relation to the Aboriginal community. I do not think that the Aboriginal people of South Australia could find a member in either house of this parliament who cares more about their position. Whilst he does stuff it up from time to time, as we all do, I think the Aboriginal community can at least feel confident that they have someone who cares deeply about their position. That is not a position that I believe the overwhelming majority of the Labor Party and the Labor caucus carry with them today.

It seems to me that, if censure motions were to be moved against individuals (and I will not mention them by name), they could well be moved against a member of another place. And not just for the untimely and out of order comments, language and verbiage that was used. It certainly did not appear to me, as a former member of the Australian Labor Party, to display what I would call comradely unity towards a fellow minister and a member of the party. So, whilst not necessarily disagreeing with the tenor of the censure motion, I think I have outlined to the council why I do not intend to support the resolution. My only advice on this matter is that it is about time we voted on it, and a certain member of the other place should be a little more circumspect in his public utterances in the future.

The Hon. A.J. REDFORD: In supporting this motion, I endorse the comments made by the Hon. Robert Lawson and the Hon. Caroline Schaefer and I dis-endorse myself from the comments made by the Hon. John Gazzola and, by way of interjection, the Hon. Gail Gago, who reminds me of a wind-up doll with the way she carries on.

The PRESIDENT: Order! Offensive remarks are still out of order.

The Hon. A.J. REDFORD: I say that because this has not been a waste of time. This is the first time in the more than 10 years I have been a member of this place that the opposition has chosen to give up a question time to deal with a specific issue. It is a serious issue and an issue that is associated with the Aboriginal people, and I cannot think of a more significant occasion. Certainly, there was nothing in the previous parliament, or the parliament before that, that caused the previous opposition to give up a question time to raise an issue. So, that is how seriously we treat this issue. Indeed, it was I, in July last year, who took the motion to establish a select committee into the Pitjantjatjara to my party room and sought the support of my party colleagues, and it was ultimately supported by the rest of parliament.

In speaking on this matter in August 2002, some 18 months ago, I pointed out that a human tragedy was unfolding as we spoke. I also pointed out that there was a need for two things: first, a sense of great urgency; and, secondly, a need for bipartisanship. Until the Treasurer's extraordinary outburst last week, we had bipartisanship on most matters on this issue, but what we did not have on the part of this minister or this government was any sense of urgency about what was required in dealing with this matter.

When we were negotiating with the government on this issue back in August 2002, I remember being approached by staff members of the Premier's office in relation to the establishment of a select committee. The staff members of Mr Rann's office pointed out to me that there was a sense of urgency in dealing with these matters on the part of the Rann Labor government, yet we have not seen any sense of urgency in terms of dealing with these issues. Indeed, it was pointed out to me quite clearly and succinctly by Mr Randall Ashbourne, who took great personal interest and, in my view, a genuine interest in the plight of these people, that we are currently spending something in the order of $90 million per year of both state and federal government money on the Pitjantjatjara people. Yet, despite spending more than $30 000 for every man, woman and child in the Pitjantjatjara lands, those people still live in conditions that even Third World countries—and I mean bottom end Third World countries—would not accept.

I also know that the minister has attempted within government to bring agencies together and to seek to get a whole of government approach to some of the issues confronting the Aboriginal people, but the minister has been unable to secure a whole of government strategy with the agencies in dealing with some of these matters. When one looks at the government from the outside (which is where the opposition stands), one can only look at the failure of inter-agency cooperation as a failure on the part of the minister, and it gives me no pleasure to say that.

It may well be that some ministers in this government tend to treat this minister with less than the respect he deserves in relation to some of these issues. I suppose there comes a time when a minister, confronted with indifference on the part of his cabinet colleagues and a lack of cooperation on the part of agencies that are under the control of other ministers, must seriously consider his or her position and come forth, for the benefit of the people for whom he or she is responsible, and tender his or her resignation.

Indeed, if I were in the Hon. Terry Roberts' position, where I had been ignored continuously by my colleagues in the cabinet, where I had been rebuffed on every attempt to bring agencies together to bring a whole of government approach, and then been humiliated (and there is no other word for it) by the current Treasurer, I would have tendered my resignation. This is not to suggest for one minute that this minister lacks any genuineness in relation to this matter. However, having been confronted with that sort of behaviour from my colleagues, I would have tendered my resignation. That is the basis upon—

The Hon. P. Holloway: You would not have got to the position to do so.

The Hon. A.J. REDFORD: The leader interjects. He has sat around a cabinet table while people have died. It is some of his agencies that have not cooperated in relation to the delivery of services. He can sit there and make his smart comments across the chamber, but have we ever heard the leader of this place stand up and say anything compassionate about these poor people, or show any compassion? He has never contributed in any debate on the Pitjantjatjara. Since he has been in this place he has never said a word about the Pitjantjatjara.

Members interjecting:

The PRESIDENT: Order! The direction about interjections still stands. I would be thankful if the Hon. Mr Redford

would confine his remarks to the debate. However, he is entitled to respond to interjections so, if members draw the fire, they have to cop the flak. Hopefully, it will be resisted from this point on.

The Hon. A.J. REDFORD: As I was saying, the leader may well demonstrate his position in relation to this issue, but the fact is that he sat there with his cabinet colleagues and blithely ignored the pleas from this minister for inter-agency cooperation so that outcomes could be delivered to these poor people. He sat there while others in this government have walked around saying that this minister is not delivering, because he is not all that important. The leader can take this back to his cabinet colleagues: we on this side take the minister a bit more seriously.

The minister's failure has been his inability to convince his cabinet colleagues of the seriousness of this matter at an earlier stage. It is a shame that I have to single him out, but it is the best way to deliver a message to this government that they had better stop ignoring this minister. The failure on the part of this minister is his inability to convince other members. What the honourable member does not understand is that if he does not have that capacity or ability then he ought to resign. He should not sit there and, by his inaction, endorse this government's failure to act.

The second point I make in criticism of this minister is that, in his mind, he may not have sought to interfere in the election of Mr Lewis to the position that he currently holds; however, he gave that impression. That may well not have been a deliberate act on his part—I am prepared to give him the benefit of the doubt—but when one gets paid in excess of $160 000 a year, one has to be careful that one is not seen to be interfering in that political process. I have no doubt, talking to some of the people I talk to, that that was the impression the minister gave throughout the course of the previous election. Indeed, his actions in seeking to ignore the law and not allow an election, or fail to permit an election to occur, recently should also be sufficient to found this motion.

Much has been said by the Hon. Gail Gago and the Hon. Bob Sneath about what the previous government did. This might seem news to honourable members, but there was a heck of a lot more done by the previous government in a tangible sense than what has been achieved by this government. The Hon. John Gazzola might screw up his face, but I am about to educate him. First, members might recall that in July 2001 the former minister, the Hon. Dorothy Kotz, sought to appoint an administrator in the AP lands; I must say, over some criticism from members opposite. The former minister managed this process in a slightly different way than this government did.

The Hon. Caroline Schaefer interjecting:

The Hon. A.J. REDFORD: The honourable member interjects: it did not go on the front page. But she dealt with the then committee and it was done in a cooperative fashion. That administrator was in place when this minister and this government took office, and despite a degree of goodwill that had built up between the administrator and the then committee, nothing happened.

The second point I make is that I challenge the Hon. Bob Sneath to find one word in Labor Party policy that deals with the AP lands. There is not a single word in this document—which is described as a platform for government—that refers to the Pitjantjatjara lands. It is about 25 pages of paragraph after paragraph of motherhood statements, and I quote the following to give you an example:

> Labor believes that Aboriginal people must be able to:
> - Rely on the fundamental human rights enjoyed by all South Australians;
> - Exercise and enjoy those rights particular to Aboriginal people. . .

There is not one word, not a skerrick, in those entire policies about how they propose to do it. That has set a pattern for what this government has done over the last couple of years: a series of motherhood statements.

The Hon. Bob Sneath asked what was done by the former government. First, over its period in office the former government increased funding well beyond the level that was given following the Royal Commission into Deaths in Custody by the Bannon Labor government, whose record should stand condemned. Secondly, it began work on the $14.3 million power station complex in the lands to replace existing arrangements for power supply currently provided. Indeed, I know that a number of Labor members went to the launch of that.

It committed significant increases in funding in the maintenance of roads and installed street lighting and other services in that community. It successfully secured commonwealth funding to improve the delivery of local government services and established an Aboriginal Advisory Committee. The announcement, backed by the Hon. Terry Roberts and the Hon. Phillip Ruddock last year, I understand, concerned the federal/state partnership. It was an initiative that was commenced by the former government.

There was improvement in health services in Port Augusta, which to some extent provides services to the lands up there. A signed framework agreement on Aboriginal health in 1996, and in 2001 the Aboriginal Health Council of SA, ATSIC and the commonwealth plan to improve the health of Aboriginal people was also an initiative. A further initiative was the coordination of the development of a substance abuse strategy with the Umoona Tjutagku Health Service and the Umoona Council and the Coober Pedy District Council, in which I understand some services spill over into the AP lands.

Unlike Labor policy, which was just full of motherhood statements, there were some specific promises made by my side of politics prior to the last election. We did promise and commit to improving and maintaining the delivery of essential services. We also promised to adopt the three ten year plans to provide upgraded essential services infrastructure for the AP roads program, a water and effluent upgrade program and an electrical upgrade program—all important initiatives. We also promised to improve and extend the grid in relation to electricity services.

They are quite significant and I certainly think they are more significant than anything the Hon. Gail Gago might be able to point to in terms of the many years that the Bannon government was in office in relation to delivery of services, in particular anything that might have been done in the last 18 months.

Further, it was the former government that established the petrol sniffing task force involving the police and other services. It was that initiative that led to a greater police presence on the AP lands. There were also some initiatives that arose from that and, indeed, in relation to the extension of police services I understand the AP committee itself committed some $50 000 to expand the police services in there. This is not an issue about more money. A more appropriate management and a more effective way in terms of dealing with the AP lands may well have meant that we

could have achieved some of the outcomes sought to be achieved as a consequence of the Coroner's inquiry without the necessity for additional money.

However, it was the failure of this government to assist the AP people and to expend this money for the benefit of their health. As the Hon. Robert Lawson quite correctly pointed out, there was a failure on the part of this government to ensure that the money was correctly expended. It has been the indifference of the cabinet of this government to the requests, demands and urgings of this particular minister that has led to the failure. This motion encompasses the fact that, if this minister is unable to convince his cabinet colleagues of the importance and the priorities in relation to this, he should resign. However, there may well be an occasion where this cabinet treats this minister a little more seriously in future.

The second point I make is that this minister, I know, has tried on many occasions to secure some form of inter-agency support, and this minister has been sidetracked and stopped every step of the way by these other agencies which engage consistently and persistently in a turf war. I would hope that some of these agencies read some of what is being said here because I can say this: if I hear any stories that some of these agencies are going to put their own turf, careers and positions ahead of a positive outcome up there, I will make sure that we get an inquiry that is targeted at individual public servants, because we will get to the bottom of this. It is about time some of these people understood that all of us in this chamber and all of us in this parliament want a proper outcome rather than a turf war.

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I oppose the censure motion, and it looks now as though the numbers are such that my colleague will be spared being censured, not that he should in any way worry about it. I was censured last year and I said at the time that it reflected far more on this council than it did on me personally. I must say that, since then, no-one has ever mentioned it to me in any way, shape or form. It was a total waste of time as, indeed, this motion is today. If the honourable member had been censured he could wear it like a badge of honour because this motion is completely and utterly spurious. It is without any substance whatsoever.

In fact, let us just start with the contribution from the Hon. Angus Redford. He said that the reason that my colleague the Hon. Terry Roberts was picked for censure was that he was ignored by his colleagues, yet the Hon. Robert Lawson, who moved the motion, said that it was all the Hon. Terry Roberts' fault because he had some relationship with Gary Lewis, Chairman of the APY. You would think that they could at least get their act together. You would think that they could at least work out a consistent line. That is how divided this lot is.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: That is how consistent this motion is.

Members interjecting:

The PRESIDENT: Order! The no interjection rule still applies.

The Hon. P. HOLLOWAY: Behind this motion is a very serious problem. We know that since the early 1980s some 35 petrol sniffers have died out of a population of 2 500 on the Pitjantjatjara lands. That is a tragedy but, certainly, it is not a new event. That has been occurring since the early 1980s. I suppose what brought the substance of this motion to our attention was, of course, the Coroner's report which, as I understand it, related to the deaths of some young Aboriginal persons on the Pit lands back in 1999 and other deaths leading up to 2001.

One would think that, if you had had those continuing deaths at that time, such to warrant a Coroner's investigation, the government of the day might have done something about it. I think that for this Liberal opposition to try to censure and attack this government (when it actually has done some things, which I will come to in a moment) is the height of hypocrisy. One could ask: what did the Liberal government do? Did it do just one thing between 1993 and 2002 to address the underlying conditions which have led to the petrol sniffing problem? What were those underlying conditions?

Well, the Coroner spelt them out: unemployment, poverty, illness, boredom and hopelessness. They were the conditions on the Pit lands that are at the core of this problem. What did the previous government do? Did it do one thing in that time to address that problem? I suggest that the answer is a resounding no. But, worse than that, what the previous government did was to ensure that the select committee that was investigating conditions on the Pit lands did not meet. That was the previous government's contribution. The hallmark of the previous government was secrecy—hide a problem, keep it quiet, keep it secret.

That was the hallmark of the previous Liberal government, and that is what it did here. It made sure that no-one got near to find out that there was even a problem. Disgraceful! By contrast, this government has brought a refreshing level of openness to all levels of government, including this one. We are at least having a debate on this issue, as we ought to. There is a very serious problem in the AP lands at the moment. It should not be hidden from view, which was the attitude of the previous government. Rather, it needs to be addressed, and this government has been addressing it.

That is one of the issues I want to come to. In his address, the Hon. Angus Redford accused the government of not working together. In fact, what is happening under this government, one of the great priorities through the senior management council of the government, is to try to get a coordinated approach to dealing with the problems in the Pit lands. Of course, it is not easy to do that because it is not easy to get professional people to spend long periods of time in such a remote part of the state where conditions are particularly harsh. Access is not easy.

It is hard enough to get professionals to go to Port Augusta let alone another 1 000 kilometres further north into some of the remote parts of the state. No-one should pretend that these problems are easy. Obviously, health issues are important and, if we are to deal with this particular problem of petrol sniffing in the long term (which, unfortunately, has been in this area for over 20 years), we do need to deal with the underlying problems in those lands: the chronic unemployment, the boredom and the hopelessness. Contrary to what the Hon. Angus Redford was saying, one of the contributions of my agency has been to try to help the APY people to look for economic development opportunities within their lands and, indeed, we have done so.

That is why I found it rather offensive yesterday when the Hon. Robert Lawson, who has moved this motion condemning the government, asked me a question, the final part of which states:

> . . . if so, can the minister explain why the government was able to take prompt action to advance mining interests but failed to act in relation to the health and welfare issues on the lands?

There is the suggestion that, somehow or other, this government—particularly meaning me and my portfolio—is putting mining interests first. Well, I make no apology whatever to this council for doing what I can to try to assist the APY people with economic development, because that is how you are going to address unemployment and the underlying conditions, but we will do so in a very sensitive way. The officers in my department are prepared to spend significant times in those remote areas of the state working with those people. They have a very good relationship with the APY people and, indeed, with the officers of my colleague's department.

So, when the Hon. Robert Lawson asked me yesterday whether there were any complaints against the chair of the APY executive, the facts are that the particular company about which he talked, Acclaim Exploration, has not approached PIRSA seeking any intervention, but the converse: it was PIRSA that expressed concern to this company that the company's actions may jeopardise government negotiations with the APY with respect to access to the lands. My department is extremely sensitive to the conditions in the APY lands. We work very carefully with them.

That is why we are funding (as per the question asked yesterday) a Law and Culture Committee to assist the APY people so that anyone who comes onto the lands (not just mining but any other form of economic development) can be assisted to understand the law and culture of the people who live in that region. These are all necessary steps if we are to get the sort of development in the lands which, in the long term, will overcome these serious problems. Certainly, we have to deal with the immediate problems, and that is why the government has sent Dr Phillips and his mental health team to the Pit lands but, in the longer term, we have to address these underlying economic conditions.

A lot of work has been done and it has my full support. Last year, I spent some time in the Pilbara region of Western Australia to see what some of the large companies such as Woodside, Rio Tinto and BHP are doing to assist Aboriginal people. My colleague the Hon. Terry Roberts has also visited that area. When one sees what these companies are doing, it gives cause for optimism. Tom Price has a large Aboriginal community, and about 15 per cent of those people work in the industry, earning significant amounts of money, and they do not have the sort of social problems that we have in the remote lands of this state. So, I think that offers some hope.

One of the optimistic things that I discovered over there that these companies do is that half of all the year 12 Aboriginal graduates in Western Australia came out of this program that Rio Tinto runs in Tom Price. They looked all around Australia for programs that worked, but they did not find any so they developed their own, including apprenticeship schemes. In the township of Tom Price, a house has been set aside for Aboriginal kids after they leave school. They are tutored by retired teachers who are paid for by the company. That is why they have achieved results in education that you do not see in other communities. I think this is very inspirational; it is certainly something that I would like to see happen in our state. I will do my best with my agency to advance those economic opportunities so that we can achieve something.

That relates to the long-term answers to addressing these problems. In relation to the short-term answers, this government has taken action. I draw the attention of the council to a ministerial statement made by my colleague the Treasurer today. The opposition says that we have not done things. The deputy leader got it wrong yesterday, as I have just indicated, in relation to some of the claims about mining, and his colleague the member for Mawson in the lower house got it wrong in relation to claims about police resources. The Treasurer told the house in his ministerial statement today:

> I have been advised by the Commissioner of Police that the two-person patrols mentioned by me in the estimates committee on 18 June 2003 have operated in the lands since August last year other than a two-week period around Christmas. As I told the house on Monday, an additional two-person patrol will be operating on the lands from today.

So, these resources have been going in. There was a question from the deputy leader yesterday in relation to the Law and Culture Committee. That involved part of the additional money to which the government refers. So, there have been a significant amount of advances made in dealing with the underlying problems. Sure, there has been a problem in relation to one particular part of that money. I think it should be pointed out that it is often very difficult when dealing with communities such as the APY, because they have a culture of consensus, and it takes time to get agreements in relation to how funds might be spent. I think it is rather hypocritical of people like the Democrats who say that we have not been doing it quickly enough and at the same time say that we have not been consulting. You cannot have it both ways. If it takes a long time to consult and get agreement with indigenous people, you cannot criticise us for being too slow and at the same time say that we have not consulted on it because sometimes the two go together.

This government is greatly concerned by what it has seen on the lands and is doing everything that it can to seriously address those problems. The criticisms made by the deputy leader in his motion deserve to be rejected. The Deputy Premier has made quite clear that he accepts responsibility for the government's role in relation to this matter. of course, this lot over here, did we hear anything from them for eight years when they did nothing? Worse than that: for eight years they made sure that no-one went near the place to find out what was going on.

An honourable member: Rubbish!

The Hon. P. HOLLOWAY: It is not rubbish; it is fact. Censure motions were moved against the former minister for aboriginal affairs in another place because of her inaction in relation to the committee. I think this motion deserves to be rejected. There is no real substance to it. This government has been dealing with an incredibly difficult problem which has been around for many years, and I think it has been conceded here by all speakers with any knowledge of the conditions in the AP lands that it will be around for much longer. We all, see that, but we need to address both the long-term problem of development in the area that will enable these communities to become self-sufficient, to put wealth into those communities so that they can deal with their problems. At the same time, we also need to better coordinate services in the area, and that is what the government is doing. A motion such as this does absolutely nothing to help the people in those regions. It displays the enormous hypocrisy of those opposite who did nothing for so many years.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the motion. I did not intend to speak until I just endured the disgraceful contribution of the leader of the government in this chamber.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order! The Hon. Mr Redford knows the rules.

The Hon. P. Holloway: Why don't you tell the truth, for once? You were just waiting until I spoke, weren't you? That's why you didn't speak before. Why do you have to lie? Is it something you get from the Liberal Party rooms?

The PRESIDENT: Order!

The Hon. A.J. Redford interjecting:

The Hon. P. Holloway interjecting:

The PRESIDENT: Order, the Minister!

Members interjecting:

The PRESIDENT: Order! One of the observations I have made today is that it is possible to have a sensible debate in an orderly manner. I was about to congratulate all contributors to this debate on this important issue because of the propriety and sensitivity that has been displayed today. The level of debate has been exemplary. I have asked all members not to interject, and that has to go to the end of the line. Minister, you interjected and you used unparliamentary language in calling the Leader of the Opposition a liar. I think you will wish to withdraw that remark at this point. Is that the case?

The Hon. P. HOLLOWAY: I withdraw the comment I made. It was not quite as described, but I withdraw it.

The PRESIDENT: It was very audible. The Leader of the Opposition may continue.

The Hon. R.I. LUCAS: Thank you, Mr President, and I thank the leader for his apology. As I indicated, I had not intended to speak in this debate until I heard what I call the disgraceful contribution from the leader of the government. I would characterise the leader's contribution as demeaning to himself and his office and self-serving. The leader was more interested in defending his integrity from the attacks that he endured yesterday and today from my colleague the deputy leader and the Hon. Angus Redford than he was in defending his colleague the Hon. Terry Roberts. Let me dismiss his contribution by saying that that is not the essence of leadership, teamwork and camaraderie when one is meant to be defending a colleague under attack.

As a member of this chamber for just over 20 years I accept responsibility for the lack of action and activity over that period in relation to the issues that have been highlighted by other members. I do not believe this is an issue of governments as such, although clearly they have the major responsibility—as a member of parliament for a good period of that time, I accept my share of that responsibility—but I point out to members such as the Hon. Gail Gago and the Hon. Bob Sneath and the leader who continued to parrot the phrase 'What did you do for the last eight years?' that, since 1981, when it seems to have been highlighted in terms of the Aboriginal land rights legislation that was introduced by a former Liberal government and supported wholeheartedly by the Labor Party at that time, 15 of the last 23 years have been under Labor governments and administrations. If members opposite want to parrot 'What did you do for eight years?'—which I think is unproductive—they ought to search their own souls to see what governments of their own persuasion have done for 15 years.

The genesis for this resolution and with many issues—not just this issue but the strategy of child abuse and the tragedy of some of the problems of family and youth service agencies around Australia—is that ongoing problems are raised by members at various stages, but each of those ongoing issues that go for decades is that at some point in time there is a catalyst for action. Generally it is a report or an event that results in a report, and it is something that concentrates the public attention and then should concentrate the attention of the parliament and the executive arm of government.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: I go back beyond that. I go back in terms of concentrating the attention of the parliament and the executive on a Coroner's report as a result of deaths that occurred two or three years prior to that. Ministers in this government in other areas have said that they cannot do anything because the Coroner is looking at the issue, there is a police inquiry or whatever, and a convenient explanation has been that, until the Coroner has reported, they cannot engage in implementing corrective action.

In my view we have had that catalyst. The problem has gone on for decades and did not just start in 1981 but may well in most people's opinions and estimations have got worse steadily over the years. But we had a catalyst for action when the Coroner reported, as a result of deaths prior to 2002, to a new government, a new minister and a new set of ministers, and said that, particularly in relation to petrol sniffing, critical actions and steps have to be taken.

As a former member of an executive in our eight years, in many other areas I recall similar catalysts for action on other issues, where there might have been problems for years or decades. Suddenly, whether it be the Coroner, a court case or something as restrictive as a piece of Crown Law advice—Crown Law might come to a government after years of a particular view of the world and say, 'Hey, you've got a problem'—it has proved to be the catalyst for action.

I accept as a member of parliament my share of the responsibility for inaction or, in many cases, actions that have not resulted in the impacts intended. I do not subscribe to the view of the Leader of the Government that the Liberal government did nothing for eight years. I will not waste time today going through a list of things that former ministers and others sought to do, some of which I am sure were successful and some which did not work. That is the brutal reality in relation to many of these issues. I do not want to engage in that for this debate, but the reason for this debate today (and why I support the censure) is that there was a catalyst for action in 2002.

Members can parrot for as long as they like about what we did do for the past eight years, and we can say, 'What did you do for the past 23 years?', but what happened when there was a catalyst for action and the government not only got the report but also apparently the Coroner came and spoke to cabinet and highlighted the concerns? Ministers have subsequently said that they recognised that there were problems and that things needed to be done. That is why the government and the minister need to be censured in relation to this issue.

I understand all perspectives put in this debate about who should be blamed for what over eight, 23, 30 or however many years, but we are talking about this government, this minister and these circumstances that were prompted in this case by a major report in 2002.

The Hon. Mr Cameron was unusually understated in his contribution—he did not refer by name to the particular person—but I agree with the essence of what he was referring to. This issue has shown what I believe is one of the fundamental weaknesses of this government in terms of its approach. I refer in particular to the Premier and the Deputy Premier—the Hons Messrs Rann and Foley. They are driven largely by spin, media presentation and manipulation and they look at issues and at how they respond to them in terms

of the front page headline in *The Advertiser* and the evening TV news.

I am sure Mike Rann and Kevin Foley would have been delighted when they got the headline they wanted in *The Advertiser* on this issue: 'Self rule is finished'. I am sure he probably went down at 11 p.m. at night to get the first edition, knowing the member for Port Adelaide (or probably he would have sent one of his staff to go and get it). He would have been excited when he saw that headline: 'Self rule is finished', and the article stating:

> The Deputy Premier announced what he called—

you always worry when you have to do your own publicity—

> the dramatic decision he was announcing on behalf of the government following an investigation by *The Advertiser*. 'This government has lost confidence in the ability of the executive of the AP lands to appropriately govern their lands,' Mr Foley said.

The point I make is that this is the fundamental weakness of the government. Certain members drive this government and are more interested in their public presentation and how the media see them and the government and how it is reported in the newspaper than in the process and achieving an end.

My colleague the Hon. Mr Redford moved a motion last year on this issue. There was a tripartisan committee working together to look at the issues raised. There have been many occasions in my experience in this parliament where on major issues governments of both persuasions have deemed an issue important enough to have a quiet word in the ear of the leaders of the other major political parties—the alternative government and other parties like the Australian Democrats—and said, 'We are contemplating a major change in policy and direction', as indeed the headline suggests.

Whether the headline matches reality, given the answers the minister has given in the past couple of days, I do not know and we will not know until we see the legislation. But there was an opportunity on an issue like this, on which everyone claims to be prepared to give bipartisan support in terms of tackling the problems, instead of being self serving and trying to get a headline in *The Advertiser* at the expense of all others and indeed perhaps at the expense of the minister's own ministerial colleagues, to sit down through a process, if it has not been established, and at least try to see whether there is the capacity for support from others in the parliament for what would be a major change of direction.

I have to say that, as a minister for eight years, and for the first four years in particular in the education portfolio, I saw the problems of education in the Pit lands and educating Aboriginal people throughout South Australia, and sometimes in the deepest, darkest recesses of my mind I wondered about the advisability of further suggestions that more power ought to be given to people on the lands or to communities in terms of running their education, police or health services or whatever.

I am sure that there are and that there have been people of goodwill in this parliament (not just the Deputy Premier and the Premier) who might have been prepared to engage in constructive discussion on a major change of policy which would have been opposed by many in the indigenous community. However, the Deputy Premier loves to go out and announce, in his terms 'a dramatic and bold decision'. When the Deputy Premier speaks to Jeremy Cordeaux, Paul Makin or Matthew Abraham, I am sure he says, 'I know I will be criticised by many for my bold and dramatic decision, but sometimes I have to make bold and dramatic decisions. We have to make bold and dramatic decisions in relation to this.' The Deputy Premier and the Premier live for the public portrayal of themselves and this government, and they enjoy that. They enjoy being able to do those sorts of interviews.

There was the capacity to try an alternative mechanism to seek change. We had a committee. Members of the Liberal Party and the Australian Democrats are working on an issue that covers exactly this area. It could have been canvassed confidentially. I know that I speak on behalf of my colleagues and the Australian Democrats when I say that they could have been consulted confidentially, even if, in the end, the Australian Democrats had disagreed. I am positive that, because of the integrity of the Australian Democrats, even if they had disagreed, they would have respected the confidentiality of the proposition and reserved their right to oppose it publicly should the government go down that path, even if it was supported by the Liberals.

However, that does not suit this government. That does not suit the Premier or the Deputy Premier. That does not get you the front-page headline: '"Self-rule is finished," says the Deputy Premier.' Had an issue such as parliamentary superannuation been involved, the Deputy Premier would have sidled up to members of the Liberal Party and would have had a quiet word about such a change. Such an issue would not have stopped the Premier or the Deputy Premier having a discussion with the opposition, but this issue is more important, or should have been seen to be more important.

An alternative process might have meant that the majority of the parliament could have been brought along with a recommendation from a parliamentary committee or, had the government felt it had to act quickly, an announcement that it had at least consulted members of the committee and advised them of what their actions would be before they went in this direction.

I have to say that I have the highest personal regard for the Hon. Terry Roberts. He is a fantastic opener for the parliamentary cricket team on a regular basis and he is good company. However, I have to support this censure motion, and I accept that the resolution may well be amended. In the end, he is the minister and responsibility has to be accepted by him. No matter how much we all think he is a good bloke, or how nice he is, or how much integrity he has, in the end he is the minister and he is in charge of this area.

As my colleague the Hon. Angus Redford said, the minister has been publicly humiliated by his ministerial colleagues. In the end, he has to choose his own course of action, but he has been publicly humiliated by the Deputy Premier in relation to this issue. When I watched the TV that night, when the member for Port Adelaide said he had been bold and dramatic and was accepting responsibility, and so on, I thought, 'Where is the Hon. Terry Roberts? He is the minister in charge of this issue.' I wondered why the Treasurer was out there and why, the next day, the Treasurer was still out there. I wondered why minister Terry Roberts was not handling this issue.

His public humiliation was extended to today, as you saw, Mr President, when his own leader, the Hon. Mr Gazzola and the Hon. Mr Sneath were not prepared to support him on a critical vote on the discussion of this motion. The only person who supported him was the Hon. Gail Gago. With the kindest words I can muster, I do not think that the Hon. Gail Gago knew what she was doing anyway, because she found herself caught on the side of the Hon. Terry Roberts.

As high a regard that we have for the Hon. Terry Roberts personally, the reality is that he has been publicly humiliated in a way that I have not seen any other minister experience

in my 30 years of watching and my 20 years of involvement with state parliament. In that time, I have seen ministers of high, low and medium performance, both Labor and Liberal, but I have never seen one who has been publicly humiliated by the leadership of his own party in the way that the Hon. Terry Roberts has been over the past week. Ultimately, that is an issue for him, and the Hon. Angus Redford offered some commentary. How the Hon. Terry Roberts responds is an issue that only he can address.

I will not go into detail, but the appointment of the administrator/coordinator, Mr Litster, is the perfect example of the fiasco to which I refer. There have been other occasions when I know that leaders have rung opposition members on weekends or on a Friday night and have said that they needed to speak to them urgently to give them a briefing on an issue. During the recent gas crisis such discussions took place and briefings were offered on weekends. That can be done if there is goodwill and intent on the part of government.

I invite members to read the interviews that the member for Port Adelaide and Mr Litster gave in the 24 hours after the announcement of his appointment last week. I invite them to look at the sorts of things that Mr Litster thought he was going to be doing, because they were clearly what the member for Port Adelaide had told him. Without going into detail, Mr Litster was asked how long he would be appointed for and whether it was one year or two years. I do not think that the interviewers expected him to say that he would be appointed for one month and then he would be out.

In response to a question from Matthew Abraham and David Bevan about whether it would be a one-year or a two-year appointment, Mr Litster said that change could not be expected overnight and that these were long-term issues. When talking about what his powers would be, clearly what had been outlined to him was that he was going to be an administrator, even though he might have been called a coordinator by some.

As the Hon. Kevin Foley indicated in some of the interviews, if the Executive did not agree, the administrator would have the power to make the decisions and to cut across the Executive. As I said, members should read those interviews. But, in the space of a week and for the past two days, we have had the answers and non answers from the minister in this place trying to explain to the deputy leader and to other members what the powers of the administrator/coordinator would be and what the legislation would do. Clearly, as the Hon. Caroline Schaefer indicated, what has been explained in the council in the past two days does not match the self-serving headlines, such as 'Self-rule is finished,' that the Deputy Premier and others managed to obtain for themselves on Tuesday 16 March in *The Advertiser*.

I conclude by saying again that I suspect that, to varying degrees, all of us in this chamber regard the Hon. Terry Roberts as a good bloke and as someone with whom we would like to spend time, whether it be at the cricket, in the bar, or wherever. But the brutal reality is that, as the Deputy Premier has made clear in this place and to others, he believes that the Hon. Terry Roberts is a waste of space. Sadly, that is why, by being sidelined on this issue within his portfolio, we have seen this minister humiliated by his own colleagues in such a public way. So, as nice as the Hon. Terry Roberts is, we have to support not only a censure of the government but also a censure of the minister. If his own colleagues think he is a waste of space, and if his own colleagues believe—

The Hon. P. HOLLOWAY: I rise on a point of order, Mr President. That allegation is not only false but also unparliamentary, I would suggest.

The PRESIDENT: I think the remarks are getting close to being offensive towards the minister, whom you have praised roundly as being a such a wonderful fellow. He may well be the most popular person ever censored in this house, so I think he deserves a little respect and more appropriate parliamentary language.

The Hon. R.I. LUCAS: The minister will get all the respect to which he and his position are entitled. As I said, his own colleagues are the ones who have publicly humiliated the minister and, for those reasons, he has to be censured. He is the minister, and he has to accept responsibility, just as ministers in the past may well have felt aggrieved that they were censured or, indeed, in some cases, demoted or removed because of actions that occurred within their portfolios and their responsibilities during their time as minister. Politics is not always a fair business, as I am sure the minister will learn over his remaining time in this portfolio or any other portfolio. In the end, as minister, he has to accept responsibility for what does and does not occur whilst he is the minister. For those reasons, he has to accept responsibility and, in my view, the censure as a result of his actions and inaction in this area.

The Hon. R.K. SNEATH: I rise to oppose the censure motion. I, too, was not going to make a contribution but, when the Hon. Mr Lucas decided to ambush us, I felt compelled to point out a couple of things.

Members interjecting:

The PRESIDENT: Order! The 'no interjection' rule still applies.

The Hon. R.K. SNEATH: There are a couple of issues the Hon. Mr Lucas should not raise. One is the seeking of publicity and having a go at others who do, because I remember when the Hon. Mr Lucas was on the front page of *The Advertiser* dressed as some sort of a captain (I think it was Captain Cook or Captain Crook). You could hardly buy a paper in Adelaide, and I would suggest that the Hon. Mr Lucas bought most of them and waited for them to come out on issue as well.

Of course, the other issue the Hon. Mr Lucas should refrain from mentioning is the Aboriginal issue or condemning anybody, especially the Minister for Aboriginal Affairs and Reconciliation, who, no doubt, has his heart in the right place and has tried his hardest to redeem some of the things that were done in the eight or nine years of the former Liberal government. Everyone knows that the Hon. Terry Roberts has made a great contribution to Aboriginal affairs and will continue to do so. If anyone can fix the problems up there, the Hon. Terry Roberts is that person.

The Hon. Mr Lucas has been censured in ordinary time in parliament for putting Aboriginal children in asbestos buildings that had been condemned in the metro area, yet he found them good enough for Aboriginal children in the AP lands. He has the cheek to stand up in this place and talk about Aboriginal people, when he put Aboriginal children in houses contaminated with asbestos. He has copped his censure for it, and perhaps he wants to square up and see one of our people censured as well.

While I am on my feet, it was interesting to listen to the contributions of the Democrats, and the moving of their amendment after accusing the previous state Liberal government of not being diligent in its duties, yet they did not

include that in their amendment. I found that rather surprising after all they had to say about their contribution towards assisting the Aboriginal people. If they had those concerns, they should have admitted it. As the Hon. John Gazzola said in his very good contribution—and as the minister himself said in his contribution—

Members interjecting:

The PRESIDENT: Order! Honourable members have been very good so far.

The Hon. R.K. SNEATH: We cannot fix these problems with these motions. It is ridiculous. We have to fix these problems through the committee process and the departments so as to help the minister.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.K. SNEATH: We have people on the committee who are making a contribution. I am sure that all members of the committee are making a contribution, and they doing that with the best welfare of these Aboriginal people in mind. If they do not, they should not be members of the committee. However, I am sure they are. I have no doubt that everyone considers this to be a serious matter, which it is. We do not like to see anyone dying anywhere, let alone up there in the loneliness of those lands, sniffing petrol. I know that—

The Hon. T.G. Cameron interjecting:

The Hon. R.K. SNEATH: Perhaps everyone does care, and I am sure that the Hon. Terry Cameron, who interjects out of order, also cares. We should be 100 per cent behind our minister and let him get on with the job with the support of the committee and those people who care—

Members interjecting:

The PRESIDENT: Order! I will warn the next person who interjects, then they are out.

The Hon. R.K. SNEATH: To hear the Hon. Mr Lucas speak on those two issues—publicity and Aboriginal health—has dampened my day.

The Hon. R.D. LAWSON: I express my thanks to all contributors to this debate and also to those members who have indicated that they will support the motion. There are only a couple of points I should make in response. The first is that we have heard the repeated refrain: 'You did nothing in relation to this issue'—'you' being the previous Liberal government. As the Hon. Mr Lucas has indicated, that is a specious argument. In any event, this minister clearly acknowledged the contribution made by the previous government. On 13 November 2002, when he was asked exactly what he was going to do about the then recently released report of the Coroner, he pointed out that the Anangu Pitjantjatjara Intergovernmental Agency Collaboration Committee (called tier 1) was formed in August 2000 under the previous government. Members know that this minister has constantly referred to that tier 1 process: he has adopted it, he has embraced it, he has referred to in the council, he attends its meetings, and he supports it. He also mentioned on the same occasion the appointment of the petrol sniffing task force in December 2001, before the Labor Party came into government. The minister, too, has supported that committee and has participated in its discussions. He embraced what we had started.

When he was then asked specifically what the government was going to do in relation to the recommendations, he said that there were a number of short-term initiatives and he referred to:

> . . . drawing a line in the sand to stop the circumstances from getting worse up there. We need remedial programs after addressing the problem. We are trying to slow down the acceleration of the deterioration in those communities.

He said, 'We draw a line in the sand.' He recognised the catalyst at that particular time. Our condemnation of this minister and this government is that, having recognised the problem, the government and the minister failed.

The Hon. Mr Gazzola and others have said, 'What's the point of moving a motion of this kind? It does nothing for Aboriginal communities.' In my view, it does. It shows that what has happened—and more particularly, what has not happened—in relation to this issue is not acceptable to this house of parliament. If we were to wimp out on a motion of this kind, it would be an abdication of the responsibility of this house of parliament to express a view and to send a clear message to this government and this minister that what has happened is too serious to be swept aside.

Finally, the reason the minister should be censured is that he is the responsible minister; he is the particular officer of parliament who has had his hands on the wheel. It is true that there some who have been operating the brakes, the accelerator and the petrol supply without his input, but the fact is that he is the responsible minister. He has had his hands on the wheel. The Hon. Bob Sneath says that his heart is in the right place, and everyone here might agree that his heart is in the right place. The question is: what has he been doing with his hands and his mind? Whatever it is, it has not been sufficient. He ought to be condemned along with the government.

The PRESIDENT: I thank all honourable members for their contributions and their all-round general good behaviour during the debate on this serious matter.

Amendment carried.

The council divided on the motion as amended:

AYES (14)

Dawkins, J. S. L.	Evans, A. L.
Gilfillan, I.	Kanck, S. M.
Lawson, R. D. (teller)	Lensink, J. M. A.
Lucas, R. I.	Redford, A. J.
Reynolds, K.	Ridgway, D. W.
Schaefer, C. V.	Stefani, J. F.
Stephens, T. J.	Xenophon, N.

NOES (7)

Cameron, T. G.	Gago, G. E.
Gazzola, J.	Holloway, P. (teller)
Roberts, T. G.	Sneath, R. K.
Zollo, C.	

Majority of 7 for the ayes.

Motion as amended thus carried.

MATTERS OF INTEREST

NORTHERN ADELAIDE INNOVATION NETWORK

The Hon. J.F. STEFANI: Today I wish to speak about the Northern Adelaide Innovation Network, which was officially opened by the Prime Minister of Australia, the Hon. John Howard MP, on 18 March 2004. I was pleased to receive an invitation to attend this important event and to visit the impressive high tech hub for advanced manufacturing and design companies established at Elizabeth West as a major initiative for South Australia. The Northern Adelaide

Innovation Network contains more than a dozen local and global advanced manufacturing—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! It is difficult for me to hear the Hon. Julian Stefani when there are a number of conversations going on in the chamber.

The Hon. J.F. STEFANI: A dozen local and global advanced manufacturing, leading design and training companies are involved, including: Priority Engineering Services; CIMAC (UK); IPF Australia (Germany); Techniq International; Australian Workplace Training; Marble IT; 3D CNC; Spectrum Machining; Rory Thompson Services; Adelaide Plains Wine Region; Genie Trading; John Packer Design; MAS National; and Hope Central (that is, Angle Vale Community Church).

The Innovation Network is also home to some of the region's leading economic small business and industrial agencies, which include the Northern Adelaide Development Board, the Northern Adelaide Business Enterprise Centre and the Economic Development Unit of the City of Playford. More than $20 million has already been invested in the Network creating more than 200 jobs. Priority Engineering, a lead automotive engineering company, has entered into a joint venture agreement with a UK-based automotive production control system firm, CIMAC, and German firm IPF.

As a result of this agreement, a further $70 million is to be invested in new high technology, including: software telecommunications, 3D visualisation and laser vision equipment. These three companies are establishing their Asian based Pacific headquarters at the network centre which will be used as a launch pad to export into Asian, American and European markets. Export will include high- tech automotive and capital equipment which includes turn-key automation solutions for companies operating in global markets. The establishment of the Innovations Network is a perfect example of the tangible role which local government can play in changing the way in which we do business in South Australia. The unique public/private partnership that has been instrumental in establishing the Innovation Network Centre has led to significant new investment, research and development. It has also placed the City of Playford at the national forefront in the development of commercially driven business clusters.

The Innovation Network is a practical example of business collaboration at work in a sophisticated high-tech cluster facility which is creating future industrial and economic development on a local level and many job opportunities in the Elizabeth/Salisbury area. The Innovation Network Centre is equipped to provide business advice ranging from innovation, research, development, training, tax advice and other initiatives to small business. I acknowledge the substantial funding support provided by the federal Liberal government to the Innovation Network Centre through the Regional Partnership program. I take this opportunity to pay tribute to the valuable support of the Department of Transport and Regional Services and congratulate the City of Playford and its mayor, Ms Marilyn Baker for this outstanding achievement in the northern area.

NATIONAL DRIVE FOR SAFETY EVENT

The Hon. D.W. RIDGWAY: I rise to speak today on the National Drive for Safety event which was held on 6 March 2004 by the South Australian Road Transport Association, known as SARTA. I was honoured to attend and was interested to learn more about the heavy vehicle freight industry in South Australia. Congratulations are owed to the new minister for Transport for doing in two days something that 20 other members of the government have been unable to do in two years—that is, attend the National Drive for Safety. We can only hope that the minister continues to outperform her predecessor, although I am sure that will not be very difficult.

Despite being largely shunned by the government, SARTA is an important organisation. As members will know, SARTA is South Australia's trucking industry peak body. The trucking industry in South Australia is responsible for some 70 000 jobs and SARTA's role is to facilitate road freight transport growth safely and efficiently. At the function, SARTA explained the trucking industry's commitment to safety, productivity and their ever improving safety record.

During the National Drive for Safety day, participants were made aware of the objectives and concerns of the trucking industry. One of SARTA's chief concerns is the delivery of the state transport plan, which they optimistically told attendees was due in March this year. SARTA requires the state transport plan in order to help develop a multi-modal freight network throughout the state, which will lead to increased economic output for South Australia.

I note that in the draft transport plan the government has promised to begin working on such a terminal. It states:

> The government will initiate a strategic intermodal terminal program.

There are three sites for new intermodal opportunities outlined in the plan. I agree with SARTA that with the ever-increasing freight task a mixture of road and rail transport is needed to increase the volume and speed at which freight is moved both within South Australia and to and from the other states.

I encourage this government to end the rhetoric and make some serious transport headway. The announcement of the new northern suburbs interchange is a good step, but intermodal freight opportunities also represent a chance to relieve traffic congestion from our roads and improve freight times. The injection of $26 million into the northern suburbs interchange is a definite step in the right direction. The interchange was an initiative of the former Liberal government as part of the Mawson Lakes projects which had already been budgeted for in the forward estimates.

Now the government needs some original ideas and to start focusing on ensuring swift delivery of the state transport plan and working towards achieving the objectives outlined within it. The South Australian Road Transport Association stressed the need for government awareness and acceptance which I wholeheartedly support. I am somewhat sceptical as to whether this will occur as evidenced by the poor government attendance at the recent SARTA events. Even the backbenchers in this chamber on the government side who have no electorate responsibilities could not be bothered to go. I find it amazing that certain members can talk for hours about how committed they are about the bush and the freight and transport industries of South Australia and then not turn up to an event like this. In fact, some of the members opposite have family members involved in the transport industry yet are still unable to attend a function such as this.

The fact that SARTA had to ring and ask whether some ALP members were going to come is a true measure of the rudeness and arrogance displayed by members of the current government. It is interesting to note that another high profile no-show at the event was the new Minister for Industry, Trade and Regional Development. The trucking industry is vital for South Australia's freight movement, making it absolutely essential for trade. Trucks and transport move 100 per cent of the freight in South Australia, yet the Minister for Industry, Trade and Regional Development just could not be bothered to attend.

I would like to draw the attention of the council to one of the many interesting facts of the day, that is that, nationally, the trucking industry is responsible for about 400 000 jobs. However, the average age of truck drivers is in their mid-40s. SARTA told the gathering that young people are needed to join the trucking industry and that the $60 000 per annum is a realistic salary to which to aspire. I thank SARTA for an enjoyable and informative day and in the future urge all arrogant and rude members of the government to attend the next SARTA function.

PORT VINCENT

The Hon. J. GAZZOLA: Thank you, Mr Acting President.

An honourable member: Are you going to respond to that?

The Hon. J. GAZZOLA: I will respond to that, but I will mull over what he had to say.

Members interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Gazzola will address his subject.

The Hon. J. GAZZOLA: Sorry, Mr Acting President. When I mentioned that you lose, it was not you to whom I was referring; I was referring to the Hon. David Ridgway.

The ACTING PRESIDENT: Your time is ticking away.

The Hon. J. GAZZOLA: Thank you, Mr Acting President. I want to inform the council about the problem that faced two constituents at the Tidy and Most Wonderful Town of Port Vincent on Yorke Peninsula. A young and hard-working wonderful couple purchased a block of land in a new subdivision and, prior to the commencement of building, they found that an area of four square metres situated on one front corner of their block had been pegged out as an easement. The land agent had no idea at the time of purchase and contract signing that an easement was required.

Contact with the local council, however, shows that approval was granted by the council for the easement, but neither the owners nor the land agent had been informed. Further research unearthed the reason. Development of stage 2 of the subdivision was about to be undertaken which requires the provision of power to the new sites. ETSA's provision of power to stage 2 would have seen the transformer sited on the easement of the couple's block.

There was no contact by ETSA informing the couple of this positioning, but subsequent contact with ETSA sees the power provider willing to accept a change of site. Contact by the couple with the developer saw the developer willing to repurchase the block at the sale price plus a further small inconvenience payout if the intrusive easement could not be relocated. He also informed them that another possible solution would be to move the easement site to an adjoining reserve over the fence as it stands. Such a move, however, requires council approval and potentially an additional time delay for the developer who is keen to get stage 2 going.

The couple were initially confronting a concern over something that would exist on a site which should not have existed but which did exist. A block of land sold innocently by an agent who was not aware of something on a site that did not exist but later knew that the something and the site existed, that something, being the property of the power provider, exists and that it could exist on a site that might or might not exist, agreed to by a council that approved that the site existed for the said something but might yet agree that the site did not exist for a site that did exist, but that it might exist at another site—all presided over by a developer who knew of a required something that would exist on a site that existed or did not yet exist.

I am sure, Mr Acting President, that you follow that. I am happy to say that there is a happy ending. The local council quickly approved the resiting of the easement onto the council reserve, thereby clearing the way for the developer to satisfy all the partners concerned, which the latter has done. Without apportioning any blame, I believe that this is a good example of the need for coordination of the interests of planners, buyers, service providers, instrumentalities and utilities.

SEXUAL MISCONDUCT

The Hon. SANDRA KANCK: The issue of footballers being involved in sexual assault and gang rape—coyly called 'group sex' by some male media commentators—has been making headlines on a daily basis around Australia for the past month. Today's *Bulletin* carries the latest round of disturbing allegations concerning sexual assault by AFL footballers in Adelaide. The catalyst was allegations of gang rape made against six players of the Canterbury rugby league team at Coffs Harbour, but the ripples have spread widely to other teams and other football codes.

It has revealed a subculture of machismo in football—one that treats women purely as objects, that sees non-consensual sexual activity as a prize for being a sporting hero and that sees such behaviour as a normal part of team bonding. *The Age*, in an article of 29 February about the Coffs Harbour incident, quoted one of the players as saying that what had occurred was a typical night for them. The player said:

> Gang banging is nothing new for our club or the rugby league.

In that same article, a sports psychologist refers to 'a cone of protection and silence' around such behaviour. As the allegations have been swirling about, I have advocated that the AFL should set up a hotline to let women know that, as a football code, it is genuine about stamping out these attitudes and this culture. It is a sensible thing to do. Churches did it last year as a result of child sex abuse allegations against priests, pastors and ministers. The AFL should not only follow that example but learn from the mistakes the church has made in taking so long to act in a way that showed it really was taking the issue seriously.

We all know that the great majority of priests, pastors and ministers are honourable men who would do no harm to our children, but for the good of our children we need to weed out those who would. Similarly, I have no doubt that the vast majority of AFL players are honourable young men, but we should not tolerate the errant behaviour of footballers who give the whole code and all footballers a bad name. In the

interests of football players who lead exemplary lives, the AFL needs to take this action.

Not only should the AFL set up a hotline, it should use those heroes of the game in a public relations campaign to reinforce the unacceptability of this behaviour, as well as allaying these concerns. These role models could have a positive statement to make to the boys and young men who emulate them about appropriate attitudes towards and behaviour with women. Having made what I saw as positive suggestions, I was surprised to find myself coming under attack from Adelaide Crows player Nigel Smart. He told the Adelaide *Advertiser* that 'politicians should keep to the real issues facing many families', and was suggesting that sex scandals in the AFL had nothing to do with politics and parliament.

Given that rape has a huge impact in our health system in terms of the sexual dysfunction of the victims, it is a real issue facing many families. Given the personal cost to the victims and the financial cost to our mental health system, it is very much a political issue. When the evidence is showing that these are not isolated incidents and that there is widespread and institutionalised tolerance of such behaviour, it is very much a political issue. This is not just an issue about footballers but about the wider issue of how we view and treat women in our society, and when sexual assault is tacitly accepted it becomes very much a political issue.

It is absolutely the territory of MPs and the parliament, particularly in the light of the fact that only 15 per cent of women who are raped report the crime, many because they do not have faith in the system. It is parliament that makes the decision about whether a particular act is a crime and sets the level of penalty for crimes. Rape and sexual assault have long been held by our parliaments to be crimes. In the past 15 to 20 years this parliament has passed legislation about rape in marriage, domestic violence and stalking, as well as equal opportunity to deal with gender imbalance.

As a woman and an MP, I cannot remain silent when I see women being viewed and treated as chattels and expendable with no feelings. I would be derelict in my duty if I did not speak out. It is absolutely right for MPs and parliament to be involved in this issue. Indeed, in my letter to the CEO of the AFL, Andrew Demetriou, I have indicated my belief that the federal and state governments should become involved and that I would be willing to lobby for that to happen should the AFL wish. Footballers are heroes and role models and as such they have the potential to turn this situation around. They can become leaders in changing community attitudes.

CUBAN SOLIDARITY DAY

The Hon. J.M.A. LENSINK: Cuban Solidarity Day was on 18 March 2004, but parliament was not sitting so I was unable to deliver a speech on that date. The purpose of Cuban Solidarity Day is to remember those who were imprisoned in Cuban dictator Fidel Castro's crackdown on some 76 so-called dissidents who were involved in peaceful protests at the lack of freedom in the regime. The blatant disregard for any democratic process is as bad in Cuba as it is in Burma. Its leader is as corrupt and totalitarian as Saddam Hussein was, but it does not command the same level of international attention.

Those arrested include journalists, independent labour union organisers, civic leaders, poets, librarians and human rights and democracy activities. *Reporters without Borders* has labelled Cuba the world's biggest prison for journalists, while Amnesty International has recognised this group of people as what it calls 'prisoners of conscience', and has called for the immediate and unconditional release of a total of 84 prisoners. Amnesty's web site states:

> The government claims that they were foreign agents whose activities endangered Cuban independence and security, but the dissidents were not charged with recognisably criminal offences.

They have been given prison sentences of between 14 and 28 years—over 1 000 years between them. To try 76 people and sentence them for such significant headcounts took just three days. The island of Cuba has been ruled by Castro since 1959. Its suffering is typical of tyrannies based on dictatorships, those controlled through the military and those which so fear political competition. Its economy is in ruin and dissenting voices are quelled. Control of citizens is so great that Cubans do not have the right to freedom of expression, association or assembly that we take for granted. They may not travel to and from Cuba at will.

The press is controlled by the state. Imprisonment is the potential punishment for free speech. New laws taking effect from 10 January 2004 will limit internet access to official business or government purposes, and services are to be paid in US dollars. Because of the embargo this effectively places severe limits on access for ordinary citizens. Some of its people are so desperate to leave that they have resorted to hijacking aeroplanes and boats; and, even though in at least one of these incidents no-one was injured, three men were executed by firing squad on 11 April 2003—less than one week after their trial began.

A number of the 76 who were arrested on 18 March were associated with the Varela project, a peaceful initiative which collected signatures on a petition calling for free speech, free association and free enterprise. The dissidents have been accused of conspiring with America's chief diplomat to Cuba, Mr James Cason, yet many have never even met him. It is no coincidence that the first anniversary of the crackdown comes at the time of the anniversary of the war in Iraq. While eyes and cameras were focused on that Middle Eastern dictatorship in 2003, they were averted from a politically isolated island off the coast of Florida.

The United States, Canada, the European Union, as well as the Catholic Church and the Inter-American Commission for Human Rights, have condemned Cuba's activities, but the democratic governments of many of Cuba's neighbours have remained silent. Amnesty has questioned the continuing need for an embargo and whether it affects innocent and powerless civilians more than the leadership against whom it is intended. While Churchill may have said that democracy is the worst form of government except all others that have been tried, the people of Cuba would like to be able to exercise the right to have democracy.

I join with others around the world to send a message to those unjustly imprisoned that others in the world are aware. We pray for their safety, their wellbeing and for their families who anxiously await their release.

[Sitting suspended from 6.05 to 7.45 p.m.]

RIVER MURRAY ACT

Order of the Day, Private Business, No. 1: Hon. J.M. Gazzola to move:

That the regulations under the River Murray Act 2003 concerning protection areas, made on 20 November 2003 and laid on the table of this council on 25 November 2003, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

DEVELOPMENT ACT

Order of the Day, Private Business, No. 2: Hon. J.M. Gazzola to move:

That the regulations under the Development Act 1993 concerning the River Murray, made on 20 November 2003 and laid on the table of this council on 25 November 2003, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

HARBORS AND NAVIGATION ACT

Order of the Day, Private Business, No. 3: Hon. J.M. Gazzola to move:

That the regulations under the Harbors and Navigation Act 1993 concerning the River Murray, made on 20 November 2003 and laid on the table of this council on 25 November 2003, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

NATIVE VEGETATION ACT

Order of the Day, Private Business, No. 4: Hon. J.M. Gazzola to move:

That the regulations under the Native Vegetation Act 1991 concerning the River Murray, made on 20 November 2003 and laid on the table of this council on 25 November 2003, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

GOVERNMENT FUNDED NATIONAL BROADCASTING

The Hon. NICK XENOPHON: I move:

1. That a select committee of the Legislative Council be established to inquire into and make recommendations on the role and adequacy of government funded national broadcasting and to examine the impact of these broadcasters on the South Australian economy and community, and, in particular, to examine:
   (a) the current and long-term distribution of government funded national broadcasting resources and the effect of this distribution on South Australia;
   (b) the effects on industry, including broadcasting, film and video production and multimedia;
   (c) the effects on the arts, sporting and cultural life in South Australia, including whether government funded national broadcasters adequately service South Australia;
   (d) whether government funded national broadcasters adequately service South Australia in respect of South Australian current affairs and sports coverage; and
   (e) the programming mix available from government funded national broadcasters and how programming decisions are made and whether the programming which is delivered is geographically balanced.
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

This motion seeks to establish a select committee into the role of government funded national broadcasting in this state and to look at a number of issues of particular concern to South Australians including the current and long-term distribution of government funded national broadcasting resources and the effect of this distribution on South Australia; the effects on industry, including broadcasting, film and video production and multimedia; the effects on the arts, sporting and cultural life in this state, including whether government funded national broadcasters adequately service South Australia and whether government funded national broadcasters adequately service South Australia in respect of South Australian current affairs and sports coverage; and the programming mix available from government funded national broadcasters, how programming decisions are made, and whether the programming that is delivered is geographically balanced.

In 2001 I moved a similar motion in almost identical terms, and although it did not refer specifically to sporting coverage it would have encompassed that. The catalyst for this motion has been the recent decision of ABC management in Sydney to have sports coverage emanating at a national level from the Sydney newsroom and, with it, the distinct loss of autonomy and local sports coverage in our state. Whilst that decision is deplorable, it is pleasing that there has been support from both sides of the political fence in terms of the decision made by the ABC management.

I note that the Premier has condemned the move and indicated his support for this inquiry. Earlier today I had a brief discussion with the Leader of the Opposition, the Hon. Mr Kerin, and he, too, protested the decision made by ABC management in terms of local sports coverage. I am not sure what the position of the opposition is at this stage to such an inquiry, but it is a good sign that it is concerned about this issue. I note that, federally, the Treasurer, Mr Costello, has indicated his condemnation of this move; and that, in Victoria, Ron Walker, a former federal treasurer of the Liberal Party, as I understand it from media reports, attended a demonstration against this decision and pledged to lobby MPs at federal level to do what he could to overturn this decision.

This is not just about the issue of sports coverage on the ABC and the disgraceful decision of ABC management in Sydney in relation to having a national package of ABC sports. It goes back a number of years to the decision to scrap a state-based *7:30 Report* and to replace it with a national program, although there was some clawing back of that decision by having *Stateline* broadcast in the last few years in lieu of the *7:30 Report.* It relates to the decision last year by Sydney ABC management (a decision of the board) to scrap the *Behind the News* program, which was a very successful children's program watched by in excess of one million schoolchildren a week. I note that the 10 Network (a commercial network) has its own program to replace it.

Again, a number of decisions have affected South Australia in a very direct sense. The aim of this motion is to have a select committee look at these issues. I acknowledge that the ABC is federally funded, but we are all taxpayers. I believe that this parliament in the best bipartisan non-party

sense ought to stand up for the interests of South Australians in terms of decisions that the board has made. We ought to have an opportunity to ask questions of the board of the Sydney management of the ABC about the decisions that it has made. In that context, the condemnation both here and in other states (other than Sydney) has been loud and clear about the ABC's decision.

The Age in its editorial of 15 March 2004 entitled 'Bad sports at our ABC' talked about the vehement opposition to the plan, saying that there is a huge difference between the Sydney sporting culture of rugby compared with Aussie Rules in Victoria and South Australia. It made the point, which equally applies to South Australia, that Melbourne will lose its power to devise a sports bulletin based on Victoria's proud and passionate sports culture—and that applies equally here in South Australia. What is more baffling about this decision is that this is not about budget cuts, it is not about saving money. Apparently, this will not save any money at all. This is a decision made by the board that will effectively consolidate and concentrate ABC sports coverage out of the Sydney newsroom.

The Age makes the pertinent point that it is bad enough when aunty bleeds because of funding cuts, but why should she suffer from a self-inflicted wound? A select committee inquiry would play a very positive role in letting the ABC board and management know that South Australians are serious and passionate about ensuring that we get the best possible deal from our national broadcaster and that local sports coverage is important in our state.

The arguments that have been proffered by ABC management are that this will mean more local coverage and that Neil Cross, the sports presenter of ABC weekday sports until recently, will have more time to do local stories. My understanding is that that is a furphy and, before the local bulletin was scrapped, Neil Cross did his local reporting and it was a question of trying to make up for a few minutes and then presenting his segment.

I do not understand the arguments given around the country on why we should have this emanating from Sydney. It means that as a result of this national wrap of sports the local news room loses autonomy for that three or four minute package. If there was a breaking story in relation to the Crows, Port Power or a dramatic local sporting event, it would have to be tacked on at the end of the bulletin and after we got the national package. That raises issues at a local level of the editorial independence of the ABC in South Australia.

The question posed by the Hon. Mr Gazzola is 'what next?' There is a fear that this is very much the thin end of the wedge. Such an inquiry would play a positive role in finding out why the ABC Board makes these decisions and why we have been marginalised in South Australia in terms of South Australia's receipt of services from our national broadcaster. These are important issues. Let us bear in mind that in terms of regional South Australia there are many people in the far flung regions of the state for whom the main television coverage is ABC TV. That is why this decision of ABC management is a bad one. Let us hear from ABC management as to why it made this decision so that it can understand the vehemence and passion of the concern of South Australians.

It is not just about sports coverage. Relevant issues are to be made in terms of the decisions of ABC management. Those avid ABC listeners of ABC Radio—and I am one of them—will notice that in recent months as a result of budget cuts we no longer have local bulletins late in the evening or on weekends and we get a national feed. They are relevant issues in terms of having a vibrant and diverse media in this country and having an appropriate amount of local coverage.

I cannot resist quoting a piece in last Saturday's *Sydney Morning Herald*. With some irony it is from *The Sydney Morning Herald* where, in its satirical section, it ran 'The true fictions' by Chris Henning, who has a disclaimer that 'Any resemblance to reality is purely coincidental.' They ran two mock ads side by side, one being for the Sydney Broadcasting Corporation (SBC) and carrying two thirds of the ABC logo. It was an advertisement for 'Chief Executive Officer' and it states:

> Following the federal government's decision to split the former Australian Broadcasting Corporation into two organisations to reflect the ABC's actual priorities, the new Sydney Broadcasting Corporation is seeking a CEO. The successful applicant will be a leader in the field, qualified to manage a world-class public broadcaster, experienced at dealing with government at the highest level. Salary range 350K negotiable. Based in Sydney.

Next to it is an ad with one third of the ABC logo for the Rest of Australia Broadcasting Corporation, the RABC, with a job heading 'Chief Executive Officer (part-time)'. The ad states:

> Following the federal government's decision to split the former Australian Broadcasting Corporation into two organisations to reflect the ABC's actual priorities, the new Rest of Australia Broadcasting Corporation is seeking a CEO. The successful applicant will have an adequate general knowledge of television and radio and be able to type their own letters. Salary $44 675. Not based in Sydney.

It is a piece of satire coming out of a Sydney publication, but it makes the point that the rest of Australia outside Sydney seems to have been treated quite badly as a result of ABC management decisions. This parliament can play a constructive role in getting to the truth of the matter and making ABC management in Sydney and the board accountable for the sake of our local coverage. The ABC's slogan is: 'It's your ABC'. Increasingly it seems to be Sydney's ABC and if this motion is successful it will lead to an inquiry that can only be of positive benefit for South Australians who are concerned about the role of their national broadcaster in this state's affairs.

The Hon. CARMEL ZOLLO: I rise to indicate the government's strong support for this motion. I commend the Hon. Nick Xenophon, who is quick off the mark. Clearly he is a sportsman. He has certainly put the argument very well. The government strongly supports this inquiry into the ABC. The Premier put out a press release last Friday and it is worthwhile placing on record what he had to say. He said that it is time the ABC management in Sydney found out that South Australians would not meekly stand by and tolerate the slow deterioration of ABC news services into our state.

ABC management needs to reread the ABC charter and understand that it has an obligation to all Australians and not just those in Sydney, as the Hon. Nick Xenophon has said. The Premier also pointed out that the Hon. Nick Xenophon tried to get a similar inquiry held into the ABC in 2001 with Labor's support, but he was defeated by the then Liberal government. Hopefully he will receive more support from the Liberal opposition this time around.

One would have to agree that it was an act of arrogance by ABC management in Sydney to cut local sports coverage in South Australia and in other states, including Victoria and Queensland, in preference for a national bulletin. Regrettably, that bulletin is now being produced out of Sydney and clearly is not able to avoid local bias. The Premier said:

We have seen the same thing happen with the ABC's *7.30 Report*. What was once an excellent state-based current affairs program that employed three of four dedicated journalists was axed in late 1995 in preference for a Sydney-based national program that now has little or no local content. It is regrettable if the *7.30 Report* and now the sports coverage have all been taken away from the local news services. In an hour of news and current affairs we are left with only 20 minutes of hard news, only some of which is local.

The Premier put it quite eloquently when he said that the rot must be stopped. The Hon. Nick Xenophon's inquiry will look into a range of issues surrounding the ABC, including its role and distribution of funding across Australia and into South Australia and how that funding is impacting on our arts, sporting and cultural life. Indeed, the Premier has challenged the ABC management in Sydney to have the decency to come to Adelaide to give evidence in person to the parliamentary select committee—and I would very much like to see that happen.

Members interjecting:

The Hon. CARMEL ZOLLO: Well, we should have people come here, because it is our ABC as well. I think it would be fair to say that the ABC is usually renowned for its fairness. It tries to give a balanced view to the community, it does not get political and it appeals to a wide cross-section of the community. In particular, the conservative government does pick on the ABC (I think there might be some paranoia involved) and, therefore, it is a soft target at budget time, when we see some sort of punishment, with the ABC having to live with a reduced budget and not always—

Members interjecting:

The ACTING PRESIDENT (Hon. R.K. Sneath): Order! Members are still out of order.

The Hon. CARMEL ZOLLO: —making decisions in terms of cutting costs that are acceptable to the wider community. I suspect that the ABC sometimes looks for other options that will impact on the community and the government to make its point and make us take notice of its plight. As I understand it, and as the Hon. Nick Xenophon has pointed out, this decision is self-inflicted and is simply a board decision. I think we should send a very clear message that our sport is very important to all South Australians and we should not be marginalised.

I know that members in the other place feel very passionate about this issue. A petition regarding the ABC and the local sports news bulletins will be placed in a prominent position in electorate offices to obtain as many signatures as possible, to be returned to the Premier's office by the close of business on Wednesday 31 March. I am certain there will be many signatures—

The Hon. R.I. Lucas: Thousands!

The Hon. CARMEL ZOLLO: I agree that probably there will be thousands of signatures on those petitions. I repeat Premier Rann's words: 'The rot must be stopped. It's our ABC.'

The Hon. KATE REYNOLDS: I have to confess that I am not a sportsperson, but my three sons are and, through their eyes, I recognise the value of the coverage of our local sports and, in particular, the value of encouraging physical activity, team spirit and community participation. The Democrats are long-time supporters and advocates of our national broadcaster, and we have already put on the public record our opposition to this latest Sydneycentric decision. We indicate our support for the establishment of the select committee.

The Hon. G.E. GAGO secured the adjournment of the debate.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: WIND FARMS

The Hon. G.E. GAGO: I move:

That the 51st report of the committee, on an inquiry into wind farms, be noted.

This inquiry was referred by the House of Assembly to the Environment, Resources and Development Committee on 14 May 2003. An ongoing and reliable electricity supply is an important part of life. However, the use of fossil fuels for electricity generation is producing greenhouse gas, and this is contributing to global warming. Even though Australia is not a signatory to the Kyoto Protocol (which I find very disappointing), it is generally recognised that we need to reduce the production of greenhouse gases, or the world will be a vastly different place, even within our own lifetime, and it will be affected in a significantly detrimental way.

Electricity production accounted for 33 per cent of the total greenhouse gas produced in Australia in 2001. Wind generated electricity does not produce any greenhouse gases. At the beginning of the inquiry, the committee, together with the Public Works Committee, had the privilege of visiting the first wind farm in South Australia at Starfish Hill. Unfortunately, I was not a member of the committee at that time, but I understand that, as members stood beneath the 100-metre tall turbine, they were very impressed. Twenty-three turbines are spread over two hills, and the energy used to build this wind farm was paid back within four months.

The government is purchasing some of this green energy from Starfish Hill. Renewable energy is, however, expensive in relation to direct costs in comparison with that generated by fossil fuels in Australia. Wind generated electricity is currently the cheapest form of renewable energy, however, but, contrary to popular belief, it is certainly not a free form of energy. The development of Starfish Hill has been made possible by the federal government's mandatory renewable energy targets and renewable energy certificates. The committee was cognisant of the balancing act that must be undertaken between the need to reduce greenhouse gases for the benefit of future generations, with its associated long-term costs if we fail to implement change, and the cost of developing wind energy for the present generation.

The development of wind farms in South Australia has brought to the fore a number of associated issues, such as the need to build infrastructure to bring wind generated electricity from remote windy coastlines, such as Eyre Peninsula, to the region of greatest power demand, which is Adelaide. Given the privatisation of South Australia's electricity by the previous government, the committee does not believe that the government should provide this infrastructure. However, the committee recommended that the government should investigate the feasibility of infrastructure spending on a case-by-case basis assessed on the economic and social requirements of the community involved.

Currently, wind generated electricity cannot be readily stored in a cheap way, so this leads to the question of what we do with the excess electricity generated on a very windy day. South Australia does not have a high energy demand, except on very hot days. We may need more interconnectors to send this excess energy interstate. The question was raised as to what percentage of wind generated electricity can be managed by the current system in South Australia and

whether the intermittent nature of wind destabilises the current system. The development of more wind farms could limit the development of traditional power stations, even though they will still be needed, because, unfortunately, the wind does not necessarily blow when it is needed the most. More wind farms and better forecasting techniques should ensure a continuity of supply.

The committee has recommended that the government support research that will improve wind forecasting technologies. Despite this, the committee believes that wind energy must be encouraged to be developed in this state. The world is moving towards a carbon constrained economy. Because of the greenhouse effects, which I have already mentioned, in addition to the possible introduction of carbon taxes and trade embargoes, we need to change dramatically the way Australia generates electricity. Wind generated electricity could be particularly beneficial to regional South Australia, in addition to the potential for providing employment, especially in the area of manufacturing. The additional electricity could assist the expansion of industries, such as our aquaculture industry, and provide energy for possible desalination plants—on Eyre Peninsula, for example.

Planning issues were significant in the submissions received by the committee. The committee believes that the plan amendment report on wind farms was a much needed initiative but does not provide enough guidance to assess wind farm development applications adequately. The committee supports uniform methodology for wind farm assessment. In addition, planning processes need to be more transparent so that the community understands why certain decisions are made.

Other areas of the development assessment that need standardisation include visual assessment and the impact on birds. Some community members do not want to see the proliferation of wind farms along the coast and would prefer the development of 'no go' zones. The committee has recommended that Planning SA develop a policy paper to address that particular topic. Representatives of both the community and the industry suggested that one government department should coordinate the dissemination of information on wind farms and provide initial contact for people interested in wind farm development, and the committee recommends that this idea be seriously considered.

The committee believes that policy development in the area of a sustainable energy and state greenhouse policy are essential and should be a priority for the government. The committee also recommends the development of a discussion paper exploring the feasibility of state-based renewable energy targets. The committee heard from 33 witnesses during the time of this report and received 43 submissions. As a result of this inquiry, the committee has made 25 recommendations, and it looks forward to a positive response to them.

I take this opportunity to thank all those people who have contributed to this inquiry. I thank all those who took the time and made the effort to prepare submissions and provide witness statements to the committee. I extend my sincere thanks to the current and former members of the committee: the Presiding Member, Ms Lyn Breuer, the Hon. John Gazzola, the Hon. Sandra Kanck, the Hon. David Ridgway, Mr Tom Koutsantonis, and the Hon. Malcolm Buckby. I acknowledge the hard work and diligence of current staff members Mr Phil Frensham and Miss Heather Hill.

The Hon. SANDRA KANCK secured the adjournment of the debate.

DEVELOPMENT (PROTECTION OF SOLAR COLLECTORS) AMENDMENT BILL

The Hon. SANDRA KANCK obtained leave and introduced a bill for an act to amend the Development Act 1993. Read a first time.

The Hon. SANDRA KANCK: I move:

That this bill be now read a second time.

This bill amends the Development Act to guarantee access to sunlight for people using solar energy for the purpose of solar thermal or photovoltaic systems. The importance of such a guarantee should not be underestimated, so I will begin by speaking about the importance of solar energy so that members will understand the importance of protecting access to that light source.

Given the latest predictions about global warming, the pressures on our electricity system in South Australia and declining stocks of oil and gas, solar energy must become an important component of the whole energy portfolio in this state. *The Weekend Australia Magazine* of last weekend had a small story about a Pentagon report which advises that the world is more at risk from greenhouse gases than terrorism. It predicts that 'Abrupt climate change could bring the planet to the edge of anarchy as countries. . . defend and secure dwindling food, water and energy supplies.' It predicts that the melting of ice at the North Pole will block off the Gulf Stream, which will obviously make the US much colder and subject to increases in violent storms.

Even more disturbing in that article was the news that such changes might not occur as gradually as the theorists have been predicting and that it is possible that there could be rapid swings within less than a decade. If our federal government thinks that it has problems now with political refugees, it surely must begin to consider the problems we will face when we begin to see environmental refugees from countries that have been effectively drowned or, alternatively, have run out of water and food.

A few weeks ago, MPs had the opportunity to be briefed by the CSIRO on climate change in South Australia. Although we might desire the future to be different from these predictions, we would be foolish if we allow that desire to cause us to listen to the flat-earth scientists, who will give their advice at a price to businesses which do not want to hear the unwelcome message about climate change because they would be forced to make changes to their corporate behaviour.

The scientific reality—and this is not theory, but reality—is that both air and sea temperatures are rising; that the atmosphere's composition is changing, with increasing amounts of carbon dioxide, methane, nitrous oxides and chlorofluorocarbons detected; and that these changes are occurring at a rate faster than at any time in the earth's history. The consequent increases in temperature and decreases in rainfall have implications for the problems we are already experiencing with water supply in South Australia, and, of course, it will have implications for bushfires.

I would like to read into the record a couple of examples so that members can hear the sorts of impacts that are likely to occur. As I see that we have a couple of members in the chamber at the moment who live in the Clare region, I will choose Clare as the example. At the present time, Clare, on

average, has one day per annum above 40 degrees celsius. By 2030, it is predicted that there will be somewhere between one to four days per annum with temperatures above 40 degrees and, by 2070, that will increase to somewhere between two and 15 days per annum.

If we take the slightly lower temperature of 35 degrees—and these are CSIRO figures I am talking about—at the present time, Clare has, on average, 18 days per annum with a temperature above 35 degrees celsius. With this modelling, it is now predicted that, by the year 2030, there will be 19 to 27 days per annum above 35 degrees and, by the year 2070, there will be somewhere between 23 and 52 days per annum above 35 degrees. I seek leave to have statistical tables 8 and 9 contained in the CSIRO report, showing these projected temperatures, inserted in *Hansard*.

Leave granted.

Table 8: The average number of days per year above 35°C for selected locations within South Australia

Region	Site	Days above 35°C			Spells above 35°C		
		Present	2030	2070	Present	2030	2070
1	Ernabella	59	65-90	74-153	7	8-12	9-23
2	Woomera	49	54-72	60-124	10	11-16	12-33
	Coober Pedy	79	82-104	90-158	14	15-20	17-35
	Tarcoola	64	67-88	75-144	12	13-18	15-35
	Marree	96	101-123	109-178	24	26-33	28-51
	Oodnadatta	97	103-125	110-180	20	21-28	23-43
	Cook	54	57-72	63-123	9	9-13	11-28
	Port Augusta	36	38-47	42-78	4	5-7	6-14
3	Ceduna	30	31-39	34-63	3	3-5	4-9
	Kyancutta	43	45-59	50-95	7	7-11	9-21
	Port Lincoln	6	7-10	8-23	0	0	0-2
	Port Pirie	32	34-42	37-73	5	5-7	6-15
	Maitland	17	18-24	21-44	2	2-3	3-7
4	Yongala	21	23-31	27-60	4	4-5	5-13
	Clare	18	19-27	23-52	2	2-3	2-8
5	Adelaide	14	15-20	17-38	1	2	2-6
	Eudunda	14	15-22	18-42	2	2	2-6
	Tailem Bend	25	25-31	28-55	1	1	1-2
6	Berri	33	34-45	39-76	1	1-2	2-5
	Keith	23	24-30	26-53	3	3-4	3-9
7	Kingscote	2	2-3	3-10	0	0	0
8	Robe	1	1	1-7	0	0	0
	Mt Gambier	9	10-13	12-24	1	1	1-2

Table 9: The average number of days per year above 40°C for selected locations within South Australia

Region	Site	Days above 40°C			Spells above 40°C		
1	Ernabella	7	9-21	12-74	0	1-2	1-9
2	Woomera	11	13-22	16-60	1	2-4	2-12
	Coober Pedy	24	26-41	31-90	3	3-6	4-17
	Tarcoola	20	22-35	26-75	3	3-5	4-15
	Marree	35	40-57	45-109	7	8-12	10-28
	Oodnadatta	33	37-55	44-110	5	6-9	7-23
	Cook	18	20-29	23-63	2	2-4	3-11
	Port Augusta	10	11-15	13-32	1	1-2	1-4
3	Ceduna	9	10-15	12-30	1	1	1-3
	Kyancutta	13	14-21	16-45	1	2	2-7
	Port Lincoln	1	1-2	1-7	0	0	0
	Port Pirie	6	7-11	8-27	1	1	1-4
	Maitland	2	2-4	3-14	0	0	0-2
4	Yongala	2	2-4	3-17	0	0	0-3
	Clare	1	1-4	2-15	0	0	0-1
5	Adelaide	1	2-3	2-11	0	0	0-1
	Eudunda	1	1-3	2-12	0	0	0-1
	Tailem Bend	5	5-9	7-22	0	0	0-1
6	Berri	7	8-12	10-28	0	0-1	0-1
	Keith	4	5-7	6-19	0	0	0-2
7	Kingscote	0	0	0	0	0	0
8	Robe	0	0	0	0	0	0
	Mt Gambier	1	1-2	2-8	0	0	0

The Hon. SANDRA KANCK: Additional to the implications for water resource and bushfire risk, these temperature increases will have implications for electricity demand, which is where solar cells come in. Solar cells require sunlight to produce electricity, and on hot days they are exposed to lots of sunlight. Using solar cells to produce electricity is plainly logical when the weather is hot, and we should be encouraging their installation and use. But, as much as possible, if we want more of them and we want them to contribute to the task of lowering greenhouse gas emissions, we need to ensure that they get the sunlight that powers them.

I have had the personal experience of having one of the trees in my next door neighbour's yard (it was an East Coast type of tree: a Tasmanian blue gum or lemon scented gum) grow over a period of a decade to such a height that, during winter when the angle of the sun is much lower, it prevented the sun hitting the glass of the solar hot water service, and it was always in the shade at the time we needed it the most. I reached agreement with my neighbour to share the cost of having that tree cut down and my share was $700, so it became a very expensive exercise for me to maintain a solar hot water service in my house.

More recently here in Adelaide we have seen the Christie Walk development. This is a low-tech, low-energy, ecologically sound urban development threatened by a development application next door. That application is for a four-storey building which would overshadow the two-storey buildings of the Christie Walk development, in particular the solar cells which are an essential part of the environmental sustainability of that project. People who install solar, thermal and/or photovoltaic systems have to outlay a great deal of money for the privilege, even though they are doing the planet a favour, and we should not make things more difficult for them.

At a recent meeting of the Australian New Zealand Solar Energy Society we heard that in slightly more than a decade photovoltaics will be cost competitive with grid-supplied electricity. Australian PV markets are currently being driven by the Remote Area Power Supply Scheme, but the growth potential is in grid-connected systems, which are growing at a rate of 60 per cent per annum. There is job creation in this if we can get it right. We need to foster the grid-connect market for photovoltaics, but that will not happen if we cannot guarantee sunlight to those who install these cells.

In Britain the 'ancient lights' common-law grants a right to natural light through defined apertures in a building, and it is acquired through enjoyment of the light for not less than 20 years. This is akin to what the Democrats are doing in this bill, although this guarantee of access to sunlight for solar cells is a little more specific. I am not aware of it having been done elsewhere, but if anyone can advise me on that I would be very keen to know about it so that I can compare what we are doing with what is being done elsewhere. I am also keen to hear from members of the public so that we can improve the bill if that is needed.

I am asking members to treat this bill very seriously, and to assist in processing it so that we can achieve a second reading vote by the end of this session. It is groundbreaking legislation of a kind that one would expect in this state, with South Australia leading the way in environmental protection. If we are serious about the problems associated with the limitations of fossil fuels, if we are serious about relieving the pressures on our electricity grid, and if we are serious about addressing global warming then we will have to ensure that solar cells have the guaranteed access to light that this bill gives.

The Hon. NICK XENOPHON secured the adjournment of the debate.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (ASBESTOS REMOVAL WORK) AMENDMENT BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Occupational Health, Safety and Welfare Act 1986. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

Australia has the highest rate per capita of asbestos deaths in the world, while South Australia has the second highest rate per capita of mesothelioma in the world. We face a virtual epidemic of potentially 20 000 to 30 000 Australians dying in coming decades because of exposure to asbestos-related diseases. Of course, the principal cause of death is mesothelioma, which would have to be one of the nastiest causes of death there is. I have spoken to people who have lost a loved one to mesothelioma and they say that it is a particularly awful way to die.

What is so infuriating is that this is something that could have been avoided, because James Hardie and others who sold asbestos up until the 1980s knew that it was deadly. The leaked documents from James Hardie and the medical evidence (both here and in the United Kingdom) was very clear that asbestos was a deadly substance, yet we continued to sell that deadly substance until the early 1980s. The consequences of that are that thousands upon thousands of Australians will die in coming decades.

Earlier today in Sydney an Asbestos Research Trust was established by Slater and Gordon, a firm of solicitors who have practised extensively in asbestos litigation. At the outset I should say that I am one of the patrons of the Asbestos Victims Association in this state and I see, at first hand, the impact of asbestos exposure on many South Australians. Many innocent South Australians went to work and ended up contracting that deadly disease, and it was so unnecessary. What makes it worse is that we have situations where members of the workers' families end up developing an asbestos-related disease simply through the act of a wife washing her spouse's clothing: in the act of putting the clothing in the washing machine the spouse inhales the dust and decades later develops this deadly and insidious disease. That is particularly infuriating and, indeed, one despairs that so many Australians will die when it is so unnecessary.

In division 4.2 of the current occupational health, safety and welfare regulations there is a requirement that one must be licensed to carry out asbestos removal work. A licence for asbestos removal work requires, under the various codes and protocols that are in place, that a number of measures be taken to minimise risk to the public. That includes using things such as vacuum extractors, special cutting tools, spray equipment, total saturation equipment, waste disposal equipment, having the equipment inspected, and having a thorough training regime for those who deal in asbestos removal.

However, under the current occupational health and safety regulations such a licence is not required if it is an asbestos cement fibro product or other non-friable asbestos containing

material and if it covers less than 200 square metres. We know that there is no minimum safe level of exposure to asbestos, that it can have deadly consequences decades later. Some members think that this is just another bill, but it is a very important bill in terms of making a difference to people's lives by actually changing the culture that we have in this state where there are too many operators with a cavalier attitude to asbestos removal who are not licensed and who are not required to be licensed. This means that there are thousands of homes in this state that are being demolished, particularly trust homes which have a lot of asbestos material—whether in the roof or in the cladding—and, as a result of the demolition process by unlicensed operators, residents in the surrounding area are being exposed to dust, particles and debris, and, with that, a potentially deadly health risk.

That is why we need to close this loophole in the regulations through this piece of legislation, so that we can deal with it once and for all. Some 2½ years ago, this parliament passed legislation that I introduced in respect of the Survival of Causes of Action Act to ensure that the family members of those who had contracted an asbestos related disease who had issued proceedings in court and who had subsequently died would not lose their right to compensation.

I note the former attorney, the Hon. Mr Griffin, opposed that, and he had various reasons for doing so. To be fair to him, it was not that he was not sympathetic to victims of asbestos exposure. He was concerned about a number of procedural issues, but I believe that those matters were dealt with adequately in the legislation. It is interesting that in the other place a number of the Hon. Mr Griffin's colleagues from his party supported the legislation. In fact, the member for Schubert was concerned about the impact of asbestos dust and had seen the impact of it first hand. I am very grateful for his support for that legislation getting through, along with the strong support of the then Labor opposition and the Democrats and others on the cross benches in both houses. This is an issue that has received support in terms of reforming laws relating to asbestos exposure in the past.

The potential impact of asbestos exposure was put into sharp focus several years ago when Belinda Dunn, a very courageous woman, who is only in her 30s, went to the courts in this state to pursue a claim for contracting mesothelioma—a very young victim. She contracted mesothelioma and thankfully she is still with us. She had some radical gene splicing therapy in the United States, which I believe has kept her alive, and thank goodness for that. She contracted mesothelioma as a result of playing on a heap of asbestos roofing, as I recollect, when her father was renovating the house. No-one had any idea of its potential danger and Belinda Dunn now faces living with mesothelioma, and obviously I wish her well and hope that she can beat the odds with mesothelioma.

That indicates that this is not a fanciful issue. This is an issue that affects potentially anyone in our community. There is a long latency period, and the purpose of this legislation is to ensure that once and for all this loophole in the Occupational Health, Safety and Welfare Regulations is dealt with because, under our current provisions, a 200 square metre threshold is simply not adequate.

In terms of the bill, there are certain safeguards to ensure that there is appropriate training, to ensure that there must be a licence for an operator to remove asbestos, and to ensure that the person who is undertaking the work is directly under the supervision of a licensed person. Information that has been brought to my attention indicates that there are some operators who are licensed but then subcontract the work out to others, leaving unlicensed persons to deal with that.

We have heard of situations with primary schools in this state, and there have been government reports on this, such as Ascot Park Primary School, where there have been very real concerns about how the removal of asbestos has been dealt with in relation to government buildings, and that has been the subject of ministerial comment in the other place and questions in this place.

This legislation is an overdue reform. I hope that it can be dealt with in a bipartisan sense. I know that the government in opposition has a proven track record of being concerned about the issue of asbestos exposure. I note that the Premier, the Hon. Mr Rann, is a patron of the Asbestos Victims Association, and he spoke very powerfully and eloquently about this scourge and about the particular needs of asbestos victims, the need for them to be supported and the need for appropriate law reform late last year, when there was a memorial day to commemorate those who have died through asbestos exposure.

This is an issue which I know has received support from both sides of parliament to various degrees. It is important that we clear up this loophole once and for all, particularly as so many homes are being demolished for further development and particularly with the home renovation boom. These are issues that need to be dealt with. We need to have this awareness. We need to have properly licensed people undertaking removal of asbestos so that future generations do not suffer the same scourge of asbestos disease.

Earlier today, I went to the Adelaide launch of the Asbestos Research Trust where I spoke to two women who had lost their husbands through asbestos exposure, one quite recently, and it was still very raw for her to lose her husband in such a needless way. Jane MacDermott, a solicitor at Slater and Gordon, made the point that, according to research in the United Kingdom, one in 100 men born in the UK in the 1940s will die or have died from asbestos exposure, because of mesothelioma and other asbestos related diseases.

In Australia, the rate of asbestos exposure is much higher than it ever was in the UK. I dread to think what the death toll will be, because the figures that we have of 20 to 30 000 Australians dying in years to come are believed in some quarters to be conservative. I commend this bill to honourable members. I hope it can be treated expeditiously, because there are some very important occupational health and safety issues at stake.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

MEDICAL BOARD OF SOUTH AUSTRALIA

The Hon. NICK XENOPHON: I move:

That this council requests that the Statutory Authorities Review Committee inquire into the following:

1. The implementation by the Medical Board of South Australia of its functions and powers with a view to—
   (a) ensuring that the community is adequately provided with medical services of the highest standard; and
   (b) achieving and maintaining the highest professional standards both of competence and conduct in the practice of medicine.
2. The effectiveness of the Medical Board of South Australia in ensuring its statutory functions and powers are carried out diligently and responsibly.
3. The role of, and the effectiveness of, the Medical Board of South Australia in ensuring that patients are not subject to

undue harm, particularly in risk of infection from blood borne communicable diseases.

4. Whether the Medical Board of South Australia is adequately resourced and funded to deal with complaints and their subsequent investigation.

5. Any other relevant matter.

Some honourable members will be pleased to note that I will speak only briefly on this motion tonight. I note that the Hon. Mr Lucas is delighted with what I just said. In due course, I will seek leave to conclude my remarks later, but I think it important that a number of matters be set out in the context of the way the Medical Board operates and the way in which it deals with its statutory responsibilities. This motion is to refer this issue in the terms set out to the Statutory Authorities Review Committee, as the Medical Board, of course, falls within the purview of that committee.

The issue of the Medical Board and its statutory role in looking after the interests of South Australians in fulfilling its statutory responsibilities I think needs to be put into perspective. The wording of this motion reflects the board's statutory responsibilities. Section 13(1) of the Medical Practitioners Act provides:

The board shall exercise its functions under this act with a view to—

(a) ensuring that the community is adequately provided with medical services of the highest standard; and

(b) achieving and maintaining the highest professional standards both of competence and conduct in the practice of medicine.

On Monday and Tuesday nights this week (and, in some ways, it was a trigger or catalyst for this motion) a story was broadcast on *Today Tonight*. The story was prepared by Graham Archer, executive producer of *Today Tonight*. Indeed, Monday night's entire program was devoted to the Medical Board or matters relating to the Medical Board. Clearly, Mr Archer has spent an enormous amount of time and research on this story and is to be commended for his persistence. It is not usual that we have this sort of in-depth coverage for a particular issue and that resources are used to this extent.

Mr Archer in his report set out a very alarming story about a Dr Stephen Rabone who worked at the Barmera Hospital. In essence, the story relates to allegations that Dr Rabone infected a number of his patients with the hepatitis C virus and that, as I understand it, at the moment a dozen people are involved in court action. Obviously, it is for the courts to determine the issue but, as I understand it, the allegations and pleadings are that Dr Rabone infected patients by first injecting himself with a narcotic pain killing medication and then injecting the patients.

What is clear is that a number of people have contracted hepatitis C. I note from Monday night's program that one of those persons has since died as a consequence of the hepatitis C illness. We know that hepatitis C is an insidious disease and that it can be fatal. It is a most serious public health issue. However, in this case, we need to analyse how the Medical Board dealt with these complaints. I can say that, parenthetically, the comment has been made to me that, in relation to similar incidents where nurses have been hauled before the Nurses' Board and doctors before the Medical Board, the outcomes have been quite different.

Nurses have received a much more severe penalty than medical practitioners for the same incidents, and that is something that ought to be explored. There is a concern that, for whatever reason, the Medical Board did not deal with this and other matters with the necessary degree of seriousness, and that is of great concern. One of the issues raised in the Graham Archer story was his concern that the public interest, in a sense, was being overridden by privacy issues for doctors. Dr Rabone was facing investigation by the Medical Board.

The doctor decided to leave the state to practice in New South Wales, where he practised in the emergency department of a public hospital. Dr Rabone could not practice medicine in New South Wales without a certificate of good standing from the South Australian Medical Board and, according to the story, that was provided at a cost of $10 even though he was facing prosecution by the Medical Board. That raises some important issues of governance and issues about the systems in place to protect the public interest. It also raises broader issues, such as whether the Medical Board is adequately resourced not only to receive complaints but also to investigate those complaints appropriately.

The issue of doctors who have a drug dependency is vexed. Clearly, those doctors need help and rehabilitation. Also, of paramount importance ought to be the protection of the public interest and protecting patients from medical practitioners who have a problem that puts patients' lives at risk. These are important issues. I propose to provide further information when I conclude my remarks. I would like to think that the parliament will decide that the Statutory Authorities Review Committee should look at this issue in the coming months because it is an issue of great public importance.

The *Today Tonight* story has raised some very important issues of public policy. It has raised issues of the public interest and the potential risk the public faces as a result of what appears to be a breakdown in a system that is designed to protect patients and the consumers of medical services in this state. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

VICTIMS OF CRIME (STATUTORY COMPENSATION FOR VICTIMS OF CERTAIN SEXUAL OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 1099.)

The Hon. CARMEL ZOLLO: This bill comes before the council in the wake of the Criminal Law Consolidation (Abolition of Time Limit for Prosecution of Certain Sexual Offences) Amendment Act 2003. That act altered the earlier law under which it had been impossible to prosecute certain alleged offenders who had gained immunity by the expiry of time. The act overturns the earlier bar and it is now, in theory, possible to prosecute for sexual offences committed before 1 December 1982. The promoter of this bill has reasoned that, if the parliament now thinks it right that these offenders should be open to prosecution, it must also be right to give their victims a new entitlement to statutory compensation. That is the purpose of this bill.

Despite sympathy for the victims of these sexual offences and, indeed, all victims of crime, the government cannot support this bill. The government's underlying concern is that we should not grant a privilege to one class of victims over other classes of victims without good reason. It is important to understand that, although these offenders obtained immunity from prosecution by expiry of time, their victims were not prevented from seeking compensation by the absence of a conviction. Under the Criminal Injuries Com-

pensation Act 1978 you do not need a conviction to bring a successful claim for compensation.

Certainly, if there has been a conviction the path is smoothed in that proof of the offence becomes a formality. Even without this, however, it is open to the victim to seek compensation if able to prove the offence. Victims injured between the commencement of the 1978 act and 1 December 1981 could have applied for compensation under that act in exactly the same way as the victim of any other offence. The 1978 act was preceded by the 1969 act, which applied from 22 January 1970 to 30 June 1978. It would appear that, despite the government's early understanding to the contrary, that act also permitted the payment of compensation where there had been no conviction, either because a defendant was acquitted or because a defendant was not tried.

The victim was required to apply to the court before which the offender would have been tried, and to satisfy the court that the victim had sustained injury by reason of the commission of an offence. Where the offender had not been charged, the claim needed to be made within 12 months of the alleged offence. Before 1970 South Australia did not have any provision for statutory compensation for victims of crime. The victim's only recourse was to sue the perpetrator if he or she had means to pay. In respect of offences committed before 1970, therefore, the present bill seeks to give to victims of sexual offences an entirely new entitlement to compensation that does not exist for victims of any other offending that occurred at that time.

The government does not think that can be justified. In respect of offences between 22 January 1970 and 1 December 1982, the bill seeks to re-open an entitlement to a claim which previously existed but which became time limited in the same way as other injury claims became time limited under the law. It seeks to do this only in respect of victims of certain sexual offences. As well as giving these people special extensions of time, the bill proposes to lower the applicable standard of proof for offences committed between 22 January 1970 and 1 July 1978.

The standard of proof appears to have been beyond reasonable doubt, though perhaps this is arguable. There was a period between 1 July 1978 and 8 November 1982 when it was based on the balance of probabilities. Since then the standard has been beyond reasonable doubt, apart from that period of 1 July 1978 to 8 November 1982, and therefore the effect of the bill is again to give these victims an advantage over other victims who were required to meet the higher standard. The standard was the same regardless of the type of offence.

Criminal injuries legislation has never treated the victims of sexual offences differently from other victims in that respect. The measure distinguishes sexual offences from all other types. It is true that in sexual offences there may be special difficulties of proof. This is particularly true where the victim was a child at the time. Often the offence will have been unobserved by any third party and will have gone unreported by the victim out of fear of the perpetrator. There may be no forensic or medical evidence taken. Often it is only the victim's word against that of the perpetrator. Proof is difficult.

These difficulties, however, apply to many sexual offences, not only those before 1982. Moreover, they can apply to other offences such as common assault on a family member, where spouses, children or elders are beaten or otherwise abused but the offending is not of a sexual nature. They can apply to other cases in which the offender has power or authority over the victim such as in a school or a workplace, or in situations where the victims depend on care given by the offender such as in a hospital, aged care facility or other institution.

Further, other offences can be equally difficult to prove for other reasons. There are offences where the perpetrator is never identified. There are offences against intellectually disabled persons or against the frail aged who are unable to get the help they need to report the offending. There are offences such as stalking that may leave no trace and be plausibly denied by the offender. No special entitlement is proposed for those cases.

The government has a real difficulty with a measure that proposes to assist just one category of victims and no others, unless there is sufficient justification. If these victims had had no earlier opportunity to bring applications, that might be such a justification, but that is not the case. This government has real sympathy with victims of crime, as I hope we have demonstrated in many of the measures we have brought before the council. We cannot, however, support a measure that proposes to privilege one group of victims over all others simply on the ground that the offending against them was sexual in nature and happened many years ago. I can well understand why those offences may not have been reported and prosecuted within the three years originally allowed by law, however, there are many victims, not just victims of sexual offences, who find themselves in such a situation.

The government understands from legal advice that grace payments can be made to the victims of sexual offences that occurred before 1982 under the existing provisions of the Victims of Crime Act. As has always been the case, the Attorney-General will give consideration to any such applications on their merits. In particular, if an application was made in respect of an injury that occurred before there was any statutory provision for victims compensation, this might weigh against making such a payment. If an application was made in respect of an injury that occurred when the statutory maximum was lower than $50 000, the statutory maximum applicable at the time might have to be taken into account. The government opposes the Bill.

The Hon. G.E. GAGO secured the adjournment of the debate.

THOMAS, PROFESSOR T.

Adjourned debate on motion of Hon. A.J. Redford:

That this Legislative Council notes that the Attorney-General, the Hon. M.J. Atkinson MP, in a ministerial statement given to the House of Assembly on Monday 22 September 2003—

1. Acknowledged that he misled parliament in giving a ministerial statement on 1 April 2003.

2. Apologised for not including Justice Mullighan's ruling in the said ministerial statement.

3. Failed to apologise to Professor Thomas for suggesting that Professor Thomas was not a qualified forensic pathologist.

4. Failed to apologise to Professor Thomas for alleging that Professor Thomas had not carried out a post mortem investigation on a homicide case in South Australia.

5. Failed to apologise to Professor Thomas for suggesting that Professor Thomas was not a person inclined to give impartial or independent evidence to courts.

6. Failed to apologise to Professor Thomas for suggesting that Professor Thomas gave evidence to a court that was unreliable and unsatisfactory.

7. Suggested that a delay of nine weeks to partially correct a misleading statement to the parliament complies with the Ministerial Code of Conduct's requirement that ministers have a responsibility to ensure that errors are 'corrected or clarified as soon as possible.'

8. Blamed others for the incorrect facts alleged in the ministerial statement.

(Continued from 25 February. Page 1103.)

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I repeat the comments that I made last time, that there are matters currently being considered by the Crown Solicitor and the advice we have is that this matter should not be subject to public discussion. The government does not believe in pursuing this matter further at this time.

The Hon. A.J. REDFORD: The Attorney-General, through his representative the Hon. Paul Holloway, has not sought to defend himself in relation to the matters set out in this motion, and I suspect that this will not be the last we hear of this issue. In respect of what the leader said in relation to his contribution, and in order to place a few matters on the public record, I think I should say this. On the last occasion that we were dealing with this matter, which was 25 February, the Hon. Paul Holloway sought leave to conclude. In his short statement he said that the government was advised by the Solicitor General that it would not be prudent to make any further comment on this matter until those proceedings were finalised.

I am a believer in parliament upholding the traditions and respecting what courts might or might not be doing, and I respect that if a matter is before a court, particularly if it is before a jury, then nothing should be said in this parliament that might have any potential to impact upon that. So what I did was, on 5 March this year, following the comments made by the Hon. Paul Holloway—because I have my suspicions in relation to how this Attorney-General behaves—I wrote a letter, and I copied it to the Hon. Paul Holloway. In my letter, which I will read in full, I said:

> I refer to the debate on the motion I introduced in the Legislative Council last year regarding Professor Thomas. On 25 February 2004 the Hon. Paul Holloway made a statement in the Legislative Council regarding this motion and I attach a copy from the *Hansard*. I note that the government was reluctant to proceed with the debate and would have preferred the matter to have been adjourned. The Hon. Paul Holloway, after his brief contribution, sought leave to conclude in order that we (the Opposition) can properly consider whether the debate should be adjourned or whether the Hon. Paul Holloway should obtain further leave to conclude when the matter is next considered on 24 March 2004. I would be grateful if you could provide us with further information. In particular, would you please advise:
>
> 1. (a) To what proceedings is the government referring?
> (b) To what applications is the government referring?
> (c) To what bodies is the government referring in the first sentence of the speech?
> 2. Without disclosing the actual advice, on what basis is the Solicitor-General advising that this debate should not proceed?
> 3. When do you anticipate the finalisation of the proceedings?
>
> I would be grateful if I could have your response prior to Tuesday 23 March 2004.

I have not had a response to that letter and it is a disgraceful performance on the part of this government that it would make these assertions in an attempt to hold up a debate in the parliament and not have the guts to come in here and sit down and explain to the opposition what proceedings, bodies or applications the government is referring to.

One might be forgiven for thinking that this government might be making up these things, because it has not suggested at any time that there are any such things occurring. If one looks at the history of this matter, I moved this motion back in September last year—six months ago—and when I sought to have the debate finalised before Christmas I was given an excuse that there was a matter in which Professor Thomas was giving evidence before a criminal court in a jury matter. When I confirmed that (because with this Attorney-General you have to do things like that, unfortunately), I found that he was giving evidence and I acceded to this matter being adjourned. I sent another note in February saying that I wanted this debate concluded and this Attorney-General did not respond at all. I did not hear anything until the Hon. Paul Holloway rose to his feet and made his contribution on that occasion.

Then when I sent this letter to try to clarify where this debate ought to go, I got nothing. All I can say is this: I have never seen contempt of this chamber or this parliament to the extent that this Attorney-General has shown with this motion, which goes to the very essence of his credibility and whether or not we as members of parliament, or the public whom we represent, ought to believe anything he says. At the end of the day this is an Attorney-General who cannot work out whether he is at a barbecue: he does not know what food is being cooked. Only this week he sat down and made statements to the media about what Paul Rofe QC, who has enough problems without the Attorney-General adding to them, has done in relation to some suspects in an alleged crime and then he had to come in and correct that. On one of those occasions he thought it was a big joke. It is not a joke when the first law officer of this state says things and the public and members of the parliament have trouble knowing when to accept on face value what the Attorney-General is saying and when not to accept it.

It is not the only thing the Attorney-General has done since I moved my motion back in September last year and not the only thing this Attorney-General has done when he sought, via his ministerial statement on September 2003, to apologise to the House of Assembly but not to Professor Thomas. This Attorney-General does not give in. He is a vindictive person when it comes to anyone who might seek to stand up to him and challenge something he might say. I will explain how vindictive this Attorney-General can get when dealing with ordinary members of the public who have the temerity to question what he might say.

On 21 November this year, instead of walking into this chamber or writing a letter of apology to Professor Thomas for suggesting that he was a witness in a court who did not tell the truth, exaggerated his evidence and claimed false qualifications, instead he wrote this—I will not go into detail, but it tells you the character of the Attorney-General:

> The purpose of my letter is to offer you a right of reply to comments I made about you in a ministerial statement on 1 April 2003 and comments I further intend to make in another statement to parliament.

This is the first paragraph—no apology, no 'oops, I got it wrong and I hope I did not hurt your reputation when I savagely defamed you in my ministerial statement as the first law officer of the state'. This letter was saying: you keep this up and I will go into parliament and make another statement. It is the nastiest, grubbiest conduct I have seen from an Attorney-General in my life. He goes on in the statement to say:

> On 1 April I made a statement in response to issues raised on *Today Tonight* about the murder of Anna-Jane Cheney and the subsequent conviction of Henry Keogh for her murder. My statement was made in good faith. In that statement I attempted, among other things, to urge *Today Tonight* to behave more responsibly.

No apology appears in that sentence for having savagely defamed Professor Thomas. He then goes on to say:

> In making my statement I quoted comments about you that were made by Magistrate Baldino in the case of Police and B. I did not know at the time that on appeal Justice Mullighan had made a contrary ruling about your expertise. Had I known about Justice Mullighan's comments, I assure you that I would not have quoted the Magistrate Baldino in my statement.

You then go into the letter and search high and low and wonder whether this Attorney-General would have the character and purpose to apologise to Professor Thomas, but, no, he does not. It is like catching someone with their hand in the lolly jar. I know that you, Mr President, when you used to stand here, used the analogy of someone who has their hand caught in the lolly jar and the regret is not that he is a thief but that he got caught. That is how the Attorney-General's conduct in this case can be characterised. No wonder the Attorney-General did not have the guts to come in here and say something through the Hon. Paul Holloway. He goes on to say:

> I can say unequivocally you are an anatomical pathologist who has a subspeciality expertise in cardiac pathology.

He then goes on to acknowledge various qualifications Professor Thomas has before stating:

> I have apologised to the parliament for inadvertently misleading the members of the House of Assembly and I have undertaken to make a further statement on you and your expertise.

The Hon. Sandra Kanck: He often misleads the House of Assembly.

The Hon. R.I. Lucas: And the community.

The Hon. A.J. REDFORD: And the community, more importantly. But, he does not go on and—

The Hon. P. HOLLOWAY: On a point of order, sir, the honourable member has made serious allegations of misleading against the Attorney. Those allegations are unfounded and under standing orders he should not be able to make them.

The Hon. A.J. Redford: He has misled the house—that is what the motion is about.

The PRESIDENT: I am considering the point of order. The subject matter is to do with Professor Thomas and statements made by the Attorney-General. This is a substantive motion and greater latitude than normal is provided for. As to comment on the conduct of any member of parliament, if the minister is alleging that there has been misleading there is probably a better way of putting it than saying that he is deliberately misleading. That is probably a safer way of putting it. Whilst substantive motions allow latitude, I remind members that I have often requested that they maintain the dignity of the council. Parliamentary language is never all that hard to maintain. I am sure the Hon. Mr Redford has taken on board the concerns expressed by the leader of the government and will tailor his remarks appropriately.

The Hon. P. HOLLOWAY: I will speak to the point of order. I was not so much concerned with the allegation in the motion, but the honourable member was, I suggest, alleging that the Attorney misleads people on many other issues that are not related to this matter, and that is the point to which I was objecting.

The PRESIDENT: It is an offensive remark, and I do not see that the substantive motion excuses that sort of language. I ask the Hon. Mr Redford to adjust his language appropriately. He is a competent orator, and I am sure that he can achieve that.

The Hon. A.J. REDFORD: I thank you for your guidance, Mr President, and, out of respect both to you personally and to your office, I will endeavour not to stray so as not to upset the leader, although the facts in this case should be upsetting to not only the leader but to every single member of caucus. Indeed, when one considers what characteristics are required of the Attorney-General in this state, this Attorney-General falls very short of the sorts of standards set by people such as Chris Sumner, Trevor Griffin and Robert Lawson. This despicable letter—and I cannot use less strong words than that—states:

> I have apologised to the parliament for inadvertently misleading the house.

Before there is an interjection, these are the Attorney's words:

> I have apologised to the parliament for inadvertently misleading the members of the House of Assembly, and I have undertaken to make a further statement on you and your expertise.

What a threat! What a disgrace this Attorney-General is! He defames a person, he gets caught out and then he comes back at this person and says that he will make another statement on him. That is a despicable act on the part of an Attorney-General. The letter continues:

> I may base that statement on the advice I have received from the State Forensic Science Centre, which I enclose for your use.

Where is the apology? Not even the honourable leader wants to interject, which is a very courageous thing to do in the face of this information. The Attorney cannot do anything but offer four lines of a limp-wristed excuse and absolutely no information to back up the assertions that he made. Quite frankly, the leader wants to be careful that he does not associate himself too closely with this Attorney-General and this sort of despicable conduct.

In this letter, the Attorney-General states that he enclosed a letter from the State Forensic Science Centre which was given to him on a strictly confidential basis. I might add that that was not honoured, because I have a copy of it, but then he did not feel obliged to honour a suggestion on the part of an Attorney-General who happens to act in such a malicious fashion as this Attorney-General wants to. The letter also states that he is not to disclose it to anyone. I will not spend too long on this, but he goes on for page after page with various criticisms made of Professor Thomas. Interestingly enough, what Professor Thomas did was what you would have done, Mr President, if you were a worker, or what you would have advised a worker to do who had been savagely attacked by the first law officer in the state: effectively, he went to his union. He went to the Forensic Pathologists Association.

There will be another motion on this topic, and I will allude to what the pathologists of Australia are saying about this Attorney-General and those who would seek to use parliamentary privilege to savagely defame and attack a nationally and internationally well-respected forensic pathologist in the state of South Australia. I have to say that there is no end to the viciousness and the nastiness that this Attorney-General, aided and abetted by this government, will stoop to to get someone who might have the guts to criticise them.

The Hon. CARMEL ZOLLO: I rise on a point of order. The honourable member is reflecting upon the character of a member in another place, and I believe that that is out of order.

The PRESIDENT: The Hon. Angus Redford does have some protection with a substantive motion. I have asked honourable members to maintain the standard of parliamen-

tary language. The Hon. Mr Redford said that he would move a motion in which he would talk about certain issues so, technically speaking, that is not covered by the substantive motion. I think we have the gist of what the Hon. Angus Redford thinks of some of the conduct that has led to this matter and we are starting to go around in circles. At this stage, I think that the Hon. Mr Redford should conclude his observations and take the appropriate action of the council.

The Hon. A.J. REDFORD: They may well seek to raise points of order on a regular basis, because they will not stand here and put a definitive and reasoned argument as to why the Attorney-General will not apologise to Professor Thomas. Let me read into *Hansard* what Professor Thomas's lawyer said in response to this despicable attack on Professor Thomas by this Attorney-General. It states:

> To the Hon. Michael Atkinson, MP, Attorney-General, GPO Box 464, Adelaide, SA 5001.
>
> Dear Sir,
>
> Re Associate Professor Tony Thomas.
>
> We act for Associate Professor Tony Thomas. Our client has provided us with a copy of your letter of 21 November 2003 and the attached report from Dr Cala of the Forensic Science Centre, which he received on the morning of 27 November 2003 and in an envelope postmarked 25 November 2003 at 23.41 hours.

I accept the accuracy of the facts in this part of the event. The letter continues:

> We note your request that our client keep Dr Cala's report confidential. Our client does not accept this limitation which you seek to place upon his use of the report. The report represents a serious and defamatory attack on his competence and professionalism. Given your indication that you intend making reference to that report in parliament, which will, of course, result in the wide dissemination of the contents of that report, our client will take whatever steps he is advised to take in order to protect his reputation. We will, in due course, respond in detail to the matters addressed in Dr Cala's report. The purpose of this letter is simply to point out some of the more serious factual errors in that report. A number of those errors ought to have been apparent from consideration of our client's curriculum vitae.

Mr President, you might recall that I went through Professor Thomas's curriculum vitae in some detail when I moved that motion. So, if the details in Professor Thomas's curriculum vitae were not drawn directly to the attention of the Attorney-General, he would have read them in *Hansard* (and I know that this Attorney-General reads it closely). The letter continues:

> From your previous statements in parliament in relation to our client, it would appear that you already have a copy of his curriculum vitae but,if you do not, please let us know and we will forward you a copy.

The letter continues, but I will not commit the same offence as the Attorney-General committed. If the Attorney-General is going to defame Professor Thomas, I will not be used as the excuse, so I will not go into the detail of the series of factual errors that the Attorney-General made in sending his allegations to Professor Thomas, except to say that there are at least four pages of criticism. However, I will read the last two paragraphs of the letter:

> Finally, the suggestion by Dr Cala on page five of his report that he is concerned that our client 'has not been wholly impartial nor a witness of truth' is nothing more than a disgraceful and gratuitous attack upon our client. There is nothing in Dr Cala's report which provides any basis whatsoever for this attack. In fact, similar suggestions made by Magistrate Baldino were severely criticised by Justice Mullighan. As mentioned earlier, we will, in due course, respond to Dr Cala's report in greater detail.

He then goes on to say:

> In the circumstances, our client considers that any reference by you in parliament to the matters set out in Dr Cala's report would be a most unfair attack upon his reputation.

I have news for poor old Professor Thomas: that has never stopped this Attorney-General in the past. He then goes on to say:

> We request that you do not make any further public comment upon this matter until you have received the more detailed response foreshadowed.

So, we have an Attorney-General who has acknowledged that he misled parliament, and who has done everything in his power to avoid fessing up to Professor Thomas and apologising for the hurt he has caused him. In addition, the Attorney-General has then gone about seeing whether he can get any more information on Professor Thomas for an opportunity to come in and defame him again. What did Professor Thomas do to deserve all this, one might ask? He had the temerity to go on television and criticise something. That is what he did. I have never seen a more disgraceful use by a minister of the Crown of parliamentary privilege than what the Attorney-General has done on this occasion. With those few words, I commend the motion.

The council divided on the motion:

AYES (13)

Dawkins, J. S. L.	Evans, A. L.
Gilfillan, I.	Kanck, S. M.
Lawson, R. D.	Lensink, J. M. A.
Lucas, R. I.	Redford, A. J. (teller)
Reynolds, K.	Ridgway, D. W.
Schaefer, C. V.	Stefani, J. F.
Xenophon, N.	

NOES (5)

Gago, G. E.	Gazzola, J.
Holloway, P. (teller)	Sneath, R. K.
Zollo, C.	

PAIR(S)

Stephens, T. J.	Roberts, T. G.

Majority of 8 for the ayes.

Motion thus carried.

AUTHORISED BETTING OPERATIONS (BETTING REVIEW) AMENDMENT BILL

The Hon. P. Holloway for **the Hon. T.G. ROBERTS** (Minister for Aboriginal Affairs and Reconciliation) obtained leave, and introduced a bill for an act to amend the Authorised Betting Operations Act 2000. Read a first time.

The Hon. P. HOLLOWAY: I move:

> That this bill be now read a second time.

This bill proposes a number of legislative amendments to improve the regulatory arrangements for wagering providers that have arisen as a result of the review of the Authorised Betting Operations Act 2000. The review was tabled in the Parliament in late 2002 in accordance with section 92 of the act which required the act to be reviewed within 12 months of it coming into effect. These amendments have also resulted from the national competition policy gambling legislative review.

It is proposed to amend section 9(d) of the act to allow the major betting operations licence to authorise the conduct of fixed-odds betting on races. In providing fixed-odds race betting to the TAB, the government sought agreement to provide some improved betting opportunities to bookmakers to offset the loss of exclusivity of fixed odds betting on races.

The TAB did not agree to this, resulting in the government not being able to pursue these amendments without facing potential compensation claims from the TAB under the terms of its approved licensing agreement.

As a result of the restriction imposed on the government from the approved licensing agreement, the government focused its discussions with the South Australian Bookmakers' League on other options to assist the operations of the bookmaker industry.

Following those discussions, the government has agreed to transfer the bookmaking licensing functions to the Liquor and Gambling Commissioner and to remove the licensing requirement for bookmaker clerks. The removal of the requirement to licence bookmakers clerks is consistent with the approach taken towards the TAB where outlet staff are not licensed. Those responsible for the setting of odds, that is, bookmakers and bookmakers agents, will continue to be licensed. It is proposed to establish a separate class of licence for agents.

The bill also proposes an amendment to section 46 to clarify that the existing practice of the holder of the major betting operations licence and the on-course totalisator licensees of printing the average and maximum deduction from bets on betting tickets meets the information disclosure requirements. Issues of further product information disclosure will be considered by the Independent Gambling Authority

It is proposed to amend the act so that a bookmaker's licence can be granted to a body corporate. This amendment will permit a proprietary company (within the meaning of the Corporations Act (commonwealth)) to hold licences in instances where all of the directors and shareholders are licensed bookmakers.

It is proposed to amend section 55 of the act to provide power to the Liquor and Gambling Commissioner to place time restrictions on permits to accept bets and section 57 to provide legislative support for the commissioner in developing guidelines in the issuing of permits on grounds he considers appropriate. Other amendments include:

- the provision of evidentiary assistance to the Independent Gambling Authority in relation to its function of assessing whether particular contingencies should be approved for betting purposes;
- the extension of the requirement for directors and executive officers of the major betting operations licensee to be approved by the Independent Gambling Authority to other persons of a class designated by the authority for the purpose;
- a provision ensuring that no further betting shop licences may be granted (the provision does not affect the renewal of the existing Port Pirie betting shop licence);
- a provision enabling the rules relating to bookmaker operations to confer discretions on race stewards or other persons of a prescribed class;
- a provision enabling those authorised to conduct fixed-odds betting to make bets with persons authorised under the law of another state or territory of Australia to conduct fixed-odds betting;
- providing regulation making capacity to refine the meaning of fixed-odds betting;
- the deletion of a number of obsolete references.

I commend the bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Authorised Betting Operations Act 2000*

4—Amendment of section 3—Interpretation

A definition of ***agent's licence*** is added and the definition of ***bookmaker*** deleted because the Bill creates a new class of licence for agents rather than including agents within the ambit of the definition of bookmaker.

The definition of ***clerk's licence*** is deleted since the Bill removes the need for such licences.

A definition of ***licensing authority*** is added since the Bill transfers the licensing functions for bookmakers, agents, 24 hour sports betting and betting shops from the Independent Gambling Authority to the Liquor and Gambling Commissioner.

Obsolete definitions relating to the sale of TAB are removed.

5—Amendment of section 4—Approved contingencies

A new subsection is added to assist in the application of subsection (2) which requires, in part, the Authority to be satisfied as to the adequacy of standards of probity applying in relation to a contingency before approving it for betting purposes. The new subsection provides that the Authority may be satisfied as to the adequacy of standards of probity applying in relation to an event if the Authority has no reason to believe that the standards are inadequate having regard to the evidence of the past conduct of such events that is available to the Authority, whether from the licensee requesting approval of the contingency or from the making of such inquiries as the Authority thinks fit.

6—Amendment of section 7—Grant of licence

This clause removes obsolete provisions relating to the sale of TAB.

7—Amendment of section 9—Authority conferred by licence

This amendment enables the major betting operations licence to extend to the conduct of fixed-odds betting (or other forms of betting) on races or approved contingencies.

8—Amendment of section 13—Racing distribution agreement

9—Amendment of section 16—Transfer of licence

10—Amendment of section 17—Dealings affecting licensed business

These clauses remove obsolete provisions relating to the sale of TAB.

11—Amendment of heading to Part 2 Division 4

12—Amendment of section 20—Approval of designated persons

These clauses extend the provision for approval of directors and executive officers of the licensee to other persons designated by the Authority for the purposes of the section.

13—Amendment of section 28—Licensee to supply authority with copy of audited accounts

This clause updates an out of date reference.

14—Repeal of section 30

This clause removes obsolete provisions relating to the sale of TAB.

15—Amendment of section 34—Classes of licenses

This clause—

(a) transfers the licensing functions for bookmakers, agents, 24 hour sports betting and betting shops from the Independent Gambling Authority to the Liquor and Gambling Commissioner;

(b) creates a new class of licence for bookmaker's agents—an agent's licence;

(c) removes references to clerk's licences;

(d) allows a bookmaker's licence to be issued to a body corporate that is a proprietary company registered in SA if each of the directors and shareholders hold a bookmaker's licence;

(e) prevents any further grants of betting shop licences in Port Pirie.

16—Amendment of section 36—Conditions of licence

17—Amendment of section 37—Application for grant or renewal, or variation of condition, of licence

18—Amendment of section 38—Determination of applications
These clauses make amendments consequential on the transfer of licensing functions and the changes in classes of licences.
19—Insertion of section 38A
The new section provides that a bookmaker's licence held by a body corporate is suspended for any period during which any director or shareholder of the body corporate does not hold a bookmaker's licence.
20—Amendment of section 46—Player return information
The new subsection expressly enables the disclosed player return information to relate to average or minimum player returns across all forms of betting with the licensee in which the actual amounts payable on winning bets are not pre-determined.
21—Amendment of section 54—Licensed bookmakers required to hold permits
This clause is consequential on the introduction of agent's licences and requires an agent to act within a permit granted to the licensed bookmaker.
22—Amendment of section 55—Granting of permits
The new subsection contemplates the issuing of guidelines by the Commissioner setting out the circumstances in which permits will be issued or refused.
23—Amendment of section 57—Conditions of permits
The new subsection expressly contemplates conditions restricting the period during the day for which the permit authorises the acceptance of bets.
24—Insertion of section 59
The new section is consequential on the introduction of agent's licences. It extends the authorisation provided by a permit to an agent of the licensed bookmaker to whom the permit is granted.
25—Amendment of section 60—Prevention of betting with children by bookmaker or agent
The new subsection is consequential on the introduction of agent's licences. It extends the bookmaker's obligations to prevent betting with children to any licensed agent of the bookmaker. A breach would make the licensed agent as well as the bookmaker liable to disciplinary action.
26—Amendment of section 62—Rules relating to bookmakers' operations
The substituted subsection enables the rules to confer discretions on race stewards and persons of a prescribed class. See the validation provision in the Schedule for existing rules conferring such a discretion.
27—Insertion of section 79A
This clause authorises licensees to lay off fixed-odds bets with interstate licensees.
28—Amendment of section 91—Regulations
This new regulation making power enables the regulations to fix the scope of fixed-odds betting for the purposes of the Act.
29—Repeal of section 92
30—Variation of Schedule 1—Transitional provisions
These clauses remove obsolete provisions relating to the sale of TAB.
Schedule 1—Transitional etc provisions
The Schedule contains—

(a) a transitional provision to ensure that licences previously granted by the Authority continue in force as if they had been granted by the Commissioner;

(b) a transitional provision for the conversion of clerk's licences into agent's licences; and

(c) a provision for the validation of rules imposing discretions on race stewards.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

GAS (TEMPORARY RATIONING) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development) obtained leave and introduced a bill for an act to amend the Gas Act 1997. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

This bill makes further provision with respect to temporary gas rationing under part 3 division 5 of the Gas Act 1997. The explosion at Moomba on 1 January 2004 would have had quite devastating effects on South Australia had it not been for the fact that the new SEAGas transmission pipeline, sourcing gas from Victoria, was able to be brought into operation at additional capacity sooner than planned. My government is very grateful for the efforts of all those involved in that exercise.

Perhaps unsurprisingly, given the timing of these events, contracts for the supply of gas to the mass market were based on the availability of supply from Moomba. Although we were fortunate that gas sourced from Victoria was available in larger volumes than planned, the cost of securing additional gas from Victoria has been higher from 1 January than the costs of the same quantities of gas sourced from Moomba would have been. This, added to the serious shortfall of gas as a result of the Moomba explosion and repairs, put the continuation of gas supply to customers at considerable risk.

As full retail competition in a practical sense does not yet exist, consumers whose consumption at a single site is less than 10 terajoules per year currently have the benefit of ministerially determined maximum prices. The government was keen to ensure that those smaller customers would continue to be supplied and at prices no greater than the maximum prices currently in operation. The government was also keen to ensure that its efforts to minimise disruption to larger customers would not result in an affected retailer being able to make a profit on the cost of additional 'top-up' gas secured. A special regulation was made on 15 January, regulation 22 of the Gas Regulations, to support the continued supply of top-up gas via the SEAGas transmission pipeline on the basis that those affected customers who wished to take gas in excess of the quantity of gas that was available for supply to them under ministerial directions from Moomba would do so on terms and conditions that appeared fair, in particular at a price that did not allow an affected retailer to profit from the emergency situation.

The amendments are designed to ensure that all appropriate investigative, enforcement and recovery measures are available to government. The public interest requires that there must be compliance with ministerial directions (given 'to ensure the most efficient and appropriate use of the available gas'). The government also considers it to be in the public interest that it should have all necessary power to investigate whether those large customers that have faced increased costs for top-up gas over the temporary gas rationing period have been unlawfully exploited.

Accordingly, the bill contains provisions designed to put it beyond argument that the minister can require information to be provided for the purpose of enforcement of the temporary gas rationing provisions in the act and regulations that relate to temporary gas rationing, including regulation 22. The power to require information expressly includes the power to require a retailer affected by ministerial directions to conduct an audit of its compliance with the regulations and to report the results of that audit to the minister.

The High Court has held that in Australian common law a body corporate does not have a legal privilege against self-incrimination. Natural persons have such a privilege and

statutory law generally ensures that they are not required to provide information that may incriminate them of an offence. Although it is expected that only corporations would be required to provide specified information or documents, the bill also safeguards the rights of natural persons by providing that, if a natural person is required to provide information or documents, the information or documents provided will not be admissible in criminal proceedings against him or her (other than proceedings for making a false or misleading statement).

Similarly a director of a corporation that is required to provide information or documents cannot have that information or documentation used in proceedings against him or her. Directors are also excluded from the criminal liability that, under section 89 of the act, would normally flow from the conviction of the corporation of an offence against this act. The government believes these provisions will maximise the flow of relevant information without jeopardising the protections against self-incrimination that normally and properly apply to natural persons.

I foreshadow now that the Gas Regulations will be further amended to make it an offence for an affected retailer not to repay a customer who has been overcharged contrary to regulation 22.

It may be that inquiries will reveal nothing that indicates an offence has been committed. Certainly, present indications are that ministerial directions have been complied with and those in the gas supply chain have cooperated in efforts to best deal with the very difficult situation that faced us. Nonetheless, the government considers these amendments should be made to ensure adequate provision for investigation, and if need be for criminal enforcement and for recovery by customers of payments in excess of those lawfully allowed. I commend the bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure is to be commenced by proclamation. However, clauses 5 and 9 are proposed to commence 15 January 2004, the day on which new regulation 22 of the Gas Regulations was made (see the explanation for clause 9 below).

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Gas Act 1997*

4—Amendment of section 37A—Minister's power to require information or documents

This clause is designed to clarify the scope of the Minister's power to require information for the purposes of Part 3 Division 5 of the Act (Temporary gas rationing). The new wording spells out that information or documents may be required to determine the sufficiency of gas supply, frame directions, plan for the future exercise of powers under Division 5 or otherwise administer or enforce Division 5 (or regulations made for the purposes of Division 5). In addition, a new subsection makes it clear that the Minister may require a seller of gas affected by directions under Division 5 to conduct an audit of the seller's compliance with regulations made for the purposes of Division 5 and to report the results of the audit to the Minister.

The penalty for failure to comply with a requirement to give information or produce documents is increased from $20 000 to $100 000.

A requirement must be complied with even though the information or document would tend to incriminate the person of an offence. However, the information or document will not be able to be used for the prosecution of a director or other natural person, other than for an offence relating to the making of a false or misleading statement .

5—Insertion of sections 37AB and 37AC

A new section 37AB is inserted to make it clear that regulations may be made for the purposes of Part 3 Division 5—

- making provision relating to contractual relations between customers and sellers of gas affected by directions under Division 5;
- requiring sellers of gas affected by directions under Division 5 to repay to customers any amounts that under applicable contractual terms were not payable by the customers;
- prescribing a penalty not exceeding $10 000 for contravention of a regulation made for the purposes of Division 5.

New section 37AB requires the Minister's consent to prosecutions for a contravention of Division 5.

6—Amendment of section 62—Appointment of authorised officers

Amendments are made to have authorised officers available to assist the Minister in the enforcement of Part 3 Division 5.

7—Amendment of section 67—General investigative powers of authorised officers

This amendment is consequential on the previous amendment.

8—Amendment of section 70—Power to require information or documents

Section 70 empowers authorised officers to require information or documents. Consistently with clause 4, a provision is added so that a requirement made for the enforcement of Part 3 Division 5 must be complied with even though the information or document would tend to incriminate the person of an offence. As with the amendment under clause 4, the information or document will not be able to be used for the prosecution of a director or other natural person, other than an offence relating to the making of a false or misleading statement.

Part 3—Provision relating to *Gas Regulations 1997*

9—Provision relating to *Gas Regulations 1997*

A new regulation 22 was added to the Gas Regulations on 15 January 2004. That regulation dealt with contractual relations between gas retailers affected by directions given by the Minister under Part 3 Division 5 of the Act and customers. The regulation was made relying on the powers conferred by section 95 of the Act.

This clause deems the regulation to have been made under new section 37AB for the purposes of Part 3 Division 5 of the Act. One result will be that it is clear that the powers of the Minister and authorised officers to require information or documents are exercisable for the enforcement of that regulation.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

SUMMARY OFFENCES (OFFENSIVE WEAPONS) AMENDMENT BILL

Consideration in committee of the House of Assembly's message.

The Hon. P. HOLLOWAY: I move:

That the Legislative Council do not insist on its amendment.

As this bill comes back before the council after the summer break, I will refresh the minds of members about it. The government is concerned about violence, particularly stabbings and serious assaults with offensive weapons, in and around licensed premises at night. There are interstate studies that indicate that there is an increased incidence of violence and anti-social behaviour associated with licensed premises at night-time, particularly where late night liquor trading is permitted.

We believe that circumstances in South Australia are much the same. The bill, as introduced and passed in the other place, was to enact new offences of carrying an offensive weapon or possessing a dangerous article in, or in the vicinity of, licensed premises at night without having

lawful excuse to do so. Most knives are designed for use as tools and come within the category of offensive weapon. Knives that are designed for offensive use are prohibited weapons and already the possession of these carries the maximum penalty under the Summary Offences Act.

The maximum penalty for the new offences was to be a fine of $10 000, or imprisonment for two years, or both, and an order for forfeiture of the weapon may be made. These penalties are substantially higher than the penalty for carrying an offensive weapon in other circumstances. Besides the higher penalty, the specificity of the offence should indicate to the public that people risk being dealt with severely if they have a weapon when they go for a night out.

The opposition has tried to defeat the purpose of the bill. The council amended the bill by deleting the new offences. The bill now looks nothing like the bill as passed by the other place. Instead, the council passed an amendment that would simply increase the penalties for the old offences of carrying an offensive weapon and possessing a dangerous article to the same level as a prohibited weapons offence.

When it was first moved, the same amendment was defeated in the other place and it did not agree to the amendment when the bill was returned to it by the council. Of course, it is just as bad to stab someone in a milk bar as in a night club, and the assault or homicide would be dealt with in the same way by the prosecution and in the courts.

This bill is not about punishing assaults and homicides; it is about preventing them, by focusing on the carriage of weapons in the circumstances in which they are more likely to be used, especially in the heat of the moment and under the influence of alcohol. It is about sending a specific message to the public about a specific problem. I urge members not to insist on the amendment that was passed last year, so that the bill can stand in its original form.

The Hon. R.D. LAWSON: Speaking on behalf of the Liberal Party, we believe that the council should insist upon its amendments. This bill, as originally introduced by the government, was part of the government's rhetoric that it was going to be tough on law and order, particularly in relation to knives. So, it introduced an aggravated offence with a higher penalty of having an offensive weapon in or within the vicinity of licensed premises between the hours of 9 p.m. and 6 a.m. It introduced a tougher penalty for these particular hours and these particular places.

We in the opposition believe that, if it warrants a heavier penalty to have these knives within 100 metres of a licensed premises, why not 110, why not 120? If it warrants a tougher penalty to have an offensive weapon at 5 past 9, why not at 5 to 9? Why these arbitrary lines—

The Hon. Ian Gilfillan: Because as time goes by, things become more dangerous.

The Hon. R.D. LAWSON: Yes, as the Hon. Mr Gilfillan interjects, when the minute hand passes 12, things suddenly become more dangerous—the Cinderella syndrome, really. If this government really wanted to make it safer in licensed premises, or in the vicinity of licensed premises, it would introduce measures designed to detect and apprehend offenders or, for example, to have metal detectors at licensed premises or certified premises. If it were serious about making those places safer, it would not have introduced this headline grabbing measure.

We agree with tougher penalties or the capacity for the court to order tougher penalties for knives and for other offensive weapons. We do not believe it is appropriate to have a graduated offence in these circumstances. This is just more of the Premier's spin. I think in his press release in relation to this, mentioning how tough he was, he was once again beating his chest. He makes no apology for laws of this kind. We are in favour of practical measures to provide appropriate penalties in a safer community. The government's bill does not. Our amendments have called the government's bluff. I believe that the council should insist on its amendments.

The Hon. IAN GILFILLAN: The Democrats supported the amendments in the original debate and it is of significant interest to listen to the shadow attorney-general analysing the Liberals' approach to the legislation, because in many ways the Democrats' view is parallel. We hear an interesting blend of mocking the transparent exaggeration and veneer which is usually camouflaged by very heavy-weight rhetoric but rather inefficient evolution of legislation to back it up. Coupled with that, of course—and I think this is part of the public persona of the Liberal Party—they also want to present as being tough on law and order, because that is the current prime diet of the public and the media. So, the Hon. Mr Lawson has very cleverly managed to have his cake and eat it. He gives the government a pretty neatly worded mauling, but attempts to retain the image that the Liberals are equally tough on law and order.

Anyone who can be bothered reading the original debate on the bill in *Hansard*, will find that we criticised the bill in its essence in both its intention and its effect. Quite clearly, we would have wanted the bill lost and disappeared into the histories of legislative idiocy, where it fits very neatly. However, the measure to do that appeared to support amendments which made the legislation unpalatable even to a gung-ho law and order publicity-minded government. I have to admit that I was wrong. I underestimated how stupid and how publicly publicity minded and gung-ho law and order this particular government is. The word came back to us that, even with the amendments which went out on the extreme, the Premier was not going to back down: he would take it in that form.

Now, that is too much. That is too heavy a price for South Australia to pay and, therefore, it is for that reason and that reason alone that the Democrats will not insist on the amendments which were passed originally in this place and to which the House of Assembly has objected.

The Hon. NICK XENOPHON: This is a difficult issue. I have listened to the debate carefully. My position is to support the opposition for this reason: if someone is carrying an offensive weapon at any time of the day, it ought to be treated seriously by our criminal law. I can understand and appreciate that the government is trying to send a message that if an offensive weapon is carried at night there is a stronger penalty. However, as I understand the effect of the opposition's amendment, it means that that stronger penalty will apply at any time.

It could well be a question of enforcement. We can have the toughest laws in the world to deal with these issues but, unless there is effective enforcement, those laws will not have the effect they are intended to have. I would presume that, in terms of the practical implementation of such a law, the police and the resources of the police will be directed to those circumstances where there is the greatest threat or risk to public safety. Obviously, that will be on a Friday or Saturday night when there might be hundreds of young people in the vicinity of a nightclub.

My position is to support the opposition. I do not resile from that position. Of course, I am happy to discuss this

further with the government and the opposition, but I intend to maintain the position I put in committee.

The Hon. A.L. EVANS: When this bill was before the council I supported the government. It was the lesser of two evils, as far as I could see. I have no reason to change that view. I will be supporting the government.

The Hon. P. HOLLOWAY: I want to make some response to the Hon. Nick Xenophon's comments. The honourable member is suggesting that police should focus their policing activities around people carrying knives or offensive weapons in the vicinity of licensed premises at night. Of course, by making that statement the Hon. Nick Xenophon admits that that is the riskiest period. He is admitting that that is why the government should be focussing on this particular problem. The whole purpose of making that an aggravated offence, by having an additional penalty, is to give that very message to the police—that they should be policing it.

If you make it the same penalty across the board, no message is being given when the possession of knives or other offensive weapons may be at their most dangerous. The Hon. Nick Xenophon's comments appear to be at odds with the stance he is taking. If we do believe—and I think that we should believe—that the real risk is with people carrying these offensive weapons in nightclubs at weekends and at night, we should recognise that in the law and make sure there is this additional penalty, this aggravated offence, that recognises that and sends the message out to the public and, I guess, those policing the law, that this parliament considers that to be a more serious situation.

The Hon. NICK XENOPHON: Perhaps the leader misunderstood what I was trying to say, or perhaps I did not say it as clearly as I should have. The danger to the public is the act of carrying an offensive weapon. I acknowledge that, in all likelihood, more people may be affected by a person carrying an offensive weapon late at night, but the risk is still the same in terms of the very act of carrying an offensive weapon whether it is night or day. It is being in the vicinity of someone who is carrying an offensive weapon that there is the potential for mischief or harm.

I would have thought that, by having an increased penalty, in effect, it then becomes a question of enforcement. If the police are concerned about the carrying of offensive weapons, the circumstances in which they are carried and the times at which they are carried then become issues of police resources and policy. I can see the logic in the opposition's argument and, at the end of the day, this means an increased penalty for carrying an offensive weapon night or day.

The Hon. R.D. LAWSON: I think that, recently, we have seen in the western suburbs of Adelaide a spate of tyre slashings which has caused a good deal of alarm. I should not stigmatise young people as these particular offenders, although some young people have been detected. If police have reason to suspect that someone has a box cutter, or whatever it may be, for the purposes of slashing tyres, why should that person commit a lesser offence or be liable to a lesser penalty than someone who carries the same item into licensed premises, or happens to walk within 100 metres of licensed premises between these prohibited hours?

The carrying of offensive weapons is a serious matter which, if it deserves a heavy penalty in licensed premises at night, also deserves comparable penalties for walking down the street with some ill-intent for the use of the particular weapon.

The Hon. P. HOLLOWAY: My only comment is that the bill does not refer to the distance of 100 metres, as the Hon. Robert Lawson claimed. That is not part of the bill. The bill refers to 'in the vicinity of'.

The Hon. R.D. LAWSON: Yes, I accept that there is no specific definition. The notion not of 100 metres but 'in the vicinity', without defining precisely what 'the vicinity' is, actually makes the bill an even greater infirmity.

The committee divided on the motion:

AYES (8)

Evans, A. L.	Gago, G. E.
Gazzola, J.	Gilfillan, I.
Holloway, P. (teller)	Kanck, S. M.
Reynolds, K.	Sneath, R. K.

NOES (8)

Dawkins, J. S. L.	Lawson, R. D.
Lensink, J. M. A.	Redford, A. J.
Ridgway, D. W.	Schaefer, C. V.
Stefani, J. F.	Xenophon, N.

PAIR(S)

Lucas, R. I.	Roberts, T. G.
Stephens, T. J.	Zollo, C.

The CHAIRMAN: I have been advised by the tellers that there are eight ayes and eight noes. I am required to give a casing vote, and on this occasion I cast my vote for the ayes.

Motion thus carried.

ADJOURNMENT

At 10.10 p.m. the Council adjourned until Thursday 25 March at 11 a.m.